

**ESSEX COUNTY COUNCIL**

**THIS IS THE STATEMENT OF REASONS  
FOR MAKING**

**THE ESSEX COUNTY COUNCIL (CHELMSFORD CITY CENTRE TO GREAT WALTHAM (VIA  
BROOMFIELD HOSPITAL) CYCLE ROUTE SCHEME) (PHASE 1) COMPULSORY PURCHASE  
ORDER 2019**

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**1. Introduction**

1.1 The purpose of the scheme is to provide a direct north – south cycle route between Great Waltham village and Chelmsford City centre via Broomfield Hospital (a major attractor and employer) and Chelmer Valley High School (a major attractor). .

1.2 It is proposed to achieve this scheme by a compulsory purchase order and cycle track order(s).

**2 General information**

**2.1 Background and Local Context**

2.1.1 The City of Chelmsford is undergoing significant growth. There is limited capacity in the road network and it is not feasible to keep increasing road capacity so a dual aim of increasing sustainable means of transport to avoid gridlock and the consequences on the city's economy and the quality of the environment is being pursued.

2.1.2 The Council, as local highway authority, in collaboration with the Local Planning Authority, Chelmsford City Council, has developed a vision of a future transport network for the city with the intention to make all modes of transport attractive, giving people real choice in the way they travel to work, to the shops and supporting the city's economy and encouraging more sustainable travel by foot, by bicycle and on public transport.

2.1.3 The Essex Cycling Strategy aims to encourage Essex Residents, workers and visitors to enjoy the health benefits of cycling, which also offers an affordable travel choice for journeys around our towns. As well as encouraging more leisure and family bike rides to enjoy the Essex countryside.

2.1.4 Cycling to work can be a great way of both avoiding queues and increasing parking charges. Cycling for up to 20 mins as part of a journey to work each day will also benefit individual's health and contribute towards NHS recommended physical activity levels. Cycling can also help save money on fares and fuel, as well providing an opportunity for exercise while travelling; this 'active travel' will also contribute towards better physical and mental health. Cycling for 30 mins per day can help reduce and individual's risk of breast cancer, heart disease, depression and diabetes. People who cycle are likely to be less stressed and more productive and therefore for employers, promoting cycling to work, can have productivity benefits as people who cycle are likely to be less stressed and more productive and therefore for employers, promoting cycling to work, can have a positive effect on the workforce.

2.1.5 Cycling to school can give younger people more independence, is often faster than walking (and often faster than being in a car) and provides the opportunity to exercise while travelling. Cycling can form a key part in School Travel Plans, aiming to decrease traffic levels and parking issues outside of schools.

## 2.2 The Essex Cycling Strategy Objectives

2.2.1 The Essex Cycling Strategy sets future plans to get more people cycling in Essex, more safely, more often and covers the whole county in its scope. The purpose of the strategy is to set out the key elements of a long term plan that will lead to a significant and sustained increase in cycling in Essex, establishing it in the public's mind as a 'normal' mode of travel, especially for short a-to-b trips.

Essex County Council (ECC) is committed to fulfilling the aims and objectives of its Cycling Strategy in which establishing a coherent, comprehensive and advantageous cycle network in every major urban area, utilising a combination of on-carriageway and off-carriageway cycle facilities is a key strategic objective.

As part of the county-wide Essex Cycling Strategy, Cycling Action Plans have also been developed for individual Boroughs and Districts of Essex, including one for the Administrative Area of Chelmsford City Council. This document provides an opportunity to develop and promote cycling in Chelmsford through improved infrastructure together with the wider promotion of cycling.

## 2.3 Scheme objectives

2.3.1 The need for this route has been identified for many years and is included within the current Chelmsford Cycling Action Plan produced in March 2017. The route is also highlighted in Chelmsford City Council's Local Plan. Broomfield Parish Council have previously shown support for the scheme and agreed allocation of section 106 Town and Country Planning Act 1990 developer funding to facilitate investigation and design works.

2.3.2 The purpose of the scheme is to provide a direct north – south cycle route between Great Waltham village and Chelmsford City centre via Broomfield Hospital and Chelmer Valley High School to avoid the need for cyclists and pedestrians to travel along the busy B1008 Broomfield Road where there is insufficient space within the existing highway corridor to make improvements to provide a safe provision.

2.3.3 At present there is no consistent cycle route between Broomfield (the location of schools, business and hospital) and Great Waltham. Between Broomfield and Chelmsford City Centre, routes are fragmented, and it is intended to provide an alternative robust infrastructure which will enable use of a network across and out of the city centre for sustainable modes of transport. Ultimately it is intended to provide cycling connectivity of 7km of cycle links for key residential area to the hospital, various schools and Chelmsford City Centre, encouraging the use of cycling for commuter and leisure trips through the provision of safe cycling and walking routes.

2.3.4 This particular initiative (the Great Waltham cycle route) is proposed to be developed in sections, and delivered in phases; with section 1 relating to the City Centre and the Broomfield Road corridor, section 2 covering a new stretch of path between Goulton Road and Nash Drive (the aspect to which the Compulsory Purchase Order relates), section 3 relating to the area/connections around Broomfield Hospital, and then section 4 relating to route into Great Waltham.

