

ESSEX COUNTY COUNCIL

**THIS IS THE STATEMENT OF REASONS OF ESSEX COUNTY COUNCIL
FOR MAKING:**

**THE ESSEX COUNTY COUNCIL (A127 FAIRGLEN INTERCHANGE)
(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2021**

**THE ESSEX COUNTY COUNCIL (A127 FAIRGLEN INTERCHANGE)
(COMPULSORY PURCHASE) ORDER 2021**

Contents

1.	Introduction.....	2
2.	General Information.....	2
3.	The Proposals and Statutory Procedures.....	7
4.	Human Rights and Public Sector Equality Duty	13
5.	Conclusion	14
6.	Status of the Statement of Reasons.....	16
7.	Further Information and Enquiries	16
8.	List of Documents in Support of Order Submission	17

1. Introduction

- 1.1 This statement explains the purpose of the above-mentioned Side Roads Order and Compulsory Purchase Order (which have been made by Essex County Council, "the Council")

2. General Information

2.1 Background

- 2.1.1 Essex Highways has undertaken work to assess the need for highway improvements across the County and has identified the A127/ A130 junction to be an area for improvement. The A127 / A130 Fairglen Interchange lies at a key point on the transport network in South Essex, forming a strategic connection between the A13, A127, A130 and A1245. The Interchange currently experiences high levels of congestion during peak periods and high volumes of traffic at other times too.
- 2.1.2 There are also safety concerns, with significant numbers of collisions involving motor vehicles, which have been attributed to poor sightlines for drivers at some locations and to incorrect lane use.
- 2.1.3 As well as current traffic congestion and safety concerns, the Interchange is expected to come under increased pressure in future as plans for significant growth in housing and jobs is realised.
- 2.1.4 It is estimated that over 62,000 jobs will be created in South Essex by 2037, and that over 3,400 new homes per year will be needed to accommodate this new workforce.
- 2.1.5 The A127, previously known as the Southend Arterial Road, is a dual carriageway east-west link between Southend, Basildon, the M25 and Romford, where it merges with the A12 into East London. The A1245 intersects the A127 at a grade-separated junction, known as the Fairglen Roundabout. South of this junction is Rayleigh Spur, a three arm at-grade roundabout. Rayleigh Spur is connected to Fairglen Roundabout via the A1245/ A130 Link. The other arms of the Rayleigh Spur Roundabout are the A130 dual carriageway to and from the A12 and Chelmsford, and the A130 heading to and from the A13, via Sadlers Farm. Fairglen Interchange is the collective name for both of the junctions, and forms a strategic connection between the A13, A127, A130 and A1245 Priority Route 1 roads in Southern Essex.
- 2.1.6 The A127/ A130 Fairglen Interchange is a popular route with commuting motorists and freight using the A127 to travel between Southend, Canvey Island and the surrounding area to the east, and to Basildon and London to the west. It also connects Chelmsford to the north with the ports and other industries around Thurrock and Tilbury to the south.
- 2.1.7 The interchange currently experiences high levels of congestion during peak periods and high volumes of traffic at other times too. Current traffic flow data (based on observed flows from 2016) show that the A130 arm from the north of the Interchange has reached its maximum capacity, while all other arms on the Rayleigh Spur and Fairglen roundabouts are nearing their capacity limits. Traffic volumes are back to their pre pandemic levels using data from traffic counters on the A130. The highest traffic flows are experienced on the A127 westbound towards London during the morning peak period (7am to 8am), and A127 eastbound during the afternoon peak. High flows are also common on the A130 travelling towards Southend. This results in higher congestion along the A1245 link, which connects the two roundabouts that comprise the A127 / A130 Fairglen Interchange.

- 2.1.8 In addition, the Fairglen Interchange is a popular commuter route that is used by almost 10,000 vehicles per hour during the morning (AM) and evening (PM) peak hours. This volume of traffic exceeds the available capacity at the junction, resulting in significant delays and poor journey time reliability across the Interchange. The most significant delays occur for vehicles travelling from the A130 southbound to the A127 eastbound during the PM peak hour. In the 'do something' scenario in the traffic model it shows a journey time saving in peak periods of over 2 minutes. The rate of accidents at the Fairglen Roundabout is higher than the national average for a typical four arm grade separated roundabout. The modelled scenario predicts a reduction in fatal and serious accidents.
- 2.1.9 Additionally, the network for Non-Motorised Users (including pedestrians and cyclists) in the area is disjointed.
- 2.1.10 Furthermore, local authorities across the South Essex area each have significant plans for growth in housing and jobs in their local plans. It is estimated that over 62,000 jobs will be created in the Local Plan period up to 2037, meaning as many as 4,000 homes per year will be needed to accommodate a growing population. This will add to the number of people who use the Interchange and increase daily congestion levels.

