Lambert Smith Hampton

www.lsh.co.uk

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

Tel: 01245 215543
Date: 20 May 2019
Ref: CH/VAL/RWM

Lambert Smith Hampton

PROOF OF EVIDENCE IN CONNECTION WITH

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")

and

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")

and

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

CONTENTS PAGE NO.

1.0	INTRODUCTION	Page 3
2.0	SCOPE AND STRUCTURE OF EVIDENCE	Page 4
3.0	BACKGROUND INFORMATION	Page 5
4.0	NEGOTIATIONS FOR THE ACQUISITION OF LAND	Page 8
5.0	OTHER INFORMATION FOR ADJACENT OWNERS	Page 11
6.0	OBJECTIONS RAISED	Page 13
7.0	STATEMENT	Page 16

1.0 INTRODUCTION

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

1.2. I am a Member of the Royal Institution of Chartered Surveyors with some 27 years post-qualification experience.

1.3. In 1987 I joined Essex County Council in Chelmsford as a graduate surveyor since when, amongst other roles and duties, I have been involved in the compulsory acquisition of land for road schemes in Essex, and subsequently across the country.

1.4 From 1994 I joined Atkins, following the trade sale by Essex County Council of their Property Services Department, and when Atkins acquired Lambert Smith Hampton in 2000, I became a Director in their Chelmsford office.

1.5 In 2009 I was appointed Head of Property Management at Essex County Council, and in 2014 Head of Asset Management for LGSS, a shared service organisation for Cambridgeshire and Northamptonshire County Councils.

1.6 In 2017 I rejoined the Chelmsford office of Lambert Smith Hampton as a Director dealing with Compulsory Purchase and Compensation, and with responsibility for co-ordinating Lambert Smith Hampton's national resources in this field.

1.7 Lambert Smith Hampton was appointed to act on behalf of Essex County Council in respect of land acquisition and compensation advice for the proposed M11 Junction 7a and Gilden Way Widening Improvement under a framework contract arrangement, and I took on responsibility for the instruction in January 2017.

1.8 As part of the project team for the Scheme, I am responsible for providing advice to Essex County Council regarding land acquisition and compensation matters. I have carried out inspections across the length of the proposed works, met with the majority of landowners or their representatives on one or more occasions, and have been closely involved with the Project Team's development of the detail of the Scheme.

1.9 I have been asked to produce a Proof of Evidence in respect of land acquisition and negotiations for land agreements for the Public Inquiry in respect of 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 and Side Road Orders 2018 ("the Scheme")

1.10 I have advised Essex County Council of my duty to provide independent, objective and unbiased evidence to the Public Inquiry.

2.0 SCOPE AND STRUCTURE OF EVIDENCE

2.1 Scope of Evidence.

2.1.1 My evidence will cover Essex County Council's ("ECC") approach to the acquisition of land, and details of the key negotiations held to the time of writing, particularly in relation to the remaining objections.

2.2 Structure of Evidence.

2.2.1 My evidence is provided in sections, as follows:-

- Section 3: Scheme background
- Section 4: Negotiations for the Acquisition of land by agreement
- Section 5: Other information which may be of interest to persons affected by the order
- Section 6: Objections Raised

3.0 BACKGROUND INFORMATION

3.1 Scheme background.

3.1.1 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.

3.1.2 ECC originally established the interests and ownership for the majority of the land for the Scheme through Land Registry records and responses to notices issued under Section 5a of the Acquisition of Land Act 1981. Notices were sent to known landowners, enquiries were made of adjoining landowners, and searches made of the Council's own highway records for the area.

3.1.3 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. 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.

3.1.4 The project team has confirmed that ECC is satisfied that all the land scheduled in the Order is necessary for the Scheme, and its construction, and that no extra land has been included.

3.1.5 The Scheme incorporates the following elements:

- Widening of Gilden Way between the A414 and Sheering Road
- A new Junction 7a from the M11, constructed on an embankment, with new carriageway to link with a new roundabout (Campions Roundabout)
- New slips roads, overbridge and junction to the M11, with local diversions of footpaths and side roads

- environmental mitigation throughout the Project

4.0 NEGOTIATIONS FOR ACQUISITION OF LAND BY AGREEMENT

4.1 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.

4.2 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.

4.3 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.

4.4 Detailed discussions with landowners were started in mid-2017 and since the grant of planning consent in July 2017, discussions have been held about the potential for early land acquisition, and where landowners have expressed concerns about the Scheme and the impact that this may have on their property and on their business and farming operations.

