

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

HIGHWAYS ACT 1980

AND

ACQUISITION OF LAND ACT 1981

**THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (SOUTH WYE TRANSPORT PACKAGE – A4194
SOUTHERN LINK ROAD) COMPULSORY PURCHASE ORDER 2018**

**THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (SOUTH WYE TRANSPORT PACKAGE –
A4194 SOUTHERN LINK ROAD)(CLASSIFIED ROAD)(SIDE ROADS) ORDER 2018**

STATEMENT OF REASONS

1. INTRODUCTION

- 1.1. On 16 November 2017 the County of Herefordshire District Council (the “**Council**” and the “**Acquiring Authority**”) resolved to make the County of Herefordshire District Council (South Wye Transport Package – A4194 Southern Link Road) Compulsory Purchase Order 2018 (the “**Order**”). The land and interests over land proposed to be compulsorily acquired pursuant to the Order comprises areas of land within the South Wye area of Hereford and are described in greater detail in section 3 below.
- 1.2. The Order is made pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 (the “**1980 Act**”) for the acquisition of all interests (except any specifically excluded) in the land shown coloured pink (the “**Order Land**”) on the plan attached to the Order (the “**Order Plan**”), and as described in the Schedule to the Order.
- 1.3. The Order is being sought to enable the construction of a new single carriageway (two lane) road, of approximately 3.6 kilometres in length, and associated works (the “**Scheme**”). The new road will run between the A49/B4399 junction (more specifically the Ross Road/Rotherwas Access Road roundabout) to the A465 and B4349 Clehonger Road to the south of Hereford. The road will be known as the Southern Link Road (the “**SLR**”).
- 1.4. The SLR is one element of the “South Wye Transport Package” (“**SWTP**”), which aims to promote economic development by unlocking the barriers to economic growth in Hereford by:
 - (i) reducing congestion and delay;
 - (ii) enabling access to the Hereford Enterprise Zone (“**HEZ**”);
 - (iii) reducing the growth in traffic emissions;
 - (iv) reducing traffic noise;
 - (v) reducing accidents; and
 - (vi) encouraging physical activity.
- 1.5. The Council is seeking to assemble in its ownership the land as set out in the Order to facilitate and enable the Scheme. The Order will enable the acquisition of the interests in the Order Land and new rights over the land coloured blue on the Order Map for the purposes of carrying out the Scheme.
- 1.6. It is currently planned that the Scheme will be completed by the end of 2020.
- 1.7. The most recent government guidance on the compulsory purchase process was published in February 2018 and entitled “*Guidance on Compulsory purchase process and The Crichel Down Rules*” (the “**Guidance**”). The Council has considered the Guidance carefully. The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (paragraph 2 of the Guidance) which justifies the overriding of any private rights in the land sought to be acquired. It is considered that a compelling case exists here and this is explored further below in section 6.

- 1.8. In addition to promoting the CPO, the Council has made The County of Herefordshire District Council (South Wye Transport Package – A4194 Southern Link Road)(Classified Road) (Side Roads) Order 2018 (“the **Side Roads Order**”) in order to carry out works to existing highways as well as private means of access which are necessary to enable the SLR to be built.
- 1.9. The purpose of this Statement of Reasons is to explain the Council’s proposals and to provide sufficient detail about the extent and nature of the land required for the proposals as well as the effects of the works on side roads, including those that are to be stopped up.

2. EXPLANATION OF USE OF THE PARTICULAR ENABLING POWER

- 2.1. The Highways Act 1980 empowers the Council to compulsorily acquire land which it requires to construct and improve the highway.
- 2.2. Section 239 of the 1980 Act enables the Council as the highway authority for the area to “acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense”, as well as any land required for improvement of the highway.
- 2.3. Under section 240 of the 1980 Act, the Council as the highway authority may acquire land required for the use in connection with construction or improvement of the highway.
- 2.4. Section 246 of the 1980 Act allows the Council to acquire land for the purpose of mitigating any adverse effect that the existence or use of the SLR may have on its surroundings.
- 2.5. Section 250 of the 1980 Act allows the Council as the highway authority to acquire rights over land, both by acquisition of those already in existence, and by the creation of new rights.
- 2.6. Section 260 of the 1980 Act allows the Council to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order.
- 2.7. Section 14 of the 1980 Act enables the Council as the highway authority to make an order to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of a classified road or is affected, or will be affected, by the construction or improvement of the classified road and, to construct a new highway for the purposes concerned with any alteration and for any other purpose connected with the classified road or its construction.
- 2.7. Section 125 of the 1980 Act enables the Council as the highways authority to stop up any private means of access to premises adjoining or adjacent to land comprised in the route of a road, or forming the site of any works authorised by the Order, and to provide a new means of access to any such premises.

3. DESCRIPTION OF THE ORDER LAND AND LOCATION, TOPOGRAPHICAL FEATURES AND PRESENT USE

- 3.1. The Order Land (being the land, interests and new rights over land proposed to be compulsorily acquired pursuant to the Order) comprises approximately 33.4 hectares. This comprises 328,675.51 square metres for which title to the Order Land is required and 5,315.90 square metres for which rights over land are required for access to, constructing and maintaining structures and culverts and the provision of drainage to the SLR. The Order Land in some areas covers a wider area than the route corridor for the SLR as it includes land that is required for construction purposes, drainage, landscaping and mitigation.
- 3.2. The Order Land, which is in a variety of ownerships, is rural and largely comprises arable fields, small woodlands and coppices, small settlements, farmland, and part of the garden of one residential property.
- 3.3. The topography of the Order Land is undulating, rising from approximately 85m Above Ordnance Datum (AOD) in the north to approximately 105m AOD in the south. Two brooks pass within the Order Land: Withy Brook and Newton Brook. There are also small scattered woodlands and orchard trees, including Grafton Wood (which is categorised as Ancient Semi-Natural Woodland) and veteran trees.
- 3.4. Full details of the Order Land appear in the Schedule to the Order and known interests and new rights to be acquired are recorded in the Schedule. The Schedule has been prepared based upon information gathered through inspection of Land Registry title documents and information provided by owners and occupiers following the service of section 5A of the Acquisition of Land Act 1981 notices.
- 3.5. Part of the Order Land described within the Schedule to the Order is required for construction and siting of the SLR and will be retained in perpetuity. However, other parts of the Order Land and related rights will be returned to the owners on completion of the Scheme.
- 3.6. The only private residential property affected by land take is Pykeways with the loss of approximately 135sqm of garden land equating to just under 7% of the total land area of the property.
- 3.7. The total loss of agricultural land is identified as being 31.2ha and sixteen field units would be crossed by the proposal. The land crossed is a mixture of Grade 2 (very good quality) and Grade 3 (good to moderate quality) agricultural land. Further agricultural land will be used for construction areas but will be returned to agricultural land on completion of the Scheme.
- 3.8. The extent, description and situation of the Plots as they appear in the Schedule to the Order and which make up the Order Land, and the reason for their inclusion in the Order, are set out in the table below.