2.3.5 It is considered that the need/justification for the development is long established and well supported by policies in Local Plan documents.

## 2.4 Development of the Scheme

2.4.1 The criteria set to identify a suitable route were that it needed to (i) be as close as possible to the existing highway boundaries (ii) be direct and (iii) link to the identified user points and the

hospital/schools/residential areas. In general terms the most direct and useful route. The initial feasibility study looked at potential routes including setting out segregated areas for cyclists within the existing made up carriageways, existing cycling routes or hybrid routes within or adjacent to or near existing roads. The route is intended to be shared between cyclists and pedestrians, be lit where necessary and provide safe crossing points to the network.

2.4.2 This Compulsory Purchase Order details Section 2 of this scheme: Goulton Road and Nash Drive. Subsequent sections to be delivered in future phases will be detailed in further separate documents.

2.4.3 An analysis was carried out as to the options available for cyclists on the existing network using roads and other routes they were legally entitled to use. Two existing routes were identified. The potential issues such use were identified.

2.4.4 The two viable options for cyclists to access the city centre from Gt Waltham on These are via;

2.4.4.1 Route 1: B1008 Broomfield Road

2.4.4.2 Route 2: South Street, Breeds Road, Woodhall Hill, Chignal Road and Roxwell Road.

2.4.5 Neither of these options are designated cycle routes (Route 1 beyond Chelmer Valley Road northbound) within the Essex Cycle network, and neither provides direct access to Broomfield Hospital or Chelmer Valley High School. Both existing routes have issues that discourage cyclists from using them and restrict cycle usage.

2.4.6 Existing Route 1 follows the B1008 Broomfield Road, which is one of the busiest vehicular links in from the north. It becomes very congested during peak hours, especially around the Hospital access road and also has a number of shops, businesses, schools and junctions along the route that both generate traffic and result in manoeuvres and parking that present risks and delays to cyclists.

2.4.7 Whilst there is adequate space to provide a safe route within Broomfield Road between Patching Hall Lane north of Chelmsford and Chelmer Valley Road, at Corporation Road the route will use existing side roads to link with predominantly schools and linking up business areas. At School Lane the route could either return back to Main Road (B1008), where there is insufficient space to provide cycling provisions or divert through a new off-road provision connecting with Chelmer Valley High School and the Hospital. Sections 3 and 4 are intended to continue to Great Waltham. Sections 3 and 4 are still undergoing feasibility work and consultation will be carried out before a firm proposal is identified.

2.4.8 Existing Route 2 is via Woodhall Hill and Chignal Road, this is less busy, but is also less direct, being an extra 2km in length (Total 9.7km). The roads at the northern end of this route are generally narrow country lanes some of which are national speed limit, which discourage a number of cyclists especially during the winter months due to the perceived lack of safety, visibility and lighting.

2.4.9 As design work commenced, work carried out previously was reviewed and the two existing options open for cyclists (as detailed in paragraphs 2.4.6 and 2.4.8) were considered further and a viable third route was also identified which satisfies the requirements of the various Chelmsford Cycling Strategies and provides direct links to Broomfield Hospital and Chelmer Valley High School. This is the preferred route (Route 3).

2.4.10 The preferred route was considered against the Design Manual for Roads and Bridges (DMRB), Volume 6, Section 3, TA 90/05, which outlines the current design criteria for a cycleway, the preferred surfaced width of an off-carriageway shared unsegregated facility as 3.0m, with an absolute minimum width of 2.0m where combined use is below 200 users per hour (paragraph 7.16).

2.4.11 DMRB also advises that where the shared facility is bounded by a hazard (i.e. a kerb, a wall, a ditch, other highway furniture or a steep embankment), a separation of between 0.25 - 0.5m from the hazard (dependent on hazard height) should be provided, resulting in an absolute minimum width of the facility bounded on one side by a high fence or trees of 2.5m and the minimum width of the facility bounded by a high fence / trees on one side and a low fence / ditch on the other of 2.75m.

2.4.12 DMRB also specifies the preferred design speed of 30kph. Also specified is the acceptable minimum design speed of 10kph. The minimum Stopping Sight Distance is 10m and the Preferred Minimum Radii is 4m.

2.4.13 As the DMRB is a Technical Advice Note, it is regarded as a best practice document with legal status however it is also noted that the widths and criteria stated are guidance only and their implementation will necessarily depend on the individual circumstance of each proposal.

2.4.14 Local Transport Note 2/08 (section 8) also provides additional guidance on the geometric design of shared facilities, and this generally aligns with TA90/05, with a recommended width of 3m, but with the option to reduce the width where fewer pedestrians and cyclists are expected, thus aligning with the DMRB.