4.5 Where possible, features have been added to the Project design to mitigate the adverse impact the Scheme may have on retained land. Where achievable, accesses and new gates will be provided and where necessary, improved. New fencing to new field boundaries is being offered where landowners request it, and provisions for the continuing supply of utilities and services, including an irrigation system, has also been included.

4.6 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 Harlowbury Estates 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.

4.7 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

4.8 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.

4.9 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.

4.10 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.

4.11 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.

4..17 I currently anticipate that the compensation to be paid will be reached by agreement between the respective parties, but in the event that agreement cannot be reached then fair compensation can be independently determined by the Upper Tribunal (Lands Chamber).

5.0 OTHER INFORMATION FOR ADJACENT LANDOWNERS

5.1 ECC believes that no residents or businesses are severely affected by the Scheme, such as to warrant rehousing 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.

5.2 The Environmental impacts are considered in the evidence of Susanna Coe, and the Scheme has been to designed to include noise mitigation measures, including acoustic barriers where appropriate. Noise and vibration will be monitored throughout the construction works and, where possible, measures taken to reduce any impact on adjacent properties.

5.3 Once the Scheme is in operation, the Environmental Statement predicts that 367 receptors would experience a perceptible noise level increase of 1dB or more in the short term, of which 362 are classified as minor leaving 5 receptors experiencing moderate adverse effects in the short term. Theseare out weighed by the 561 receptors predicted to experience perceptible improvements in their noise environment, of which, 110 are classified as moderate improvement and 11 as major improvement. Only 83 receptors are predicted to experience minor adverse noise changes in the long term compared to 19 receptors with minor or beneficial impacts..

5.4 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.

5.5 In the event that the Order is confirmed, ECC will implement entry to land for the Scheme through means of Notices to Treat and Notice to Enter or General Vesting Declaration, where land has not been acquired by agreement. Where necessary, easements and private rights over land will be overridden (subject to compensation) in so far as they would otherwise interfere with the construction or operation of the Scheme.

5.6 Mortgages and rent charges are to be dealt with in accordance with section 14 to 18 of the Compulsory Purchase Act 1965.

6.0 OBJECTIONS RAISED

6.1 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, we have dedicated significant time and effort to continuing the discussions which were already underway with landowners in an effort to resolve the landowners' objections.

6.2 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.

6.3 ECC has engaged with the landowners and their agents to understand the key elements of the background to the objections, and through regular meetings and review of the requirements of the Scheme, have tried to identify measures in the design of the Scheme and through accommodation works, to mitigate the landowners' concerns

6.4 The outstanding Objections are detailed below:-

6.4.1 Summary of Objection of Simon Michael Collins, Mary Jane Collins, Charles Edward Collins, Claire Collins, Stuart John Tinney and Jennifer Jane Tasker Plot Numbers 11-30. Objection to CPO

a) Lack of clarity as to the extent of acquisition of land/rights for a future additional link road and roundabout running to the north. The CPO should not include such land as there is no formal planning approval or funding

b) Lack of justification for the land take for soil storage to undertake land raising works and provide embankments on either side of the roundabout link

c) Lack of justification for the acquisition of land as far as the underpass entrances below the existing M11 motorway which is vital to farm the land efficiently. Lack of clarity over maintenance of underpass during construction and thereafter

d) Lack of provision for access from the new Junction 7A and associated links into objector's land which is identified in the emerging Harlow and Epping Forest Local Plans for major residential development. Similarly, a lack of provision for the possible relocation of the Princes Alexandra Hospital. A failure to provide suitable connections between the severed parts of the development area. The Proposed Scheme therefore fails to deliver the benefits to the area but could actively prevent growth aspirations

e) Proposed Scheme does not include works for access to agricultural and retained land including access to existing borehole, continuity of water supply, demonstrable land

drainage, rabbit proof /post and rail fencing and level plans to show that soil extraction does not extend into the adjacent retained land

f) Objector supports the objection from Miller Homes that the CPO papers do not confirm precisely which scheme is to be built and the scheme underlying the CPO appear to differ in material respects for the scheme with planning permission

g) Lack of clarity that sufficient land and rights are being acquired to prove the necessary noise attenuation scheme to comply with the planning permission

h) No provision is made for the mitigation from air pollution caused by traffic using the new junction and links.

