

# Report to the Secretary of State for Transport

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State for Transport

Date: 8 August 2018

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**HIGHWAYS ACT 1980**

**ACQUISITION OF LAND ACT 1981**

**THE HERTFORDSHIRE COUNTY COUNCIL (A120 (LITTLE HADHAM) BYPASS CLASSIFIED ROAD) (SIDE ROADS) ORDER 2017**

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**THE HERTFORDSHIRE COUNTY COUNCIL (A120 BYPASS (LITTLE HADHAM)) COMPULSORY PURCHASE ORDER 2017**

Date of Inquiry: 17 July 2018

Ref: NATTRAN/E/LAO/136

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**CASE DETAILS**

- The Side Roads Order (SRO) is made under sections 14 and 125 of the Highways Act 1980 by Hertfordshire County Council and is dated 27 July 2017.
  - The Compulsory Purchase Order (CPO) is made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 by Hertfordshire County Council and is dated 27 July 2017.
  - Hertfordshire County Council (the 'Order Making Authority') submitted the Orders for confirmation to the Secretary of State for Transport.
  - If confirmed, the SRO would authorise the Order Making Authority to improve, stop-up and construct new highways and stop-up and provide new private means of access to premises.
  - If confirmed, the CPO would authorise the Order Making Authority to compulsorily purchase land and the rights over land for the purposes of the improvement of existing highways; the construction of new highways; the construction of a bridge; the provision of new means of access to premises and land; use by the authority in connection with the improvement and construction of highways and the provision of new means of access; and the mitigation of any adverse effects which the existence or use of the highways proposed to be constructed or improved will have on their surroundings.
  - When the Inquiry opened there were 2 non-statutory objections to the SRO and no remaining objections to the CPO.
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**Summary of Recommendations: I recommend that the Orders be modified and confirmed**

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**1 PREAMBLE**

- 1.1 I was appointed by the Secretary of State (SofS) to conduct Public Local Inquiries (the Inquiry) in accordance with section 13(2) of the Acquisition of Land Act 1981 and paragraph 7 of Schedule 1 of the Highways Act 1980 in connection with the above mentioned Orders. A concurrent Inquiry into the Environment Agency (Little Hadham Flood Alleviation Scheme) Compulsory Purchase Order 2017 was cancelled by the Department for Environment, Food & Rural Affairs (Defra) <sup>1</sup> due to the withdrawal of the last remaining objection to that Order.
- 1.2 I held the Inquiry at Little Hadham Village Hall, Little Hadham, Hertfordshire, SG11 2BS on 17 and 18 July 2018 to hear representations and objections concerning the submission made by Hertfordshire County Council (HCC), as the 'Order Making Authority' for confirmation of the above-mentioned Orders. The Inquiry closed on 18 July.
- 1.3 I carried out a site inspection of the land and surrounding area<sup>2</sup> on 18 July 2018 during an adjournment of the Inquiry. I was accompanied by Darren

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<sup>1</sup> Document CD 019

<sup>2</sup> Documents A120 0-4 and A120 0-5

Granger for HCC and Nick Bickel and Mark Westley for the objectors. I also completed an unaccompanied site visit of the area on 16 July, prior to opening the Inquiry.

- 1.4 There were no remaining objections to the CPO and 2 non statutory objections to the SRO outstanding at the opening of the Inquiry<sup>3</sup>. By the close of the Inquiry, no notification had been received from these objectors that they had withdrawn their objections.
- 1.5 The Order land is required for the purpose of implementing the A120 Bypass (Little Hadham) (the scheme) to reduce the majority of through traffic which creates congestion, thereby improving the environment for residents along the current route through Little Hadham village; and decrease journey times and improve time reliability along the A120 between Bishop's Stortford and the A10 and in doing so, provide an improved transport network to support the East of England region by 2020<sup>4</sup>.
- 1.6 The scheme would involve<sup>5</sup>:
  - (a) the construction of a highway bypass north of the village of Little Hadham from a new roundabout on the A120 650m west of the junction with C15 Albury Road to a new roundabout on the A120 2.5km east of the junction with C15 Albury Road, to bypass the village of Little Hadham being in the district of East Hertfordshire in the County of Hertfordshire;
  - (b) the construction of a bridge to carry the C15 Albury Road over the bypass approximately 730m north of the village of Little Hadham and the construction of embankments to carry the bypass over the River Ash and the Albury Tributary, which would also act as flood defences;
  - (c) the stopping up and improvement of the existing highway and the construction of new highways in the vicinity of the route of the highway;
  - (d) the stopping up and provision of new means of access;
  - (e) use by the Order Making Authority in connection with the construction and improvement of highways and the provision of new means of access to premises; and
  - (f) mitigation of the adverse effect which the existence or use of the highways proposed to be constructed or improved would have on their surroundings.
- 1.7 The main outstanding grounds for objection to the SRO were that there are better alternatives to the scheme; the effect of traffic from new development in the area; the effect of the scheme on other parts of the

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<sup>3</sup> Documents A120 Obj 5 (Mark Westley on behalf of East Herts Footpath Society) and A120 Obj 8 (Nick Bickel)

<sup>4</sup> Document A120 Inq 01 Section 4: Statement of Reasons paragraph 3.1.2

<sup>5</sup> Document A120 Inq 01 Section 1: Notice of the Public Local Inquiries

- highway network; the visual impact of the scheme; and the effect of the scheme on Public Rights of Way (PRoWs).
- 1.8 The Order Making Authority confirmed at the Inquiry that it had complied with all necessary statutory formalities. This compliance was not disputed.
- 1.9 At the time of making the Orders the relevant guidance was the 'Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion', October 2015. Prior to the Inquiry, this guidance was replaced by the 'Guidance on Compulsory purchase process and The Crichel Down Rules', February 2018. I have based my conclusions on the latest Government guidance.
- 1.10 Following the close of the Inquiry, the National Planning Policy Framework, March 2012, has been replaced by the National Planning Policy Framework, July 2018. However, this change to the Government's planning policies does not alter my conclusions and recommendations.
- 1.11 This report contains a brief description of the site and surroundings, the gist of the cases presented together with my conclusions and recommendations. Lists of appearances and Inquiry documents are attached, including proofs of evidence, as well as abbreviations.

## **2 DESCRIPTION OF THE SITE AND SURROUNDINGS**

- 2.1 The Order land is shown on the plan that was displayed at the Inquiry<sup>6</sup>. It comprises predominantly of arable agricultural land. There are small settlements scattered throughout the area. One of these small settlements is known as 'The Ash', which forms part of the village of 'Little Hadham' and is located at the junction between the A120 (travelling east to west) and the C15 Albury Road (travelling north to south). This junction is signal controlled to provide a one way section of carriageway along the A120.
- 2.2 The Order land is located near to the confluence of the River Ash, the Albury Tributary and the Lloyd Taylor Drain. The River Ash flows north to south in a valley across the Order land and is bridged by the A120 near to the junction with the C15 Albury Road. The landscape is characterised by strongly undulating river valley slopes in the west with a flat valley floor. Steeper, undulating slopes define the valley sides, some of which are densely vegetated, others wide and open. Arable fields are irregular in shape but generally medium/large in scale and bounded by hedgerows.
- 2.3 Little Hadham is a Conservation Area in which there are several listed buildings. The Order land is close to 'Mill Mound', which is a scheduled ancient monument, consisting of a mound with trees surrounding it. Hadham Hall, which is to the east of Little Hadham, St Cecilia Church, Hadham Park, Church Farm and extensive farm buildings and barns are located between the Order land and Little Hadham village. The Order land is crossed by PRoW footpaths and bridleways, including the 'Hertfordshire Way' long distance footpath.

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<sup>6</sup> Document A120 0-7

### **3 THE CASE FOR THE ORDER MAKING AUTHORITY (HERTFORDSHIRE COUNTY COUNCIL)**

The material points<sup>7</sup> were:

- 3.1 The CPO and SRO represent the culmination of a long and painstaking process intended initially to relieve the village of Little Hadham of major through traffic using the A120 east and west bound and to remedy a notorious congestion spot along its route, particularly acute during peak hours. With these objectives in mind and given the desirability of improving flood defence and storage to protect the residents of Little Hadham and Hadham Ford, the scheme underlying the acquisition developed jointly with the Environment Agency (EA), provides an appropriate and compelling solution which has significant environmental and transportation advantages that would not otherwise be achievable. No land owners whose land is to be acquired or whose land is required to carry out the necessary works objects to the making of the Orders or their confirmation. The EA CPO is unopposed and its statutory purpose is complementary to the HCC Orders. The CPO is necessary in order to give HCC the certainty it needs to assemble the necessary land for the purposes of carrying out and completing the bypass scheme in collaboration with the EA.
- 3.2 Due process has been followed throughout the pre-planning, planning and CPO/SRO stages. The extant planning permission for the highway works and the flood alleviation works is lawful and, subject to the satisfaction of a number of conditions, is implementable. There is nothing in the conditions that would act as an impediment to the completion of the scheme. Permission was granted on the basis of a comprehensive Environmental Statement (ES) that met the requirements of the relevant Directive and the 2010 Habitats Regulations. In so doing, the Local Planning Authority (LPA) satisfied itself that the relevant protected species licences would be likely to be granted by Natural England (NE) on the basis of a permitted derogation (preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment) having due regard to the NE consultation responses. This satisfies the principle laid down in Caselaw<sup>8</sup>.
- 3.3 In accordance with good practice, HCC has sought to negotiate with affected land owners and has thus far achieved a high measure of success. Where land is included in the CPO for the purposes of carrying out the works but which is not required permanently, HCC is offering those land owners the opportunity to grant temporary licences so that the land can be handed back without the need for formal acquisition. All statutory objections have been withdrawn and there remain two non-statutory objectors whose objections are before the Inquiry.

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<sup>7</sup> Document A120 0-3

<sup>8</sup> Document A120 0-8: R Morge v Hampshire County Council 2010 EWCA Civ 608

### ***Transport Need<sup>9</sup>***

- 3.4 The A120 is an important east-west link in Hertfordshire's and Essex's primary road network, linking the port of Harwich in the east to the A10 at Puckeridge. It is also an official diversion route in times of emergency for the M11 and M25. The primary constraint in the area is the narrow bend at Little Hadham which has been signalised for one way working since the 1970s to provide safe passage for all vehicles and pedestrians. This one way working is impossible to overcome with other traffic control measures and realignment and widening is out of the question because of the impact it would have on the character of the village and the listed buildings present around the junction. Without a remedy, the existing congestion and the environmental and other harms caused by queuing traffic and the consequential delays will progressively worsen given predicted growth in traffic, further residential and economic development in Hertfordshire and the projected growth of Stansted Airport. In light of this, the bypass is also identified as strategic infrastructure required to support the development identified in the emerging East Herts District Plan<sup>10</sup>, which has been through examination and is likely to be adopted late 2018. It does not envisage development taking place within the line of the proposed bypass.

