

**WOKINGHAM BOROUGH COUNCIL**

**THE WOKINGHAM BOROUGH COUNCIL (ARBORFIELD CROSS RELIEF ROAD) COMPULSORY  
PURCHASE ORDER 2018**

**DRAFT STATEMENT OF REASONS**

## 1. Introduction

- 1.1. On [ ] 2018 Wokingham Borough Council (the “**Council**” and the “**Acquiring Authority**”) resolved to make the Wokingham Borough Council (Arborfield Cross Relief Road) Compulsory Purchase Order 2018 (the “**Order**”) to acquire land and interests over land within the Arborfield area and to enable the delivery of a new relief road known as the Arborfield Cross Relief Road (the “**ACRR**”).
- 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 mining interests and others 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. The land proposed to be acquired pursuant to the Order is also described in greater detail in section 2 below. Further detail as to the powers under which the Order is made are found in section 3 below.
- 1.3. The Order Land is split into fields, supporting both arable and pasture farming, interspersed with a number of small woodland blocks. The Order Land is described further in section 2 of this Statement of Reasons.
- 1.4. The Order is being sought so that the Council can assemble in its ownership the Order Land to facilitate and enable the construction, on schedule, of a new section of highway linking the A327 Reading Road in the north and the A327 Eversley Road in the south east, along with associated necessary works (the “**Scheme**”). The highway will be single carriageway (two lane) and approximately 2.3 kilometres in length and 7.3m wide. A planning application was submitted to the local planning authority on 19 July 2017 (the “**Planning Application**”) and was approved by members at a Committee meeting on 10 January 2018. It is currently planned that works will commence in spring 2019 and that the Scheme will be completed towards the end of 2020.
- 1.5. The Council is also the highway authority for the area within which the ACRR and the Order Land are situated.
- 1.6. The Council will be responsible for delivering the Scheme with work to be undertaken by Balfour Beatty (the “**Contractor**”) under the Scape Framework Contract. More information about the Contractor is set out at section [ ] of this Statement of Reasons.
- 1.7. The ACRR is needed to improve traffic capacity to support both planned and approved new mixed use developments within the area, and to alleviate existing congestion in the area, most particularly along the A327 Reading Road. It is also necessary to support ongoing development within the area, and future development, that has been identified by the Council’s local planning policy. More detail regarding the reasons why the Scheme is considered necessary and the justifications for the Scheme are considered in section 5 of this Statement of Reasons.
- 1.8. The most recent government guidance on the compulsory purchase process is the Department for Communities and Local Government’s Guidance published in October 2015

and entitled “*Guidance on Compulsory purchase process and The Crichton Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion*” (the “**DCLG Guidance**”). The Council has considered the DCLG Guidance carefully and recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest which justifies the overriding of any private rights in the land sought to be acquired (paragraph 2 of the DCLG Guidance). It is considered that a compelling case exists here and this is explored further below in section 6 below. The Council has also given careful consideration to the guidance issued by the Department for Transport in Circular 2/97 entitled “*Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority*” (the “**DFT Guidance**”).

- 1.9. Much of the land on which the Scheme is proposed to be situated is land which is currently in the private ownership of three separate landowners. The Council is therefore seeking to assemble in its ownership the necessary land to facilitate and enable the Scheme by way of negotiation and has done so with some success. Whilst negotiations are ongoing with all three landowners so that the required land can be acquired by way of agreement wherever possible, the Council has resolved to pursue the Order at the same time to enable the acquisition of the interests in the Order Land and for the purposes of carrying out the Scheme. Information regarding the negotiations which have taken place with landowners is set out at section 6.4 below.
- 1.10. In line with its own local policies and general principles, the Council has consulted carefully and widely on the Scheme with local people, key stakeholders, statutory consultees and land owners throughout the process. The overall response from the consultation undertaken demonstrated strong support for the ACRR in its current proposed alignment (Option B). Further detail regarding the consultation undertaken and the responses received is set out in paragraphs 4.25 to 4.51 of this Statement of Reasons as part of the description of how the Scheme developed.
- 1.11. The Scheme is supported by policy and national, regional and local level. Key policies which have been considered by the Council in the development of the Scheme and the ACRR include
  - 1.11.1. the National Planning Policy Framework (the “**NPPF 2012**”);
  - 1.11.2. the Wokingham Borough Council Local Transport Plan (2011 – 2026) (the “**LTP**”); and
  - 1.11.3. the Wokingham Borough Council Local Development Framework (the “**LDF**”).

More information about the planning policy and position is set out in section 8 below.

- 1.12. The purpose of this Statement of Reasons is to explain the Council’s proposals for the Scheme 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.