6.4.2 Response to objections

a) ECC does not agree that the Orders and the Statement of Reasons is unclear about the Scheme being proposed and the land required for it but on 18 August 2018 it wrote to the objector's agents to confirm the extent of the Proposed Scheme that was reflected in the orders as follows: the Proposed Scheme which has planning consent comprises three essential elements: improvements to Gilden Way and Sheering Road (Phase 1); the Link Road from the Campions Roundabout to a new junction 7a on the M11 (Phase 2a), and; a Northern Loop to provide a future link to a northern bypass for Harlow (Phase 2b). Phase 1 and Phase 2a were amalgamated into a single Phase1 project with Phase 2b to follow in the future as a Phase 2. The orders relate to Phase 1 only. These changes were made following discussions with this objector in advance of the orders being made, who expressed a preference for the land required for the Proposed Scheme to be acquired on an incremental basis. The current Orders do not seek to acquire any land or changes to local highways in connection with Phase 2b, other than where the implementation of Phase 2b would require significant alterations to Phase 1 works already carried out on ECC and Highways England network. The future progression of Phase 2b will be reviewed by ECC as part of the next Local Plan Policy cycles, although there is of course nothing to prevent landowners from bringing forward their own proposals to the local planning authorities in the meantime

b) ECC does not accept that the areas for this purpose in the CPO are not justified. On 18 August 2018 ECC wrote to the objector's agents to confirm these details and the methodology utilised. Due to the topography of the land and the environmental constraints around the site, the land required for future-proofing is not in fact significantly in excess of that required for Phase 1. It is proposed that rights in the blue land can be acquired for the works to be carried out and subsequently restored to the landowner. The pink plots denote the footprint of the permanent works for Phase 1, while the blue plots cover the areas carefully calculated and designated for construction works, which include Laydown Areas

for the receipt, storage and treatment of 'cut' materials (soils), and the haulage and storage of the earth 'fill' material for the embankment. A drawing was supplied with the letter which shows the use of these plots in detail and demonstrates that the land subject to compulsory purchase has been kept to the minimum, and that the land for construction works has also been carefully assessed and defined, and this has been further detailed in the evidence of Paul Manamike

c) This relates to land within Plots 24 and 30. ECC has confirmed to the objector that the existing agricultural access from Matching Road via the M11 underpass, from Moor Hall Road, and from Sheering Road is maintained (save that it is proposed that Moor Hall Road will be made unavailable to Heavy Goods Vehicles, except for access to existing properties). The construction of the northern slip roads to the new junction on the M11 will extend as far as the underpass and access track described but will sit on a widened embankment above the underpass. The underpass will therefore be increased in length and, together with the access track, will remain *in situ* and fully operational post-scheme. A drawing has been supplied to demonstrate this. ECC has also confirmed to the objector, during the works it is proposed that the access track and underpass will remain operational and available to the objector, subject to appropriate traffic management for safety purposes while construction works take place so that, in the unlikely event that a safety issue arises, this can be dealt with locally.

d) The purpose of the Scheme is explained in paragraph 2.2 of the Statement of Reasons served with the CPO, and has been further detailed in the evidence of Susanna Coe. The Scheme has been designed, and received planning consent, to provide a new junction to the M11 to provide capacity in the highway network for existing and future planned development, including the ability to carry out works at the existing Junction 7 to provide further capacity. The Scheme enables rather than inhibits development and has been designed to enable access to development sites to be provided. Some of the development sites will directly access the improved and new highways, others will not do so but all will benefit from the added capacity in the network, without which no development would be able to demonstrate adequate supporting infrastructure. However, it cannot be expected that the scheme provides independent access direct to the new highway to each individual parcel of land which forms part of a development areas enabled by the Scheme, although in this case the whole of the proposed allocation is envisaged to be enabled by its direct access to the Campions Roundabout and Gilden Way. As and when developments come forward it will be up to the individual developers to obtain planning permission (and enter into highway agreements required) to deliver any new junctions that may be required. The objectors' retained land is currently the subject of a draft allocation in the emerging Local Development Plans for Harlow and Epping Forest districts, and the ability of any development to connect into the highway network will be the subject of individual planning