Plot number	Description and Reason for compulsory purchase
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1	The land is currently public highway and grass verge known as B4349, Clehonger Road, Hereford. The land consists of an area of 1,436.86 square metres. The land is highway to be improved and it will form part of the new SLR highway and supporting embankments.
2	This land is public highway and verge known as B4349 Clehonger Road, Hereford from the junction with Copper Beeches leading north east to Forest View. The land consists of an area of 1,856.32 square metres. The land is highway to be stopped up, and will be redeveloped into a restricted bridleway.
3	The land is 4,294.07 square metres of arable land, to the east of Dunan Lodge and south of B4349 Clehonger Road. The land will form part of the new SLR highway and supporting embankments.
3A	The land is 32.48 square metres of arable land, south west of Copper Beeches and B4349 Clehonger Road. The land will form vehicular access from the SLR highway to Copper Beeches.
4	The land is 5,673.56 square metres of arable land south east of Copper Beeches and B4349 Clehonger Road. The land will form part of the new SLR highway and supporting embankments.
5	This land is 359.16 square metres of Golden Post Road, south of B4349 Clehonger Road leading to Pykeways from the junction with Copper Beeches. The land will form part of the new SLR highway and supporting embankments.
5A	This land is 157.17 square metres of Golden Post Road, south of B4349 Clehonger Road and fronting Pykeways, Allensmore. The land will be stopped up under the Side Roads Order.
6	This is 149.66 square metres of land to the rear of Pykeways, Allensmore. The land will form part of the new SLR highway and supporting embankments.
8	This is 39.72 square metres of land providing part access to arable land directly southeast of Pykeways, Allensmore. The land will be used to form a new turning head for vehicles at the top of the lane near Pykeways, including the Council's refuse vehicles serving Pykeways.
9	This is 133.55 square metres of Golden Post Road, north of Golden Post Cottage Hereford with Pykeways to the north east. The land will be used to form a new turning head for vehicles at the top of the lane near Pykeways, including the Council's refuse vehicle serving Pykeways.
10	This is 6,722.58 square metres of arable land to the south east of Pykeways and on the east side of Golden Post Cottage, Belmont, Hereford. The land will form part of the SLR highway and supporting embankments. Part of the land near the south east within this parcel will be used in connection with the new A465 Roundabout.
11	This is 7,075.91 square metres of public highway known as A465, Abergavenny Road, Hereford north east of Golden Post Cottage. The highway on this land will be stopped up and then used for the new SLR highway and supporting embankments, as well as construction of the new A465 Roundabout. Part of the land currently used as A465 Abergavenny Road will be improved, to provide for enhanced access to the SLR and Roundabout.
12	This is 63,480.83 square metres of arable land which leads east and south east from A465 Abergavenny Road to Haywood Lane. The majority of this land will be used to form part of the SLR highway and supporting embankments, as well as construction of the new A465 Roundabout. Part of

	the land near to the new roundabout will be used for construction of an attenuation basin.
12A	This is 50,067.28 square metres of arable land to the south east of A465, Abergavenny Road with Golden Post Cottage to the north. This is land required for essential licence, as it is required to build a temporary site compound for storage and parking of vehicles and materials in relation to construction of the new highway. The land will be restored and handed back to the original owners following completion of the new highway. Also, a new means of access is to be built near the north east corner of this plot of land, to enable access to the field from Abergavenny Road once the road has been upgraded.
12B	This is 1,065.28 square metres of arable land south east of A465, Abergavenny Road with Golden Post Cottage to the north. The land is required for Dedicated rights, to provide for a public footpath and to enable the Council to access the Newton Brook underpass for maintenance and repair.
12C	This is 7,322.64 square metres of arable land to the south of Hayleasow Wood, Hereford. The land is to be acquired for the construction of a new attenuation pond.
12D	This is 468.24 square metres of arable land to the south of Hayleasow Wood, Hereford. The land is required for construction of a new footpath, in order to link up and provide access to the public footpath HA3 to the east, the Newton Brook underpass and the footpath at plot 12B.
12E	This is 666.85 square metres of arable land to the south of Hayleasow Wood, Hereford. The land is required as Essential Licence to complete the works to construct the footpath, and will then be returned to the original owners once the works have been completed.
12F	This is 937.88 square metres of arable land to the south of Hayleasow Wood, Hereford. The land is required as Essential Licence to complete the works to construct the footpath, and will then be returned to the original owners once the works have been completed.
12G	This is 18,535.81 square metres of arable land to the south of Merryhill Park, Belmont with Haywood Lane to the east. This is land required for essential licence, as it is required to build a temporary site compound for storage and parking of vehicles and materials in relation to construction of the new highway. The land will be restored and handed back to the original owners following completion of the new highway
12K	This is 612.24 square metres of arable land to the south of Hayleasow Wood, Hereford. The land is required for drainage rights to provide an outfall from overland flows heading towards Clehonger link, runoff from the SLR highway embankments and flows from the ditch..
12L	This is 193.65 square metres of arable land to the south of Hayleasow Wood, Hereford. The land is required for drainage rights to provide an outfall from the SLR highway drainage.
13	This is 790.55 square metres of public highway known as Haywood Lane, Hereford to the north of Haywood Lodge Cottages. The land is owned by Herefordshire County Council as highway authority. The land is required to build the new SLR highway and supporting embankment, as well as to construct a new overbridge to allow Haywood Lane to continue over the SLR highway.

14	This is 21,493.18 square metres of arable land on the East side of Haywood Lodge Cottages, Hereford and south of Beech Grove. The land is required to build the new SLR highway and supporting embankments, as well as an underpass near to the railway line to allow the public to continue to access Haywood Lane by foot from the north.
14A	This is 1,993.08 square metres of private access track on the East side of Haywood Lodge Cottages, Hereford with Beech Grove to the north. The land is required to grant Network Rail and the Council permanent rights to gain access from Haywood Lane to the railway bridge underneath the new SLR highway, for maintenance and repair.
14B	This is 542.39 square metres of public footpath heading east from Roman Byre towards Grafton. It is owned is required to realign the existing public footpath HA7 (which will be partially stopped up by construction of the new highway) with the legal boundary of the property, which will also reflect the realistic current usage by members of the public.
14D	This is 73.82 square metres of arable land on the East side of Haywood Lodge Cottages, Hereford and south of Beech Grove. It is land required to provide access from the end of the current public footpath no. HA7 to the SLR underpass, linking up with the footpath at plot 14B.
15	This is 867.56 square metres of Railway Line, owned by Network Rail. The airspace above the railway line is being acquired to facilitate the construction of the SLR over the railway.
16	This is 24,752.76 square metres of arable land on the south east side of the West Midland Railway line and south of Beech Grove. It is required to construct the SLR highway and supporting embankments.
16A	This is 1,614.00 square metres of private access track southeast of the West Midland Railway line. This land is required for rights, to provide access for the Council from Haywood Lane to the railway bridge underneath the SLR highway for maintenance and repairs, and to provide the trustees of the Edwards Family Trust with access to their land north of the SLR via the railway underpass.
17	This is 7,379.68 square metres of arable land on the Grafton smallholdings Estate, Grafton to the north of Withy Brook, Hereford. It is required for construction of the SLR highway and supporting embankments.
18	This is 22,015.47 square metres of arable land at Grafton smallholdings Estate, Grafton, Hereford north west of The Green. It is required for construction of the SLR highway and supporting embankments.
19	This is 970.33 square metres of public highway known as Grafton Lane, Hereford north of The Green. It is required to construct the SLR highway and supporting embankments, and to provide continued use of Grafton Lane for vehicular traffic via an underpass.
20	This is 4,484.55 square metres of arable land forming part of Leys Farm south east of public highway known as Grafton Lane. It is required for construction of the SLR highway and supporting embankments.
20A	This is 308.80 square metres of arable land on the south east side of Grafton Lane, forming part of Leys Farm. It is required for Dedication in order to build a new footpath to provide for members of the public to have foot access between public footpath GF3 and Grafton Lane.
21	This is 736.36 square metres of arable land on the south east side of Grafton Lane, forming part of Leys Farm. It is required for construction of the SLR

	highway and supporting embankments.
22	This is 23,909.87 square metres of arable land on the south east side of Grafton Lane, forming part of Leys Farm and part of Grafton Wood. It required for construction of the SLR highway and supporting embankments. The branch of this land leading up to plot 22B is required for construction of an attenuation pond and drainage, the outfall of which will be located within plot 22B.
22A	This is 857.49 square metres of arable land on the south east side of Grafton Lane, forming part of Leys Farm. It is required for Dedication in order to build a new footpath to provide for members of the public to have foot access between public footpath GF3 and Grafton Lane.
23	This is 12,557.96 square metres of arable land with Grafton Wood to its West and the A49, Rotherwas Roundabout to its east. It is required to construct the SLR highway and supporting embankments.
23A	This is 34,948.13 square metres of arable land with the A49, Ross Road lying to the east. It is required for the mitigation of adverse effects of the Scheme, with the land to be planted to offset the acquisition of land within Grafton Woods.
23B	This is 427.00 square metres of arable land on the south east side of Grafton Lane, forming Part of Court Farm. The land is required to provide an outfall from the attenuation pond at plot 22 to the nearby ditch.
24	This is 457.11 square metres of the A49 Ross Road at its junction with Rotherwas Roundabout. It is required for construction of the SLR highway and supporting embankments.
25	This is 838.20 square metres of the A49 Ross Road at its junction with Rotherwas Roundabout. It is required for construction of the SLR highway and supporting embankments.

