Lambert Smith Hampton

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Summary Proof of Evidence

On

Land Acquisition

For Public Inquiries into:

The Essex County Council (Gilden Way/Sheering Road (B183) Improvement/widening/realignment, A1025 new link road from B183 to M11 and grade separated junction/roundabouts at M11 Junction 7A Scheme) (PHASE 1) Compulsory Purchase Order ("CPO")

The Essex County Council (Gilden Way/Sheering Road (B183) Improvement/widening/realignment, A1025 new link road from B183 to M11) Scheme) (Classified Road) (Side Roads) Order ("SRO")

The Highways England Company Limited (M11 Harlow North Junction (7A) (Slip Roads, Special Roads) Scheme 2018 ("Special Roads Scheme")

National Transport Casework Team reference: NATTRAN/E/LAO

Instructed by Essex County Council

Prepared by
R W Moore BA (Hons) BSc MRICS
Lambert Smith Hampton
Greenwood House
91-99 New London Road
Chelmsford CM2 0PP

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My name is Roger William Moore and I am a Director at the Chelmsford office of Lambert Smith Hampton, a firm of Chartered Surveyors.

1. My evidence covers Essex County Council's ("ECC") approach to land acquisition for the proposed new Link Road and new M11 Junction 7a (the Scheme), and details of the negotiations held to the time of writing, including the significant efforts which have been made with affected landowners who formally objected to the scheme, to meet their concerns

2. The land required for Scheme lies east and west of the M11, between the existing Junctions 7 and 8, and incorporating the widening of Gilden Way between the proposed new Link Road and the A414 in Harlow. It effectively divides into four parcels of ownership: New Hall Projects Limited; Harlow District Council; land originally owned by Harlowbury Estates Limited (now acquired by a consortium of developers including BDW Trading Limited, Persimmon Homes Limited and Taylor Wimpey UK Limited), and; a consortium of a number of landowners who until recently had been represented together in discussions.

3. The Order Land is described in some detail in the Schedule to the Order but in summary the Order Land comprises:

   a) Land or a right in land needed on a permanent basis and;

   b) Land needed for construction purposes. A right to enter and re-enter on land for all purposes connected with the storage of construction material, plant and machinery during the construction and contractual maintenance period of the new and improved roads is sought over the land shown coloured blue in the Order plans. However, where land or rights included in the compulsory purchase order are not needed permanently, ECC will discuss with the owner the acquisition by agreement of temporary rights which may make a permanent acquisition of such rights unnecessary. ECC anticipate that temporary rights will be achieved in each case and that the affected land will be reinstated before its return.

4. ECC is seeking compulsory acquisition powers in order to be able to obtain access to all the land required for the scheme in a timely and efficient manner. These powers would guarantee that all the land required for the scheme can be acquired in a realistic timescale and that no individual landowner can hold up the Project through a refusal to sell their interest. It would also ensure that no adverse interests in land can prevent the Project going ahead. It is extremely unlikely that it would be possible to assemble all the necessary land interests in a reasonable timescale without the use of such powers, and their use would prevent the uncertainty for landowners and tenants and for residents in the area, of ECC seeking to acquire land interests with no guarantee of the scheme being implemented.

5. The majority of landowners have appointed land agents to represent their interests, and ECC have provided undertakings in respect of fees incurred in entering into discussions for the early acquisition of land for the Project, to ensure that landowners' interests are fairly and professionally represented, and at least one meeting has been held with each landowner or their agent, and in some cases a series of meetings have taken place over several years.

6. At the time of writing, Heads of Terms for the acquisition of land by agreement have been agreed in principle with three of the affected landowner groups. One acquisition has now been completed (New Hall Projects), Heads of Terms with Harlow District Council are in solicitors' hands for completion of documentation, and agreement has been reached with the developers' consortium to include the land required for the Scheme in a s.278 Agreement linked to a housing development, with the documentation in circulation for agreement.