applications in due course. ECC has provided for development access from the Campions roundabout to the objectors' retained land to the south-east and has confirmed that it will construct a 'stub' onto the roundabout in this location. The objectors will be able to design their access onto this roundabout as part of their detailed planning for the development site and ECC has provided traffic modelling data to the promoter in order that they may commence their design work for access from the Campions Roundabout, and other points along the length of the proposed scheme. The potential allocation of the land at North East Harlow is dependent upon improved access to the M11 and Harlow itself. The Scheme facilitates the delivery of housing in and around Harlow including the land north and south of the proposed link road. This justification has been scrutinized as part of the planning application process and accepted. However, without the Scheme, planned development would not be possible, and the draft allocations could not have been proposed, or are unlikely to be confirmed. There is no certainty that the Princess Alexandra Hospital will relocate or relocate to the land north of south of the Link Road. ECC has provided for development access from the Campions Roundabout to the objector's land to the south of the new Link Road. The Campions Roundabout also provides for a future connection to the Northern Loop, which is capable of serving development to the north of the Link Road. Should the objectors choose to bring forward a proposal for development north of the Link Road through a separate planning application, they would be able to propose a connection either directly to the Campions Roundabout, or to construct part or all of the Northern Loop as part of their application and provide access to development from that Loop. Such an application would be judged on its merits at the time by the appropriate planning authorities. In relation to the objectors' concerns about connections between the land subject to the draft allocation which lie both north and south of the new Link Road, both land to the north and south of the new Link Road can be linked into the Campions Roundabout, subject to any detailed planning application for the draft allocation land being approved, as described above. The proposed Local Plan anticipates the East Harlow allocation as only coming forward as part of a comprehensive plan, which clearly envisages landowners working collaboratively to deliver the total master-planned area. It is of course, in principle, open to Draft Allocation promoter/landowners to offer to contribute financially to specific alterations to the proposed scheme should their site design be sufficiently advanced to enable them to do that. The total area of the draft allocation is subject to a number of physical and environmental constraints and the objectors will need to master-plan the area in such a way that the developable area is maximized, but that master-planning exercise is within the objectors' control in terms of managing internal access within its physical and environmental constraints by offering mitigation works and mitigation land to achieve it

e) ECC does not accept that the Proposed Scheme does not provide for access points into the objector's retained land for agricultural and development purposes. As these objectors

and Miller Homes are working together in a consortium to take the benefit of the draft allocation for development that the scheme enables, it can be anticipated that internal access arrangements within the consortium area will be managed amongst individual consortium members. ECC has confirmed to the objectors that the existing agricultural access will be maintained during and after construction, and has also offered assurances to the objectors in relation to their other specific concerns. It is proposed that as part of the accommodation works, access from, and a grasscrete type working space at, Sheering Road, or an internal access from the maintenance area around the balancing pond, will be provided for the maintenance of the borehole. The water supply from the borehole will be maintained, and diverted as part of the scheme, again as part of the accommodation works. The detailed scheme design will provide a solution to land drainage and appropriate land drainage will be maintained. Appropriate fencing to the retained agricultural land will be agreed with relevant landowners as accommodation works for the scheme and constructed as part of the scheme by ECC. It is not proposed that works will be undertaken outside the CPO boundary and a detailed Method Statement for the soil management and storage will be prepared as part of the scheme contract.

f) The Statement of Reasons and accompanying Orders are clear; the Scheme comprises the three elements described above (Gilden Way/Sheering Road Improvements; Link Road, and; Northern Loop), which will be delivered in two Phases. The land described in the Orders relates to the construction of Phase 1, comprising the first two of those elements. As indicated above, although planning permission exists for Phase 2, and was based on a planning application that always envisaged phased implementation, the current Orders are being promoted in respect of Phase 1 only at this stage, principally as a result of discussions with these objectors

g) The evidence of Susanna Coe has confirmed that the land contained in the Orders, together with existing public highway land, is sufficient for ECC to discharge the planning conditions for the Proposed Scheme which include noise mitigation. As set out in the Environmental Statement forming part of the planning application for the Proposed Scheme, there are no receptors on the fields north and south of the proposed link road no mitigation is required

h) The evidence of Susanna Coe has confirmed that in relation to air quality, the Environmental Assessment concluded that both during construction and operation changes in air quality are shown to remain low both for NOx and particulates and remain below the prescribed limit values.