## **2. Description of the Order Land, topographical features and present use**

- 2.1. The Order Land comprises approximately 23.3 hectares currently in the ownership of three separate landowners. Approximately 21 hectares will need to be permanently acquired for both the construction and then sitting of the ACRR, whilst 2.3 hectares will be needed for temporary occupation for construction purposes and will be returned on completion of the Scheme.
- 2.2. The Order Land comprises of undulating, predominantly arable land, extending between the A327 Reading Road in the north and the A327 Eversley Road in the south. The northern section of the land (north of Swallowfield Road) is largely flat and rises from around 45m AOD to around 60m AOD. It is mostly comprised of large to medium-sized fields under intensive farming, with some small woodland blocks and there is an unnamed tributary of the River Lodden. The southern part of the land (south of Swallowfield Road) rises more steeply reaching 80m AOD and then declining some 430msouth east of the Swallowfield Road junction to around 62m AOD. This land is made up of mostly smaller fields with a number of smaller woodland blocks. There are level pasture areas, an electricity pylon and electricity lines.
- 2.3. The Order Land is consistent with the surrounding area which is also predominantly arable land.
- 2.4. 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.
- 2.5. The Order Land comprises a mixture of Grade 2, Subgrade 3a, Subgrade 3b, Grade 4 and non-agricultural land.
- 2.6. The Order Land is not situated within any landscape designations such as National Parks or Areas of Outstanding Natural Beauty (“**AONB**”), however it does sit entirely within the Thames Basin Heath National Character Area.
- 2.7. There are no areas of ancient woodland within the Order Land though part of the Spring Copse woodland (a non-statutory site) falls within the Order Land. There are some hedgerows which are listed as a Habitat of Principal Importance (“**HPI**”) under section 41 of the Natural Environment and Rural Communities Act 2006.
- 2.8. There is one badger sett within the Order Land and part of the Order Land near Swallowfield Road is considered to be a key foraging and commuting route for bats passing through the wider area. The assemblage of bats in the area is considered to be up to local nature conservation value.

- 2.9. There are no known finds or features dating from the prehistoric or Roman periods within the Order Land and no evidence for early or later medieval activity. Further there are no statutorily designated heritage assets.
- 2.10. The Order Land is classified as greenfield and is located in Flood Zone 1 meaning it has a less than 0.1% annual probability of river or sea flooding and no risk from tidal or fluvial flooding.
- 2.11. The proposed route bisects two existing footpaths; Footpath 17 (“**ARBO 17**”) and Footpath 22 (“**ARBO 22**”).

### **3. Explanation of use of the particular enabling power**

- 3.1. The Highways Act 1980 empowers the Council, as highway authority for the area within which the ACRR and the Order Land are situated, to compulsorily acquire land which it requires to construct and improve the highway. The various provisions identified at paragraphs 3.2 to 3.9 below empower the Council as the highway authority.
- 3.2. Section 239 of the 1980 Act permits any highway authority to “*acquire land required for the construction of a highway which is to be a highway maintainable at the public expense, other than a trunk road*”. Under the same provision a highway authority may acquire land required for improvement of a highway.
- 3.3. Under section 240 of the 1980 Act, a highway authority may acquire land which is required for, or for use by them in connection with, construction or improvement of the highway.
- 3.4. Pursuant to section 245 of the 1980 Act, a highway authority may acquire land, whether situated within or without their area, which in their opinion is required for the provision of any buildings or facilities needed for the purposes of their functions as a highway authority.
- 3.5. Section 246 of the 1980 Act allows a highway authority to acquire land “*for the purpose of mitigating any adverse effect which the existence or use of a highway constructed or improved by them, or proposed to be constructed or improved by them, has or will have on the surroundings of the highway*”.
- 3.6. Under section 250 of the 1980 Act a compulsory purchase order made in the exercise of highway land acquisition powers may provide both for the acquisition of rights which already exist over land, and the creation of new rights.
- 3.7. Section 260 of the 1980 Act allows highway authorities to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order.
- 3.8. Section 14 of the 1980 Act enables 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.

- 3.9. Section 125 of the 1980 Act enables 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.
- 3.10. As set out at paragraph 1.8 above, the Council has also had regard to the DFT Guidance in the process of making the Order. In particular the Council has had regard to paragraph A.i.2 (obtaining planning permission) and B.i.18 (extent of land justified).

#### **4. General description of the Scheme**

- 4.1. The line of the proposed ACRR is shown on the map at Appendix A.
- 4.2. As set out in the Design and Access Statement submitted in support of the Planning Application (the “**DAS**”) the design of the ACRR and the alignment being progressed through the Planning Application have arisen from thorough consideration of the existing environment and a focus on the site context. The need for the proposed alignment to tie into the existing transport network has also been a key consideration during the development of the design.
- 4.3. The proposed Scheme was screened in accordance with Environmental Impact Assessment (“**EIA**”) regulations to understand the potential environmental effects that the ACRR may have on the surrounding local environment and residents during construction and operation. The Scheme was identified as EIA development and the formulation and design of the ACRR was informed by an EIA Scoping Opinion. The findings of the EIA were reported in an Environmental Statement (“**ES**”) submitted to the local planning authority in support of the Planning Application.
- 4.4. A number of site visits and desk top studies have been undertaken assessing impacts on transport, ecology, landscape, air quality, geology, heritage, hydrology, noise and arboriculture. The final proposed alignment has been designed to respond to and respect the character, constraints and opportunities of the local area and to ensure that the Scheme achieves physical, social and economic integration with the surrounding area. The focus has not just been on the need to reduce congestion but also to avoid designated areas of ecological value and minimise ecological impacts; to minimise land take and maximise the extent of viable farm land retained; and to minimise the visual impact of the Scheme and the impact on visual amenity particularly in the longer term. For example, a key design move has been to refine the vertical alignment of the carriageway such that it sits as close to the existing ground level as possible and thereby better visually integrates into the site.
- 4.5. The design has also been informed by the planning policy context within which the Scheme sits and which underpins its need. An assessment of the Scheme against the planning policy is set out at section 8 of this Statement of Reasons.
- 4.6. The ACRR is a new section of highway approximately 2.3km in length and comprises a single carriageway, approximately 7.3m wide, with a 50mph speed limit. The ACRR extends

between the A327 Reading Road in the north and the A327 Eversley Road in the south. As stated by the Design and Access Statement, a single carriageway is consistent with the character of the surrounding road network and the suggested speed limit integrates with the characteristics of the surrounding rural road environment.