7. Draft Heads of Terms have circulated with the agents acting for the consortium of landowners, and more recently, individual members of that consortium have appointed separate land agents to represent their interests in respect of the land acquisition for this Scheme. Further drafts of Heads of Terms have been exchanged, and discussions are continuing in an attempt to acquire land by agreement in advance of the confirmation of the Orders.

8. Discussions and meetings have also been held with parties who are not proposed to have land interests acquired as part of the scheme but who are impacted by the proximity of the works. I am instructed that where possible ECC will work with affected parties to mitigate the impact of the Project, or will clearly signpost any statutory rights to compensation those parties may have

9. My instructions from ECC have been that it is committed to reaching agreement to acquire land in advance of the exercise of statutory powers, and to making early advance payments of compensation to support landowners in planning for any changes in business operations as a result of the Scheme.

10. Where land is included in the Compulsory Purchase Orders as necessary for the carrying out of construction works, but not required for permanent works, ECC is prepared to offer landowners the opportunity to grant temporary licences for its occupation of the land, so that the land can be returned to landowners once construction is complete, and the land taken for the Project kept to a minimum.

11. All property owners directly affected by the scheme will be entitled to claim compensation and my instructions are that ECC is committed to paying compensation in accordance with the Compensation Code, which provides for a consistent approach to the assessment of fair compensation (as may be varied from time to time by statute and case law). In addition to compensation being paid for the value of the land taken, permanently or temporarily, compensation will also be payable in respect of any loss in a landowner's retained property caused by it being severed from the land acquired or by the scheme itself, and for losses not directly based on the value of land that result from the construction of the scheme.

12. ECC believes that no residents or businesses are severely affected by the Scheme, such as to warrant re-housing or relocation. The widened section of Gilden Way will impact on residential properties in the vicinity of the road. An Environmental Statement was produced as part of the Planning Application, which considered the impact of the construction and operation of the Scheme on the environment, including that of noise and vibration on residential properties in the environs of the Scheme, using industry standard methodologies for predicting impact, backed with sample measurements on site.

13. ECC will produce the appropriate Noise Information and Noise Map to meet its obligations under the Noise Insulation Regulations 1975 in due course, and will engage with any landowners who consider their property should have a claim for noise insulation. Any property owners whose land is not needed for the scheme, but who consider that the value of their property has been adversely affected by environmental factors may be able to make a claim under Part 1 of the Land Compensation Act 1973, and ECC will consider all such claims at the appropriate time.

14. In total, four formal Objections were raised by landowners impacted by the Scheme during the objection period. Together with the project team from ECC and Jacobs, I have dedicated significant time and effort to continuing the discussions which were already underway with landowners in an effort to resolve the landowners' objections. As a result of this extended engagement one of the objections has been withdrawn, and discussions continue with the remaining objectors in an attempt to resolve the issues raised in their objections.

15. Two of the remaining objections raise broadly similar issues, and were submitted by the consortium of landowners, and the company promoting their land for development, Miller Homes. Their principal concerns relate to: the extent of land taken and the clarity of the extent of the Scheme; access to retained land for development and operational use; impacts on the use of the retained land for both continued farming operations, and for proposed development.

16. ECC provided a detailed response to the concerns raised, which provided the justification for the land required for the Scheme, and how the Scheme will enable the development of retained land. In addition, a number of mitigation measures have been proposed as accommodation works to facilitate the continued use of the retained land. ECC, through Lambert Smith Hampton, has engaged with the landowners and their agents to understand the key elements of the background to the objections. As noted above, draft Heads of Terms have been provided to the landowners incorporating proposed measures in the design of the Scheme and through accommodation works, to mitigate the landowners' concerns.

17. The final objection is from Cadent Gas in respect of works to an existing gas main. The works have been carried out as advance work under licence, and the detailed terms for the grant of an easement between the landowner and Cadent are currently under discussion between the respective parties' solicitors.