



Department  
for Transport

Ms H McCormick  
Highways  
Hertfordshire County Council  
19c St Albans Road East  
Hatfield  
Hertfordshire  
AL10 0NG

**National Transport Casework Team**  
Tyneside House  
Skinnerburn Road  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7AR

Direct line: 0207 944 4115

Email: dave.candlish@dft.gov.uk

Your Ref:

Our Ref: NATTRAN/E/LAO/136

Date: 17 October 2018

Dear Ms McCormick

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

**THE HERTFORDSHIRE COUNTY COUNCIL (A120 BYPASS (LITTLE HADHAM)) COMPULSORY PURCHASE ORDER 2017 (“the CPO”)**

**SECRETARY OF STATE’S DECISION – ORDERS TO BE CONFIRMED WITH MODIFICATIONS**

1. I refer to your application, submitted on behalf of Hertfordshire County Council (“the Council”), for confirmation of the above named SRO and CPO. The Secretary of State for Transport (“the Secretary of State”) has decided to confirm, as modified by him, the Orders and this letter constitutes his decision to that effect.

2. The confirmed SRO and CPO will, respectively, authorise the Council to:

- (i)
  - (a) improve highways;
  - (b) stop up highways;
  - (c) construct new highways;
  - (d) stop up private means of access to premises; and
  - (e) provide new means of access to premises,

all on or in the vicinity of the route of the classified road known as the A120 (Little Hadham) Bypass which the Council is proposing to construct between a point on the A120 650m west of the junction with C15 Albury Road and extending in a generally easterly direction, for a distance of 3900 metres, to a point on the A120 2.5km east of the junction with C15 Albury Road; and

(ii) purchase compulsorily the land and new 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 acquiring 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.

### MODIFICATIONS

3. The Secretary of State will make the modifications to the Orders as agreed in the Inspector's Report at paragraph 6.12 and as detailed in Document A120 0-6 and will replace SRO Site Plan 3 with SRO Site Plan 3 contained in Document A120 0-6a. These documents can be found as an annex to this letter. The Secretary of State is in agreement with the Inspector's conclusions that the modifications are necessary and is satisfied that they do not require additional land outside that required for the published scheme and that they, therefore, may be made.

### CONSIDERATIONS FOR DECISION

4. As statutory and non-statutory objections remained outstanding to the Orders it was decided that concurrent Public Local Inquiries should be held for the purposes of hearing those objections. Such Inquiries were held on 17 and 18 July 2018 at Little Hadham Village Hall before Inspector M Whitehead LLB BSc(Hons) CEng MICE, an independent Inspector appointed by the Secretary of State. At the opening of the Inquiries 2 non-statutory objections to the SRO and no remaining objections to the CPO were outstanding. The Inquiries were to be held jointly with the Department for Environment, Food and Rural Affairs (Defra) and also consider 'The Environment Agency (Little Hadham Flood Alleviation Scheme) Compulsory Purchase Order 2017'. However, all objections having been withdrawn, the Inquiry into the Environment Agency Order was cancelled by Defra and the decision on the Order will be issued separately by Defra.

5. The Inspector considered all representations and objections about the Orders during the Inquiries and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report and also to a number of relevant issues, as set out in *Guidance on Compulsory purchase process and The Criche Down Rules* and *The Highways Act 1980* (sections 14 and 125), in reaching his decision on the Orders.

In relation to the CPO, namely that:

- i) there should be a compelling case in the public interest to acquire all the land and that this should sufficiently justify interfering with the human rights of those with an interest in the land affected;
- ii) the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iii) sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme; and
- iv) there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.

In relation to the SRO, namely that:

- i) where a highway is to be stopped up another reasonably convenient route is available or will be provided before the highway is stopped up;
- ii) where a private means of access to premises is to be stopped up either no access to the premises is reasonably required or another reasonably convenient means of access to the premises is available or will be provided; and
- iii) provision will be made for the preservation of any rights of statutory undertakers in respect of their apparatus.

## CONCLUSION

6. The Secretary of State has considered carefully all the objections to, and representations about, the Orders, including alternative proposals put forward. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at paragraphs 6.8, 6.11 and 6.17 and is satisfied that in confirming the CPO a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

7. He is satisfied that the scheme, for which the Order land is required, consists of the construction of a highway bypass and that the scheme has the benefit of a valid planning permission. He is further satisfied that, in exercising its powers under sections 239, 240, 246, 250 and 260 of the Highways Act 1980, the Council is pursuing the compulsory purchase of land and rights required for the construction of the A120 (Little Hadham) Bypass. Additionally, for the construction of a bridge to carry the C15 Albury Road over the bypass, for the construction and improvement of highways and new means of access to premises in pursuance of the SRO, for use by the acquiring authority in connection with the construction and improvement of highways and provision of new means of access to premises and for the mitigation of adverse effects. Furthermore, he is satisfied that there are clear descriptions of why the Order lands are required and how they will be used and that no land and rights beyond those necessary to implement the scheme have been included. The Council has confirmed that funding is available for delivery of the scheme and the Secretary of State is satisfied that there are no anticipated impediments to the scheme going ahead.

8. The Secretary of State notes that there are no outstanding objections from statutory undertakers and is satisfied that where highways are to be stopped up that a reasonably convenient alternative route will be provided and that where private means of access to premises are to be stopped up either no access is reasonably required or another reasonably convenient means of access is available or will be provided. It is noted that the scheme does not propose any permanent extinguishment of rights of way and the Secretary of State is in agreement with the Inspector that the at-grade crossing and permissive use of the proposed Spillway underpass will provide convenient alternative routes for Little Hadham FP057. Furthermore, the Secretary of State is in agreement with the Inspector's comments at paragraphs 6.4 and 6.14 and is satisfied that the benefits of the proposed scheme justify its selection over other alternative schemes.

9. Having considered all aspects of the matter the Secretary of State is satisfied that there are no compelling reasons brought forward which would justify not confirming the Orders. Accordingly, the Secretary of State agrees with the Inspector's recommendations and has decided to confirm, as modified by him, 'The Hertfordshire County Council (A120 (Little Hadham) Bypass Classified Road) (Side Roads) Order 2017' and 'The Hertfordshire County Council (A120 Bypass (Little Hadham)) Compulsory Purchase Order 2017'.

10. In confirming the Orders the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence, as being factually correct. Confirmation is given on this basis.

## COMPENSATION

11. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the acquiring authority and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

## AVAILABILITY OF DOCUMENTS

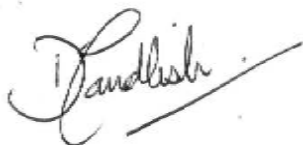
12. A copy of this letter and accompanying annex, together with a copy of the Inspector's report, have been sent to those parties who appeared at the Inquiries, other interested parties and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned and will also be made available for viewing at <https://www.gov.uk/government/collections/highways-act-inspectors-reports-and-decision-letters>.

13. Please arrange for a copy of the Inspector's report and of this letter, including its annex, to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

## RIGHT OF CHALLENGE

14. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Dave Candlish", with a long horizontal stroke extending to the right.

**DAVE CANDLISH**

Authorised by the Secretary of State for Transport  
to sign in that behalf