### ***Flood Alleviation<sup>11</sup>***

- 3.5 The opportunity afforded by the permitted highway scheme to achieve flood alleviation is considerable and would, without the scheme, be unachievable given cost constraints. A standalone flood alleviation scheme would be un-fundable. The settlements can only enjoy flood alleviation through the cost efficiency of including flood alleviation measures within the scheme.
- 3.6 The flood alleviation benefit to the local community is significant and important. There are currently no formal flood defences in the village where properties are at risk of flooding given the presence of the three main river watercourses in this part of the River Ash Valley. The first properties to flood in the villages of Little Hadham and Hadham Ford are at risk of a 20% probability of an annual chance event. 24 houses were affected by flooding in October 2000 and 2001, with further flooding occurring in a number of subsequent years including 2009, 2012 and 2014. Overall, 72 properties are at risk from a 1% annual chance flood event. The benefits of the flood alleviation scheme are manifold and encompass economic, social and environmental benefits.
- 3.7 In order to facilitate the flood alleviation scheme to provide a duality of purpose, additional features have been added to the proposed works including impermeable embankments to facilitate flood storage, overflow spillways, maintenance tracks and the diversion of the Lloyd Taylor Drain amongst other things. It is agreed between HCC and the EA that the EA will own these parts of the embankment with rights granted to HCC to build and maintain the public highway they support. The construction of the

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<sup>9</sup> Document A120 1-2 Section 7 and oral evidence of David Burt at the Inquiry

<sup>10</sup> Document CD 017 Page 34 PolicyDPS4 (e)

<sup>11</sup> Document A120 2-2 and oral evidence of Steven Whipp at the Inquiry

flood alleviation measures will be integral to the construction of the bypass<sup>12</sup>.

- 3.8 The bunds perform an important reservoir function<sup>13</sup>. The Spillway operation starts with a 1 in 100 (1%) annual chance, with additional allowance for a 20% increase in flows due to climate change. Whilst this has been characterised as being a remote possibility<sup>14</sup>, the EA must make provision for it in the public interest. It is duty bound to do so. Moreover, whilst it may in terms of probability appear to be of low significance, it could happen at any time. The Spillway must be appropriately maintained and governable.
- 3.9 The flood alleviation scheme is not provided to serve future development. In accordance with its duty, the EA is funding and carrying out this work in order to cure existing problems for the existing population of the settlements who will benefit thereby.

### ***Alternative Options***<sup>15</sup>

- 3.10 The permitted scheme is the culmination of considerable work examining alternative options. These included a long list of options for improving the A120 corridor in 2006. Five levels of options presented themselves, including local junction improvements, a local bypass (as now proposed) and alternative east-west routes, the improvement of the Little Hadham junction, local and strategic level improvements to the A120 itself and rail solutions. In July 2006, HCC adopted a strategy which recognised the importance of the A120 between the A10 and Bishop's Stortford as a primary route and to bring it up to date by making on-line improvements, minimising environmental impacts with specific objectives for the provision of bypasses for Little Hadham and Standon. A bypass for Little Hadham was the first priority in the Local Transport Plan and consultation on options followed thereafter.
- 3.11 Of the six route options considered, Option 5 was considered to be the best performing and provided excellent opportunities to provide flood alleviation measures. Further refinements were made to the option following consultation responses with alternative tie-in options involving less land take and environmental impact. Option 5B was chosen as the preferred variant for which planning permission has been granted. There is no substance in the proposition that Option 5B is really Option 2 in disguise<sup>16</sup>. The differences between Option 5 and 5B are in relation to the tie-ins which do not have such a direct effect on residential properties as Option 2 and facilitate less land take than Option 5 in its original form. Scheme selection has been the culmination of a democratic and entirely transparent process culminating in the planning permission.
- 3.12 The overall impact of the scheme has been tested in the Harlow Stansted Gateway Model. At a strategic level this has tested the impact of traffic

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<sup>12</sup> Document A120 8-5 Diagrams

<sup>13</sup> Document A120 2-2 paragraphs 9.7, 14.3 and 14.6

<sup>14</sup> Oral evidence of Mark Westley at the Inquiry

<sup>15</sup> Documents A120 1-2 Section 11 and A120 R-8-2

<sup>16</sup> Documents A120 Obj 8-3 and A120 Obj 8-5



growth and redistribution on the wider road network. The outputs of the model were then used to agree the scope of the more detailed Transport Assessment with the LPA.

- 3.13 The agreed highway mitigation strategy, including monitoring, will address the transport impacts of the bypass<sup>17</sup>. HCC is progressing a scheme to make on-line improvements to the existing A120 through Standon and progressing with improvements to the junctions on the A120 east of the 'Tesco' roundabout to the M11 to manage the wider impacts of planned growth. The developer of Bishop's Stortford North is undertaking capacity improvement works to the Stansted Road junction as a planning condition. Essex County Council and Highways England have funding in place to deliver improvements to the Birchanger Lane and M11 junctions.
- 3.14 Though none are anticipated, there is a safeguarding condition attached to the permission (condition 28)<sup>18</sup>, requiring monitoring of the local road network for adverse impacts post opening.

### ***Planning Permission, Conditions and Consents/Licences***

- 3.15 As a lawfully granted and implementable permission<sup>19</sup>, the environmental and other issues that informed the decision are not relevant to the confirmation of the CPO/SRO unless they have a bearing on the necessity of the CPO/SRO or their implementation or bear upon issues of equality and human rights which the CPO/SRO might be said to offend. Landscape and other material matters covered properly and comprehensively in the Environmental Impact Assessment do not bear upon the decision to be made in this case and there are no remaining statutory objections from owners on any grounds.
- 3.16 There are 43 planning conditions of which 7 have been discharged and one has been submitted to the LPA, including 3 that relate to protected species and which will require licences from NE<sup>20</sup>. 14 conditions are imposed for compliance purposes; therefore 22 conditions remain to be discharged. HCC and the EA have substantially completed the survey/evidence base work for the remaining ecology and water related conditions and the intention is to submit these to the LPA by September 2018. The remaining related to construction arrangements will be discharged by the construction contractor, once appointed in early 2019, should the Orders be confirmed. These are industry standard conditions to manage construction activities. The appointed contractor will be obliged to meet these conditions as part of its contract. Therefore, none of the remaining conditions are likely to remain unsatisfied or act as an impediment to the delivery of the scheme.
- 3.17 There has been extensive survey and mitigation design work to inform the design of the scheme<sup>21</sup>. The strategy that is being agreed with the County

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<sup>17</sup> Document CD 011 Section 9 pages 60 to 64

<sup>18</sup> Document A120 3-3

<sup>19</sup> Documents CD 006: Planning Permission Notice and CD 006a: Non Material Amendment Approval Notice

<sup>20</sup> Documents A120 3-3 and A120 3-4: List of planning conditions and progress; and A120 3-5: Summary of current position of progress with pre-commencement conditions, consents, licences and permits

<sup>21</sup> Document CD 014b: ES Addendum

Ecologist, through the discharge of a planning condition, means that the potential impact to bats is reduced to the extent that a licence for the works is not required<sup>22</sup>. The remaining ecological licences that are required are for Great Crested Newt (GCN), Badger and Roman Snail. HCC's experts have a comprehensive understanding of the baseline for these species and have prepared strategies to manage the impact as part of the discharge of planning conditions. The GCN is a European protected species; however, there are no ponds impacted and only minimal terrestrial habitat lost with connectivity maintained. Therefore, the favourable conservation status can be retained, and the tests for NE to grant a licence can be met. The badger licence is required to close a single outlier sett for animal welfare purposes rather than conservation. This can be managed following well established standard methods. A Roman Snail licence is only required to move snails to suitable habitat prior to construction. These are low risk activities and it is not foreseen that licences will not be granted<sup>23</sup>.

- 3.18 There is ongoing work with regulatory bodies to apply for Environmental Permits and Consents for 'Flood Risk Activities'. Such activities relate to temporary and permanent engineering works to existing main rivers or ordinary watercourses. Pre-application advice is currently being sought through the EA's normal environmental permitting process for Environmental Permits (Flood Risk Activities) and Impoundment Licences. This process seeks to obtain application certainty in advance of formal submission. Permits are required in advance of the contractor commencing any regulated construction activities and there is no likely impediment to obtaining the necessary permits for the scheme.
- 3.19 In February 2018, consent was granted by Hertfordshire County Flood Risk Management team for planned works associated with Ordinary Watercourses.

### ***Costs and Funding***

- 3.20 The scheme costs are in the region of £35 million with a Benefit Cost Ratio (BCR) estimated at 8.11. The Department for Transport (DfT) has, through the Hertfordshire Local Enterprise Partnership (LEP), provided £1 million towards scheme development costs and will be likely to release a further £26.4 million when HCC submits its final scheme business case following tender. Source contributions are HCC £5.16 million, EA £3.2 million (excluding costs already committed by the EA), DfT £26.4 million, and developer contributions of £410,000. Moreover, the scheme costs include a £3.37 million allowance for risk and a further £2.14 million allowance against inflation<sup>24</sup>.
- 3.21 There are thus sufficient funds to meet development and construction costs and compensation costs. If there should be cost overruns beyond the inbuilt contingencies, there will be the LEP for further funding<sup>25</sup>.

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<sup>22</sup> Document A120 5-2 Section 7

<sup>23</sup> Document A120 5-2 Section 10

<sup>24</sup> Document A120 1-2 paragraph 14.3

<sup>25</sup> Document CD 091 and oral evidence by David Burt at the Inquiry

**Noise<sup>26</sup>**

- 3.22 There is no need for further noise attenuation measures. The noise impacts assessed in the ES to the planning application fell below the thresholds that would require the provision of mitigation measures. However, one of the objectors to the HCC CPO was the owner of Hadham Park House, whose principal concern was the impact of environmental factors (principally noise) on Hadham Park House. The owner was concerned about the change in noise environment, not just the criteria used in the ES, and particularly about the impact on enjoyment and value of the property from the new road to the east, and considered that a noise bund situated close to the noise source would ameliorate these concerns.
- 3.23 It was not possible to consider including anything within the scheme boundary itself, nor amend the planning red line, but HCC was prepared to facilitate an agreement between the owner of the land to the east and the owner of Hadham Park House to secure an area adjacent to the line of the bypass for the construction of a bund, subject to the owner of Hadham Park House securing planning permission for the works. HCC was able to offer to construct the bund should consent be granted, because it could be included within the wider works contract, and could utilise excess excavated material from the bypass construction.
- 3.24 The objection was removed unconditionally on the basis of the efforts made by HCC to facilitate the additional works, and assurances to continue to work with the owner whether or not planning permission for the bund is granted.