- 4.7. At the northern end of the Scheme the ACRR will connect into the existing road network by way of a new roundabout, just west of Bridge Farm and approximately 250m to the west of A327 Reading Road/Greensward Lane Priority Junction. While priority junction arrangements were considered here it was considered that a roundabout was more appropriate in the context of the immediately adjacent road network as roundabouts are predominantly used.
- 4.8. Considering the Scheme in isolation, assessments showed that a three-arm roundabout would be appropriate at this northern junction. However a separate planning application was submitted to the Council by CEMEX in January 2017 (the “**CEMEX Application**”) for mineral extraction and restoration on the land immediately south west of Bridge Farm. As part of a robust planning process, the effect of the CEMEX Application was considered in conjunction with those of the Scheme and, in circumstances where the local planning authority was minded to grant planning permission for the CEMEX Application, those assessments found that a four-arm roundabout would be more appropriate to cater for and integrate with that development. As such the Planning Application includes application for permission of a four-arm roundabout.
- 4.9. As at the date that the Order was made the CEMEX Application had not yet been determined and permission had not been granted.
- 4.10. The Council has also been in discussions with the landowner of the part of the Order Land on which the roundabout will be constructed. The landowner has asked for a commitment from the Council that the roundabout will have four spurs, regardless of whether the CEMEX Application is granted planning permission. The Council has agreed to that request during the process of negotiations and as such the Scheme will include a four-arm roundabout whether or not the CEMEX Application is granted planning permission.
- 4.11. From Reading Road the proposed alignment extends south. As it travels south the ACRR will cross an unnamed tributary of the River Lodden, Milking Barn Lane (and adjacent ditches) and a hedgerow. The ACRR will then intersect with Swallowfield Road by way of a staggered priority controlled junction, with priority given to traffic passing along the ACRR. Traffic along Swallowfield Road will make a left turn onto the ACRR, followed by a right turn back onto Swallowfield Road. Several types of junction were considered as an option here, including a roundabout which would be more consistent with junction treatments in the surrounding area. However a comprehensive design process indicated that a staggered junction would be more appropriate. A roundabout would lead to increased traffic flows along Swallowfield Road making it a more attractive route for east-west traffic and undermining the relief benefits for Arborfield village. Further, from an ecological viewpoint, this type of junction needs less lighting (which avoids disturbing bats in the local area) and less land take (which avoids disturbing) neighbouring properties and existing mature trees.

- 4.12. An uncontrolled pedestrian crossing is proposed to be put in place across one of the minor arms at the Swallowfield junction.
- 4.13. The proposed route continues in a south easterly direction and rises up to pass over the existing ridgeline via a cutting. The ACRR will travel under electricity pylons and then is proposed to connect into Eversley Road. The horizontal alignment of the ACRR has been positioned to minimise property impacts and to maximise the amount of retained viable farmland. The connection for the ACRR at Eversley Road will be via a new three-arm roundabout, approximately 180m southwest of the existing A327 Eversley Road/Langley Common Road Roundabout. The design for this junction includes the provision of a designated uncontrolled pedestrian crossing on A327 Eversley Road (North). As with the northern junction of the ACRR a roundabout was considered more appropriate than a priority controlled junction due to its consistency with existing junctions in the surrounding area.
- 4.14. The ACRR is proposed to be built with a low-noise road surface along the full extent and without street lighting, other than sensitive lighting at the roundabouts at either end if this is deemed to be necessary at the technical design stage. This is in order to maintain the rural night time character of the area and also to avoid attracting non-motorised users to use the shared path at night when natural surveillance would be minimal. In particular, no street lighting is proposed at the junction with Swallowfield Road. Road markings, road studs, illuminated signs and bollards are proposed along the route as appropriate.
- 4.15. Along the length of the route on its eastern edge a shared use pathway with a total width of 3m is proposed, separated from the main carriageway by a swale or drainage ditch. This pathway will be for use by non-motorised users including pedestrians, cyclists and equestrians and will link settlements at Arborfield Cross, Arborfield Garrison and Baird Road. The shared path has a gradient of generally between 1:200 to 1:50 with small sections leading to the proposed green bridge (see paragraph 4.17 below) not exceeding 1:20, within the accessibility guidelines for users with reduced mobility such as wheelchair users or people with pushchairs. The design aims to maintain connectivity for non-motorised users along Swallowfield Road.
- 4.16. Swales are proposed along the eastern side of the proposed carriageway, approximately 3m wide and 0.5m deep to collect runoff from the road. Runoff will be directed to two proposed attenuation ponds, situated adjacent to the proposed junctions with Reading Road in the north and Eversley Road in the south.
- 4.17. As set out in the DAS, the ACRR took into consideration the need to maintain operational access along the existing public rights of way following completion of the Scheme, namely along public footpaths ARBO 22 and ARBO 17. As such, two pedestrian crossings are proposed along the ACRR where it bisects these footpaths. The first is a crossing by way of a refuge island and dropped kerbs where the ACRR meets the ARBO 22, approximately 600m to the southeast from the proposed northern junction at Reading Road. The second crossing is by way of a new green bridge where the ACRR intersects the ARBO 17 approximately 350m to the east from the proposed central junction at Swallowfield Road. The green bridge will be for pedestrians, cyclists and equestrians and will also provide an ecology corridor for badgers and bats.