2.2 Scheme Objectives

- 2.2.1 The proposed scheme is designed to increase the capacity of the Fairglen Interchange, reduce travel times, address existing safety concerns and improve pedestrian and cycling connectivity. It involves:
- Constructing a new one-way "Slip road from A130 to A1245" north of the railway line, connecting the A130 southbound with a signalised junction on the A1245, which is restricted to right-turn movements.
 - Widening the A1245 southbound approach to Fairglen Roundabout
 - Removal of southbound and northbound laybys to facilitate the widening and the introduction of the new link road
 - Widening the A127 westbound diverge slip at Fairglen Roundabout
 - Constructing a dedicated segregated left turn lane at Fairglen Roundabout, for traffic heading south on the A1245 wanting to travel eastbound on the A127. This also requires a new merge arrangement on the A127.
 - Provision of an additional traffic lane southbound on the A1245 between Fairglen Roundabout and Raleigh Spur Roundabout. This will close the existing bypass lane southbound between the A1245 and the A130.
 - Improving the Rayleigh Spur Roundabout, including signal control.
 - Constructing a new bridge for pedestrians and cyclists.
 - Improving the geometric design of the Interchange generally, providing improved lines of sight and visibility for motorists.
 - Updating signage and speed limits.
 - Closing the existing bypass lane southbound between the A1245 and the A130.
- 2.2.2 The transport related objectives of the scheme (taken from stakeholder workshops) are to improve:
- - Connectivity
 - Accommodate future travel demand to facilitate proposed growth in South Essex.
 - Ensure good connectivity to South Essex via key transport corridors.
 - Environment and sustainability
 - Improve opportunities for residents and employees in south Essex to access alternative modes and encourage their use.
 - Improve connectivity for non-motorised users (NMUs) through the Fairglen Interchange.
 - Safety
 - Improve safety at the Fairglen Interchange through appropriate geometric design, signage, speed limits and visibility.

- Resilience
 - Manage congestion at peak times to ensure reliable journey times through the Fairglen Interchange.
 - Ensure Essex County Council highway authority assets are appropriate for the highway network in future.

2.3 Development of the Scheme

- 2.3.1 The Fairglen Interchange is mainly used by traffic heading to/from the east, Southend and London Southend Airport, in addition to other traffic from Canvey Island, Basildon, Rochford, Thurrock and Brentwood. The interchange is used for many reasons such as commuting, leisure, business and retail trips, and there are also seasonal trips made to and from Southend for tourism.
- 2.3.2 Current traffic flow data shows that the Fairglen junction is near its capacity. At this junction, the A130 arm from the north has reached its maximum capacity while all other arms on the Rayleigh Spur and Fairglen Roundabouts are nearing their maximum capacity. The analysis undertaken as part of the Options Appraisal Review (OAR) confirmed that without intervention the current road network at the Fairglen Interchange will be put under increasing pressure, leading to increased congestion and poor connectivity that ultimately will have a negative impact on the local economy, society, and environment. This would culminate in a poorer standard of living for residents and a reduction in economic competitiveness of businesses located in the A127 and A130 corridors.
- 2.3.3 Initially 35 options were reviewed as part of the OAR to sift out the options that do not contribute significantly to the identified challenges (overarching problems) and objectives of the appraisal study. In addition, the OAR identified those options that potentially face significant challenges in terms of deliverability, feasibility and affordability. This identified options that face one or more insurmountable hurdles, which justified not taking them any further.
- 2.3.4 At the end of this process, 13 options remained. These options were analysed to determine, at a very initial stage, the impact the proposed schemes could have on traffic flows at the junction. No analysis was carried out to determine what impact any of the schemes would have on trip generation or route choice, but additional demand has been included based upon broad assumptions related to predicted traffic growth from proposed developments.
- 2.3.5 Eight options emerged from this process and are assessed as likely to be deliverable, feasible and affordable, whilst also contributing positively to many of the challenges and objectives of this study.
- 2.3.6 The current Essex Transport Strategy – the local transport plan for Essex (LTP3) June 2011 acknowledges that there is forecast to be substantial housing and job growth in the corridor. Of particular note are the expansion of Southend Airport (increasing passenger numbers from 1.1 million per year to a capacity of 2 million passengers per year), and neighbouring London Southend Airport and Environs Joint Area Action Plan (also known as the JAAP) was formally adopted by Rochford District and Southend Borough Councils on 16 December 2014 for Saxon Business Park, which will increase travel demand in the A127 corridor. The A127 corridor is of economic importance to the businesses in the area, particularly to smaller enterprises which rely strongly on roads for the operation of their business, with 72% saying their car is crucial to their business. Poor infrastructure that cause delays due to congestion is considered to reduce the productivity of small enterprises and significantly hampers their growth.

- 2.3.7 The A127 corridor makes a substantial contribution to the South East Local Enterprise Partnership (SELEP) area and offers considerable growth prospects. The success of the South Essex region attracts a large demand for new homes and jobs, which would generate traffic that would use the Fairglen Interchange. The level of growth forecast by 2031 in the emerging local plans of Castle Point, Basildon, Rochford, and Southend is approximately 26,000 homes and 25,400 jobs.
- 2.3.8 The measures proposed at the Fairglen Interchange present an opportunity to promote better connectivity across the area that will enable people to reap the benefits of future growth and improve access to employment, education, leisure and tourism opportunities. This scheme aims to address several issues at the local and regional level, including increased business efficiency through more reliable journey time, and facilitate economic growth through new housing and job creation in the A127 and A130 corridors.
- 2.3.9 The measures proposed at the Fairglen Interchange are classified as short and long term. The short-term options are those that can accommodate lower levels of traffic growth (compared with the longer-term options) and have a higher prospect of delivery due to the greater likelihood of funding from SELEP and could be constructed within the next 5-10 years. The long-term options are those that are able to accommodate future year flows under a higher growth scenario, but that would require significant additional funding in order to achieve delivery. The short-term options were developed with a view to be fully compatible with long-term options should they need to be implemented in the future.
- 2.3.10 The scheme the subject of the Compulsory Purchase Order and the Side Roads Order achieves all the short-term option measures.
- 2.3.11 The works for the scheme are split into two parts:
- Advanced Works Contract: This comprises archaeological trial trenching, soft tree felling, reptile translocation, and survey works. These are needed to discharge planning conditions.
 - Main Works Contract: All other works required to complete the Scheme as shown on the Planning Application drawings, which is scheduled to start 2022. The scheme opening date is set for 2023/24 but elements of improvements are expected to be opened as they are completed where it is safe to do so.
- 2.3.12 The split is based on the preferred procurement method.