4. GENERAL DESCRIPTION OF THE SCHEME

- 4.1. The line of the proposed SLR is shown on the map in Appendix A.
- 4.2. The SLR would start as a new arm on the A49 (Ross Road)/B4399 (Rotherwas Access Road) roundabout heading northwest through existing hedgerow and across arable farmland. The SLR passes through Grafton Wood with a new culvert located east of the wood to convey ditch flows. A construction compound (the Eastern Construction Compound) will be on a parcel of land to the south east of Grafton Wood and upon completion would be planted as a rich native broad-leaved woodland with adjacent pond.
- 4.3. The middle of the public footpath GF3, which runs from the A49 to Grafton Hamlet will be severed by the proposed SLR where it leaves the northern side of Grafton Wood. The footpath will be diverted to run along the fenceline of the southern edge of the SLR to a new termination point on Grafton Lane, near the property known as The Green. The northern part of the footpath will be extinguished. A new footway through the new underpass on Grafton Lane will connect to a new public footpath created in a field to the north of the SLR, west of Grafton Lane.
- 4.4. Travelling westwards the SLR climbs on an embankment, crossing over Grafton Lane by way of a new structure to be known as the Grafton Lane Underpass. This allows vehicular, pedestrian,

cycle and equestrian users to continue to use Grafton Lane. Grafton Lane will be lowered slightly to ensure sufficient clearance for motorised vehicles to pass beneath the proposed SLR in accordance with highway design standards. To the west of Grafton Lane a watercourse known as Withy Brook will be culverted underneath the SLR.

- 4.5. Continuing westwards the SLR is raised on embankment over a new wildlife underpass known as the Central Underpass. This is located in line with an existing hedgerow and established bat flight path.
- 4.6. In order to cross over the Hereford to Newport railway line, the SLR will climb onto an embankment and the railway crossing will be a single span bridge structure known as the "Railway Underbridge". This structure has been designed to ensure compliance with the minimum headroom requirements for the railway as well as providing access underneath the bridge structure for bridge maintenance and connectivity to both sides of the SLR.
- 4.7. Public footpath HA7 crosses the field situated to the west of the railway and a localised diversion will be provided for the public footpath to route a section of the footpath along the combined farm accommodation/bridge maintenance track which will be provided immediately west of the railway, underneath the bridge. Furthermore, the section of the footpath HA7 leading down from Haywood Lane to the railway line will be altered to run along the field margin (where people currently walk) rather than diagonally across the field, which is the current definitive line of the footpath.
- 4.8. The proposed SLR continues in a northwesterly direction across arable farmland and underneath Haywood Lane. A section of Haywood Lane, where it crosses the SLR, will be raised marginally as part of the overbridge works at this location. During construction an area of land to the north of the SLR at Haywood Lane Overbridge is proposed as the Central Construction Compound which will be reinstated to agricultural use on completion of construction of the SLR.
- 4.9. The SLR will continue in a northwesterly direction towards the A465 (Abergavenny Road) with a culvert allowing the SLR to cross Newton Brook. The SLR severs the northernmost section of public footpath HA3, which runs from Merry Hill to the A465. An underpass (the Newton Brook Underpass) allows bats and other wildlife to pass beneath the proposed scheme and is also the diversion route for footpath HA3, as well as a potential route for agricultural vehicles/machinery to access severed land south of the SLR. The land to the southeast of the A465 and southwest of the SLR would be used as the Western Construction Compound. From the Newton Brook Underpass public footpath HA3 will run westwards along the northern side of the field hedgeline to reach public bridleway HA6 which connects to the A465. The northern section of the existing footpath HA3 will be extinguished.
- 4.10. A new roundabout is proposed on the A465 to link in with the proposed SLR. A new link road from the roundabout, about 580m long, is also proposed to connect the B4349 (Clehonger Road) at a point to the south of Clehonger Court and Copper Beeches. The proposed road, passes on the northern side of the dwelling known as Pykeways and south west of properties known as 1 and 2 Forest View. The road also crosses an unclassified road known as Golden Post Road that runs between the A465 and B4349.

- 4.11. Short sections of the B4349 and Golden Post Road (located north-west of Pykeways) will be stopped up to motorised traffic. Access to Pykeways will be from the A465 end of Golden Post Road only, near Golden Post. Access to existing properties on the B4349 (east of Forest View Cottages) will be via the existing A465/B4349 T-junction. However, through routes will be retained on the B4349 (west of Forest View Cottages) for non-motorised users and maintenance vehicles only, to connect with the new road.
- 4.12. The B4349 will intersect with the A465 via the Clehonger Link, and new roundabout on the A465. The Clehonger Link will sever the northern end of public footpath CH9 which currently terminates on the southern side of the B4349 opposite the entrance to Clehonger Court. The new footpath termination point will be a gate on the southern fenceline of the new link road. The alignment of public footpath CH9 south of this point will remain unaltered.

5. **THE NEED FOR THE SCHEME**

- 5.1. The Council has been considering options to address transport-related problems in South Hereford for a number of years. A range of technical studies undertaken over the last 15 years have concluded that a combination of new highway links on the periphery of the town should go hand-in-hand with investment in active travel modes of walking, cycling and public transport, with supporting funding of non-infrastructure measures such as behaviour change and demand management.
- 5.2. A requirement for a new road between the A49(T) and A465 was set out in the Unitary Development Plan (2007), the Herefordshire Local Plan Core Strategy (2015) (the “LPCS”), the Infrastructure Delivery Plan (2014) and Herefordshire's Economic Vision. The SLR that is now proposed sits within a section of that proposed highway corridor.
- 5.3. The concept of a southern link road is part of a larger goal identified in the Local Transport Plan (2016-2031)(the “LTP”) which sets out plans to support economic and social inclusion within the county by improving the transport network and access to services.
- 5.4. Analysis has identified a series of inter-related problems and issues in the South Wye area, both now, and into the future, as follows:
- Transport pressures arising from economic growth and development, including increasing traffic flows and longer and unreliable journey times, and the cap on development trips from the HEZ as a condition of the Local Development Order;
 - No direct route between the A49 and A465 to enable vehicle journeys, including freight, to avoid the urban area of Hereford for accessing the HEZ;
 - Drivers re-routing onto unsuitable alternative roads south-west of Hereford to avoid congestion;
 - Vehicle traffic contributing to poor air quality and high noise levels in premises close to the A465;
 - Reliance on car journeys for short trips by some residents;
 - Low levels of physical activity;
 - Substantial day-to-day variation in bus journey times;

- The design of and traffic levels on the main roads, which act as a barrier to making journeys by cycle or on foot; and
- A high proportion of road collisions in the area result in injuries to pedestrians and cyclists; and
- Public perception of road danger which deters walking and cycling.