- 4.18. No lighting is required for the green bridge and footpaths to avoid attracting night time activity where natural surveillance would be at a minimum.
- 4.19. The Scheme also includes appropriate interim measures to provide for continued use of the public rights of way during the construction of the Scheme although there is likely to be a temporary diversion of ARBO 17. There will be no permanent diversion or stopping up of either ARBO 17 or ARBO 22 and it should be noted that the Ramblers' Association and Private Rights of Way officer raise no objection to the Planning Application.
- 4.20. The ES concluded that there would be minor negative effects during the construction phase on these public rights of way (and other bridleways and routes within the local area) as a result of construction activities. During the operational phase, the ES found that the improved accessibility outweighs negative effects in terms of increases in acoustic and visual intrusion. Overall the ES found that the ACRR would be of minor positive significance following the implementation of mitigation measures.
- 4.21. Three badger tunnels are proposed as part of the Scheme. These will be 600mm diameter concrete pipes beneath the road, located near existing badger setts. These could also be used by other species.
- 4.22. The ES estimated that 25 individual trees, five tree groups and two hedges will need to be removed in their entirety to construct the ACRR. As such, landscaping forms a large part of the Scheme and includes the reinstatement and strengthening of existing hedgerows; planting of new hedgerows; planting of native deciduous woodland; and the seeding of highway verges and embankments with species rich grassland. For example, native hedgerow vegetation will be planted at the northern end of the ACRR to integrate with existing hedgerow on Reading Road at the proposed new roundabout. This will also be planted along the route to help screen views of the Scheme and integrate with the surrounding landscape character. The two swales will both have a varied bank profile to increase the range of habitat types. Significant landscape effects during the operation of the Scheme are predicted, however these are anticipated to be short to medium-term in duration and no significant residual landscape effects are expected in the long term.
- 4.23. The ES found that there would be a number of significant landscape and visual effects during the construction phase including major to moderate adverse effects on some areas due to the presence of construction plant and machinery. Those affected would include residential properties and users of the public rights of way. However the ES also found that intervening vegetation and the topography of the surrounding land would mean that from some viewpoints the effects would be minor to negligible, adverse or neutral.
- 4.24. Two construction compounds are proposed as part of the Scheme, one at each end of the ACRR. These locations have been chosen to ensure minimal impact on local residents, especially in terms of the movement of construction vehicles which will be avoiding the centre of Arborfield Cross. Those vehicles will be expected to use the M4 motorway, B3270 and A327 southbound on approach from the north, and the M3 motorway, A331, A30 westbound and A327 northbound on approach from the south.

### Development of the Scheme and consultation process

- 4.25. The following section details how the Scheme has been developed by the Council following the identification of need to reduce traffic congestion in the area and deliver the Council's Adopted Core Strategy as set out in the Wokingham Borough Local Development Framework Adopted Core Strategy Development Plan Document, dated January 2010 (the "**Core Strategy**"). It also sets out the consultation process that the Council undertook and which led to the Scheme developing as it has done.
- 4.26. A "do nothing" alternative was considered but was eliminated from further consideration on the grounds that it would not support the planned residential growth and development set out in the Council's Core Strategy and possible future residential and industrial development in the area and would result in unacceptable congestion on the existing local transport network.
- 4.27. Another potential way forward for the Council was an improvement scheme at Arborfield Cross roundabout. However the Council concluded that such improvements would not provide for the predicted growth in traffic volumes in the longer term and a relief road would still be required in the future. As such, this proposal was not further considered.
- 4.28. The DAS states that "*the evolution of the scheme design had had particular regard to a number of key design principles*". These are as follows:
- 4.28.1. *"Providing a holistic solution that improves accessibility and connectivity for a range of users..;*
  - 4.28.2. *Integrating the design of the alignment into the existing road network;*
  - 4.28.3. *Minimising the extent of land take required to facilitate the proposed scheme as far as possible;*
  - 4.28.4. *Positioning the horizontal alignment to maximise the extent of retained viable farm land;*
  - 4.28.5. *Positioning the alignment to minimise impacts on designated ecological sites in the area; and*
  - 4.28.6. *Minimising the visual impact of the proposed scheme and providing landscaping that both softens the impact of the scheme in its existing landscape contexts and contributes to biodiversity"*
- 4.29. In light of the above a number of alternatives were considered in terms of both the alignment route and the design of the preferred route.
- 4.30. The Council commissioned a study in 2012 by professional services consultancy WSP (the "**2012 Study**") to determine the most appropriate road scheme to meet the identified needs

and in particular to relieve Arborfield Cross of through traffic. Four main route options were evaluated during the study and more than 25 option variations were considered as follows:

- 4.30.1. Option A commenced from the A327 Eversley Road, just south of Harts Close. Passing to the south-west of dwellings in Melrose Gardens, the route ran north-west to join Swallowfield Road, approximately 60m west of Chamberlain's Farm. From there the route ran in a north-west direction, partly along the route of the Pudding Lane track, to join the A327 Reading Road approximately 240m east of Walden Avenue. Roundabouts would have been used where the road started and ended and at the junction with Swallowfield Road.
- 4.30.2. Option A1 was the same as Option A but approximately 200m north of Swallowfield Road the relief road swung in a more northerly direction to join the A327 Reading Road some 200m east of the termination point of Option A.
- 4.30.3. Route Option B commenced from the A327 Eversley Road/Langley Common Road roundabout. The route ran north-west to the south of Arborfield Court to join Swallowfield Road approximately 50m south of Greensward Lane. The north-west direction was maintained, converging with Greensward Lane, before turning northwards on the existing road alignment to join the A327 Reading Road at the position of the existing junction, 100 m west of Church Lane. Roundabouts would have been used where the road started and ended at the junction with Swallowfield Road.
- 4.30.4. Option B1 was the same as Option B but approximately 500m north-west of Swallowfield Road, the route avoided converging on Greensward Lane and instead continued on a more north-westerly line before turning north, passing to the west of Bridge Farm, to join the A327 Reading Road some 300m west of the termination point of Option B.
- 4.30.5. Route Option C commenced from the A327 Eversley Road some 400m north of the Church Road junction. The route ran in a north-westerly direction past Parson's Farm and through a small band of trees (part of the Great Copse), passing over Castle Hill to join Swallowfield Road, approximately 460m east of Nutler's Lane. The route continued north, passing Kenneys Farm and crossing the River Loddon to join the A327 Arborfield Road, just south of Shinfield. Roundabouts were to be used where the road started and ended at the junction with Swallowfield Road.
- 4.30.6. Route Option D extended from the A327 Reading Road (approximately 300m east of the Pudding Lane junction) north east to the B3030 Sindlesham Road, approximately 250m north of Arborfield Cross. The route then progressed south east for approximately 1000m to Wood Lane/School Road junction. From there the route had two alternative endings: Alternative D1 which extended south-south west approximately 630m to join the A327 Everlsey Road, approximately 100m south of the Royal British Legion office, and Alterative D2 which extended south from the Wood Lane/School Road junction and skirted the north western extent of Oaklands