2.4 Consultations

- 2.4.1 The development of the design was also informed by a series of consultation events to which the public and / or key stakeholders were invited to participate:
- Public Information Exercise – held 15 and 16 February 2017
 - Non-Statutory Public Consultation – 6 February 2018 to 20 March 2018.
- 2.4.2 These public involvement and engagement programmes were satisfactorily conducted with participation by interested parties to obtain feedback on the proposals. All the feedback and recommendations received during the engagement programmes have been analysed and incorporated into the design so far as reasonably practicable.
- 2.4.3 The 35 options were reviewed as part of the OAR to sift out the options that do not contribute significantly to the identified challenges (overarching problems) and objectives of the appraisal study. In addition, the OAR identified those options that potentially face significant challenges in terms of deliverability, feasibility and affordability. This identified options that face one or more insurmountable hurdles, which justified not taking them any further. At the end of this process, 13 options remained. These options were analysed to determine, at a very initial stage, the impact the proposed schemes could have on traffic flows at the junction. No analysis was carried out to determine what impact any of the schemes would have on trip generation or route choice, but additional demand has been included based upon broad assumptions related to predicted traffic growth from proposed developments.

- 2.4.4 Eight options emerged from this process and are assessed as likely to be deliverable, feasible and affordable, whilst also contributing positively to many of the challenges and objectives of this study.
- 2.4.5 Following the public consultation, the Scheme was developed into a Preliminary Design and packaged together with a robust Environmental Statement (ES) and an Interim Outline Business Case (OBC) for the submission of a Planning Application in May 2019. This Outline Business Case (OBC) considered the case for the short-term options only. The assessment work undertaken in earlier stages of the business case and as set out in the OAR identified two short term options (S1 and S3) for further consideration. Further analysis showed option S3 performed better; and this became the preferred option to be taken forward.
- 2.4.6 Planning consent for the scheme was granted in December 2019 (Ref CC/BAS/28/19).
- 2.4.7 Early consultation on the preferred option with the affected landowners commenced in 2015 and is continuing in pursuit of settlements without the need to implement a Compulsory Purchase Order. The consultation was to discuss the land that would be required for the scheme on a permanent basis and potential land required on a temporary basis to facilitate the construction of the scheme. As part of these discussions, affected accesses to land were discussed and these were considered for the scheme design. The Council will continue to make meaningful attempts to reach agreement on a voluntary basis. The delivery programme has allowed sufficient time for completion of the Compulsory Purchase process, including any Public Local Inquiry.

2.5 Financial Viability and Funding

- 2.5.1 The Scheme costs of £32.333m are fully funded with the funding provided by Central Government, the SELEP and Essex County Council
- 2.5.2 In 2018 the Council made a successful bid through SELEP as part of Local Growth Funding Round 3. This was in addition to an earlier 2016 successful bid to the Department of Transport as part of Local Growth Funding Round 1.

2.6 Planning Statement

- 2.6.1 The National Planning Policy Framework (NPPF) was revised on 20 July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. 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 there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 12 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.6.2 Paragraph 48 of the NPPF states, in summary, that decision-takers may also 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 policies in the NPPF. At the time of the planning consideration in 2019, due to the advanced stage reached by Basildon's Emerging Local Plan, it was considered to be a material consideration in the determination of planning applications and comprises part of the Development Plan for these purposes. However, both Castle Point's Emerging Local Plan and Rochford District Council's Emerging Local Plan were not as far advanced and therefore were not deemed as material consideration at that stage.