5.5. Hereford is identified in the LPCS as the county's main settlement for growth and development, and the principal economic centre of the sub-region. The LPCS provides for regeneration of the city centre and development at three urban expansion areas, including Lower Bullingham on the southern edge of Hereford, where 5 hectares of employment land and a minimum of 1,000 homes are to be provided. In addition, the HEZ at Rotherwas will provide a major catalyst of additional economic activity to the City of Hereford and the wider economy, with a range of plots available for immediate development, and incentives for locating there including business rate relief and simplified planning arrangements.

5.6 As a consequence of this growth, demand for travel in the peak hours across the City of Hereford is forecast to grow considerably. There is expected to be an increase in car, Light Goods Vehicle and Heavy Goods Vehicle traffic. This growth is forecast to impose significant adverse impacts on the transport network which, without intervention, will lead to deterioration in network performance against a number of indicators relating to congestion and transport emissions.

5.7. Traffic capacity problems have the potential to limit growth, particularly at the HEZ. The HEZ is the subject of a Local Development Order which simplifies planning arrangements by granting consent for certain forms of development, subject to conditions. Traffic generated by developments on the HEZ will increase vehicular movements on the A49 and has the potential to cause further congestion at certain points on that network. Until works have been undertaken to enable the whole of the HEZ to be developed without exceeding the vehicular capacity of the A49(T), caps have been set by the Local Development Order on the extent of new employment floor space that may be developed. The cap is based on a maximum number of additional vehicle trips permitted to be generated from the HEZ since the date of the Local Development Order coming into effect (the development trip limit). A Memorandum of Understanding between the Council and Highways England sets this development trip limit at 257 vehicle trips in the morning peak period and 219 vehicle trips in the evening peak period.

5.8. The A49(T), the A465 and Holme Lacy Road radiate out through the South Wye area connecting from Greyfriars Bridge, the main river crossing. Whilst the Rotherwas Access Road enables vehicular traffic, including freight, to avoid the urban area between the A49(T) and the HEZ, there is no such equivalent between the A49(T) and the A465. In response to the congestion on radial routes including the A465 and A49(T) many drivers re-route on alternative routes to find a quicker way to their destination. The alternative routes on more minor roads over a wide area south west of Hereford, tend to be unsuitable, running through rural communities. These include the C1226 Haywood Lane and the C1228 between the B4348 and Haywood Lane. The introduction of the SLR will substantially reduce traffic flows along these routes.

- 5.9. Journey time surveys are undertaken bi-annually on Hereford's key radial routes and reported in the Local Transport Plan Annual Progress Report. The most recent available data (2015-16) indicates that average journey times have considerably lengthened over recent years in the morning peak. Average journey times in the evening peak have shown a more minor upward trend but have fluctuated substantially between survey dates.
- 5.10. Vehicle traffic in the South Wye area contributes to poor air quality and high noise levels, impacting on key nearby receptors, such as schools and homes. The Air Quality Management Area, designated by the Council in 2006, includes the Asda Junction. It was designated due to breach of the annual mean objective for Nitrogen Dioxide (NO₂), with vehicle exhaust emissions being a key source. A local air quality assessment at 11 locations across the South Wye area in 2014 found higher concentrations of NO₂ along roads with higher volumes of traffic and levels of congestion, including the A49(T) and A465. Similarly, a baseline noise survey in 2014 found that noise levels within close proximity to the A465 and the A49(T) were high, at over 70dB(A). Noise mapping by the Department for Environment, Food and Rural Affairs identifies that the top 1% of the national population affected by highest levels of noise from major roads includes locations within the built-up areas of Hereford adjacent to the A49(T) and A465.
- 5.11. The LTP highlights that around half of all car journeys in Hereford at peak times are short trips of less than 2 miles long with start and end points in the urban area. Automatic traffic count data shows that there are substantial differences in traffic flows between the edge of the City of Hereford and close to the Asda Junction, highlighting the number of motorised journeys generated within the South Wye area itself. Incorporating more journeys made by walking, cycling and public transport into daily life is acknowledged to be one of the easiest ways to be more active and avoid the greatest risks to health from inactivity. Many residents have low levels of physical activity, with knock-on effects in terms of obesity and resultant poor health. 29% of adults in South Wye are classed as being obese; a higher level than the city, county or regional averages.
- 5.12. Parts of the A465, including sections within the Hereford urban area, have trunk road characteristics, being very wide with extensive areas of white hatched road markings and dedicated right turn facilities. This type of road design, combined with the high levels of traffic, creates community severance and acts as a substantial barrier to walking and cycling journeys. It reduces the ability of residents to make local journeys safely, cheaply and healthily on foot or by cycle, including journeys to essential services and schools. The 2011 census identifies that in some South Wye neighbourhoods less than 50% of households have access to car or van, compared to 75% of South Wye and Hereford City households as a whole. These neighbourhoods are therefore more reliant on non-car transport modes to access employment, education, retail and leisure facilities, health services and wider opportunities and more likely to feel the impacts of severance.
- 5.13. Whilst South Wye has relatively high levels of cycling and some quality off-road routes there is not yet a full and continuous network of routes suitable for people of all abilities to use. Currently little dedicated and segregated highway space is given over to cycling on the main road corridors in South Wye.

- 5.14. Non-Motorised User casualties (pedestrians, cyclists and horseriders) account for 42% of all personal injury collisions which occurred in the South Wye area between November 2010 and November 2015. Analysis of the Stats19 data (collisions reported to the police) shows that there have been a number of pedestrian collisions on and around the A465 in the South Wye area with a cluster occurring at and around the A465/Goodrich Road junction, and concentrations of cyclist casualties at the Holme Lacy Road / Chestnut Drive / Hoarwithy Road junction and in the vicinity of the Tesco Roundabout on the A465.
- 5.15. The perception that cycling is unsafe and concerns regarding the danger posed by busy roads is commonly cited in consultation responses as a reason for people not walking and cycling. It appears in the top five reasons deterring walking and cycling in responses to the Hereford Household Travel Survey and 2015 Hereford Travel Survey, and as a key response to the Local Transport Plan consultation. Nearly 60% of those surveyed for the 2016 Department for Transport's Public Attitudes to Transport report agreed with the statement that 'it is too dangerous for me to cycle on the roads' and this proportion rose to nearly 70% of women and more than three-quarters of the over 65s age group.
- 5.16. Bus use is well below national and regional averages, and following a decline in passenger numbers on urban services in Hereford between 2001 and 2009, numbers have since stabilised. Surveys for the Local Transport Plan Annual Progress Report 2015-16 indicates that bus punctuality fluctuates between each survey. More recent passenger transport monitoring undertaken in 2017 indicates substantial day-to-day variation in bus journey times on services operating in South Wye, including the 74, 78 and 88 bus routes. Poor punctuality reduces the attractiveness of the bus as a travel mode, leads to increased bus operating costs and can affect the frequency of services which can be maintained.

Relationship of the SLR to the South Wye Transport Package ("SWTP")

- 5.17. The SLR forms part of the SWTP which contains a range of measures to address transport-related problems in parts of Hereford south of the River Wye. As required by government guidance, a set of intervention-specific objectives for the SWTP have been derived from analysis of current and future conditions and following the confirmation of the need for intervention. The objectives are as follows:
- Reducing congestion and delay;
 - Enabling access, including to developments such as the HEZ;
 - Reducing growth in emissions;
 - Reducing traffic noise;
 - Reducing road accidents; and
 - Encouraging physical activity.
- 5.18. The SWTP objectives particularly accord with LTP objective 1 (enable economic growth), 3 (promote healthy lifestyles), and 4 (make journeys easier and safer). The objectives aim to address the range of inter-related problems currently experienced in the South Wye area, as described above.