**Pedestrian Crossing Routes**

- 3.25 The PRoW routes around Tilekiln roundabout have been reviewed following objections to the draft SRO. The original design included a diversion of Little Hadham footpath (FP)057 along the northern edge of the scheme, behind the proposed deer fencing, to a crossing point opposite FP055 (to the south of the existing A120). Representations were made<sup>27</sup> that an additional gate through the deer fence should be provided further east to accommodate people crossing at any point between the proposed roundabout and Little Hadham FP055, should they wish, and provide access to Little Hadham down the existing A120.
- 3.26 An initial revised layout with two access gates and crossings around the western and northern arms of the roundabout was developed. This was submitted to the Independent Road Safety Auditor for comment. Its comments identified safety concerns with the eastern proposed gate, and the locations of uncontrolled pedestrian crossings. The safety advice recommended relocating the gate to the west, to virtually the same location as the other gate, therefore removing the need for two gates. The safety audit advice also highlighted concerns about pedestrians crossing the narrow splitter to the north of the segregated left turn lane<sup>28</sup>.

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<sup>26</sup> Document A120 6-2

<sup>27</sup> Documents A120 Obj 5 and A120 Obj 5-1

<sup>28</sup> Document A120 R-5-6

- 3.27 The proposed layout was revised to include a single deer fence gate, located immediately north of a crossing of the western arm<sup>29</sup>. This crossing location has good visibility for approaching vehicles, and allows pedestrians to cross the western arm in three stages. The route also provides a connection to the southern verge allowing access to Little Hadham to the east.
- 3.28 Planning condition 29 is required to be discharged prior to commencement of the development. This requires the provision of details of the design and location of the deer fence along sections of the scheme and the submission of these to the LPA for approval. It is the intention of HCC/the EA to submit the plans for the deer fence around Tilekiln roundabout<sup>30</sup> and adherence to the approved plans would be ensured by the threat of enforcement action by the LPA.

### ***Benefits***

- 3.29 The concomitant benefits of the scheme at a local level include an improvement in the environment of Little Hadham through the substantial reduction in through traffic, an improvement to the living conditions and mobility of the residents of Little Hadham and related settlements and a quieter and safer environment on the village road.
- 3.30 With regard to the possibility of further enhancements being made to Little Hadham following the implementation of the scheme, including junction improvements and public realm improvements<sup>31</sup>, these do not form part of the scheme, are most uncertain at this time and have not been assessed as part of the planning application or the CPO. This possibility is background information and should not be given weight in the determination of the issues before the Inquiry.

### ***Human Rights and Equality Duty***

- 3.31 The Order land lies to the north and south of the existing A120 road. It is the arable land surrounding the village of Little Hadham to the west and the north, land to the north of Church End and land to the north and east of Hadham Park, all in East Hertfordshire.
- 3.32 HCC has established the interests and ownership for most of the land for the scheme through Land Registry records and responses to notices issued under Section 16 of the Local Government (Miscellaneous Provisions) Act. The Land Registry does not hold any records for an area to the eastern end of the scheme, south of the A120. Notices under Section 16 were posted on site. The Land Registry does not hold records for some areas of the existing highway affected by the scheme. Where no landowner has been identified, an 'unknown' interest has been included in the CPO schedule.
- 3.33 The Order land is described in some detail in the Schedule to the Order<sup>32</sup> but in summary it comprises land and a right in land needed on a permanent basis and land needed for construction purposes. Where land

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<sup>29</sup> Document A120 R-5-5: Plan showing the crossings

<sup>30</sup> Document A120 R-5-5

<sup>31</sup> Oral evidence by David Burt at the Inquiry

<sup>32</sup> Document CD 001

- included in the CPO is not needed permanently, HCC will discuss with the owner the acquisition by agreement of temporary rights which may make a permanent acquisition of such land unnecessary. HCC anticipates that temporary rights will be achieved in each case and that the affected land will be reinstated before its return.
- 3.34 HCC 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.
- 3.35 HCC has undertaken an assessment of the impact of the scheme on Human Rights and Equalities and believes that it has met its statutory duties. The Human Rights Act 1998 requires, amongst other things, that every public authority must act in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (the Convention).
- 3.36 Relevant parts of Article 1 of the First Protocol of the Convention provide: *'Every natural or legal person is entitled to peaceful enjoyment of his possessions'* and *'no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law ...'*. Relevant parts of Article 8 of the Convention provide: *'(1) Everyone has the right to respect for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ...the economic well-being of the country...'*.
- 3.37 The European Court of Human Rights has recognised, in the context of the above, that regard must be had to the fair balance which has to be struck between the competing interests of the individual and the community as a whole. In this case, HCC has carefully considered the benefits which the scheme will bring to the village of Little Hadham and users of the existing A120. In particular, residents who live in the village and the community surrounding Little Hadham will benefit from the removal of traffic congestion and the risk of flooding, and the users of the highway will benefit from improved journey times. In the latter regard the improvements proposed are of regional significance given the functionality in transportation terms of the A120. These benefits could not be achieved otherwise.
- 3.38 Any interference with Convention Rights has been minimised by careful design and the minimum necessary land take. It is proportionate, justified and necessary in the public interest to secure the objectives of the scheme. The interference is in accordance with law (namely Sections 14, 125, 239, 240, 246, 250 and 260 of the Highways Act 1980), pursues a legitimate aim (delivery of the scheme) and is both necessary and proportionate in a democratic society.
- 3.39 Relevant parts of Article 6 provide that: *'In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law'*. In this regard, the proposals have been extensively publicised and persons likely to be affected by them will have had an opportunity to make representations in relation to the planning application. So far as the CPO is concerned, any owner, lessee or occupier of land included in the CPO will have had the opportunity to make an objection and to appear before a

person appointed by the SofS before a decision is made whether or not the CPO should be confirmed.

- 3.40 If the SofS agrees with HCC that there is a compelling case in the public interest, he may confirm the Order. If the CPO is confirmed, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been disturbed. In the circumstances, if the CPO is confirmed, the compulsory acquisition of the Order land will not conflict with Article 1 of the First Protocol or Article 8 of the Convention.
- 3.41 In terms of the Equality Act 2010, HCC is required to comply with it and has undertaken an Equality Impact Assessment (EqIA)<sup>33</sup> for the scheme. In the promotion of the CPO, HCC has been mindful of the need to properly discharge its obligations under the provisions of this legislation paying careful attention to any impacts identified in the EqIA on protected characteristics.
- 3.42 The EqIA formed part of the planning application. A number of specific elements have been included in the design of the scheme to ensure the design caters for all potential users. These measures include:
- a pedestrian route through Albury Tributary, including a ramped access;
  - tactile paving and dropped kerbs at crossing points on footways;
  - a pedestrian refuge at Albury Tributary to allow two stage crossing;
  - bridleway crossing points at Mill Mound Bridge and Hadham Park underpass, and Mill Mound Bridge will have 1.8m high mesh infilled parapets to accommodate equestrians; and
  - climbing lanes to allow overtaking of slow moving vehicles.
- 3.43 The Transport Assessment<sup>34</sup> also considered the impact of the scheme on public transport, which will be generally unaffected as bus services will be able to continue to access Little Hadham on the existing A120.

### **Objections**

- 3.44 Concerns in relation to the SRO and the design of the scheme<sup>35</sup> have been addressed by amendments to the SRO. These include a statement providing that the new bridleway routes over Mill Mound Bridge and through the proposed underpass at Hadham Park will co-exist with a new private access with vehicular rights and to include in the SRO Article 1(2) of the Specimen Order Form B (Circular 1/97). Where the Albury Tributary runs under the bypass, the EA and HCC will enter into a permissive footpath agreement which will provide, amongst other things, that in the event of a closure of the underpass for safety reasons during spillway operation or during maintenance or inspection it will be reopened when safe to do so. During any periods of closure, an alternative right of way will be available at all times along an adjacent route.

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<sup>33</sup> Document CD 034

<sup>34</sup> Document CD 011

<sup>35</sup> Documents A120 Obj 5 and A120 Obj 5-1: Mark Westley on behalf of East Herts Footpath Society

- 3.45 In relation to the ability of groups of walkers to cross the A120 along Little Hadham FP057, it is, following a safety assessment, proposed to install an additional gate in the deer fence on the western arm of Tilekiln roundabout.
- 3.46 The proposed permissive agreement between HCC and the EA will be substantially in the form of the Heads of Terms<sup>36</sup> which will be entered into before the CPO is implemented. The agreement will provide for the continuous use of the underpass for walkers other than in times of emergency, inspection or maintenance with provision to ensure opening of the way thereafter; a matter that can be enforced by HCC in the event there is default by the EA. Nonetheless, it should be assumed that both authorities will act so as to safeguard the public interest so far as compatible with their statutory duties. Moreover, a third party would be able legally to force HCC to enforce the terms of the agreement in the public interest should it be necessary to do so (on the basis that it is acting unreasonably in choosing not to).
- 3.47 There is, thus, no substance in the contention that it would be preferable to dedicate the way on a conditional basis. It would provide no greater utility to walkers but would serve to create problems for the EA in carrying out its duties in times of emergency and to carry out maintenance and increase costs to the public purse<sup>37</sup>. There is a statutory obligation imposed on the EA to inspect at least once a year.
- 3.48 In respect of rights of way, guidance on the statutory tests states that *'in the case of permanent extinguishment of a right of way, the Inspector will wish to be satisfied that an alternative reasonably convenient right of way will be provided or the right of way is not needed'*. The scheme does not propose permanent extinguishment of rights of way. Little Hadham FP057 is affected but by way of a diversion (as opposed to a permanent extinguishment). Impacts of the scheme on the path (and on users) have been sensitively and carefully considered by the scheme promoters. Its diversion and culmination in the A120 (together with additional crossing points) are in evidence. There is no evidence to indicate that it is not a convenient alternative, in any event.
- 3.49 The route through the Spillway is not being proposed by way of addressing impacts of the scheme. It is neither a compensatory route nor a crossing point prompted by diversion of Little Hadham FP057. It should be seen as an additional benefit included by the scheme promoters. The route runs through a 'technical' asset that will be owned by the EA (as opposed to amenity land).
- 3.50 Scheme promoters are committed to the permissive path licence arrangement. The licence will bind both the EA and HCC. HCC and the EA are public bodies, required to act reasonably. Their decisions in relation to provisions of the licence (eg enforcement of maintenance, closure and reopening provisions) will be subject to the *Wednesbury Principles*. Any user aggrieved by their decisions in relation to the permissive path licence will have locus standi.

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<sup>36</sup> Document A120 R-5-3

<sup>37</sup> Oral evidence by Steven Whipp at the Inquiry: Advertising £1,100 and one closure a year would add up to £150,000 over the life of the scheme.