2.4.15 The Sustrans handbook for Cycle Friendly Design also recommends a minimum width of 2.5m on links with lower uses.

2.4.16 Route 3. This proposal provides a third alternative route which follows quieter estate roads and Public Footpaths through farm land and woodland south to Broomfield Hospital, passing through the hospital grounds (providing safe cycle access into the hospital for staff and visitors) and continuing south via Nash Drive on an off-road network along a number of public footpaths, through farm land, open spaces and on to Goulton Road in Broomfield. This route uses quieter estate roads through the Melbourne area to join the existing Broomfield Road cycle route into the city centre at Corporation Road.

2.4.17 Part of section 2 follows either field boundaries or existing field tracks. A number of different layouts for this area were considered including utilising existing public footpaths that cut diagonally across fields, however these were discounted. It was considered they would cause issues for the land owners as it would reduce the effectiveness of the area for farming. It would also create ongoing maintenance issues for the Highway Authority as farm vehicles would be travelling over the paved areas. It would have been restrictive in comparison to the alternative option of routing around the edge of the field which gives the opportunity to utilise some street furniture for directional signage and warning signage) which would not be possible in the middle of a field). It would also be likely that all year usage might not be sustainable due to weather/ground conditions whereas routing around the edges of the fields ensures that the route can be usable throughout the whole year as it is less exposed to the weather than passing through the middle of an open field. It was also considered that avoiding a cross field route would provide an added feeling of safety to the user as they would be closer to houses/built up areas.

2.4.18 Utilising an existing public footpath travelling northbound between two field boundaries to the south of Chelmer Valley High School was also considered, however this is a heavily used farm access track and the possible conflict between cyclists and farm vehicles was considered too great.

2.4.19 Route 3 was therefore designed as depicted on drawing DC20022-01-001 which was subsequently included in the Chelmsford City Growth Package and the emerging Chelmsford Local Plan documents and is the one going forward in the Compulsory Purchase Order.

## 2.5 Consultations

2.5.1 The Chelmsford City Growth Package carried out a series of public engagement sessions in March 2017 focussing on 'Chelmsford's Future Transport Network' which were followed up in summer 2017 with a number of public consultation sessions highlighting a number of possible schemes. The Gt Waltham Cycle Route was one of the schemes identified to be taken forward for delivery as a result of this process.

2.5.2 A public consultation was carried out throughout Chelmsford in 2017 for the Chelmsford City Growth Package which included the Sections 1 to 4 which was used to inform the consequent funding bid. No changes to the proposed Sections 1 or 2 were made as a result of the consultation. Sections 3 and 4 remain at design stage and will be progressed separately.

## 2.6 Details of the Scheme layout

2.6.1 This is a 1km stretch of footway/cycle path. Starting at Nash Drive/Broomfield Hospital the cycle path is proposed to follow the existing footpath/PRoW south, across the entrance to Chelmer Valley High School and around the rear of the properties on Church Avenue. A new section of path is then proposed through agricultural land, skirting around the western edge of St Mary's Churchyard and to the west of Broomfield Hall before connecting with Goulton Road via improvements to the existing path and a new entrance/exit point.

2.6.2 The path would vary in width but would in the majority be approximately 2.5m wide. The path would be constructed in a range of materials but all finishes, with the exception of the part of the path at the existing field access and in-front of the access to Chelmer Valley High School, would be porous. To support the proposals, three existing lighting columns would be replaced and seven new lighting columns installed adjacent to Chelmer Valley High School and Broomfield Hospital, with solar studs proposed where the path would cross the open agricultural land.

2.6.3 The north to south route comprises 4 sections of which sections 1 and 2 below will be delivered in Phase1.

2.6.4 Section 1 follows the Broomfield Road corridor until Corporation Road and then proceeds off road through existing provisions on North Avenue and Partridge Avenue where there will be junction improvements to provide an enhanced access route across the roundabout onto Partridge Avenue. The route continues along Patching Hall Lane and School Lane up to Goulton Road.

2.6.5 Section 2 (subject to this CPO) is from Goulton Road on a combination of converted and widened footpaths and a new cycle route continuing to Nash Drive on the southern side of the Hospital.

2.6.6 Section 3 (proposed to be delivered in a future phase) is intended to be through the hospital grounds to Woodhouse Lane.

2.6.7 Section 4 (proposed to be delivered in a future phase) commences on the north side of the hospital on Woodhouse Lane, past Partridge Green Farm and proceeds to Broads Green. The final part of the route is proposed to be on road to Great Waltham.

2.6.8 A significant length of the route, between Goulton Road and Nash Drive is an off-road shared unsegregated footway / cycleway, bypassing Broomfield village and the need to travel on the narrow section of B1008, as well as providing a valuable cycle link between residential areas, Broomfield Hospital and Chelmer Valley High School.

2.6.9 Part of section 2 of Phase 1 of the route is currently maintained public footpath with a nominal width of 1.5m (as defined by a footpath bounding a field boundary derived from Schedule 12A to the Highways Act 1980), and this status would need to be converted to cycle track and a strip of land added to widen it to facilitate the creation of a shared footway/cycleway of greater width (in this case 2.5m minimum, widening to 3m in places where bounded on both sides by walls / fences or where farm vehicles will continue to utilise the route).