Residential Park, ending by joining Langley Common Road approximately 50m east of the A327 Eversley Road/Langley Common Road roundabout.

- 4.31. Through the 2012 Study the four main route options were tested for traffic and environmental impacts, property and land take requirements, engineering design and overall deliverability. The technical recommendation which came out of the 2012 Study was to take Option A forward using parts of route A1 and B plus an extension of the route between A327 Reading Road and B3030 Mole Road. The report produced states that *“overall, options and sensitivity tests around the route A/A1 alignments performed best in terms of success criteria, albeit they did not divert the most traffic”*. The report went on to state: *“The option A/A1 alignments and variations...provide the greatest flexibility for the Council to improve the strategic highway network and to provide alternative traffic paths for a number of routes that currently cross through Arborfield Village.”*
- 4.32. In 2013, Council officers met with a number of identified local stakeholders prior to consulting the general public. These meetings considered the Scheme options and were used to refine information that would be presented to the public. The stakeholders who were consulted at this stage included Arborfield Community Forum, Highways Forum, the Environment Agency, landowners along the proposed route A and English Heritage (now known as Historic England).
- 4.33. At this stage the Council also created a page on their website to provide introductory and background information on the Scheme and issued a press release in both ‘Get Reading’ and the ‘Wokingham Times’.
- 4.34. A Route Options Consultation was undertaken between September and November 2013 presenting the four main route options to consultees (the **“2013 Consultation”**). The 2013 Consultation was publicised on the Council’s Twitter feed and Facebook account and information was uploaded on a regular basis. Further, the Council distributed an information postcard to over 9,500 households in various wards surrounding Arborfield Cross which provided the time and location details of the public exhibitions. An information leaflet was produced to provide information and offer the opportunity for feedback on the Scheme. Around 3,000 copies of the leaflet were made available at the public exhibitions and approximately 1,800 were taken away by attendees. The leaflet was also available online.
- 4.35. The 2013 Consultation itself was a series of sixteen one-day exhibitions with display panels on display and members of the Scheme and technical team on hand to answer any questions. The display materials were also left unstaffed at Council offices and other locations for a four week period along with information as to how to raise queries.
- 4.36. A report was produced in January 2014 following the 2013 Consultation which received 1,302 feedback forms (online and in paper format) and over 60 written responses from local people, key stakeholders and statutory consultees. Around a third of the questionnaire responses received were from residents of the Arborfield ward.
- 4.37. The outcome of the 2013 Consultation was strong support for Option B – overall 71% of those who completed a feedback form expressed support for Option B; 18% supported Option A,

8% supported Option C and 3% for Option D. The report found that around half of all respondents to the 2013 Consultation considered the impact of the proposed scheme on Arborfield Cross (49%) with other factors being traffic congestion, individuals' homes, journeys and the environment.

- 4.38. The report following the 2013 Consultation also found that support for Option B was particularly high amongst those from Wokingham, Barkham, Sindlesham, Woodley, Earley, Winnersh, Spencers Wood and Shinfield. The majority of Arborfield residents also supported Option B. As a result of the 2013 Consultation the Council agree to take forward option B.
- 4.39. In addition, English Heritage indicated a preference for the "least harmful route" which they considered to be Option B or D. Three Parish Councils were responded to the consultation (Arborfield and Newland Parish Council, Barham Parish Council and Winnersh Parish Council) and all indicated broad support for Option B.
- 4.40. The main reasons for preferring Option B over the alternative route options were identified in the DAS as:
- 4.40.1. considerable traffic relief to the Arborfield Cross village centre, alleviating congestion in the area, amenity and potentially safety for other road users;
  - 4.40.2. adequately provides for increased demand as a result of development in the Arborfield Garrison SDL and would support the delivery of this development;
  - 4.40.3. horizontal alignment would avoid designated sites/areas of ecological, heritage and landscape value; and
  - 4.40.4. had the greatest support in response to the consultation including as the preferred option for the general public, English Heritage and other stakeholder groups.
- 4.41. The main concern with Option A was its potential impact on Lockey Farm (a local and popular business) and an Area of Special Character. Several local campaigns were run to encourage preference for Option B over Option A. One of the main campaigns was the 'Save Lockey Farm' campaign. Option C was eliminated from further consideration because it would have crossed open countryside and as such would have significant environmental impacts including the need for substantial engineering measures to mitigate impacts to the River Loddon floodplain. It would also only have moderate traffic relief and was only supported by 8% of consultation respondents. Option D was not taken forward as it only removed a small proportion of traffic from Arborfield Cross village and centre and would not have mitigated any traffic impacts associated with the Arborfield Garrison SDL development. It also received the least public support in the 2013 Consultation.
- 4.42. However, the 2013 Consultation also revealed that the public and stakeholders still held a number of concerns with Option B. Main concerns included the impact of the relief road on congestion, wildlife, noise, landscaping, pollution and journey times. There was also concern regarding the impact on local businesses. As a result of the 2013 Consultation the Council

recognised the need for further refinement of the Option B route design and alignment with particular reference to land ownership, safety and design and environmental issues.