- 3.51 It is wrong to assume that the public's legal right to use this path should take precedence over all other considerations. The public interest in accessing the footpath must be balanced against other important considerations of a public nature, a very important part of which is public safety.
- 3.52 The EA has a power when it is a landowner to dedicate land as public highway but it does not have a power to dedicate land to the extent that this is incompatible with its duties with respect to flood defence. The EA considers that, in this instance, dedication of the permissive path as public highway would be incompatible with its flood defence duties. This is because dedication would give the public a right to use the footpath at all times and this would be incompatible with the safe operation of the reservoir structures including the Spillway. It would not be safe for the public to use the path when the Spillway would be in operation, nor could the reservoir structures be properly inspected and maintained whilst allowing the public to use the path at the same time. A failure to carry out proper inspection and maintenance of the reservoir structures would breach the EA's statutory duties under the Reservoirs Act 1975 and would in turn compromise public safety through increasing the risk of the structures failing.
- 3.53 It is not possible for the EA to dedicate the land subject to a limitation that would preserve an ability for it to operate the Spillway and carry out the necessary maintenance and inspection. The essence of a PRoW is that it must be exercisable by the public at all times.
- 3.54 It is legally possible for a PRoW to co-exist with a compatible private right, but the private right cannot override the public right to the extent that the public right is not exercisable by the public at all times. It is not possible legally to grant a private right over a PRoW that effectively prevents the PRoW being exercised. To do so would be to allow a private right which is incompatible with the essence of the PRoW.
- 3.55 An agreement between two public authorities is very unlikely to be breached. By its very nature, the arrangement is far more secure than an arrangement, say, between two private landowners or one private landowner and a public authority. In the very unlikely instance of the agreement not being complied with, the public could enforce it through the Local Government Ombudsman<sup>38</sup>. The public would also have an additional potential enforcement route through the High Court under general principles of judicial review.
- 3.56 Given the nature of the agreement and the enforcement routes available to the public, the permissive path agreement provides a robust and secure way to provide public access to the path at all appropriate times.
- 3.57 With regard to the objection relating predominantly to the scheme chosen and the reasons for it<sup>39</sup>, HCC has responded<sup>40</sup> by identifying that alternative options have been explored fully and have been subject to vigorous scrutiny and assessment through both the pre-planning and planning stages,

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<sup>38</sup> Oral evidence by Mark Westley at the Inquiry

<sup>39</sup> Documents A120 Obj 8, A120 Obj 8-1 to A120 Obj 8-5

<sup>40</sup> Document A120 R-8-1



culminating in the permitted scheme. Consultation has been thorough and fair and all processes carried out in a transparent and lawful manner.

### **Guidance**

- 3.58 With regard to the Government guidance in relation to CPOs and also, in this context and analogously, the advice set out in the Guidance on Compulsory purchase process and the Crichel Down Rules, February 2018<sup>41</sup>, there is a compelling case in the public interest for the acquisitions as proposed. The public benefits of both the bypass and flood alleviation schemes that form parts of the overall scheme underlying the proposed acquisitions have been well documented. In both respects the environmental, social and economic benefits to be derived are indispensable, the schemes are the most appropriate options and the benefits would not otherwise be achievable.
- 3.59 With regard to any interference with human rights, particularly Article 8 and Article 1 of the First Protocol, land owners whose rights are affected no longer object to the scheme. There are no other human rights which appear to be affected or which are not outweighed by the overriding public benefits to be obtained by the realisation of the scheme for which the compulsory powers are sought.
- 3.60 Both the EA and HCC have a very well defined and clear idea as to how the land is to be used and how their respective statutory functions are to be discharged in the public interest pursuant to the CPOs once confirmed in relation both to ownership and the carrying out of the works as permitted.
- 3.61 HCC has the necessary resources to carry out the works and they will be fully available once the final tender costs have been determined.
- 3.62 There are no impediments to the implementation and delivery of the scheme.

### **Modifications**

- 3.63 The proposed modifications<sup>42</sup> are straightforward, uncomplicated and self-explanatory. They do not prejudice any party, but serve to clarify the respective draft Orders and their effect.
- 3.64 In the premises, the SofS is requested to confirm the CPO and SRO accordingly with the proposed modifications.

## **4 THE CASES FOR THE SUPPORTERS**

### **Councillor Graham McAndrew CMILT**

The material points<sup>43</sup> were:

- 4.1 Councillor Graham McAndrew is Hertfordshire County Councillor for Bishop's Stortford Rural Division. He has suggested that the scheme has received support from a wide range of stakeholders and has strong merit as an

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<sup>41</sup> Document A120 Inq 03: Inspector's Note to the Inquiry

<sup>42</sup> Document A120 0-6

<sup>43</sup> Document A120 Sup 01

infrastructure project alone as well as the wider benefits in terms of supporting the EA's flood defence scheme. It solves an existing transport problem on an important east-west route in Hertfordshire, making journey times more reliable and meeting the needs for the local housing growth in Bishop's Stortford. It will also allow the Little Hadham primary school to expand, as the traffic congestion has been a major factor in preventing this.

### **East Herts District Council**

The material points<sup>44</sup> were:

- 4.2 East Herts District Council has long been a supporter of the A120 bypass and flood alleviation scheme in terms of both environmental relief and journey reliability, which will support the local and wider economy. It has stated that the scheme forms a key element of infrastructure detailed in Policy DPS4 'Infrastructure Requirements' of the emerging District Plan to support growth in the District to 2033. The District Plan has reached a very advanced stage, with receipt of the Inspector's Report which confirms that *'with the recommended main modifications set out in the Appendix, the East Herts District Plan satisfies the requirements of section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework'*. Linked to this Plan is the Infrastructure Delivery Plan which further includes the Little Hadham Bypass as an important part of its provisions. The District Plan's strategy does not include any allocation for development within the proposed bypass.

### **Little Hadham Parish Council**

The material points<sup>45</sup> were:

- 4.3 Little Hadham Parish Council considered the application at an extra-ordinary meeting on 6 January 2016, attended by 84 residents and states that it supports the provision of the proposed A120 bypass. Parish residents will benefit from the bypass due to flood prevention measures; relief from traffic problems at the A120 traffic signals, including queuing, speeding and the dangers of drivers jumping the lights; reduced traffic noise at the signals and rat running through the Parish's hamlets; and advantages for the local school, including improved air quality, increased intake numbers and safer pedestrian access for local children.
- 4.4 The flood alleviation measures are necessary due to 71 homes and several businesses and community assets, such as the Nags Head Public House, the Post Office, Doctor's Surgery and the Village Hall, have flooded, some several times, in recent years and are currently at risk of further flooding. Many more homes are at risk of secondary flooding from drainage ditches and drains that back up as they are unable to empty into the River Ash when it is full. There is also secondary flooding from sewer surcharging.
- 4.5 Although many residents would have preferred alternative routes, following discussions of the benefits and disadvantages at meetings, ultimately the huge majority of residents felt that the benefits associated with the proposed scheme, primarily the flood and traffic alleviation, outweighed the

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<sup>44</sup> Document A120 Sup 02

<sup>45</sup> Document A120 Sup 03

problems. The proposed post construction village enhancement scheme is strongly felt to be the key to ensuring that the scheme delivers the local benefits that it promises.

## 5 THE CASES FOR THE OBJECTORS

### Non Statutory Objectors

#### ***Mark Westley on behalf of East Herts Footpath Society***

The material points<sup>46</sup> were:

- 5.1 Mark Westley objected on behalf of East Herts Footpath Society regarding the effect of the scheme on PRoWs that cross the proposed route. Following evidence presented by HCC at the Inquiry, he has stated that he is satisfied that the details shown on plan 240552-ARP-HGN-TKR-SK-CH-000003<sup>47</sup> deal with his concerns about pedestrian access in the vicinity of the proposed Tilekiln roundabout. His remaining concern is regarding the proposed permissive path agreement for the Spillway underpass to be used as an alternative route for Little Hadham FP057.
- 5.2 The draft permissive path agreement for the underpass<sup>48</sup> would not be enforceable by the public. A satisfactory substitute would be the dedication of a public footpath by the EA, as the Licensor, subject to a limitation that the Licensor and Licensee could exercise the powers and perform the duties contained elsewhere in the agreement. There are no statutes that restrict the power of public bodies to dedicate a footpath. An example of this is Hoddesdon FP 20 that passes under the A10 alongside Spital Brook, which floods the footpath on more frequent occasions than that anticipated at the proposed Spillway but there is no limitation on the dedication of the footpath and no reserved right to close it for maintenance<sup>49</sup>.

#### ***Nick Bickel MPhil***

The material points<sup>50</sup> were:

- 5.3 The scheme fails to meet its objectives to '*reduce the majority of congestion, decrease journey times and improve reliability*', with a road that is primarily a dam to hold back flood water for less than a week in a century. The village of Little Hadham is about half a mile to the south of the traffic signal area. There are only about 20 properties immediately alongside the A120 in the outlier hamlet known as 'The Ash'. At least the same number currently enjoy relative rural tranquility on the west side of Albury Road, and would be adversely affected by the proposed road. It is not a '*bypass for Little Hadham*'; it is a 'road to development' entirely for HCC. HCC granted itself planning permission at the 21 December 2016 Development Control Committee<sup>51</sup> which was simply a rubber-stamping

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<sup>46</sup> Document A120 Obj 5-1

<sup>47</sup> Document A120 4-5

<sup>48</sup> Document A120 R-5-4

<sup>49</sup> Document A120 Obj 5-1 and Appendices: Excerpt from addition of Pratt & MacKenzie analysing the case on limited dedications; and photographs of Hoddesdon footpath 20

<sup>50</sup> Document A120 Obj 8-3

<sup>51</sup> Document CD 018 Section (a): Development Control Committee Agenda, 21 December 2016

- exercise. The road was always desired by HCC, which imposed one of the least popular of 7 options it offered residents.
- 5.4 At a meeting in 2007, residents preferred the following two better alternatives to the current scheme:
- 1) To remove the traffic signals - when they have not been working, often for days on end, vehicles have trickled through from all four directions, showing caution and consideration, because there was no clear right of way. Recently the signals were not working for about five hours, and many Heavy Goods Vehicles (HGVs) passed each other without a problem<sup>52</sup>. At these times there have never been any accidents or congestion. Vehicle speeds are reduced and this improves safety near to a primary school.
  - 2) A continuation of Essex County Council's new A120, which halts at the M11 Junction 8a, across to the A10<sup>53</sup>. This road will happen shortly, irrespective of any new road at Little Hadham, because a corridor between permitted housing development has been left for it.
- 5.5 The above two alternatives were not offered because the motivation for the scheme is housing<sup>54</sup>. HCC plans to use revenue from housing to generate further schemes, including, in due course, the 4.5 miles (7.5km) of a new A120 that is within Hertfordshire.
- 5.6 Householders chose Option 5, of HCC's 7 options, which was the route farthest from houses<sup>55</sup>. Option 5 was tweaked to become Option 2 in all but name. HCC moved each tie-in roundabout about half a mile closer to Little Hadham, making it Option 2, which was preferred by just 7%, not 65%; with 60%, not 32%, saying it was unacceptable<sup>56</sup>. Rather than admit that it had ignored the poll, HCC named it '5B', and never consulted the Parish Council or householders. The definitive route was moved even closer to Little Hadham in 2014, again without consultation.
- 5.7 The reason for route 5B is given in the HCC Development Control Committee Report as: *'The bypass route was chosen specifically to ensure it provides the necessary and identified flood alleviation measures'*<sup>57</sup>. With the flood alleviation measures taking precedence over highways and landscape considerations, the Report states that the scheme *'will have a*

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<sup>52</sup> HCC's Local Transport Body's Major Transport Scheme Prioritisation document, 12 March 2013, states: *'...Road capacity constrained by narrow bridge at staggered intersection... has been designed in the best way to allow for two HGVs to pass'*.