2.6.10 The remainder of section 2 of Phase 1 follows either field boundaries or existing field tracks. A number of different layouts for this area were considered including utilising existing public footpaths that cut diagonally across fields, however these were discounted. It was considered that they would cause a number of issues for the land owners as it would reduce the effectiveness of the area for farming and it would create ongoing maintenance issues for the Highway Authority as farm vehicles would be travelling over the paved areas. A route around the field edges was identified as preferable.

2.6.11 Routing around the edge of the field gives the opportunity to utilise some street furniture for directional signage and warning signage which would not be possible in the middle of a field. Routing around the edges of the fields ensures that the route can be usable throughout the whole year as it is less exposed to the weather than passing through the middle of an open field and also provides an

added feeling of safety to the user as users will be closer to houses.

2.6.12 Utilising an existing public footpath travelling northbound between two field boundaries to the south of Chelmer Valley High School was also considered, however this is a heavily used farm access track and the possible conflict between cyclists and farm vehicles was considered too great.

2.6.13 At Goulton Road, several options were considered including utilising the existing footpath (Public Right of Way or PROW). Following discussions with the adjoining properties, a segregated route is proposed at Goulton Road to retain the existing public footpath access for pedestrians, with cycle users on a parallel track from which access to the adjacent field is maintained. The decision to route away from the existing maintainable footpath has been made based on a number of reasons:

- The alignment segregates the cycleway from active residential driveways. The existing maintainable footpath passes over three vehicular accesses to properties which are regularly used throughout the day. Routing the footway/cycleway through the adjacent field removes this conflict zone and provides a safer access onto Goulton Road
- Segregation will allow an appropriate barrier (i.e. kissing gate or similar) to be installed to address an existing problem at the boundary point between the field and the three vehicular accesses to properties preventing cyclists from remaining mounted if they choose to use the existing PROW (improving safety)
- The route maximises segregation between cyclists and pedestrians at the point of connection back to the existing highway network on Goulton Rd helping to reduce conflict and improve safety
- The existing entrance to the combined PROW / private driveway areas at the north western corner of Goulton road is approximately 3m wide and bounded on both sides by fencing / foliage. This is too narrow for a cyclist and a car to pass each other considering that the driveways are in constant use
- The access to number 17 Goulton Road has limited visibility so exiting vehicles could come into conflict with cyclists entering the route from Goulton Road
- The layout of numbers 19 and 21 Goulton Road requires vehicles to turn round (multi point turns) prior to existing towards Goulton Road resulting in potential conflict between vehicles and cyclists
- Locating the cycle route to the east of the existing PROW provides greater distance for a cyclist to re-join the carriageway prior to encountering a vehicular access (at number 18 Goulton Road)
- The existing street light (column 6) located on the corner of number 18 Goulton Road provides increased safety for cyclists exiting the cycle route onto Goulton Road during the hours of darkness. The existing PROW is unlit in this area and also shaded by foliage – there is no opportunity to light the existing area.
- Early discussions with the adjoining owners and adjacent users of this area (three properties) identified that a conversion of PROW 214-15 to a shared footway/cycleway would be strongly resisted, impacting significantly on the deliverability of the scheme. All three properties have both pedestrian and vehicular access over this area and it is believed that the change of use and increased usage would impact their home life
- The route through the non-residential land will have an impact on use for grazing, but this is considered to be a significantly lesser impact on the day to day quality of life of the residential property occupants, and the impact is capable of mitigation by accommodation works

It is also proposed, in accordance with the planning permission, that a suitable barrier is installed to prevent vehicle use beyond the field access. As part of the construction works, fencing against the adjacent field will be reinstated on the new boundary line, set back 0.5 m from the cycle track surface

2.6.14 Solar stud lighting is proposed for much of the route with conventional lighting columns for the length between the southern boundary of Chelmer Valley High School and Nash Drive.

2.6.15 a Parallel crossing, with belisha beacons, will be installed at the school main entrance to ensure safe cross movements. At other points along the proposed route, bollards, chicanes and safety barriers will be installed to ensure safe simultaneous use by users.

2.6.16 Plot 2 is dissected by two public footpaths. As the destinations they serve will now be linked by the scheme route, it is proposed to remove these footpaths. This element of the works will be carried out in accordance with a separate order under section 257 of the Town and Country Planning Act 1990. However, if this change is not achieved it does not affect the deliverability and objectives of the scheme. Other footpaths that are affected and not converted will be reinstated on completion of the scheme.

2.6.17 Following completion of the works it is proposed to create a new public footpath running along the southern boundary of Plot 3c to connect existing PROW 214-11 with the completed footway / cycleway. This will be created under a separate order under Section 257 of the Town and Country Planning Act or under the Highways Act 1980.

## 2.7 Financial Viability and Funding

2.7.1 An agreed allocation of £115,700.00 of section 106 Town and Country Planning Act 1990 developer funding was made available to facilitate investigation and design works for the Scheme.

2.7.2 The Council has secured funding from South East Local Enterprise Partnership to deliver a range of transport measures under the Chelmsford City Growth Package. The funding totals £15m (£10m from SELEP and £5m from Essex County Council), deliverable over 4 years from April 2017 to April 2021.