- 4.43. On 27 March 2014 the Executive of the Council approved the allocation of funds to progress with the refinement of the ACRR Option B to gain greater confidence in scheme delivery.
- 4.44. In 2014 the Council commenced work on refining Option B to minimise the amount of land needed to be acquired, retain as much of the field areas as possible and take account of noise, visual and landscaping mitigation. The Statement of Community Engagement, dated July 2017 (the “**July 2017 Statement of Community Engagement**”) and submitted with the Planning Application, contains further detail as to the consultation that was undertaken at this stage but as part of the refinement study the Council undertook meetings with landowners, residents of Arborfield Court, Arborfield Community Steering Group, Southern and Scottish Energy, Arborfield & Newland Parish Council and Local Access Forum and Arborfield SDL Community Forum.
- 4.45. As a result, a number of changes were made to the alignment of Option B as presented to the 2013 Consultation. These changes are detailed in the March 2014 report produced by the Council entitled the “ACRR Refinement Report” (the “**2014 Report**”). These include the following changes:
- 4.45.1. the design of the Scheme was refined to minimise land take in accordance with design principles. The horizontal alignment was refined slightly to reduce the extent of agricultural land required, minimising the impact on the use of field areas and agricultural land generally. The most significant change, as noted by the 2014 Report, was at the southern end of the ACRR where the initial proposal was a fifth arm to the existing Eversley Road/Reading Road roundabout but following discussions with the landowner a new junction was proposed. This was considered to provide safer access, simplify junction arrangements and maximise the extent of retained farm land to the landowner;
  - 4.45.2. the design speed proposed during the 2013 Consultation was 40mph, however a design speed of 50mph is now considered to be more appropriate. This better integrates with characteristics of the surrounding rural road environment and is easier to enforce;
  - 4.45.3. during the 2013 Consultation, Option B proposed a roundabout at the junction with Swallowfield Road. This has now evolved such that a staggered junction is now proposed on the basis that this reduces the land area required and as such the visual impact to nearby properties; reduces delays to through traffic which would otherwise need to slow for a roundabout; reduces the attraction of Swallowfield Road for road traffic; and limits the amount of lighting that would be required;
  - 4.45.4. as set out in the ES, amendments were also made during the design process to the proposals for the point where the ACRR and ARBO 17 would cross. As part of the original proposals the existing ridgeline along which ARBO 17 runs was to be reduced to a maximum of 6.5m, creating a cutting to provide a vertical alignment of the road.

This would have involved a permanent diversion of the footpath through a cutting. During the design process it was found that this diversion presented numerous engineering challenges to provide a safe and inclusive route for non-motorised users. Concerns were raised by local stakeholders regarding the use of the ARBO 17 and 22 by walkers and equestrians and the crossing designs.

- 4.46. The final alignment and junction details as detailed in the 2014 Report were approved by the Council's Executive on 26 March 2015 in order to be developed to a full planning application.
- 4.47. Following this resolution, work commenced on the Planning Application for the ACRR in late 2015.
- 4.48. During 2016, and following stakeholder liaison meeting, the Council decided to provide a bridge on the ARBO 17. This was originally intended to accommodate ramblers only but local stakeholders and walkers, cyclists and equestrians agreed that a multi-use footbridge would be the most effective form of crossing to meet their needs, and baseline ecology survey supported this. As such the green bridge was included in plans, in place of the originally proposed crossing.
- 4.49. Prior to submitting the Planning Application, further public consultation was undertaken. Around 2,500 local residents, key local stakeholder groups and landowners were invited to attend public exhibitions in May 2017. Further a presentation was made by the project team to Arborfield ward member councillor Gary Cowan and to Arborfield & Newland Parish Council. Various stakeholders were invited to a preview of the exhibition including local landowners and business owners and various Parish Councils. Public exhibitions took place throughout June 2017 (both staffed and unstaffed) and were attended by around 150 residents and landowners. A further leaflet and FAQ handout were made available at this stage both at the event and online. A digital version of the exhibition boards was uploaded to the Council's website and an online survey was used for feedback.
- 4.50. As a result of the 2017 Consultation 21 feedback questionnaires were completed online and in writing. At this stage some concerns were raised regarding routes for non-motorised users (for example because there is no bridge proposed at the AR22 crossing); traffic and road safety (as a result of the proposed speed limit); project deliverability (over the scheduled delivery of the project and the need to acquire land); and noise and air pollution during the construction phase and when operational.
- 4.51. The Planning Application was submitted in July 2017 for the construction of a 2.3km Arborfield Cross Relief Road (including shared use pathway) linking A327 Reading Road in the north and A327 Eversley Road in the south east and two new roundabout junctions linking the existing road network along the A327, a new staggered priority junction at Swallowfield Road and a new shared-use (non-motorised user) bridge where Arborfield Footpath 17 intersects the proposed relief road.