- 2.6.3 All three districts relevant to the development site are in the process of delivering their Local Plans; Basildon Borough Council (BBC) submitted The Revised Publication Local Plan to the Secretary of State on the 28th March 2019 for Examination in Public (EIP). However due to Ministerial Direction from DEFRA in relation to Air Quality associated with areas within the Emerging Local Plan, Basildon Borough Council (BBC) have requested that the Examination in Public (EIP) be deferred until detailed surveys have been undertaken to understand the ways in which the Air Quality issues can be addressed within the sustainable development strategy. It was anticipated that DEFRA would take decisions in respect of the options for a Clean Air Zone and the implementation of the speed limit restriction in November 2019. However, BBC were advised on the 6 November 2019 that no decision in relation to these matters will take place until January 2020 as a consequence of the forthcoming General Election. BBC have requested that the commencement of the examination is paused until after DEFRA have issued their decision. Castle Point Borough Council (CPBC) were in the process of progressing a new Local Plan, but this was withdrawn in March 2017. A Draft Local Plan (DLP) was submitted to the Secretary of State for examination in June 2018. A Pre-publication Local Plan was presented to the Council in November 2018 where a decision to put this on hold was taken. On the 22 October 2019 the Council agreed to proceed with the pre-submission Local Plan and Policies Map to a Regulation 19 public consultation. The Fairglen Interchange scheme is mentioned in the CPBC Infrastructure Delivery Plan (IDP), which forms part of the evidence base of the Local Plan. This was discussed at the 2021 EIP. Rochford District Council (RDC) have been working on the preparation of a new Local since October 2016. An Issues and Options consultation has been undertaken and a consultation summary will be published in due course. RDC have consulted on the Reg 18 stage of their Draft Local Plan (spatial options) during Summer 2021.
- 2.6.4 Considering the NPPF and the relevant policies of the Development Plan taken as a whole the proposal represents sustainable development in the context of the NPPF.
- 2.6.5 Following notice to, and no intervention by the Secretary of State, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, conditional planning permission for the scheme was granted on 20th December 2019. Some of the 22 conditions on the planning permission, remain to be fully discharged. A number of these cannot be discharged until the scheme works have started but the remaining conditions are not considered to be an impediment to implementation and completion of the scheme.

3. The Proposals and Statutory Procedures

3.1 Scheme Proposals

- 3.1.1 The land required for the Scheme is shown on the Scheme Plan, drawing reference B3553T26-SK602, and in the Compulsory Purchase Order Plans. The proposed Scheme includes proposals for lighting, surface water drainage ponds, landscape planting, ecological mitigation and amendments to private means of access and public rights of way as well as construction of a new highway and works of improvement to the A130, A1245 and A127.
- 3.1.2 The land outside the existing highway boundary that needs to be acquired to construct and mitigate the Scheme is at the following locations and is required for the following purposes:
- Land to the east of the A130, west of the A1245 and north of the Shenfield to Southend Railway for the construction of the proposed link road between the A130 and A1245.
 - Land to the south east of the A1245, north of Fairglen Roundabout, and north east of the A127 eastbound merge slip road and A127, extending to Great Wheatley Road, for the construction of a dedicated left turn lane and widening of the existing highway.
 - Land south west of the A127 adjacent to the properties known as Lychgate Farm and My Place Café for the widening of the A127.
 - Land to the south west of the A127 westbound diverge slip road and south east of the A1245, south of Fairglen Interchange, for the construction of a dedicated left turn lane and Cycle track.
 - Land to the south east of the A1245 between Fairglen and Rayleigh Spur Roundabouts for the widening of the A1245.

- Land to the north east of the A1245, east of the A130 and north east of Rayleigh Spur Roundabout for the construction of additional lanes on the Rayleigh Spur Roundabout.
- Land to the west of the A1245, south of the A127, for the construction of a combined pond maintenance access track and cycle track.

3.1.3 Additionally, some land is included at the Rayleigh Spur Roundabout and A130 northwards to the Annwood Bridge for rationalisation of ownership of the County Road network under a previous compulsory purchase order made by the Council, as part of the A130 upgrade and DBFO Contract. This land is already part of the highway.

3.1.4 All landowners have been identified A significant proportion of the land required is freehold and principally used for arable purposes and was identified as such in the planning application.

3.1.5 Although most of the land sought is required for highway construction works, some land is needed for other purposes and ancillary works such as landscaping, ecological mitigation, drainage and surface water runoff control as detailed in the Environmental Statement submitted with the Planning Application. Some land contained within the red line boundary is required temporarily for delivery of the project. This includes utility diversions, construction access, site compounds, materials haulage, including areas necessary to enable construction of the work elements and is intended to be returned to the landowners upon completion of the works.

3.2 Compulsory Purchase Order Land Requirements

3.2.1 The Compulsory Purchase Order ("the Order") is entitled THE ESSEX COUNTY COUNCIL (A127 FAIRGLEN INTERCHANGE) (COMPULSORY PURCHASE) ORDER 2021.

3.2.2 The Council's purpose in making the Order is to secure the right to acquire all relevant interests in the Order land to facilitate the delivery of the Fairglen Interchange Scheme. The need for the Scheme is explicitly recognized in emerging development plan policy at the local level.

3.2.3 The Order together with the Side Roads Order is intended to enable alterations and improvements to the highway network to ensure it will deliver the efficiencies and future growth capacity necessary to realise the economic dependencies in the local region which need to be achieved.

3.3 Enabling Powers

3.3.1 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..."

3.3.2 The Order is required to expedite the land acquisition to enable the construction of the Fairglen Interchange Scheme.

3.3.3 The Compulsory Purchase Order also engages:

- Section 239 Highways Act 1980 – the acquisition of land for construction, improvement etc. of highway.
- Section 240 Highways Act 1980 - private means of accesses to premises, alteration of side roads and working space for the construction/improvement.
- Section 246 Highways Act 1980 - the acquisition of land outside the boundary of the highway to reduce the adverse effects on its surroundings.
- Section 250 Highways Act 1980 – new rights to be created: and
- Section 260 Highways Act 1980 – acquisition of restrictive covenant or other third-party interests.