## 2.8 Planning Statement

2.8.1 The Revised National Planning Policy Framework 24 July 2018 (NPPF) sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

2.8.2 For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

2.8.3 Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were

adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

2.8.4 Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

2.8.5 The NPPF recognises the importance of taking up opportunities to promote walking and cycling and calls for these opportunities to be identified and pursued. It also emphasises the need for applications for development to give priority first to pedestrian and cycle movements. It calls for significant development to be focused on locations which are or can be made sustainable, through offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. The planning system also has an important role in facilitating social interaction and creating healthy, inclusive communities with better accessibility and connectivity. These intentions are also reflected in a number of local planning policies.

2.8.6 Strategic Objectives MG2, MG5 and QL2 of the North Chelmsford Area Action Plan (NCAAP) all, in part, relate to providing the necessary infrastructure to support new neighbourhoods and address existing deficiencies in the Broomfield and Springfield areas, with the promotion of local walking and cycling links to the City Centre, local centres, facilities and open spaces.

2.8.7 With regard to this, the Proposals Map accompanying the NCAAP shows an indicative route for the City Centre to Great Waltham cycle path and references policy CP8 of the Chelmsford Core Strategy and Development Control Policies (CSDCP) in terms of justification for the aspiration/allocation.

2.8.8 Policy CP8 of the CCS relates to accessibility and identifies a modal hierarchy in respect of sustainable modes of transport. The first two modes identified (i.e. the most sustainable) are walking and cycling. The concept of giving priority to pedestrian and cycle movements is embedded in the NPPF together with the general promotion of sustainable transport. And, specifically at paragraph 104 it is suggested that planning policies should provide for high quality walking and cycling networks.

2.8.9 The proposed City Centre to Great Waltham cycle path (as a whole) is one of a number of projects which has secured funding through the Chelmsford City Growth Package. This aims to bring forward a number of sustainable transport initiatives to alleviate pressure on the road network, and particular congestion hotspots, by 2021.  
including:

- Policy CP1 of the Core Strategy and Development Control Policies (CSDCP) states that the City Council will promote sustainable development through a number of means including by ensuring development is supported by effective transport provisions.
- Policy CP8 of the CSDCP outlines a transport hierarchy as follows:
  - i) walking and providing access for people with mobility impairment;
  - ii) cycling;
  - iii) public transport (including taxis);
  - iv) powered two wheelers;
  - v) commercial vehicles (including heavy goods vehicles);
  - vi) cars (shopping and visitors).
- Policy DC14 (Traffic Management Measures) of the CSDCP promotes measures that will reduce the impact of motorised traffic, and traffic calming measures that will assist public transport, cycling, walking, horse riders and congestion relief.
- Strategic Policy S3 (Addressing Climate Change and Flood Risk) of the emerging Draft Local



Plan looks to encourage development that reduces greenhouse gas emissions and provides for sustainable transport modes.

- Strategic Objective MG5 of the North Chelmsford Area Action Plan (NCAAP) supports the principles of sustainable transport and development layouts planned around the transport route network and local connectivity, offering a choice of travel modes minimising carbon emissions. Strategic Objective MG2 of the NCAAP supports the principles of infrastructure creating capacity for growth and integrated existing and new communities

2.8.10 Connectivity is a key theme in the strategic objectives of the NCAAP with Strategic Objective QL2 setting out a desire to provide local walking and cycling links to local centres, facilities and open spaces; and to ensure new development provides a legible structure of routes. The proposed cycle route will also help towards strengthening public accessibility to Broomfield Hospital as required by Policy SPA1 (Broomfield Hospital Special Area Policy) of the emerging Local Plan.

2.8.11 Currently Chelmsford City Council's Local Plan is in the process of being examined in public (EiP) – examination sessions ended 13 December 2018. The findings of the Inspector are not yet known and accordingly it is difficult to comment if amendments to the Plan will be required. That said, given that the Plan has been submitted to the Secretary of State, has been to EiP and is now awaiting the inspector's findings it is considered to hold some weight in the determination of planning applications.

2.8.12 The draft Local Plan policies (3.34) will also seek to promote the health and wellbeing of communities for example by requiring development to contribute to creating an inclusive built and natural environment, to provide new green spaces including high quality green infrastructure and access to the countryside, sport and recreation facilities and to promote active and healthy lifestyles through the enhancement of walking and cycling.

2.8.13 By the end of the new Local Plan period Chelmsford will continue to maximise opportunities for sustainable transport by providing increased opportunities for walking, cycling and public transport.

2.8.14 By (4.10) creating development that is accessible by different modes of transport, especially walking and cycling and the use of public transport is essential in promoting sustainable development as it reduces car dependency. An important policy tool to achieve this is the modal hierarchy (a prioritised list of transport modes). All major development should follow the modal hierarchy by providing access for all of the following:

- i. Walking and providing access for people with mobility impairment
- ii. Cycling
- iii. Public transport
- iv. Powered two wheelers
- v. Commercial vehicles including taxis
- vi. Car sharing
- vii. Private cars.