**The Contractor**

- 4.52. [ ]

## 5. The need for the Scheme

- 5.1. The ACRR aims to support and enable the Council's aspirations for sustainable growth in the borough whilst simultaneously tackling the issues caused by traffic and congestion through the Arborfield area including at key junctions such as Arborfield Cross.
- 5.2. The Council's Local Transport Plan (2011-2026) (the "**LTP**") sets out the Council's transport vision "*to provide a cost-effective, inclusive transport network that enhances the economic, social and environmental prospects of the Borough whilst promoting the safety, health and well-being of those that use it.*" The Council considers that the Scheme will achieve the improvement of the economic, social and environmental well-being of its area as envisaged by the LTP.
- 5.3. The key aims of the Scheme are identified in the Planning Application documents as follows:
  - 5.3.1. to provide an alternate route for traffic that is currently routing along the A327 through the village of Arborfield;
  - 5.3.2. to provide traffic relief for local residents and improve existing traffic capacity on a key route in the Borough;
  - 5.3.3. to facilitate the improvement of provisions available for non-motorised users such as pedestrians, cyclists and equestrians in the area of Arborfield Cross;
  - 5.3.4. to facilitate the delivery of local town plans, such as that for Arborfield Garrison, as envisaged by the Core Strategy; and
  - 5.3.5. to ensure appropriate mitigation of traffic impacts from the development of Arborfield Garrison and elsewhere in the borough.

### **Housing delivery**

- 5.4. Through CP17 (Housing Delivery) of the Council's Core Strategy, the Council is committed to the development of around 9,900 homes across four strategic development locations ("**SDL**") by 2026: 3,400 new homes at Arborfield Garrison SDL (CP18); 2,500 at South of the M4 SDL (CP19); 1,500 at North Wokingham SDL (CP20); and 2,500 at South Wokingham SDL (CP21). There is also development planned around Shinfield, Spencers Wood and Three Mile Cross which will result in further housing. CP17 establishes a requirement to provide at least 13,487 houses with associated mixed use development during the period 2006 to 2026.
- 5.5. Policies CP18 (Arborfield Garrison SDL) and CP19 (South of the M4 SDL) explain that mixed use development will be delivered including "*improvements to transport capacity along the A327*" and "*measures to improve accessibility by non-car transport modes along the A327...*" The Core Strategy specifically indicated that a relief road could be considered as a mechanism to improve transport capacity in the area.

- 5.6. The need for a relief road has also been identified through detailed work in respect of recent planning permissions, including for example the permission granted for development at Arborfield Garrison.
- 5.7. The delivery of much-needed housing as identified in the Council's Core Strategy would not be deliverable without corresponding improvements to surrounding transport infrastructure. As such the Scheme will assist in improving both the social and economic well-being of the area by allowing the developments to be implemented as intended.

### **Congestion**

- 5.8. Arborfield Cross provides an example of some of the traffic problems in the Arborfield area. This is a crossroads of three main traffic routes:
  - 5.8.1. the A327 between Reading, Shinfield, Arborfield Garrison, Eversley and Hampshire;
  - 5.8.2. the A327 and B3030 between Reading, Shinfield, Barkham and Wokingham; and
  - 5.8.3. between Winnersh, Arborfield Garrison, Eversley and Hampshire via Sindlesham Road/Mole Road and A327 Eversley Road.
- 5.9. On a weekday, around 2,250 vehicles per hour pass through Arborfield Cross roundabout in the morning rush hour and around 2,350 vehicles per hour in the evening. As a result of the volume of traffic, queues can extend through the village.
- 5.10. By 2026 it is forecast that rush hour traffic volumes at Arborfield Cross will increase to around 3,200 vehicles per hour during the weekday and, without any mitigation in the transport network, this will result in an increase in overall journey times by 22%. The growth in traffic volumes at rush hour in this area would have a significant impact in terms of congestion, queues and delays and would lead to the use of alternative local routes, such as Greensward Lane, and other rural lanes which are unsuitable for such through traffic.
- 5.11. Traffic modelling carried out by the Council indicated that housing growth will severely impact the existing A327 much sooner than 2026 (planned delivery of the four SDLs) as a result of other background growth.
- 5.12. The LTP highlights that during the consultation period of its creation, traffic congestion was considered to be a major problem with 49% of consultation respondents identifying it as one of their top three transport priorities.
- 5.13. Policy HW1 of the LTP addresses congestion and states that the Council will work with partners to tackle congestion where possible. One area that is identified is town centres and the need to minimise congestion and direct traffic away from town centres.
- 5.14. The Planning Application was supported by a Transport Assessment dated 23 June 2017 (the "**Transport Assessment**") which assessed the nature and extent of transport impacts of the delivery of the ACRR together with the cumulative impact associated with known future

development. The Transport Assessment drew upon modelling data derived from the Wokingham Strategic Transport Model 3 and took into account the four SDLs together with on-site infrastructure provision and known off-side transport interventions. 2015 was used as the base year in the Transport Assessment, and 2019 (opening year) and 2026 used as the forecast years. The model was developed to represent average weekday AM peak hour (8.00 to 9.00), inter-peak hour (10.00 to 16.00) and PM peak hour (17.00 to 18.00).