- 3.3.4 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, are in the ownership of the Council or already under contract for acquisition by the Council.

3.4 Description of Order land

- The land required includes:
 - Highways.
 - Farmland (pasture and arable).
 - Woodland.
 - Private access roads.
 - Showground.
 - Land in the ownership of National Highways Company Limited.
 - Land in ownership of National Grid; and
 - Land in public ownership owned by Essex County Council.
- 3.4.1 There are no ancient monuments or listed buildings within the order land. The order land is not within a conservation area and none of its land is owned by the National Trust or held by or on behalf of the Crown. None of the order land is ecclesiastical or burial ground. The order land is not common land, village green or public open space.
- 3.4.2 In addition to land for construction, land is also required for landscaping, ecological purposes, working purposes, rights of construction and future maintenance.
- 3.4.3 The Order land includes a number of small land parcels in the ownership of National Highways Company Limited, namely plots 3/6, 4/3 and 4/3a. These land parcels are a remanence of land ownership prior to the CPO associated with the A130 Bypass project as the land parcels currently form part of the county road network and will continue to do so post scheme. Negotiations are ongoing with National Highways Company Limited to acquire this land.
- 3.4.4 The scheme requires the permanent acquisition of National Grid land, immediately to the south of the sub station. Negotiations have been ongoing with National Grid since 2017 to acquire this land and the Council has indicated its willingness to enter into an Asset Protection Agreement with them to conclude suitable arrangements.
- 3.4.5 Following convention, the land to be acquired (including for essential/permanent licence) is coloured pink and the land over which new rights are to be acquired is coloured blue on the Compulsory Purchase Order plans.

3.5 Land Ownership and Order Schedule

- 3.5.1 The Order land comprised in the following plots, full title to the land is required for the Classified Road, for associated drainage works, for the provision of ancillary highways, and improvements to existing highways to connect the Classified Road to the existing network:

Site Plan 1: Plots 1/1 and 1/1a.

Site Plan 2: Plots 2/1, 2/1a, 2/1b, 2/1c, 2/2 and 2/3.

Site Plan 3: Plots 3/1, 3/1a, 3/1b, 3/1c, 3/1d, 3/1e, 3/1f, 3/1g, 3/1h, 3/2, 3/3, 3/4, 3/5, 3/6, 3/6a, 3/6b, 3/7, 3/10a, 3/11, 3/12 and 3/13.

Site Plan 4: Plots 4/1, 4/1a, 4/2a, 4/2b, 4/2c, 4/2e, 4/2m and 4/7.

Site Plan 5: Plot 5/1.

Site Plan 6: Plots 6/1 and 6/2.

3.5.2 The Order land comprised in the following plots, full title is required for the provision of accommodation tracks to give third party rights of access to land to which access has been affected but which new access is outside the boundary of the Classified Road:

- Site Plan 1: None
- Site Plan 2: None
- Site Plan 3: Plots 3/5d, 3/7c, 3/7f, 3/7L and 3/10b
- Site Plan 4: Plot 4/6
- Site Plan 5: None
- Site Plan 6: None

3.5.3 The Order land comprised in the following plots, full title to land outside the boundaries of the Classified Road is required for the maintenance of hedges and temporary fences in relating to the planting for mitigation and aftercare thereof:

- Site Plan 1: None
- Site Plan 2: None
- Site Plan 3: Plots 3/3b, 3/3c, 3/3e, 3/5b, 3/5c, 3/7m, 3/7o, 3/7q, 3/7r, 3/7s, 3/10, 3/10c and 3/11a.
- Site Plan 4: None
- Site Plan 5: None
- Site Plan 6: Plot 6/2a

3.5.4 Subject to agreement with the relevant affected landowner(s), the Council may seek to negotiate a licence to occupy during construction followed by access rights in place of full title acquisition. However, in the absence of such agreement the Council requires the security of the right to acquire full title.

3.5.5 The Order land comprised in the following plots, full title is required to provide for temporary access and working space, including site compounds and/or topsoil storage areas, associated with the construction of the scheme:

- Site Plan 1: None
- Site Plan 2: Plots 2/2b, 2/3a
- Site Plan 3: Plots 3/3c, 3/3d, 3/3g, 3/4b, 3/5a, 3/5b, 3/5c, 3/7a, 3/7b, 3/7d, 3/7e, 3/7h, 3/7j, 3/7k, 3/7m, 3/7n, 3/7o, 3/7p, 3/7q, 3/7r, 3/7s, 3/10c and 3/12a.
- Site Plan 4: Plots 4/2d, 4/2f, 4/2g, 4/2h, 4/2j, 4/2k and, 4/2L, 4/6a, 4/6b and 4/7a
- Site Plan 5: None
- Site Plan 6: Plot 6/2a

3.5.6 Subject to agreement with the relevant affected landowner(s), the Council may seek to negotiate a temporary licence to occupy during construction in place of full title acquisition. However, in the absence of such agreement the Council requires the security of the right to acquire full title.