- 5.19. A broad range of options, covering a range of modes, approaches and scales of intervention, have been considered as potential means of addressing the identified issues in the South Wye area. These were identified from adopted policies, previous studies and have been supplemented by stakeholder suggestions. Following sifting and packaging of options in line with Department for Transport guidance, the options comprised:-
- Link Road between A49(T) and A465 (a southern link road);
 - ‘Sustainable transport max’(now known as active travel measures), which aimed to improve public transport, cycling and walking infrastructure; and
 - ‘Traffic max’, aiming to create maximum capacity for vehicles on the main road corridors in the urban parts of the South Wye area.
- 5.20 Assessment in accordance with Department for Transport guidance identified that none of the approaches would satisfy all of the study objectives referred to in para 5.17above. The ‘traffic max’ approach would not provide substantial benefit within the South Wye area nor does it satisfy any of the study objectives. Therefore, this approach was not been deemed feasible and did not undergo further assessment.
- 5.21 The ‘sustainable max’ and the SLR options contribute to the delivery of the study objectives, with each performing better against different assessment areas, but were not considered to satisfy all of the objectives in isolation. On that basis those two options were combined to deliver a package (SLR + sustainable transport max) which performs well across the majority of the assessment areas.

Development of the Scheme

- 5.22 Having identified the need for a southern link road, the Council commissioned Amey to carry out the *Hereford Relief Road South Core – Corridor Assessment* which reported its findings in May 2012. It considered six routes, two of which (SC1 and SC2) originated from the *Hereford Relief Road Study Of Options Report* (Amey, September 2010) and a further four (SC3-6) arose from a review of the Department of Transport route from the 1990s. The *Belmont Transport Package Stage 2 Appraisal* (Amey, February 2013) included an additional two routes for consideration. Route SC2A followed route SC2 but would pass underneath the railway rather than over it, and SC7 was a hybrid of routes SC5 and SC6.¹
- 5.23 On the basis of the technical work in the Stage 2 Appraisal, the four better performing, southern, routes (SC2, SC2A, SC5 and SC7) were taken forward for further consideration. The more northerly routes (SC1, SC3, SC4, SC6) were discounted, mainly on the basis of the environmental impacts, and the significant cost required to mitigate these impacts. The main impact identified with these northern routes would arise from traversing Newton Coppice and Hayleasow Wood, categorised as Ancient Semi-Natural Woodland.
- 5.24 Routes SC2, SC2A, SC5 and SC7 were presented at the formal Public Consultation Exhibition held in Hereford between 30 June and 3 July 2014, as follows:
- **SC2** – located at the southern edge of the previously identified southern link road route corridor. The route crosses over the railway line and underneath Haywood Lane;

¹ Two plans showing the different route options are appended in Appendix B

- **SC2A** – a variation on route SC2, except that the new road would pass underneath the railway line;
 - **SC5** – located further north of the SC2 and SC2A within the southern link road route corridor and south of the Merryhill Lane, crossing under the railway line and Haywood Lane; and
 - **SC7** – similar to the SC5 but with a more sinuous alignment to avoid environmental designations.
- 5.25 A number of alternative alignments or amendments to the shortlisted routes were suggested by the public and third parties during the summer 2014 public consultation. Three additional routes were deemed viable and were appraised to the same level of detail as the four initial routes. These were assigned route references SC8, SC8A, and SC9. Following the principles set out in government guidance, each route was assessed against economic outcomes, impact on the environment and social implications, as well as a review against stakeholder acceptability and deliverability. This process is documented in the South Wye Transport Package Preferred Option Report ("**the Preferred Option Report**"), forming part of the Cabinet meeting papers for 13 November 2014. This report identified that all of the routes provide many benefits to the economy, including reduced congestion, improved journey times and enhancing access to the HEZ, for example. All crossed undeveloped land and had a negative impact on aspects of the environment, including heritage, biodiversity and landscape.
- 5.26 The Preferred Option Report concluded that, on the basis of the information available at the time, SC2 was the best performing route within the technical appraisal. It also received the highest level of support of the four routes taken to public consultation. This proposal was brought forward and the Cabinet meeting of 13 November 2014 resolved that SC2 be selected as the preferred route. This decision was called-in and discussed by the General Overview and Scrutiny Committee at their meeting of 2 December 2014, following which it was resolved to refer the preferred route decision back to the Cabinet, for them to re-examine in the light of the committee's discussions. Taking the committee's information into account, route SC2 was confirmed by Cabinet on 18 December 2014. The SC2 route is the proposed route of the SLR.
- 5.27 An application for planning permission for the Scheme, described in the application as "New single carriageway (Southern Link Road) and associated works", was made on 8 May 2015 under application reference: P151314/F (the "**Planning Application**"). The Planning Application covers only the road itself and the works required to construct the SLR and does not deal directly with other improvements and measures being considered and implemented by the Council as part of the active travel measures alongside the SLR. Most of the possible active travel measures do not require planning permission. Planning permission was granted on 18 July 2016 for the SLR. Condition 21 of the planning permission requires that a weight restriction is implemented and effective on Belmont Road prior to the first operation of the SLR, unless otherwise agreed.
- 5.28 Documents were submitted as part of the Planning Application, including the Transport Assessment (the "**South Wye Transport Package – Southern Link Road Transport Assessment**", May 2015) and a briefing note on the transport impacts and benefits (dated September 2015). Their findings outline that, with the SLR and Clehonger Link opened, traffic flows are forecast to decrease on key sections of the A49(T), the A465, Walnut Tree Avenue, Holme Lacy Road, the newly-created cul-de-sac section of Clehonger Road and rural roads south-west of Hereford. Traffic is predicted to increase on sections of road closest to the SLR as traffic re-routes to take advantage of the reduced journey time and improved accessibility. This indicates that the

proposed road is fulfilling its intended purpose with traffic diverting to the new route and creating spare capacity on other roads.

- 5.29 The SLR is predicted to provide journey time improvements in comparison to the existing routes and journey times are predicted to be shorter, particularly for east-west journeys to the HEZ. Data from the 2016 traffic model indicates that, with the SLR in place, journeys via the SLR/Rotherwas Access Road route would be substantially quicker than via Belmont Road/Walnut Tree Avenue/Holme Lacy Road, when measured from the A465/B4348 crossroads (Lock's Garage) to B4399 Rotherwas Access Road/Straight Mile roundabout. The comparison of journey times between 2016 and 2032 for the morning peak hour also illustrates the severe worsening of congestion in the area if no SLR was to be provided. The SLR enables improved accessibility to the HEZ.
- 5.30 The A465 experiences net benefit from the SLR being constructed with reductions in vehicle flow over most of its length, but traffic will increase in areas closest to the SLR, as traffic re-routes to use the SLR. Journeys are forecast to be shorter in scenarios with the SLR in place, as compared to the scenarios without it. Most of the A49 Ross Road will experience some traffic relief as a result of the SLR being constructed and, as with the A465, those sections of the A49 which will experience an increase tend to be those which are closest to the SLR as traffic finds its way to and from the new route.