2.8.15 STRATEGIC POLICY S11 – INFRASTRUCTURE REQUIREMENTS provides that new development must be supported by sustainable means of transport to serve its need including walking, cycling and public transport modes. New highway infrastructure should help reduce congestion, link new development and provide connections in the strategic road network. These include new and improved cycling and walking routes both within development sites and to provide connections to centres and hubs of activity such as transport nodes, City, Town and Neighbourhood Centres, strategic areas of recreation and employment areas.

2.8.16 POLICY MP2 – DESIGN AND PLACE SHAPING PRINCIPLES IN MAJOR DEVELOPMENTS provides that Chelmsford City Council will require all new major development to meet the highest standards of built and urban design and all new major development should reflect the principle of creating well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above the use of the private car.

2.8.17 It is considered that there is clear policy support within the NPPF for initiatives to encourage sustainable transport and this particular project (the City Centre to Great Waltham cycle path) is identified within the Chelmsford Core Strategy and Development Control Policies, North Chelmsford Area Action Plan and Chelmsford Draft Local Plan for such reasons and to support the future growth of Chelmsford.

2.8.18 The scheme, by its very nature, is considered to embody the principles of sustainable development. Accordingly, it is considered that the proposal complies with policy CP1 of the CSDCP and policy S2 of the draft Local Plan.

2.8.19 The majority of works within Phase 1 are limited to works within existing highway boundaries and/or the erection of additional signage which will be implemented/installed under permitted development rights. For Phase 2 a new stretch of path is proposed to be created. As the majority of this land is outside of the control of the Council and is not adjacent to existing publicly maintainable highway the permitted development rights for the highway authority are not adequate to carry out the works for the scheme and there is a need for Planning Permission.

2.8.20 A Pre-Application under the Town and County Planning Act 1990 was submitted to Essex County Council (as the relevant Planning Authority) on 3<sup>rd</sup> May 2018 (reference: PP-07294285), with the Full Planning Application being submitted on 28<sup>th</sup> September 2018 (reference CC/CHL/39/18). The application covered aspects of alignment, lighting, construction, drainage, temporary working areas, access and ecological / environmental impact. The planning application and associated documents can be viewed on the Essex County Council website. Full Planning Permission was granted on 14<sup>th</sup> December 2018.

### 3 COMPULSORY PURCHASE ORDER LAND REQUIREMENTS.

#### Outline of purpose and justification for making Order

3.1 The Compulsory Purchase Order is entitled The Essex County Council (Chelmsford City Centre to Great Waltham (via Broomfield Hospital) Cycle Route Scheme) (Phase 1) Compulsory Purchase Order 2018.

3.2 The Council's purpose in making the Order is to secure the acquisition of all relevant interests in the Order land to facilitate the delivery of the new cycle route for permanent construction and rights over land to enable construction (such as construction traffic access routes, compounds and temporary working space).

#### Enabling Powers

3.3 Section 239(1) of the Highways Act 1980 states that:

*"....any highway authority may acquire land required for the construction of a highway which is to be maintainable at the public expense....."*

And section 239(3) states that:

*" Subject to section 249 below, a highway authority may acquire land required for the improvement of a highway, being an improvement which they are authorised by this Act to carry out in relation to the highway. "*

3.4 The Compulsory Purchase Order is required to expedite the land acquisition to enable the construction of the shared unsegregated footway/cycleway and to address the matter of unknown ownership in relation to plots 4a, 4b, 4c and 4d; and 1a, 1b, 1c and 1d (of which reputed ownership only has been ascertained).

3.5 Other land not included in the Order schedule on which works of construction to deliver the

Scheme will be carried out either form part of the existing publicly maintainable highway, is part of the public footpath network and will be of appropriate changed status due to the proposed Cycle Track Order(s) (see the Associated Orders section) or is in the ownership of the Council.

#### Description of the Order land

3.6 The land required is farmland, predominantly arable, and access to adjacent farm and residential land, land between the existing footpath(s) and built development, part of an informal play space in the ownership of Chelmsford City Council and the subsoil of the existing footpath(s).

3.7 There are no ancient monuments or listed buildings within the Compulsory Purchase Order land. The Compulsory Purchase Order land is not within a conservation area and none of its land is owned by the National Trust of held by or on behalf of the Crown. None of the order land is ecclesiastical or burial ground. The Compulsory Purchase Order land is not common land, village green or public open space.

3.8 In additional to land for construction, land is also required for landscaping, working purposes, rights of access for construction and future maintenance.

#### Land Ownership and Order Schedule

3.9 The Compulsory Purchase Order land is the land required for a design regulation compliant shared unsegregated footway/cycleway providing from the southern extent of the publicly maintainable highway at Goulton Road, Chelmsford to the northern extent in Nash Drive, Broomfield.

3.10 There are forty five separate plots of land in the Compulsory Purchase Order. Ownership of Thirty nine of these has been established. Seven plots are unregistered of which three are in the ownership of a reputed owner. Of the remaining four plots, one is required as an access route to the site only.