3.5.7 The Order land comprised in the following plots, full title is required for the provision of landscape and ecological mitigation against the effect of the Classified Road:

- Site Plan 1: None
- Site Plan 2: Plots 2/2a and 2/4.
- Site Plan 3: Plots 3/2a, 3/3a, 3/3h, 3/5e, 3/9, 3/12a, 3/12b and 3.13a.
- Site Plan 4: None

Site Plan 5: None

Site Plan 6: None

3.5.8 The Order land comprised in the following plots, rights are required by the highway authority for the purpose of construction and maintenance of drainage pipes and outfalls:

Site Plan 1: None

Site Plan 2: None

Site Plan 3: Plots 3/3e, 3/3f, 3/3j, 3/4a, 3/4c, 3/7e, 3/7f, 3/7g, 3/7j, 3/7o, 3/7p and 3/7r.

Site Plan 4: Plots 4/2d, 4/2e, 4/2g and 4/2L.

Site Plan 5: None

Site Plan 6: None

3.5.9 The Order land comprised in the following plots, rights are required to enable the Council to enable statutory undertakers to divert, maintain and use underground services over.

Site Plan 1: None

Site Plan 2: None

Site Plan 3: Plot 3/3j

Site Plan 4: None

Site Plan 5: None

Site Plan 6: None

3.5.10 Contact has been made with all landowners affected and some negotiations are underway. The Council's appointed professional surveyors, Lambert Smith Hampton, are dealing with the land issues.

3.6 Improvements within the Classified Road

- the improvement of the A130 from Doublegate Lane Bridge generally southwards to the Shenfield to Southend Railway
- the improvement of the A130 from where it is crossed by the A127 generally southwards to a point 350 metres south west of the Rayleigh Spur roundabout;
- the improvement of the A1245 from the Shenfield to Southend Railway generally southwards to its northern junction with the A127 Fairglen Roundabout;
- the improvement of the A1245 from its southern junction with the A127 Fairglen Roundabout to its roundabout junction with the A130;
- the improvement of the A127 from Morbec Lodge eastwards to a point 100 metres east of the entrance to Woodside Garden Centre; and
- the construction of a highway from a point 160 metres south of Doublegate Lane Bridge on the A130 for a distance of 960 metres to the A1245 to be known as the A1245 link. This has been classified as Primary Route Network (PRN) status, with A road designation and will have a speed limit of 50mph
- to stop up the north bound and south bound laybys on the A1245, immediately north east of the Shenfield to Southend Railway Overbridge. This is to facilitate the signal-controlled junction serving the new link road junction with the A1245;
- to stop up part of the A1245 from its junction with the Rayleigh Spur Roundabout. This is to facilitate junction improvements. The segregated lane that bypasses the Rayleigh Spur circulatory from A1245 southbound to A130 southbound is to be removed, in order to improve the geometry around the circulatory and also to limit the land required for the scheme;
- to reconfigure the private access serving Crouch Valley Showground to facilitate the widening of the A1245 and A127 to accommodate a dedicated lane onto the eastbound A127 merge slip road;

- to reconfigure the private access serving the properties known as Sweet Briar to improve the safety and interaction between vehicles using the private access and those passing through the Rayleigh Spur Junction; and
- to reconfigure the field accesses serving enclosures 3274 and 5300 to facilitate the widening of the A1245 and A127 to accommodate a dedicated lane onto the eastbound A127 merge slip road.

3.7 The Side Roads Order

- 3.7.1 The Side Roads Order is entitled THE ESSEX COUNTY COUNCIL (A127 FAIRGLEN INTERCHANGE) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2021 and is made under sections 14 and 125 of the Highways Act 1980 and will, if confirmed by the Secretary of State for Transport, authorise the Council to make the following changes.
- 3.7.2 Stop up footpath FP-279/218 over its entire length (1/S1) to facilitate improvement to the junction at the A1245/A127. The footpath will be replaced by a new Footpath/Cycletrack facility in the immediate vicinity (1/A). The Council is of the view that the proposed replacement route under the Side Roads Order will provide an enhanced/new provision for cyclists/non-motorised vehicles in addition to for all current users of the highway to be stopped up.
- 3.7.3 Stop up part of the private means of access serving Crouch Valley Showground (1/1) and provide for an alternative in close proximity (1/1a). This is to ensure that the private access joins the new and improved roads in a safe junction. The Council is of the view that the new private access junction will provide another reasonably convenient means of access to the land needing to use it.
- 3.7.4 Stop up the private means of access to field no 3274 (1/2) and provide for an alternative to the north west (1/2a). This is to ensure that the private access joins the new and improved roads in a safe junction. The Council is of the view that the new private access junction will provide another reasonably convenient means of access to the land needing to use it.
- 3.7.5 Stop up three private means of access to field no 5300 from the A127 (1/3, 1/4 and 1/5) and provide a shared alternative in the same location as one existing access (1/3a). This is to ensure that the private access joins the new and improved roads in a safe junction. The Council is of the view that the new private access junction will provide another reasonably convenient means of access to the land needing to use it.
- 3.7.6 Stop up the private means of access serving the property known as Sweet Briar from the A130 (1/6) and provide an alternative in the immediate vicinity (1/6a). This is to ensure that the private access joins the new and improved roads in a safe junction. The Council is of the view that the new private access junction will provide another reasonably convenient means of access to the land needing to use it.