<sup>53</sup> Document A120 Obj 8-2

<sup>54</sup> Document CD 018 Section (e): Local Transport Board meeting, 3 April 2014, Councillor Douris stated: *'Funding is based on additional housing - if not forthcoming, the scheme cannot proceed. There's a big LEP (Local Enterprise Partnership) influence on this';* and *'Remember, the key, the glue, that holds everything together, is growth'* and the minutes state: *'5.2 AP [Andrew Percival (on the LEP, and a housing developer by profession)] stated that all projects need to lead to opportunity (ie provide some sort of economic return) and not just solve transport problems.'* The EA's internet home page, on 25 April 2014, regarding the scheme: *'This £0.3M scheme alone will generate 1,430 jobs and 750 houses by 2020'*.

<sup>55</sup> Document A120 Obj 8-4

<sup>56</sup> Document A120 Obj 8-4 Table at paragraph 6.1

<sup>57</sup> Document CD 018 Section (a): Development Control Committee Agenda, 21 December 2016 paragraph 6.44

- significant adverse impact on the wider landscape*<sup>58</sup>. This flouts the Government's core planning principle to recognise the intrinsic character and beauty of the countryside; and, to contribute to conserving and enhancing the natural environment<sup>59</sup>.
- 5.8 The Report also states that the ES considers the cutting by Mill Mound scheduled ancient monument and the embankment across the Ash Valley as resulting in a: '*total loss of valley character*', and rates the overall effect as 'Moderate Adverse', but HCC's landscape officer is of the opinion that it should be 'Moderate-High'<sup>60</sup> and Historic England believes harm may be greater than 'Moderate Adverse'<sup>61</sup>. Whilst Mill Mound is 40m from the actual road<sup>62</sup>, it is within just 15m of the cutting slope.
- 5.9 The Report identifies harm to recreation<sup>63</sup>, with 18 different points, bridleways and footpaths being disrupted. After a year, the effect on 7 will be 'very large-adverse', and on 6, 'large-adverse'. 15 years on, effects reduce by just one degree. Walking is popular in this part of Little Hadham and will be compromised by the proposed noisy, polluting road and awkward crossing points, contrary to planning policies.
- 5.10 The extreme east of the scheme is within Green Belt, and the remainder is in the rural area beyond. By combining road and flood alleviation measures, the embankment will be large and the cutting by Mill Mound massive, but the road will still need a passing lane.
- 5.11 The EA's flood risk assessment expects it will need to hold back flood water for less than a week in a century. In addition, the 2014 flooding event was mainly due to a culvert, which could not be upgraded when Lloyd Taylor Close was built, because it runs under 1960s houses. Water flooded into the traffic signal area, compounding restrictions at the bridge when the River Ash and its Albury Tributary clogged the system. A further exacerbating factor was that the lockable grille over the culvert outlet south of the bridge remained locked throughout the days of continuous rain, and debris built up against the grille preventing water egress.
- 5.12 A concern about the EA contribution to the scheme is that funding has only been secured for 40% of the £0.3 million cost. The remainder must be found by businesses or householders themselves<sup>64</sup>.
- 5.13 A solution, independent of the bypass scheme, is to dig a short ditch to divert the stream south of Lloyd Taylor Close. It could have been far more sympathetic to natural contours, and considerably more in scale with the perceived risk. The landowner initially agreed to implement such a natural dam, with holding pond capability, in order to safeguard his Grade 2 agricultural land. Any future proposal for mass housing on fields within the

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<sup>58</sup> Ibid paragraph 6.70

<sup>59</sup> Ibid paragraph 6.65

<sup>60</sup> Ibid paragraph 6.78

<sup>61</sup> Ibid paragraph 1.143

<sup>62</sup> Ibid paragraph 6.142

<sup>63</sup> Ibid paragraphs 6.89 and 6.90

<sup>64</sup> Letter from EA, dated 7 March 2014

- bypass curve would be contrary to Government guidance, which states poorer quality agricultural land should be developed in preference.
- 5.14 HCC has only ever considered the 6 miles (10km) from the A10 to the 'Tesco' roundabout just west of Bishop's Stortford in all its studies and justification<sup>65</sup>. It selectively focused on half the total route to justify its case<sup>66</sup>, but it does not consider what happens to traffic between the Tesco roundabout and the M11. No numbers have ever been produced for these 6 miles (10km) in any document linked to the scheme. There are daily 0.75 mile (1km) tailbacks from the next Stansted Road roundabout. When the 3,000 plus houses currently under construction, and a secondary school within that 2 mile (3.3km) stretch are occupied, tailbacks will extend further than existing queues at Little Hadham signals, and there is no space for future road improvements in that area.
- 5.15 The Report clearly refers to the full 12 miles (20km) as Corridor 8 in HCC's Inter-Urban Route Strategy, identified as its main link to the Airport and M11<sup>67</sup>. It states that having a bypass will nearly double peak traffic along the A120<sup>68</sup> and that congestion will worsen at the Tesco roundabout with a bypass, to above capacity<sup>69</sup>. It predicts that in 2024, with a bypass, there will be queues of over 100 vehicles on the A10 southern approach, because of new traffic attracted to the bypass<sup>70</sup>.
- 5.16 One of the two basic objectives of the scheme to reduce congestion was based on an assumption instead of hard data and, from its opening, the road would be at 75% of capacity, with no opportunity ever to dual it, because of the embankment width, and tight boundary of the Order land<sup>71</sup>. The anticipated bypass opening traffic figure was given as 8,000 vehicles per day (vpd)<sup>72</sup>, which takes no account of an increase in traffic attracted to the route because of bypassing Little Hadham signals. Accident figures have been omitted from the calculated BCR of 9.1 for the scheme, which being almost non-existent would have reduced the ratio. The A120 takes diversion traffic when the M25 and M11 are closed, creating long tailbacks on the whole system. Once Bishop's Stortford North housing and school are opened, there would be gridlock for hours. The new housing alone will generate at least 12,000 more daily journeys, most of which will be along the A120 Bishop's Stortford bypass.
- 5.17 The scheme may ease congestion at Little Hadham signals, but will cause massively increased congestion elsewhere along the route. It is the major link between two dual carriageway roads, and the second most-used

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<sup>65</sup> Document CD 018 Section (a): Development Control Committee Agenda, 21 December 2016 paragraph 6.38

<sup>66</sup> Ibid paragraph 6.27

<sup>67</sup> Ibid paragraph 6.9

<sup>68</sup> Ibid paragraph 6.20

<sup>69</sup> Ibid paragraph 6.24

<sup>70</sup> Ibid paragraph 6.26

<sup>71</sup> Richard Boutal on the funding business case at the 3 April 2014 Local Transport Board meeting: *'We made some assumptions because of the urgency of pushing this through'*.

<sup>72</sup> Assumed to be one-way as DfT Document TA 46/97 'Traffic flow ranges for use in the assessment of new rural roads': For a 7.3m wide single carriageway (S2) trunk road the two way capacity is 22,000 vpd.

Stansted Airport feeder, with the Airport having applied for increased capacity, a single-carriageway road, carrying airport traffic, regional through-traffic to Britain's busiest port (Felixstowe and Harwich) and ever-increasing local traffic from new housing, with a total of 9 roundabouts (once Standon bypass is implemented). As such, the original Roman Stane Street, contorted with about five extra miles of looping 'bypasses', cannot avoid clogging up. The only way to ease congestion is the direct route with a single roundabout at the A10 and all regional traffic passing straight through at the M11 Junction 8a, immediately easing congestion at that 'dangerous' roundabout.

- 5.18 The proposal will do unnecessary permanent harm to a valuable landscape and will only serve in the long run as a bypass for an inevitable massive housing development in the north of Little Hadham, exacerbating pressure on the old A120 once all the approved housing and the direct road are built. It will link in grossly excessive flood prevention measures<sup>73</sup>, and 'opportunities for growth' way ahead of the original purpose to ease traffic congestion.
- 5.19 The scheme is about 2.5 miles (4km) long and the Standon section of the A120 would be a similar length. HCC would only need to fund about 4.5 miles (6km) of dual carriageway for a new A120 direct road. It would be about 5 miles (8km) shorter than the existing stretch of the A120 that it would replace, which would benefit businesses, including Stansted Airport, as it would result in a journey time of about 9 minutes compared to an unreliable journey time of between 30 minutes and 60 minutes at peak times on the existing route. This alternative scheme should be carried out instead of the proposed bypass scheme.

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<sup>73</sup> Document A120 2-2 paragraph 9.7: a once in 10,000 years event

## 6 INSPECTOR'S CONCLUSIONS

6.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in square brackets [ ] to earlier paragraphs where appropriate.

### *Side Roads Order (SRO)*

- 6.2 In the case of the SRO, section 14 of the Highways Act 1980 requires it to be demonstrated that another reasonably convenient route is available or will be provided before the highway is stopped up.
- 6.3 Alternative routes are proposed for all highways to be stopped up and the scheme does not propose any permanent extinguishment of rights of way. The only remaining objector's concern about PRowS affected by the SRO is regarding the alternative routes proposed for Little Hadham FP057 by either crossing at level or using the proposed Spillway underpass. The at-grade crossing would be available for users of this PRow at all times; whilst the use of the Spillway underpass would be permissive based on an agreement between HCC and the EA, as the prospective owner of the Spillway. There is no evidence before me to demonstrate that these would not be convenient alternative diversions to the existing PRow. **[3.48, 3.49, 5.1 and 5.2]**
- 6.4 An alternative route to the bypass that has been pursued by one of the objectors to the SRO is for a new road between the M11 and A10. No substantive evidence has been put before the Inquiry to show that this alternative route would be adequately funded or that there is any intention for it to be constructed in the foreseeable future. HCC has shown that it has thoroughly explored and consulted upon a significant number of different options, including alternative east-west routes similar to that proposed by this objector, before arriving at the proposed scheme. Whilst there appears to me to have been a difference of opinion amongst local residents as to which option that has been considered would be preferable, I find that the proposed scheme would have sufficient benefits to justify it being chosen and the disadvantages would not carry enough weight to be a reason for not confirming the SRO. **[3.10, 3.12, 3.57, 4.5, 5.3 to 5.7, 5.17 and 5.19]**
- 6.5 Based on the evidence provided and the remaining objections to the SRO, I find that reasonably convenient routes would be made available for all highways that are proposed to be stopped up. Therefore, taking account of the above, I conclude that all the SRO criteria are satisfied.