3.11 The length of the route between Plots 6a/6e and Nash Drive is already in the ownership of the Council.

3.12 The Order land comprised in Plots 1b, 2a, 2c, 2f, 2j, 2l, 2r, 3a, 3b, 3e, 3f, 4a, 4b, 4c, 5b, 5c, 5f, 5g, 6a, 6b and 6e will form the new cycle route.

3.13 The Order land comprised in Plots 1a, 1c, 2b, 2d, 2e, 2g, 2h, 2i, 2k, 2o, 2p, 2q, 2s, 2t, 3c, 3d, 5a, 5d, 5e, 6c and 6d will be used for compound and working area, with Plot 3 being the main compound area. This land will only be required on a temporary basis and is expected to be handed back to the current owner(s) once construction is complete.

3.14 Plots 2m, 2n and 8 will be used for temporary access to the compounds, access on Plot 8 being shared with the church car park and Broomfield Hall which will be maintained during construction and restored on completion of the works. This land will only be required on a temporary basis and is expected to be handed back to the current owner(s) once construction is complete.

3.15 Plots 1b, 2a, 2c, 2f, 2j, 2l, 2r, 3a and 3b will be used for lighting the cycle route via solar studs and Plots 3e, 3f, 4a, 4b, 4c, 6a and 6b will be used for lighting the cycle route with lighting columns.

3.16 Parts of Plots 4a, 4b, 4c and plots 5b and 5c will be used for upgraded crossings of the cycle route and adjacent existing highways.

3.17 Part of Plot 1b will be used for private access to the adjacent field.

3.18 Part of Plot 1a will be used for mitigation to erect a new boundary fence, new field gate and vegetation. This will pass to the landowner upon completion of the scheme.

3.19 Plots 1d, 2u, 4d and 5h (identified as blue areas on the CPO route plans) are to have access rights for adjacent land owners following completion of the works. These plots are included within the CPO schedule and represent the grant of equivalent rights to those already existing in the post-scheme world.

3.20 Land is required from 6 separate land ownerships for the Scheme, two of which are unregistered. The Council has appointed property agents, Lambert Smith Hampton (LSH) to deal with the land acquisition for the Scheme. LSH have contacted all the landowners, included posting Requisitions for Information on site on the two unregistered plots, and making enquiries of the City Council and adjoining owners to try and establish details of the owners of the land. Where possible LSH have entered into negotiations for the acquisition of land by agreement, including offering undertakings to reimburse landowners' legal and surveyors' fees to ensure that landowners are properly represented. The current situation in respect of each plot is detailed below:-

3.20.1 Plots 1a, 1b and 1c – Local enquiries have established the identity of a reputed owner of the land in these plots, although the land remains unregistered, and no evidence of title has been supplied at the time of writing. In any event, the Council has entered into discussions with the reputed owner, and proposed terms for the acquisition of the land required for the Scheme. LSH has provided detailed information regarding the Scheme to the reputed landowner, and it is hoped that it will be possible to agree terms if legal ownership of the land can be established;

3.20.2 Plots 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 2j, 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2r, 2s and 2t - Terms have been agreed to secure the land owned by the Broomfield Hall Limited which is required for either permanent works, or for construction purposes. Draft documents are currently in solicitors' hand;

3.20.3 Plots 3a, 3b, 3c, 3d, 3e and 3f – Heads of Terms are in circulation between the Council and Chelmsford City Council to secure the land required for the Scheme, and terms are expected to be agreed shortly;

3.20.4 Plots 4a, 4b and 4c - The ownership of these plots remains unknown despite posting notices on site, and making enquiries of local bodies and neighbouring owners;

3.20.5 Plots 5a, 5b, 5c, 5d, 5e, 5f and 5g - Terms have been agreed to secure the land owned by the Chelmer Valley High School which is required for either permanent works, or for construction purposes. Draft documents are currently in solicitors' hands;

3.20.6 Plots 6a, 6b, 6c, 6d and 6e – Heads of Terms are in circulation between the Council and Chelmsford City Council to secure the land required for the Scheme, and terms are expected to be agreed shortly;

3.20.7 Plot 7 – removed from the Orders, land has been acquired from Bellway Homes and is now in the ownership of Essex County Council.

## ASSOCIATED ORDERS

3.21 As parts of the identified route are already recorded on the Council's Definitive Map of Public Rights of Way it is intended that they will be converted into cycle tracks through the implementation of the procedures set out in the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984. Consultation on the proposals was carried out during the period 11<sup>th</sup> February to 1<sup>st</sup> March 2019 and the relevant orders are expected to be made in May 2019 with a view to simultaneous confirmation by the Council of the Secretary of State of the cycle tracks order(s) when the Compulsory Purchase Order is confirmed. By virtue of section 3 of the Cycle Tracks Act 1984, whether or not the existing footpath is a maintainable highway or not the cycle track thus created is a maintainable highway.