3.8 Associated Orders

- 3.8.1 Associated Orders, under the Road Traffic Regulation Act 1984, are proposed on the highway network in the vicinity of the scheme to achieve the following:
- Introduce a clearway 50mph on the new, one way, "Slip road from A130 to A1245";
 - Permanently reduce the existing speed limit on the southbound A1245, south of the Carpenters Arms Roundabout to the Rayleigh Spur Roundabout;
 - Permanently reduce the existing speed limit on the northbound A1245 from the Rayleigh Spur Roundabout, south of Fairglen Roundabout;
 - Permanently reduce the existing speed limit on the circulatory carriageway of Fairglen Roundabout;
 - Permanently reduce the existing speed limit on the circulatory carriageway of Rayleigh Spur Roundabout;
 - Permanently reduce the existing speed limit on the southbound A130 from north of Rayleigh Spur Roundabout to south of Rayleigh Spur Roundabout
 - No left turn from the "Slip road from A130 to A1245" (a new link road north of Fairglen Roundabout) to the A1245;
 - No left turn from the A1245 to the "Slip road from A130 to A1245";

- Introduce a clearway on the new link road from the A1245 southbound carriageway to the A127 eastbound carriageway;
- Prohibiting traffic on the A1245 northbound and southbound laybys north of the Shenfield to Southend Railway Line.

3.8.2 These orders will be made by the Council.

3.8.3 Classification for the new link road between the existing A130 and the existing A1245 as follows:

- The link road will be part of the Primary Route Network (PRN) and will be signed accordingly;
- It will carry the name "Slip road from A130 to A1245" which will identify its one-way flow;
- It will be designated as an A road (major roads intended to provide large-scale transport links within or between areas) as it links traffic between the A130 and the A1245;
- It will have the designation number A130, as it will be a slip road directly branching from the main A130 route; and
- It will be a fully adopted Local Highway Authority road and it will not be subject to the current existing A130 DBFO contract with CountyRoute (in place until 30th January 2030).

4. Human Rights and Public Sector Equality Duty

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:

4.3 Article 1 (of the First Protocol)

4.3.1 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.

4.2 Article 8

4.2.1 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.

4.3 Article 14

4.3.1 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.

4.3.2 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. Similarly, any interference with Article 8 rights must be necessary for the reasons set out. Both public and private interests are to be considered 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.

- 4.3.3 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.
- 4.3.4 Extensive 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 Order. Those directly affected by the Order will be entitled to compensation proportionate to the loss which they incur as a result of the compulsory acquisition.
- 4.3.5 The Council considers that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests.

4.4 Public Sector Equality Duty (PSED)

- 4.4.1 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 considering the differential impact the Order will have on various groups of persons with different characteristics.

5. Conclusion

- 5.1 The Council is promoting the Orders to secure the required highway improvement. Confirmation of the Orders will enable the implementation of the highway improvements and associated landscaping and other mitigation works.
- 5.2 The Scheme is key to the enhancement of the highways network and connectivity in the wider area. It will act as a driver for further economic activity boosting prosperity and housing development the neighbouring administrative areas. It will help to resolve identified existing transport congestion issues and improve journey times and connectivity.
- 5.3 It will be evident that the Council considers that it has advanced a compelling case in the public interest for the compulsory acquisition of all of the Order land to support the Scheme.

- 5.4 The land comprised in the Compulsory Purchase Order is immediately required for the road construction/landscaping/ecological impact mitigation/water control measures incorporated in the Scheme. However, some areas are only required for use during the construction period for working space or for access. In resolving to make this Compulsory Purchase Order the Council has considered the rights of property owners and occupiers under the European Convention of Human Rights, as incorporated into domestic law by the Human Rights Act 1998. In this respect the Council has had particular regard to Article 1 of the First Protocol of the Convention which relates to the protection of rights of everyone to the peaceful enjoyment of possessions, to Article 8 which relates to the protection and family life, home and correspondence and to Article 6 which relates to everyone being entitled to a fair and public hearing. In considering these considerations the Council has been conscious of the need to strike a balance between the rights of the individuals affected and interests of the public. In the light of the significant benefits arising from the implementation of the Scheme, as set out in this statement, the Council has concluded that it would be appropriate to make the Compulsory Purchase Order. Negotiations have taken place and shall continue with those holding remaining land interests in order to achieve the maximum possible permissions and land take by way of voluntary agreements. Subject to agreement with the relevant affected landowner(s), the Council may seek to negotiate a temporary licence to occupy during construction or a licence to occupy during construction followed by access rights in place of full title acquisition in place of full title acquisition. However, in the absence of such agreement the Council requires the security of the right to acquire full title.
- 5.5 The Council is satisfied that the Compulsory Purchase Order has been promoted in the public interest and that it is fully compliant with the strategic planning and highways policies of the Council and supports the emerging Local Plan strategies of the surrounding areas.

6. Status of the Statement of Reasons

- 6.1 This Statement of Reasons has been prepared for the purposes of the making of the Compulsory Purchase Order and the Side Roads Order associated with the Fairglen Interchange scheme. 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.