Development of active travel measures

- 5.31 As highlighted above, the SWTP preferred package is a combination of a southern link road as well as a set of measures to improve travel for pedestrians, cyclists and bus users (referred to as active travel measures). These active travel measures are currently being identified and progressed for various locations across South Hereford. These measures, together with the SLR, address the SWTP objectives.
- 5.32 The following nine groups of possible active travel improvements were consulted on:
- 20mph residential areas;
 - Belmont Road bus priority measures;
 - Belmont Road walking and cycling improvements;
 - Belmont Road weight restriction;
 - Belmont Road (West) walking and cycling improvements;
 - Better walking and cycling routes to HEZ;
 - Hoarwithy Road and Hinton Road walking and cycling links;
 - Holme Lacy Road - further walking and cycling improvements; and
 - Walnut Tree Avenue / Hunderton Road traffic reduction.
- 5.33 The public consultation on possible active travel improvements ran for six weeks during September and October 2016 and the Public Consultation Report was reported to Cabinet on 14 December 2017. The Public Consultation Report outlined that all the possible improvements consulted on received more support than opposition. The highest levels of strong support was for 20 mph speed limits in residential areas, followed by the Belmont Road walking and cycling improvements and the Belmont Road (West) walking and cycling improvements. The greatest levels of strong opposition were for Belmont Road bus priority measures followed by Walnut Tree Avenue / Hunderton Road traffic reduction. At the Cabinet meeting on the 14 December 2017 it was resolved that Council officers be authorised to carry out further analysis and detailed design to confirm a preferred package of active travel measures to be delivered with

the SLR, along with a programme for their implementation. These measures do not form part of the scheme for which the Compulsory Purchase Order is being sought.

- 5.34 The active travel measures which are proposed for the South Wye area are aimed at encouraging and enabling more journeys to be made on foot, by cycle and public transport, including the transfer of some journeys currently made by motor vehicle. They are anticipated to bring about significant benefits, particularly in economic and social terms, such as through improved physical activity, reduced congestion and improved accessibility.

6. THE JUSTIFICATION AND NEED FOR THE CPO

- 6.1. The powers under which the Council will make the Order are set out in section 2 above but it has been established that the Council is authorised by statute to make the Order.
- 6.2. As can be seen from the Order Map, the Order Land comprises land in a number of ownerships (including land in the ownership of the Council), needed for construction and implementation of the Scheme. As set out at paragraph 1.7 above, the Council understands and acknowledges that the compulsory purchase of land should be a measure of last resort where negotiations have been unsuccessful and that there should also be a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land.
- 6.3. The Council has entered into negotiations with all relevant parties in respect of the acquisition of the necessary land and rights. All landowners with an interest in the Order Land have been approached to ask if they would be prepared to negotiate the acquisition by agreement of their interest in the Order Land.
- 6.4. Terms for acquisition of the land and rights required for the SLR have been agreed with four of the landowners and the necessary agreements are being drawn up between the Council and the landowners' solicitors. Negotiations will continue with the other landowners with a view to minimising delays to the Scheme that may otherwise arise from procedural and statutory timescales to be complied with and resulting from acquisition by compulsory purchase.
- 6.5. As the SLR will pass over the Hereford to Newport railway line, the Council have worked closely with Network Rail over a long period of time in connection with the Scheme. An Approval In Principle Design has been submitted to Network Rail and technical approval has been received. Detailed discussions have resulted in agreement over such matters as the required headroom under the bridge, lateral clearances to the abutments, the required upgrades to fencing in the immediate vicinity of the bridge, the type of parapets over the railway and the colour choice for the bridge. The discussions have also closely examined the best means of construction to minimise the risk of disruption to train operations and the possible impacts of the scheme upon Network Rail's signalling and telecommunications equipment.
- 6.6. The Council and Network Rail have also collaborated closely to negotiate with the authorised users of a privately owned pedestrian crossing close to the proposed "Railway Underbridge" and an agreement in principle has been reached with those users to close this crossing. The closure

of the crossing will reduce risks to the safe operation of the railway and eliminates the likely need for future improvement works to the crossing.

- 6.7. A Bridge Agreement has been drafted and Deeds of Easement are being finalised. These are the legal documents that provide for the construction and future maintenance of the bridge over the railway, as well as a pipe crossing underneath the railway which is required for land drainage.
- 6.8. However, as the Council cannot ensure that it can obtain all the land and rights that it requires by negotiation, the Order is needed to secure implementation of the Scheme. The Council as the acquiring authority cannot achieve its objectives without acquiring all of the Order Land and the compulsory acquisition of the land will enable the works to be carried out by providing certainty for programming. This will enable the Council to achieve its objectives in the timeliest and most cost effective manner.

7. THE JUSTIFICATION AND NEED FOR THE SIDE ROADS ORDER

7.1 The purpose of the Side Roads Order is to maintain access to all land and property directly affected by the Scheme and to make necessary changes to the highway network. In order to build the SLR, it is necessary to improve, or stop up, existing highways and construct new highways to link into the SLR. It will also be necessary to stop up some existing private means of access to land and premises and to replace those where necessary with new means of access. To enable it to do these works the Council is promoting the Side Roads Order.

7.2 Highways to be improved under the Side Roads Order include:-

- B4349 Clehonger Road
- The junction with B4349, Clehonger Road and A465, Abergavenny Road
- Golden Post Road leading to "Pykeways"
- A465, Abergavenny Road
- Haywood Lane, north east of Haywood Lodge Cottages
- Grafton Lane from Green Inn to south of Ashley Farm

7.3 New highways to be created include:-

- New public footpath as re-routed part of public footpaths Nos. CH9, HA3, HA7 and GF3

7.4 The highways to be stopped up are:-

- B4349, Clehonger Road from a point leading in an easterly direction from Copper Beeches for approximately 397 metres and ending at Forest View
- Golden Post Road from a point leading to the southeast of Copper Beeches and proceeding for a distance of 175 metres and ending at "Pykeways"
- A465, Abergavenny Road from a point 65 metres in a north easterly direction from Golden Post Cottage for a distance of 99 metres
- Public footpath No. CH9 from a point 13 metres in a south westerly direction proceeding from Copper Beeches for a distance of 33 metres

- Public footpath No. HA3 heading in a south easterly direction and leading for a distance of 528 metres
- Public footpath No. HA7 in an easterly direction from Roman Byre for a distance of 420 metres south of Beech Grove
- Public footpath No. GF3 from a distance of 560 metres proceeding in a north westerly direction from Grafton Wood and leading and ending southwest of Cedar Folly

7.5 The private means of access to be stopped up are:-

- Access north east of Copper Beeches
- Access to field 33 metres southwest of the main entrance to Copper Beeches
- Access to field 12 metres from a point at its junction with Copper Beeches and Clehonger Road
- Access to field off Haywood Lane leading to Beech Grove

7.6 The new private means of access to be created are:-

- Access to field east of Copper Beeches
- Access to field the north of Forest View
- Access to the field east of Pykeways
- Access to the field south of Abbey Cottages
- Access to field at Dunan Lodge with Public Footpath CH10 to its north
- Access to Pykeways
- Access to field south of Pykeways
- Access to field off Abergavenny Road with Golden Post Cottage to the north
- Access utilising the agricultural underpass
- Access to the north of Haywood Lodge Cottages
- Access to field south of Beech Grove
- Access to field off Grafton Lane
- Access to the north of Grafton Wood

8. PLANNING POSITION

- 8.1. The LPCS was adopted by the Council in October 2015 and forms the current development plan for the County. The Callow and Haywood Group Parish Council Neighbourhood Development Plan was made on 1st December 2016. The National Planning Policy Framework (the “NPPF”) was also a material consideration.
- 8.2. Policy SS1 of the LPCS and paragraph 14 of the NPPF promote a presumption in favour of sustainable development. Policy SS1 of the LPCS sets out that the Council is committed to securing development to improve social, economic and environmental conditions in the County. Policy SS3 of the LPCS acknowledges the need to work with developers, Highways England and transport providers. Policy HD3 of the LPCS seeks to facilitate access and maximise connectivity within the city to reduce congestion, support future prosperity and enable growth.