3.22 Changes made to the existing network of Public Rights of Way by the Cycle Track Order are as follows:

- 112m length of 1.5m wide PROW 214\_12 from the north of the exit from St Mary and St

Leonard church yard to the southern boundary of Chelmer Valley High School converted to cycle track with a public right of way on foot;

- 224m length of 1.5m wide PROW 214\_10 from the southern boundary of Chelmer Valley High School to the northern kerbline of the School Access Road converted to cycle track with a public right of way on foot;
- 65m length of 1.5m wide PROW 214\_36 from the northern kerbline of the school access road converted to cycle track with a public right of way on foot.

## **4 HUMAN RIGHTS and PSED**

4.1 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights' ("the Convention"). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual (including companies).

4.2 In resolving to make the Order the Council should consider the rights of property owners under the Convention, notably under the following articles:

### **Article 1 (of the First Protocol)**

This protects the rights of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

### **Article 8**

This protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and it is necessary in the interest of national security, public safety or the economic well-being of the country.

### **Article 14**

This protects the right to enjoy rights and freedom in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

4.3 The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole.

4.4 Similarly any interference with Article 8 rights must be necessary for the reasons set out. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local highway authority. Any interference with Convention rights must be necessary and proportionate.

4.5 In the case of each of these Articles (and indeed other provisions of the Convention) the Council should be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit that will arise from the construction of the proposed road it is considered that it would be appropriate to make the Order. In considering this Order, the Council has considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be necessary and proportionate in the context of the delivery of the Scheme and is justified in order to secure the economic, social and physical regeneration that the highway works will bring. In the circumstances, it is not considered that the Order would constitute an unlawful interference with the individual property rights.

4.6 Consultation has taken place in relation to the proposal at the planning stage with the opportunity being given for affected parties to make representations. Negotiations have also been pursued with the parties affected by the Compulsory Purchase Order. Further representations can be made in the context of any Public Local Inquiry, which the Secretary of State for Transport decides to hold in

connection with the Compulsory Purchase Order. Those directly affected by the Compulsory Purchase Order will be entitled to compensation proportionate to the loss, which they incur as a result of the compulsory acquisition.

4.7 The Council considers that there is a compelling case in the public interest for contemplation of the Compulsory Purchase Order and that the Compulsory Purchase Order, if confirmed, would strike an appropriate balance between public and private interests.

## **PSED**

4.8 In formulating and promoting the Order, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 and in particular, to its obligations under sections 149 and 150 of the 2010 Act, in taking into account the differential impact the Order will have on various groups of persons with different characteristics.

## **5 STATUS OF THE STATEMENT OF REASONS**

5.1 This statement of Reasons has been prepared for the purposes of the making of the Compulsory Purchase Order for City Centre to Broomfield Hospital Cycle Route (Phase 1 of Gt Waltham to City Centre Cycle Route Scheme) being delivered under Chelmsford City Growth Package. It is not intended to discharge the Council's requirement to produce or is to be taken as their Statement of Case in the event that the Secretary of State for Transport shall call a public local inquiry to be held to consider any objections received to the Orders and will produce such Statement of Case as may be required under the appropriate rules and at the appropriate time.

## **6 FURTHER INFORMATION AND ENQUIRIES**

6.1 The formal notice contains the deadlines for objection to be made. It is expected that objections to the Compulsory Purchase Order and Cycle Track Order for the City Centre to Broomfield Hospital scheme will be considered at a Public Inquiry. Preparation for Public Inquiry will begin in August 2019 should pursuits for settlement become unsatisfactory. If objections are received, the Secretary of State for Transport will take the decision on the Orders and whether they should be confirmed, with or without modifications.

6.2 Further information on the Engineering aspects of the proposal should be addressed to Mark Atkinson by phone 01245 342632 or e-mail [major.projects@essexhighways.org](mailto:major.projects@essexhighways.org).

6.3 Queries relating to land negotiations and compensation may be raised with Roger Moore by phone 01245 215 543 or e-mail [rmoore@lsh.co.uk](mailto:rmoore@lsh.co.uk).

6.4 Queries in relation to the service of notices or publicity may be raised with Ian Turner by phone 03330136890 or e-mail [major.projects@essexhighways.org](mailto:major.projects@essexhighways.org). Enquiries by post should be sent to the address below.

## **7 LIST OF DOCUMENTS IN SUPPORT OF ORDER SUBMISSION**

7.1 These documents can be inspected at the places of deposit:

- Appendix A Scheme Plan
- Appendix B Provisional Plot Plan
- Appendix C Route Plan
- Appendix D Draft Schedule 2 to CPO (table of land and owners) (Confidential)
- Appendix E Cycle Track Order plan
- Appendix F Cycle Track Order Consultation Analysis
- Appendix G Equality Impact Assessment

7.2 The places of deposit are:

Essex County Council, Chelmsford Library, Ground Floor, County Hall, Market Road, Chelmsford, CM1 1QH

Monday to Friday 9am to 6.30pm

Saturday 9am to 5.30pm

Sunday 1pm to 4pm

Contact number: 0345 603 7628

Chelmsford City Council, Civic Centre, Duke Street, Chelmsford CM1 1JE

Monday to Friday 8.45am to 4.45pm

Ian Turner

Project Sponsor

Essex County Council

County Hall

Chelmsford

Essex

CM1 1QH

Dated: 18 July 2019