### *Compulsory Purchase Order (CPO)*

- 6.6 There are a number of considerations to be addressed in reaching my recommendations with regard to the CPO<sup>74</sup>, namely there should be:
- A compelling case for acquisition in the public interest;
  - whether this justifies interfering with the human rights of those with an interest in the land;

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<sup>74</sup> Document A120 Inq 03: Inspectors Note given to the parties at the Inquiry



- whether the acquiring authority has a clear idea of how it intends to use the land which it is proposing to acquire;
  - whether the acquiring authority can show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale, including sources and timing of funding; and
  - whether the scheme is unlikely to be blocked by any physical or legal impediments.
- 6.7 Having regard to the above considerations, I find that the objections to the CPO, including those regarding the effect of noise, have been adequately addressed. There are no remaining objections to the CPO. I am satisfied that HCC has provided sufficient robust evidence to demonstrate that there is a need for the scheme to address existing transport problems and safety risks due to flooding. It would provide significant benefits to the public, even when potential enhancements in Little Hadham resulting from the effect of the bypass are not taken into account. These benefits include those associated with reducing the volume of vehicular traffic, and in particular HGVs, passing through Little Hadham on the A120. There would be a consequential improvement in the environment, the living conditions and mobility of local residents and a quieter and safer environment on the A120 through the village. In addition, the scheme would be a benefit to the local community by enabling necessary flood alleviation measures to be installed that would otherwise have been unaffordable. It has full support in emerging development plan policies and the Local Transport Plan. **[3.3 to 3.10, 3.22, 3.29, 3.30, 3.58, 4.1, 4.2 and 4.3]**
- 6.8 I am satisfied that human rights and equality issues have been adequately considered by the acquiring authority. Given that there are no remaining objections from those with rights in the Order land, I find that any interference with Article 1 of the First Protocol or Article 8 of the Convention would be proportionate, justified and necessary in the public interest to secure the objectives of the scheme. Furthermore, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been affected if the CPO is confirmed. HCC has undertaken an EqIA in accordance with the Equality Act 2010 to address any issues regarding its duties under this Act. **[3.32 to 3.42 and 3.59]**
- 6.9 There is no evidence of any proposal to purchase land or rights other than those necessary to implement the scheme, and there have been no assertions to the contrary. I am therefore satisfied that the Order addresses no more land than is necessary, and the acquiring authority has a clear idea of how it intends to use the land. Budgetary provision has been approved; and there is nothing before me to indicate that the estimated cost of the scheme would not be able to be met by the funding sources identified by HCC. As such, I find that the scheme would be able to be adequately funded, given that contingencies have been built-in to the cost estimates and HCC has assured me at the Inquiry that any overspend would be met by additional funds under the LEP agreement. I am satisfied that, if the Orders are confirmed, work would start soon after. **[3.2, 3.20, 3.21, 3.60, 3.61 and 5.12]**
- 6.10 Planning permission has been granted for the scheme and some of the conditions attached to that permission have been discharged. The evidence before me indicates that the necessary conditions, permits, consents and

licences would not be withheld and NE has not objected in this respect. Therefore, taking account of the lack of remaining objections to the CPO, I am satisfied that the scheme is unlikely to be blocked by any physical or legal impediments. **[3.2, 3.15 to 3.19 and 3.62]**

- 6.11 In the light of all the evidence, I consider that there is a compelling case in the public interest for the scheme to proceed and that this outweighs the private loss involved in compulsory acquisition. I therefore conclude that all the CPO criteria have been satisfied.

### ***Modifications to the SRO and CPO***

- 6.12 Having considered the modifications proposed by HCC, I conclude that all the proposed modifications to the SRO and CPO are necessary, some of which have addressed concerns expressed by objectors in relation to the SRO, and that the Orders should be modified in accordance with the alterations identified in Document A120 0-6 and SRO Site Plan 3 be substituted by SRO Site Plan 3 in Document A120 0-6a. **[3.44 and 3.63]**

### ***Objections***

#### *Mark Westley on behalf of East Herts Footpath Society*

- 6.13 Most of Mark Westley's concerns that he expressed regarding the effect of the scheme on PRoWs have been resolved, some by modifications to the SRO. The only remaining concern that he mentioned at the Inquiry was regarding the proposed permissive footpath in an underpass for the Spillway. Whilst he considered that it should be dedicated as a PRoW, I am not convinced by his arguments that this would be justified on the grounds that the public would have greater rights of enforcement. The proposed Heads of Terms for the permissive footpath agreement would, in my opinion, provide sufficient assurances that the path would not be unnecessarily closed to the public. It would only be allowed to be closed by the EA in times of flood risk, which would be a sensible safety precaution, and for occasional maintenance and/or inspections. Given that a suitable alternative route for Little Hadham FP057 would be provided across the proposed bypass, I am satisfied that this arrangement would be adequate to satisfy HCC's obligations. Furthermore, the public would be able to legally enforce the terms of the agreement. **[3.44 to 3.57, 5.1 and 5.2]**

#### *Nick Bickel*

- 6.14 Nick Bickel has suggested that there are better alternatives to the proposed scheme. The evidence has demonstrated that these alternatives, together with a number of other options, have been thoroughly explored by HCC and the EA over a significant period of time. They have been consulted upon on a number of occasions and the chosen option has been granted planning permission, following public consultation. As such, I am satisfied that there is sufficient justification for the scheme selection over the other alternatives. Furthermore, the concerns that have been expressed by Nick Bickel regarding the visual impact of the scheme on the landscape and its effect on the setting of Mill Mound scheduled ancient monument had been fully considered at the time of the planning application, including assessments in the accompanying ES, before granting permission. **[2.2, 2.3, 3.57, 4.5, 5.3 to 5.11, 5.13, 5.18 and 5.19]**

- 6.15 The submissions of Nick Bickel are not supported by any substantive evidence to show that his proposed alternatives for the bypass and flood alleviation scheme would be workable, practicable or deliverable. His concerns about the impact of the scheme on the remainder of the A120 are ill-founded, given that HCC has modelled the traffic flows, indicated that it has committed itself to funding and carrying out improvements to the Tesco roundabout and the A120 through Standon, and has suggested that other improvements would be made to junctions in that area. Furthermore, HCC has confirmed that the agreed highway mitigation strategy would be monitored, which would be secured by a planning condition. **[3.12 to 3.14 and 5.14 to 5.17]**
- 6.16 With regard to Nick Bickel's allegations that the scheme is primarily for future development, the emerging East Herts District Plan does not include any development within the bypass corridor, the District Council has confirmed that its strategy does not include any allocation for development within the proposed bypass, and the BCR has justified the business case for funding to the DfT on this basis. As such, and for the reasons given above, I consider that very limited weight can be attached to the grounds of objection given by Nick Bickel in determining whether or not the SRO should be confirmed. **[3.4, 3.20, 4.2 and 5.3]**

### **Overall Conclusions**

- 6.17 I am satisfied that there is a strong case for the scheme to be implemented to relieve the village of Little Hadham of congestion, and thus the consequential environmental problems, and improve flood defence and storage to protect local residents from risks to safety due to flooding. For these reasons, and having regard to the benefits of the scheme, I find that there is a compelling case in the public interest for the Order land's compulsory acquisition, which justifies interfering with the human rights of those with an interest in the Order land. Loss of any interest could be met by compensation. Therefore, I conclude that the Orders should be modified in accordance with Document A120 0-6 and the Orders so modified be confirmed. I have had regard to all other matters raised, but they do not outweigh the conclusions I have reached and the recommendations that I make. **[3.1, 3.58 and 3.64]**

## **7 RECOMMENDATIONS**

- 7.1 I recommend that:

The Hertfordshire County Council (A120 (Little Hadham) Bypass Classified Road) (Side Roads) Order 2017 be modified in accordance with Document A120 0-6 and Site Plan 3 in Document A120 0-6a and thereafter confirmed; and

the Hertfordshire County Council (A120 Bypass (Little Hadham)) Compulsory Purchase Order 2017 be modified in accordance with Document A120 0-6 and thereafter confirmed.

*M J Whitehead*

INSPECTOR

**APPENDIX A****APPEARANCES**

## FOR THE ORDER MAKING AUTHORITY (HERTFORDSHIRE COUNTY COUNCIL)

Paul Shadarevian	Queen's Counsel, instructed by Kathryn Pettitt, Chief Legal Officer of Hertfordshire County Council
He called	
Steven Whipp BSc DipEMP	Project Manager, Environment Agency
Helen McCormick MEng(Hons)	Work Screen Lead for Land and Compensation for the Project, WSP
David Burt BSc(Hons) MCIHT	Project Manager, Operations and Strategic Unit, Environment and Infrastructure Department, Hertfordshire County Council
Abigaile Bromfield MRTPI	Associate Director, Planning, Policy and Economics Team, Ove Arup and Partners Ltd
Chris Furneaux MEng(Hons) CEng MICE MCIHT	Associate Director, Ove Arup and Partners Ltd
Dr Chris Stocks BSc(Hons) PhD SocEnv CIWEM CIWM	Associate, Ove Arup and Partners Ltd
Dr David Hiller BSc(Hons) BSc PhD CEng MIA MIMMM FGS	Associate Director, Acoustics, Ove Arup and Partners Ltd
Roger William Moore BA(Hons) BSc MRICS	Director, Lambert Smith Hampton

## FOR THE OBJECTORS

Nick Bickel MPhil	Local resident
Mark Westley	On behalf of East Herts Footpath Society