6.4.3 Summary of Objection of Miller Homes Limited (beneficiaries of a promotion agreement in the names of Miller Homes Holdings Limited and M F Strategic Land Limited which is understood to relate to Plot Numbers 11, 19, 20, 20A, 26, 27 and 28). Objection to CPO

a) Objector has sought to engage with ECC and in relation to the planning process but it has not responded formally to those discussion

b) The Proposed Scheme fails to provide for adequate access to the land the objector has an interest in to continue agricultural use pending redevelopment

c) Despite the stated purpose of the scheme it fails to provide for development of the land in which the objector has an interest as (i) there is inadequate provision of access to the site (ii) it fails to provide proper connections between the severed parts of the development area (iii) there is excessive land take for construction compounds (iv) the location of the compounds is inappropriate as they could block access to the development site for construction, and (v) no undertaking has been given that land will be returned to the owners at the end of the construction work to enable delivery of the proposed development without the need to negotiate access to the highway. The objector states that the Regulation 19 Local Plans of Harlow and Epping Forest Districts propose development to the land in which it has an interest for 3350 dwellings with potential hospital, schools and ancillary development. The orders significantly prejudice the objector's interests and are not clearly in the public interest

d) The CPO papers do not confirm precisely which scheme is to be built and the Proposed Scheme underlying the CPO appear to differ in material respects for the scheme with planning permission. The SRO does not appear to form part of the CPO. There has been no explanation for this divergence. It is not clear that the proposed orders are in the public interest.

6.4.4 Response to objection

a) As the land this objector is interested in is the same land as another objector with whom extensive discussions have been shared (as set out in 6.4.2) it is expected that, in the spirit of the promotion agreement between the consortium members, relevant information has been shared between them and separate parallel discussions have not been carried out and were not considered to be necessary. Meetings have been held at which this objector's traffic consultant have been present, and in response to a specific request for traffic modelling data from this objector, ECC did respond and provided the relevant information. Any comments made by the objector in response to consultation carried out in relation to making a decision on the planning application for the scheme by the county planning authority was taken into account as part of that process

b) The response made in 6.4.2 (c) and (d) applies

c) The response made in 6.4.2 (d) applies. In relation to the location of the compounds, at present there is no planning consent for the proposed development works this objector refers to, nor is there a confirmed programme or detailed access management plan. Should plans for the development come forward to such an extent that concurrent working is possible, ECC has confirmed that it is happy to work with the developer to manage access and compound arrangements, subject to appropriate alternative land being offered by the developer to facilitate any changes they propose from the land comprised in the CPO plans

d) ECC's response on the first point is the same as in 6.4.2 (a) and (f). The SRO deals with the specific changes to public and private accesses in accordance with the statutory provisions and where land is required to deliver these, such as the change to the public footpath at Mayfield Farm, the CPO reflects the acquisition requirement. ECC does not accept that the CPO and the SRO are inconsistent with each other.

6.4.5 Summary of Objection of Cadent Gas Limited Plot Numbers 15, 15A, 16, 17, 18, 21, 22, 23, 24, 25, 26, 29, 30

a) Holding objection to ensure that appropriate protection (including compliance with the relevant standard for works proposed within close proximity of its apparatus) are adhered to

b) An easement of the proposed diverted section of pipeline will need to be granted before existing rights are surrendered. An Asset Protection Agreement will be required

6.4.5 Response to objection

a) Details of the works necessary were agreed with Cadent and carried out at ECC's expense between June and October 2018 to ensure that there was no resource timetabling conflict with HS2 work. The works were completed and signed off by Cadent in October 2018

b) The land over which the gas main works have been carried out is in the CPO, and is affected by the objections set out in 6.4.1. However the works have been carried out by agreement with the landowner under a licence which in addition provides for the landowner to enter into an easement with Cadent, and the detailed form of the easement is under discussion between the respective parties' solicitors

6.5 ECC and the EA, and their agents, have established good working relations with the agents acting on behalf of all the landowners affected by the Scheme, and have invested considerable

time in engaging with all the landowners, including those who submitted objections against the Scheme, to understand and mitigate the impacts of the Scheme on land. Lambert Smith Hampton's instructions continue to be to seek to agree and finalise the remaining land acquisitions by agreement if at all possible, and to work with landowners throughout the duration of the Scheme to resolve any issues that may arise.

STATEMENT

7.1 I understand that my duty in providing written reports and giving evidence is to help the Public Inquiry, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied with this duty and will continue to do so.

7.2 I confirm that I believe that the facts stated in this witness statement are true and that the opinions expressed are correct.

7.3 I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including my instructing lawyers.

7.4 The report complies with the practice statements of The Royal Institution of Chartered Surveyors, as set down in the *Surveyors Acting as Expert Witnesses.*

7.5 I understand that my duty is to provide the Public Inquiry with independent, objective and unbiased evidence.

7.6 I confirm that my company, Lambert Smith Hampton's, contract with ECC does not include any arrangement where the amount or payment of our fees, or the performance of the contract, is any way dependent on the outcome of the case.

STATEMENT OF TRUTH

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Nam .Roger Moore

Signed

Dated 20th May 2019