- 8.3. As set out in section 5 above, the LPCS states that the key element of the long-term Hereford transport strategy is the requirement for a relief road and identifies that the first section of the relief road to be constructed will be the section between the A49 and A465, as part of the SWTP. This has become known as the SLR.
- 8.4. As set out above, the Callow and Haywood Group Neighbourhood Development Plan is now adopted. Policy CH2 sets out that proposals for new roads and in particular, the new SLR will need to meet requirements to reduce adverse impacts. These include routing roads to integrate with the natural landscape, minimising use of artificial lighting, high quality landscaping, suitable road surface materials used to reduce noise, provide access for wildlife, include provision of appropriate water management and storage, continued access for public footpaths, cycleways and bridleways, continued access for landowners and avoiding severing local lanes. Although the Plan was not adopted at the time the planning application for the SLR was submitted, all of these matters were material considerations and taken into account when preparing the Planning Application and mitigation included where required to ensure that any adverse impacts are reduced where possible. This also accords with policy HD3 of the LPCS which states:-
- “The road will be designed and developed in such a way which avoids and mitigates adverse impacts or physical damage to or loss of habitats, noise pollution and vibration, light pollution, air pollution, flood risk and water quality, as well as residential amenity and business interests. Consideration of the impact of the road on heritage assets, their significance and setting, as well as the historic character of the wider landscape will also be required.”*
- 8.5. As stated in section 5 above, the Planning Application was made on 8 May 2015 under Application Number: P151314/F. The application was subject to a request by a third party to call in the application by the Secretary of State but, after considering the call in policy, the Secretary of State decided not to call in the application, being content that the application should be determined by the Council as local planning authority. Planning permission for the Scheme was duly granted on 18 July 2016. As such, the requirement for planning permission is not an obstacle to the Council bringing forward the SLR.
- 8.6. Further to undertaking more detailed design prior to construction, works in relation to drainage for the SLR, as well as maintaining existing drainage systems serving properties and agricultural holdings, have been identified as required to implement the scheme. Some of these works fall outside of the planning application boundary for the SLR. These works will be subject to a separate planning application due to be submitted in April 2018.
- 8.7. In addition, as a result of detailed negotiations with landowners, works to maintain access to agricultural holdings without causing severance, including creation of accesses onto classified highways, will also be subject to a separate planning application. A prior notification has also been submitted in order to seek confirmation that some of these works are subject to permitted development rights in accordance with the Town and Country Planning (General Permitted Development) Order 2015.

- 8.8. The planning application will also include an additional haulage route, which will remove heavy construction plant vehicular movements from the existing highway, reducing environmental impacts on properties located along the road (Haywood Lane).
- 8.9. A change of use of the highway to a residential garden will also be sought where the carriageway is being broken up and ownership transferred to a neighbouring resident.
- 8.10. The Council confirms that it is able to meet the pre-commencement conditions attached to the Planning Permission and can therefore confirm that there are no planning impediments to the Scheme proceeding if the Orders are confirmed.

9. HUMAN RIGHTS CONSIDERATIONS

- 9.1. The Human Rights Act 1998 (the “HRA”) incorporated into domestic law the European Convention on Human Rights (the “Convention”).
- 9.2. Section 6 of the HRA prohibits public authorities from acting in a way which is incompatible with the Convention. Articles 6 and 8 of the Convention and Article 1 of the First Protocol of the Convention are considered to be relevant by the Council.
- 9.3. The Council has duly considered the rights of property owners under Article 1 of the First Protocol of the Convention, which provides for the peaceful enjoying of possessions. Article 1 further provides that no one shall be deprived of possessions except as provided for by law or where it is in the public interest. It is considered that the Order will strike a fair balance between the private loss of property and the public interest in securing the implementation of the Scheme.
- 9.4. Article 6 of the Convention provides that everyone is entitled to a fair and public hearing in the determination of their civil rights and obligations. It is considered that the statutory procedures, which give the right to object and provide for judicial review, are sufficient to satisfy the requirements of this Article.
- 9.5. The Council has also considered the rights contained in Article 8 of the Convention. This provides that everyone has the right to respect for their private and family life and that there shall be no interference by a public authority with the exercise of this right except in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest. It is considered that any interference caused by the Order will fall within these exceptions having regard to the public benefit which will accrue from the Scheme.
- 9.6. The Council has been conscious of the need to strike a balance between the rights of the individual and the interests of the public. It has considered the effect of the Articles and decided that on balance, and in light of the significant public benefit that would arise from the Scheme and the nature of the Order Land, it is in the interest of the wider community to make the Order over and above the interests of any individuals affected. Any interference with the Convention rights is considered to be justified in order to secure the transport benefits and the economic regeneration that the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

10. **FUNDING**

The total estimated cost of the Scheme will be £35m. Funding of £27m has been secured from the Marches LEP Growth fund and the remaining £8m will be funded by the Council. The scheme is included in councils capital programme.

11. **LAND REQUIRED FOR MITIGATION OF THE EFFECTS OF THE USE AND EXISTENCE OF THE SLR**

Ecological Habitat Mitigation

- 11.1 The SLR will pass through Grafton Wood, an area of scattered trees and grassland that is included as Ancient Semi-Natural Woodland on the Ancient Woodland Inventory held by Natural England. During preparation of the Environmental Statement for the SLR (“**the ES**”) it was identified that approximately 0.53 ha of Grafton Wood would be lost under the Scheme footprint, with the remaining sections severed by the SLR. The potential for operational impacts on retained sections of Grafton Wood was also identified; these included winter salt spray and localised increases in air pollution. Due to the required alignment of the SLR, it was not possible to avoid or mitigate these impacts. It was therefore necessary to develop a compensation scheme to address the predicted impacts and the loss of trees and habitat. This land has been included as part of the Order Land.
- 11.2 The DEFRA offsetting metric was used informally to guide an assessment of the extent of the compensatory habitat that should be provided, combined with the results of the ecological surveys and the professional judgement. The ecological assessment provided in the ES identified that a minimum of 3.2 ha of compensatory habitat should be provided to address predicted impacts on Grafton Wood.

Landscape Mitigation

- 11.3 The following measures have been implemented within the landscape design to mitigate the effects on the landscape of the SLR:
- the southern embankment slopes either side of the Railway Underbridge will be eased to 1:4 slopes instead of the standard 1:2 engineered slopes to blend better with the surrounding landform and minimise intrusion into views, some of which are in close vantage;
 - a new area of woodland will be planted adjacent to Grafton Wood (as referred to in paragraphs 11.1 to 11.2 above); and
 - 4725m of species rich native hedgerow will be planted alongside the SLR to tie into existing hedgerows and maintain wildlife corridors, and to mitigate the loss of 2279m of species-rich/species-poor hedgerow habitat. Additionally, 359m of hedgerow will be translocated.
- 11.4 In addition to the above mitigation measures included within the landscape design, the following measures have been included to address the concerns raised by Historic England and mitigate impact on the setting of Haywood Lodge:
- increase the density of the planting on the southern embankment of the Railway Underbridge, including the use of native evergreen species, to form a linear belt of

trees and shrubs. Planting width will be a minimum of 10m to provide an adequate screen; and

- a close boarded timber fence on either side of S05 will extend for 45m beyond the structure, in order to provide additional screening of vehicular lights to Haywood Lodge as the vehicles cross the bridge.

Flood Attenuation

- 11.5 The attenuation basins are required to retain surface water runoff from the SLR until after the peak of the storm has passed. Further outfalls are required which utilise storage pipes for attenuation of surface water; the storage pipes will also retain flows until after the peak of the storm. Whilst the flows are attenuated pollutants will be removed from the surface water runoff.
- 11.6 The basins and storage pipes are located in such a way that the surface water runoff can be conveyed through gravity, via pipes and chambers to the attenuation systems. The basins and storage pipes have been designed such that they do not overflow for the 1:100 year (1%) event + 30% additional allowance for climate change. All of the basins and storage pipes have been located at appropriate locations to outfall into Withy Brook and Newton Brook.

12. SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

- 12.1. There are no special considerations affecting the Order Land.
- 12.2. The Order Land is not located within a conservation area and there is no consecrated land, renewal area land, allotment land or open space included within it. None of the Order Land is held inalienably by the National Trust.
- 12.3. The works to construct the A465 roundabout may impact the site of a statutory designated Grade II listed milestone (Milestone HA01/LB 155380). However, this milestone is believed to be missing and therefore no mitigation measures are proposed.

13. OTHER INFORMATION THAT MIGHT BE OF INTEREST TO THOSE AFFECTED BY THE CPO

- 13.1. Anyone who considers that they are affected by the Order can contact Mairead Lane by telephone on 01432 260944 or Ian Higgs on 01432 261569 during normal office hours.
- 13.2. A copy of the Order, Order Map and this Statement of Reasons and the documents referred to in the attached list can be inspected at the Council's Offices at Blueschool House, Blueschool Street, Hereford HR1 2AX between 9:30 a.m. and 5:00 p.m.
- 13.3. Information can also be found on the SLR on the Council website at: https://www.herefordshire.gov.uk/info/200196/roads/252/hereford_2020/5
- 13.4. The Statement of Reasons for making the Order is not intended to discharge the Council's statutory obligations under the Compulsory Purchase (Inquiries Procedures) Rules 2007 and The Highways (Inquiries Procedure) Rules 1994 in the event of a public local inquiry being held.

RELEVANT DOCUMENTS FOR INQUIRY

Should it be necessary to hold an Inquiry into the Order and/or the Side Roads Order, the Council may refer to or put in evidence the following documents. The Council reserves the right to add to or amend the list as necessary:-

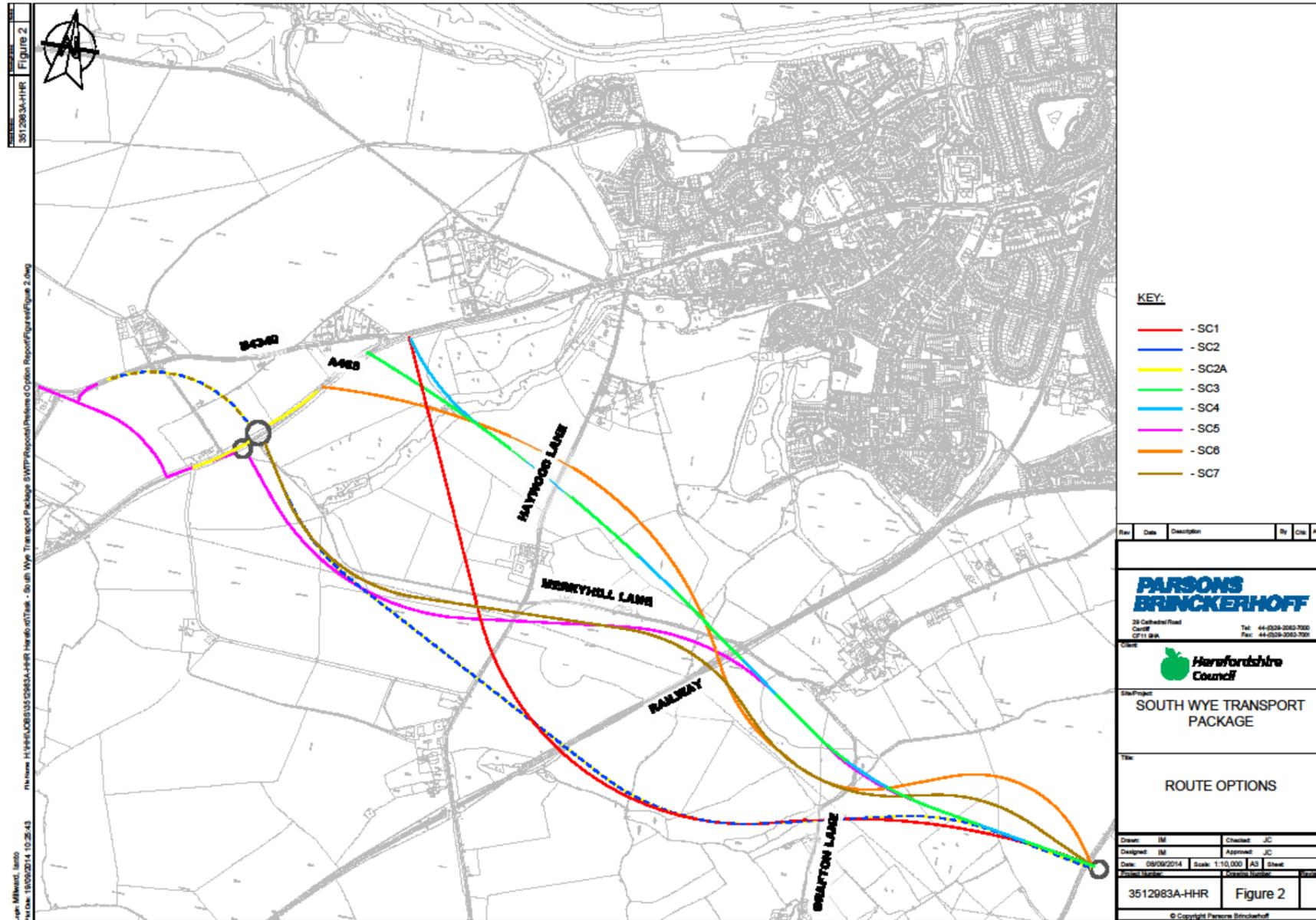
No. of Document	Title of Document		
1	Guidance on Compulsory purchase process and The Crichel Down Rules. Ministry of Housing, Communities & Local Government. (February 2018)		
2	The Compulsory Purchase (Inquiries Procedures) Rules 2007. Statutory Instrument 2007 No. 3617		
3	The Highways (Inquiries Procedure) Rules 1994		
4	The Highways Act 1980		
5	Committee Reports, The County of Herefordshire District Council		
	<i>Committee</i>	<i>Title of report</i>	<i>Date of Committee</i>
	A Cabinet	South Wye Transport Package	13 th November 2014
	B General Overview and Scrutiny Committee	Call-in of Cabinet Decision on South Wye Transport Package	2 nd December 2014
	C Cabinet	South Wye Transport Package	18 th December 2014
	D Assistant Director place based commissioning	South Wye Transport Package planning application – Southern Link Road	28 th April 2015
	E Cabinet member infrastructure	South Wye Transport Package active travel measures – public consultation	26 th August 2016
	F Cabinet	South Wye Transport Package – southern link road land acquisition of required rights and easements	20 th October 2016
	G Cabinet	South Wye Transport Package	16 th November 2017

6	National Planning Policy Framework – March 2012
7	Herefordshire Council Local Transport Plan (2016-2031)
8	Herefordshire Local Plan Core Strategy (adopted 2015)
9	Herefordshire Unitary Development Plan (adopted March 2007)
10	Callow and Haywood Group Neighbourhood Development Plan 2011 - 2031 – December 2016
11	Hereford Relief Road Southern Corridor Assessment Report - May 2012
12	Hereford Relief Road Study of Options Report (Amey – September 2010)
13	Herefordshire Infrastructure Delivery Plan 2014
14	Herefordshire Economic Vision – Invest in Herefordshire
15	Hereford Enterprise Zone Local Development Order (adopted April 2013)
16	Hereford Relief Road Southern Core Corridor Assessment Report (Amey – May 2012)
17	The Belmont Transport Package Stage 2 Appraisal (Amey – February 2013)
18	South Wye Transport Package Preferred Option Report (November 2014)
19	Planning Permission Ref: P151314.F

APPENDIX A



APPENDIX B



3512983A-HHR Figure 2

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