7. Further Information and Enquiries

- 7.1 The formal notice contains the deadlines for objection to the made. The period to object to the Compulsory Purchase Order is shorter than the period for the Side Roads Order. 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. It is expected that any unresolved objections to the Compulsory Purchase Order and/or Side Roads Order for the Fairglen Scheme will be considered at a Public Local Inquiry.
- 7.2 An overview of the scheme, general details and what was released to the public in 2018 can be viewed at www.essex.gov.uk/fairglen
- 7.3 Further information on the Engineering aspects of the proposal should be addressed to Kris Corbett, the Council's Major Project Sponsor by phone 0333 032 1119 or e-mail kris.corbett@essex.gov.uk .
- 7.4 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 .
- 7.5 Queries in relation to the service of notices or publicity may be raised with Morgan Evans by phone on 029 2035 3259 or email morgan.evans@jacobs.com .
- 7.6 Further information on the Engineering aspects of the proposal should be addressed to Kris Corbett, the Council's Project Sponsor by phone 0333 032 1119 or e-mail kris.corbett@essex.gov.uk .
- 7.7 Postal enquires should be sent to the address below.

Kris Corbett
Project Sponsor
Essex County Council
County Hall
Chelmsford
Essex
CM1 1QH

8. List of Documents in Support of Order Submission

8.1 These documents can be inspected at the places of deposit or viewed via the link provided as indicated below:

8.2 Scheme Documents

8.2.1 Scheme Plan B3553T26-SK-602 Rev A (October 2021)

8.2.2 THE ESSEX COUNTY COUNCIL (A127 FAIRGLEN INTERCHANGE) (COMPULSORY PURCHASE) ORDER 2021

8.2.3 ESSEX COUNTY COUNCIL (A127 FAIRGLEN INTERCHANGE) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2021

8.2.4 Side Road Order – Plan folio

8.3 Planning Documents – provided as historic reference – supplied for information

8.3.1 Planning Application Drawings

8.3.2 Environmental Statement

8.3.3 National Planning Policy Framework 2021 <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

8.3.4 Planning decision dated 19 December 2019

8.4 Legislation and Statutory Guidance – Links or list for research

8.4.1 Acquisition of Land Act 1981 – [Acquisition of Land Act 1981 (legislation.gov.uk)]

8.4.2 Highways Act 1980 – [Highways Act 1980 (legislation.gov.uk)]

8.4.3 DfT Circular 1/97 Highways Act 1980: Orders under section 14 of the Highways Act 1980 and opposed orders under section 124 of that Act – [DoT Local Authority Circular (essexhighways.org)]

8.4.4 DfT Circular 02/07 Planning and the Strategic Network

8.4.5 Town and Country Planning General Regulations 1992 – Reg 3 [The Town and Country Planning General Regulations 1992 (legislation.gov.uk)]

8.4.6 The Town and Country Planning (General Permitted Development) (England) Order 2015 [The Town and Country Planning (General Permitted Development) (England) Order 2015 (legislation.gov.uk)]

8.4.7 Human Rights Act 1998 [Human Rights Act 1998 (legislation.gov.uk)]

8.4.8 Equality Act 2010 [Equality Act 2010 (legislation.gov.uk)]

8.4.9 DMRB [www.standardsforhighways.co.uk/dmrb]

8.4.10 Guidance on Compulsory purchase process and The Crichel Down Rules, Ministry of Housing, Communities & Local Government, Published 29 October 2015, updated July 2019 [CPO guidance (publishing.service.gov.uk)].

8.4.11 The places of deposit are:

- **Essex County Council**

Council Offices
19 Market Road
Chelmsford
CM1 1GG

Opening Hours

8.30am to 5pm Monday to Friday.

Contact Number: 03457 430 430

- **Chelmsford Library**

Ground Floor,
County Hall,
Market Road,
Chelmsford
CM1 1QH

Opening Hours

Monday - 9am to 5:30pm

Tuesday - 9am to 5:30pm

Wednesday - 9am to 5:30pm

Thursday - 9am to 7pm

Friday - 9am to 5:30pm

Saturday - 9am to 5pm

Sunday - 10:30am to 1:30pm

Contact Number: 03456 037 628

- **Great Tarpots Library**

127 London Road
South Benfleet
Benfleet
SS7 5UH

Opening Hours

Monday - 9am to 5:30pm

Tuesday - 9am to 5:30pm

Wednesday - Closed

Thursday - 9am to 7pm

Friday - Closed

Saturday - 9am to 5pm

Sunday - Closed

Contact Number: 03456 037 628

- **Rayleigh Library**

132-134 High Street
Rayleigh
SS6 7BX

Opening Hours

Monday - 9am to 7pm
Tuesday - 9am to 5:30pm
Wednesday - 9am to 5:30pm
Thursday - 9am to 5:30pm
Friday - 9am to 5:30pm
Saturday - 9am to 5pm
Sunday - Closed

Contact Number: 03456 037 628

- **Wickford Library**

Market Road
Wickford
SS12 0AG

Opening Hours

Monday - 9am to 5:30pm
Tuesday - 9am to 5:30pm
Wednesday - 9am to 7pm
Thursday - 9am to 5:30pm
Friday - 9am to 5:30pm
Saturday - 9am to 5pm
Sunday - Closed

Contact Number: 03456 037 628

Kris Corbett
Project Sponsor
Essex County Council
County Hall
Chelmsford
Essex
CM1 1QH

Dated: 13/01/2022