**APPENDIX B****DOCUMENTS**

	<b>Inquiry Documents</b>
A120 Inq 01	Inspector's Dossier
A120 Inq 02	Attendance Lists for 17 and 18 July 2018
A120 Inq 03	Inspector's Note of Statutory Tests, submitted by the Inspector on 17 July 2018
	<b>Order Making Authority (Hertfordshire County Council) Documents</b>
A120 1-1	Summary Proof of Evidence of David Burt
A120 1-2	Proof of Evidence of David Burt
A120 2-1	Summary Proof of Evidence of Steven Whipp
A120 2-2	Proof of Evidence of Steven Whipp
A120 2-3	Appendices to Proof of Evidence of Steven Whipp
A120 2-4	E-mail from Graham Pearson to Steven Whipp, dated 6 July 2018, submitted by the Council on 17 July 2018
A120 2-5	E-mail from Graham Pearson to Steven Whipp, dated 17 July 2018, submitted by the Council on 18 July 2018
A120 3-1	Summary Proof of Evidence of Abigaile Bromfield
A120 3-2	Proof of Evidence of Abigaile Bromfield
A120 3-3	Appendix 1 to Proof of Evidence of Abigaile Bromfield
A120 3-4	Appendix 2 to Proof of Evidence of Abigaile Bromfield, submitted by the Council on 18 July 2018
A120 3-5	Appendix 3 to Proof of Evidence of Abigaile Bromfield: Table of Planning Conditions and Consents, submitted by the Council on 17 July 2018
A 120 4-1	Summary Proof of Evidence of Chris Furneaux
A 120 4-2	Proof of Evidence of Chris Furneaux
A120 4-3	Appendix to Proof of Evidence of Chris Furneaux: Departures from Standards
A120 4-4	Appendix to Proof of Evidence of Chris Furneaux: Road Safety Audit, submitted by the Council on 18 July 2018

A120 4-5	Appendix to Proof of Evidence of Chris Furneaux: Drawing Ref 240552-ARP-HGN-TKR-SK-CH-000003 Tilekiln Roundabout Additional Crossing Sketch, submitted by the Council on 18 July 2018
A120 5-1	Summary Proof of Evidence of Dr Chris Stocks
A120 5-2	Proof of Evidence of Dr Chris Stocks
A120 6-1	Summary Proof of Evidence of Dr David Hiller
A120 6-2	Proof of Evidence of Dr David Hiller
A120 7-1	Summary Proof of Evidence of Roger Moore
A120 7-2	Proof of Evidence of Roger Moore
A120 8-5	Extract of property acquisition strategy
A120 R-5-1	Rebuttal letter to Objector 5 (Mark Westley), dated 31 October 2017
A120 R-5-2	Rebuttal to Objector 5 (Mark Westley)
A120 R-5-3	Rebuttal e-mails from Helen McCormick to Objector 5 (Mark Westley), submitted by the Council on 18 July
A120 R-5-4	Draft heads of terms for permissive agreement, submitted by the Council on 18 July
A120 R-5-5	Plan Ref 240552-ARP-HGN-TKR-SK-CH-000003, submitted by the Council on 18 July
A120 R-5-6	Tilekiln Roundabout Additional Crossing Road Safety Assessment, submitted by the Council on 18 July
A120 R-8-1	Rebuttal letter to Objector 8 (Nick Bickel), dated 19 June 2018
A120 R-8-2	Rebuttal to Objector 8 (Nick Bickel) including Highways & Management Panel 4 November 2014 Minutes and Item 6, Highways & Management Panel 18 September 2014 Minutes and Item 2A and Highways & Transport Panel 18 March 2014 Minutes Item 5
A120 0-2	Hertfordshire County Council's Witness List, submitted by the Council on 17 July 2018
A120 0-3	Closing Submissions on behalf of Hertfordshire County Council, submitted by the Council on 18 July 2018
A120 0-4	Site Visit Schedule, submitted on 18 July 2018
A120 0-5	Site Visit Map, submitted on 18 July 2018
A120 0-6	Modifications to the Orders, submitted by the Council on 18 July 2018

A120 0-6a	Amended Side Roads Order Plan with Modifications, submitted by the Council on 18 July 2018
A120 0-7	Plan of the Scheme displayed at the Inquiry, submitted by the Council on 18 July 2018
A120 0-8	Case: R Morge v Hampshire County Council 2010 EWCA Civ 608, submitted by the Council on 19 July 2018
	<b>Supporters' Documents</b>
A120 Sup 01	Letter of Support from County Councillor Graham McAndrew
A120 Sup 02	Letter of Support from East Herts District Council
A120 Sup 03	Letter of Support from Little Hadham Parish Council, submitted by Elizabeth Lloyd-Williams on 17 July 2018
	<b>Objectors' Documents</b>
A120 Obj 5	Letter of Objection from Mark Westley on behalf of East Herts Footpath Society, dated 27 May 2017
A120 Obj 5-1	Statement of Mark Westley including extract from Pratt & MacKenzie and 3 photographs of Hoddesdon Footpath 020, submitted by Mark Westley on 18 July 2018
A120 Obj 8	Letter of Objection from Nick Bickel, dated 11 June 2018
A120 Obj 8-1	Statement of Nick Bickel, dated 26 June 2018
A120 Obj 8-2	Plan of Alternative Route accompanying the evidence of Nick Bickel, dated 22 June 2018
A120 Obj 8-3	Statement of Nick Bickel, dated 17 July 2018, submitted and read by Nick Bickel on 17 July 2018
A120 Obj 8-4	Extract from Appendix A of HCC Highways and Transport Panel 5 July 2007, submitted by Nick Bickel on 17 July 2018
A120 Obj 8-5	Extract from Route Options Consultation Leaflet, submitted by Nick Bickel on 17 July 2018
	<b>Core Documents</b>
CD 001	The Hertfordshire County Council (A120 Bypass (Little Hadham)) Compulsory Purchase Order 2017, including Order maps (3 No) and Schedule
CD 002	The Hertfordshire County Council (A120 (Little Hadham) Bypass Classified Road) (Side Roads) Order 2017, including maps and Schedule
CD 003	The Hertfordshire County Council (A120 Bypass (Little Hadham)) Compulsory Purchase Order 2017 and The Hertfordshire County Council (A120 (Little Hadham) Bypass Classified Road) (Side Roads) Order 2017 Statement of Case

CD 004	The Environment Agency (A120 Bypass (Little Hadham) Flood Alleviation Scheme) Compulsory Purchase Order 2017, including Order maps and Schedule
CD 005	The Environment Agency (A120 Bypass (Little Hadham) Flood Alleviation Scheme) Compulsory Purchase Order 2017 Statement of Reasons
CD 006	The Proposed 3.9km northern bypass of the A120 and Flood Alleviation Scheme, comprising a new 9.3m wide single carriageway road, verges, roundabout junctions (including lighting), bridges, embankments, drainage, landscaping and associated engineering at A120, land north of Little Hadham, Hertfordshire Planning Decision Notice (dated 19 January 2017) – (HCC Application No: 3/2364-15 (CM0960))
CD 006a	Non Material Amendment Approval Notice, dated 15 November 2017
CD 007	Environmental Statement
CD 007a	Volume I Environmental Statement Non Technical Summary
CD 007b	Volume II Environmental Statement Environmental Impact Assessment
CD 007c	Volume III Environmental Statement Appendices
CD 007d	Volume IV Environmental Statement Drawings
CD 008	Flood Risk Assessment Main Report and Appendices A to E
CD 009	Landscape Strategy
CD 010	Statement of Consultation
CD 011	Transport Assessment Main Report, Figures and Appendices A and B
CD 012	Arboriculture Report Main Report, Arboricultural Impact Assessment Plan and Tree Protection Plan
CD 013	Scheme Drawings
CD 014a	Planning Addendum
CD 014b	Environmental Statement Addendum
CD 015	Hertfordshire Infrastructure & Investment Strategy Transport Technical Report (November 2009)
CD 016	Hertfordshire County Council Inter-Urban Route Strategy Report (16 February 2013)
CD 017	East Herts District Plan Pre-submission Consultation 2016
CD 018	Hertfordshire County Council Cabinet and Panel Papers
CD 019	Letter from Defra, dated 24 April 2018, cancelling the Inquiry into the Environment Agency Compulsory Purchase Order



CD 020/001	AIMS Data Map Albury Tributary Ash (Clapgate), 6 October 2017
CD 020/002	AIMS Data Map Bridgefoot, 6 October 2017
CD 020/003	AIMS Data Map Cradle End-Bury Green Bks, 6 October 2017
CD 020/004	AIMS Data Map Hadham Ford, 6 October 2017
CD 020/005	AIMS Data Map LH LTD, 6 October 2017
CD 020/006	AIMS Data Request Area, 6 October 2017
CD 020/007	A120 existing AIMS data request, 11 October 2017
CD 020/008	Asset Data run from AIMS, 11 October 2017
CD 020/009 to 020/015	Not Used
CD 020/016	Little Hadham Jackson Hyder responses to JBA comments, 30 September 2015
CD 020/017	Little Hadham Flood Storages Area model review DA Final, 26 October 2015
CD 020/018	Depths and duration of flooding from the Ash-Folly Track DA, 6 October 2015
CD 020/019	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-00901, 10 December 2015
CD 020/020	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-00902, 10 December 2015
CD 020/021	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-00903, 10 December 2015
CD 020/022	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-00904, 10 December 2015
CD 020/023	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-00905, 10 December 2015
CD 020/024	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-00906, 10 December 2015
CD 020/025	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-00907, 10 December 2015
CD 020/026	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-00908, 10 December 2015
CD 020/027	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-00909, 10 December 2015
CD 020/028	Land Flood Comparison 235086-ARP-XX-XX-DR-LD-009010, 10 December 2015
CD 020/029	Listed Building in the Parish of Little Hadham, 4 October 2017
CD 020/030	Listed Building Little Hadham Plotted, 9 October 2017

CD 020/031	A120 Poster bullet points, 24 March 2014
CD 020/032	A120 Poster Cobbins Example Photo v2, 24 March 2014
CD 020/033	A120 Poster Cobbins Example Plan v2, 24 March 2014
CD 020/034	River Ash Flood Surgery Briefing Notes
CD 020/035	River Ash Flood Surgery poster
CD 020/036	Letter dated, 9 March 2009: River Ash Flood Surgery
CD 020/037	River Ash Newsletter, dated 6 January 2006
CD 020/038	River Ash Flood Risk Management Study Questions and Answers, 6 March 2006
CD 020/039	Flood Damage Limitation Notes
CD 020/040	Flooding and Historic Buildings. Technical Advice Note 2004
CD 020/041	Little Hadham briefing note April14
CD 020/042	Little Hadham Flood Map 20 August 2013
CD 020/043	Little Hadham Flood Map 4 October 2017
CD 020/044	Previous flooding 1982
CD 020/045	Previous flooding 1987
CD 020/046	Previous flooding 1988
CD 020/047	Previous flooding 1993
CD 020/048	Previous flooding 2000
CD 020/049	Previous flooding 2001
CD 020/050	Previous flooding 2009
CD 020/051	Previous flooding 2012
CD 020/052	Previous flooding 2014
CD 020/053	A120 Bypass Little Hadham Flood Storage Area Project IMTH001638 Form A Business Case, 7 October 2014
CD 020/054	River Ash A120 RFDC Briefing Note, 12 October 2007
CD 020/055	River Ash Strategy Mini-gateway final technical report
CD 020/056	Little Hadham Memorandum of Understanding 5 August 2014
CD 020/057	Little Hadham PAB Form A Presentation 21 October 2014
CD 020/058	Little Hadham PF Calculator 2014 November update
CD 020/059	River Ash Flood Risk Management Study - Phase 2a Mini-Gateway Report December 2005

CD 020/060	River Ash Flood Risk Management Study – Phase 2a Summary and Conclusions Report 2006
CD 020/061	River Ash Flood Risk Management Study - Inception Study November 2003
CD 020/062	River Ash Flood Risk Management Study - Newsletter 6 January 2006
CD 020/063	River Ash Flood Risk Management Study - Newsletter No 2, December 2004
CD 020/064	River Ash Flood Risk Management Study - Little Hadham Newsletter No 1, November 2003
CD 020/065	Extract from Pitt Review section 7
CD 021 to 029	Not Used
CD 030/001	Not Used
CD 030/002	A120 Little Hadham Bypass Route Options for Consultation
CD 030/003	A120 Little Hadham Bypass Flood Alleviation Scheme briefing May 2013
CD 030/004	Memorandum: Potential Flood Storage Area Behind an A120 Little Hadham Bypass embankment, 22 May 2007
CD 030/005	A120 Preferred Option Chart 23 April 2007
CD 030/006	A120 Little Hadham Bypass Routes Exhibition Briefing Notes
CD 030/007	A120 Little Hadham Bypass & Flood Risk Management Questions & Answers 2 March 2007
CD 030/008	A120 Bypass Little Hadham proposed Flood Alleviation Scheme Briefing Note 12 October 2007
CD 030/009	A120 Bypass Little Hadham Route Map
CD 030/010	Environment Agency River Ash A120 Text Panel Final
CD 030/011	Environment Agency Briefing on an A120 Little Hadham Bypass and managing flood risk, February 2014
CD 030/012	Environment Agency River Ash an A120 Little Hadham Bypass and managing flood risk, Spring 2007
CD 030/013	A120 Bypass (Little Hadham) and Flood Alleviation Scheme Exhibition Staff briefing pack
CD 030/014	Thames RFCC Sub Committee minutes, 7 November 2013
CD 031	Collaborative Agreement between Hertfordshire County Council and the Environment Agency relating to A120 Bypass (Little Hadham) and Flood Alleviation Scheme, 1 February 2017
CD 032	Flood Storage Reservoir Design Report, 5 January 2018, Ove Arup and Partners Ltd

CD 033	Letter, dated 4 May 2018 from Mott MacDonald regarding A120 Flood Storage Reservoir Design Acceptance
CD 034	Equality Impact Assessment, 11 April 2017
CD 035	Memorandum of Understanding, August 2014
CD 036	Agreement under Section 13(4) Flood and Water Management Act 2010 in respect of the A120 Bypass (Little Hadham) and Flood Alleviation Scheme
CD 037	Ordinary Watercourse Land Drainage Consent (Reference EHDC17/26/C/18/18 – EHDC17/28/A120 Bypass/2018/06)
CD 038 to 039	Not Used
CD 040/001	Geomorphology Technical Note: Lloyd Taylor Drain, March 2015
CD 040/002	Note to File: A120 Little Hadham Bypass Hydraulic Modelling, 10 April 2014, JBA Consulting
CD 040/003	Note to File: A120 Little Hadham Bypass Hydraulic Modelling, 1 April 2014, JBA Consulting
CD 040/004	Lloyd Taylor Drain Diversion Plans
CD 040/005	Map of Little Hadham Flood Outlines 1
CD 040/006	Map of Little Hadham Flood Outlines 2
CD 041 to 049	Not Used
CD050/001	Little Hadham – Meeting with Mr Oakley 12 June 2014
CD 051 to 059	Not Used
CD 060/001	Environmental Assessment Screening Option Checklist
CD 060/002	Environmental Scoping and Methodology Report, 13 June 2014
CD 061 to 069	Not Used
CD 070/001	Cobbins Brook Flood Storage Area Visit Map 8 February 2016
CD 070/002	Cobbins Brook Flood Storage Area Photographs 28 July 2015
CD 070/003	Cobbins Brook Flood Storage Area in use February 2014
CD 070/004	Cobbins Brook Flood Storage Area empty
CD 070/005	Cobbins Brook Flood Storage Area AS Built Drawings 2010
CD 070/006	Cobbins Brook Flood Storage Area inlet structure wet January 2014
CD 070/007	Cobbins Brook Flood Storage Area inlet structure normal
CD 070/008	A120 Poster 24 April 2014 Cobbins Brook Flood Storage Area Example Plan

CD 070/009	A120 Poster 24 April 2014 Cobbins Brook Flood Storage Area Example Photograph
CD 070/010	Managing Environment Agency Reservoirs 7 July 2015
CD 070/011	Environment Agency Owners guide to reservoir safety, March 2010, Withdrawn 1 August 2016
CD 070/012	Reservoir Good Practice, 4 April 2016 - NCPMS - Updated SGN 29 September 2016
CD 070/013	A120 Flood Storage Area - seismic design note Draft for comment, 11 August 2016
CD 070/014	SMN-100 Lloyd Taylor Culvert Approval In Principle Draft, 16 September 2016
CD 070/015	SMN-100 Lloyd Taylor Culvert Approval In Principle Draft Environment Agency Comments, 21 October 2016
CD 070/016	SMN-100 Lloyd Taylor Culvert Approval In Principle Draft General Arrangement Drawing Environment Agency, 21 October 2016
CD 070/017	A120 Flood Storage Area Seepage, 17 November 2016
CD 070/018	Lloyd Taylor Drain Culvert Approval In Principle draft Ove Arup & Partners Ltd response, 25 November 2016
CD 070/019	Grab Lorry Lift Plan, 6 December 2016
CD 070/020	Albury Tributary Control Final Approval In Principle, Ref 240552-ARP-SMN-201-RP-CB-000001, 22 December 2016
CD 070/021	Albury Tributary Spillway Final Approval In Principle, Ref 240552-ARP-SBR-200-RP-CB-000001, 22 December 2016
CD 070/022	River Ash Control Final Approval In Principle Ref 240552-ARP-SMN-401-RP-CB-000001, 22 December 2016
CD 070/023	River Ash Spillway Final Approval In Principle, Ref 240552-ARP-SBR-400-RP-CB-000001, 22 December 2016
CD 070/024	Reservoirs Act 1975, as amended
CD 070/025	Not Used
CD 070/026	Not Used
CD 070/027	A120 Flood Storage Area Performance Specification, 25 September 2013
CD 070/028	Photograph of AEBI TT211 Vehicle
CD 070/029	Specification of AEBI TT211 Vehicle
CD 070/030	MEICA Standard specifications, 8 May 2017
CD 070/031	Design standard for flood resilience Assets Ref OGA201216AM
CD 070/032	Delivering Benefits through Science: Trash and Security Screen Guide 2009

CD 070/033	Silk Stream – Design Review Meeting Feedback, 5 December 2007
CD 070/034	Grab lorry dimensions, 22 August 2012
CD 070/035	Grab lorry lift capacity, 22 April 2013
CD 070/036	Lloyd Taylor Drain Additional Modelling – Culvert, 19 January 2017
CD 070/037	Lloyd Taylor Drain Culvert Approval In Principle, 17 January 2017
CD 070/038	A120 Reservoir Design Report Final 5 January 2018
CD 070/039	Not Used
CD 071 to 079	Not Used
CD 080 to 089	Not Used
CD 090/001	A120 Bypass Little Hadham Flood Storage Area Project Business Case Update Report (inc Form G approval), 17 August 2017
CD 090/002	E-mail, dated 12 October 2017, from National Project Assurance Service to confirm FSoD approval
CD 090/003	A120 Bypass Little Hadham Flood Storage Area Project Form A Business Case, 7 October 2014
CD 090/004	FCRM Partnership Funding Calculator for Flood and Coastal Erosion Risk Management Grant Aid 2014
CD 090/005	FCRM Partnership Funding Calculator for Flood and Coastal Erosion Risk Management Grant Aid 2017
CD 090/006	FCRM Partnership Funding Calculator for Flood and Coastal Erosion Risk Management Grant Aid Risk Register 2017
CD 090/007	Submission for flood and coastal erosion risk management project funding
CD 090/008	Thames Regional Flood and Coastal Programme Sub-committee meeting paper, June 2017
CD 090/009	Thames Regional Flood and Coastal Programme Sub-committee meeting minutes, June 2017
CD 090/010 to 090/016	Not Used
CD 091	Hertfordshire Local Enterprise Partnership Board Meeting - Minutes, 21 January 2016
CD 092 to 099	Not Used
CD 100/001	The National Flood and Coastal Erosion Risk Management Strategy for England 2011
CD 100/002	Defra/Environment Agency Creating a better place Our ambition to 2020 April 2017
CD 100/003	Defra/Environment Agency Creating a great place for living: Environment Agency Action Plan for 2017 to 2020

CD 100/004	Thames Catchment Flood Management Plan Summary Report December 2009
CD 100/005	Environment Agency Adapting to Climate Change Advice for Flood and Coastal Erosion Risk Management Authorities
CD 100/006	Creating a great place for living: Defra's strategy to 2020
CD 100/007	Defra/Environment Agency Creating a better place Our ambition to 2020, 3 June 2018
CD 101	Little Hadham Flood Alleviation Scheme Environment Agency's Consenting Position Paper
CD 102	HM Government 'A Green Future: Our 25 Year Plan to Improve the Environment'.
CD 103	Defra/Environment Agency Flood and Coastal Defence R & D Programme Flood Risks to People Phase 1, R&D Technical Report FD2317/TR
CD 104	Joint Defra/EA Flood and Coastal Erosion Risk Management R&D Programme: The Appraisal of Human related Intangible Impacts of Flooding, R&D Technical Report FD2005/TR
CD 105	Health impacts of flooding in Lewes: a comparison of reported gastrointestinal and other illness and mental health in flooded and non-flooded households, March 2004

**APPENDIX C****ABBREVIATIONS**

BCR	Benefit Cost Ratio
(the) Convention	(the) Convention for the Protection of Human Rights and Fundamental Freedoms
CPO	Compulsory Purchase Order
Defra	Department for Environment, Food & Rural Affairs
DfT	Department for Transport
EA	Environment Agency
EqIA	Equality Impact Assessment
ES	Environmental Statement
FP	Footpath
GCN	Great Crested Newt
HCC	Hertfordshire County Council
HGV	Heavy Goods Vehicle
km	kilometres
LEP	Local Enterprise Partnership
LPA	Local Planning Authority
m	metres
NE	Natural England
PRoWs	Public Rights of Way
(the) scheme	(the) A120 Bypass (Little Hadham)
SofS	Secretary of State for Transport
SRO	Side Roads Order
vpd	vehicles per day