5.15. The following existing junctions were assessed in the Transport Assessment:

5.15.1. A327 Arborfield Road/B3349 School Green/A327 Hollow Lane roundabout;

5.15.2. A327 Reading Road/Greensward Lane priority junction;

5.15.3. A327 Reading Road/Church Lane priority junction;

5.15.4. Arborfield Cross Roundabout – B3349 School Road/A327 Eversley Road/Swallowfield Road/A327 Reading Road/Sindlesham Road;

5.15.5. Sindlesham Road/Church Lane/Mole Road Priority junction;

5.15.6. A327 Eversley Road/Langley Common Road/Baird Road/A327 Eversley Road roundabout; and

5.15.7. Swallowfield Road/Greensward Lane priority junction

5.16. The Transport Assessment found that

5.16.1. in the base year the Arborfield Cross Roundabout (referred to at 5.12.4 above) operated over capacity during both AM and PM peaks;

5.16.2. in 2019 (the opening year of the ACRR) the Arborfield Cross Roundabout would operate over capacity if no action was taken but, if the Scheme were implemented, the junction would operate considerably more efficiently and the re-routing of traffic to the proposed Scheme would have an extremely positive effect on the junction. The Scheme was also found to be of benefit for the other junctions at this stage;

5.16.3. in 2026 (the future year of operation) the junctions set out at paragraphs 5.12.2, 5.12.3 and 5.12.4 would be operating over capacity in either the AM or PM peak if no action were taken, but within capacity if the Scheme were implemented. It was also found that the other junctions would also benefit from the introduction of the ACRR or that it would not have a negative effect. In particular the operation of the Arborfield Cross Roundabout would improve significantly as flows through the village would fall from around 2,500 vehicles (two way peak hour) to around 800 vehicles (two way peak hour) by 2026.

5.17. As such the effect of the Scheme was found to be positive in terms of the effect that it had on improving traffic and congestion in the borough, especially in the Arborfield Cross area.

The Scheme can be seen to improve the social and environmental well-being of the area by reducing journey times for motorists, potentially reducing frustration experienced by motorists and any associated high-risk decision-taking.

### **Connectivity**

- 5.18. Policy HW3 of the Council's LTP recognises the need to improve access to key corridors to create a connected network through the Borough and preserve links into regional hubs such as Reading, Heathrow and London. Policy HW3 also notes that *"transport links have a critical facilitating role in promoting economic growth..."* and that *"to maintain the Borough's economic competitiveness we need to maintain and improve access to these key hubs"*.
- 5.19. The Scheme will help the Council to achieve its aim as set out under Policy HW3 by improving connectivity in the network and improving access to regional hubs. This, as recognised by the LTP, will promote and improve the economic well-being of the area.

### **Non-motorised users**

- 5.20. The LTP also recognises that economic growth in the Borough needs to be balanced with the need to conserve natural resources and protect the environment.
- 5.21. It states that *"for transport this means engaging with local communities to raise awareness of active travel, such as walking and cycling"* and that transport will *"contribute towards the 20% reduction of 2005 domestic housing and transport carbon emission levels which the Council aims to achieve by 2020"*. One of the five LTP goals is to *"work with partners to promote walking and cycling as a health-enhancing physical activity for all of our residents through providing: connected, convenient, safe and signed pedestrian networks across the Borough to enhance existing networks; new cycleways integrated with the existing cycle network; and improve cycle parking..."*.
- 5.22. The Scheme will provide a key new route for non-motorised users through the provision of the shared path which will run the full length of the ACRR. This has been designed to maintain and improve connectivity for all non-motorised users, provide choice for those individuals and ensure improved amenity on non-motorised users routes.
- 5.23. The ES submitted in support of the Planning Application concluded that the pedestrian and cyclist amenity on the ACRR is likely to be rated Good or Excellent with the provision of a high quality off-road shared path, lighting at junctions and crossing facilities (including the Green Bridge). This is likely to improve the connectivity from the west to the south-east and vice versa and give non-motorised users a real choice in routes. On the majority of existing routes there were not found to be any significant changes although the pedestrian and cycle amenity to the south of the Eversley Road roundabout is likely to improve due to the proposed southern junction having crossing facilities which is likely to reduce the level of intimidation for non-motorised users.

- 5.24. The LTP also recognises the need to use the opportunity to further integrate existing walking and cycling network with new housing development planned in the Borough to ensure that active forms of travel become more commonplace and are actively promoted within new communities. As a result, policy AT1 of the LTP states that the Council will actively encourage integrating walking and cycling routes and facilities into key destinations.
- 5.25. The ACRR is being delivered commensurately, or in advance of, the developments planned at the SDLs in the Borough and as such will be inextricably linked with those developments and communities.
- 5.26. For these reasons it can be seen that the Scheme will have a beneficial effect on non-motorised users in terms of their social and environmental well-being.

### **The environment**

- 5.27. The Scheme will also contribute to the environmental well-being of the area and wider borough in terms of air quality and noise pollution.
- 5.28. Policy HW10 of the LTP commits the Council to continue to develop and implement its Air Quality Action Plan in response to pollution caused by vehicle emissions. One element of this is to reduce background concentrations of nitrogen dioxide in the Borough by reducing levels of congestion and encouraging alternative means of transport including active travel. As part of the Planning Application an air quality assessment was undertaken which noted reductions in the annual mean nitrogen dioxide concentrations associated with exhaust emissions for some receptors.
- 5.29. As is the case with any road improvement scheme there will be some negative effects on the environment as a result of the construction and operation of the Scheme. However, through the EIA undertaken to support the Planning Application and the resulting ES it can be seen that the Scheme has no long lasting major negative effects on the environment as a result of mitigation measures (such as landscaping) and design measures. A further analysis of the environmental impact of the Scheme and measures taken to reduce that impact is set out at section 8 of this Statement of Reasons.

### **Job creation**

- 5.30. During the construction phase of the Scheme it is anticipated that the Scheme will provide an estimated 1,040 jobs per annum. There are also likely to be indirect jobs associated with the construction works as a result of an increase in spending on goods and services. As a result the Scheme can be seen to have a positive impact on the social and economic well-being of the area.

## **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 the ownership of three landowners which is needed for construction and implementation of the Scheme.
- 6.3. The purpose of seeking to acquire the Order Land compulsorily is to facilitate and enable to delivery of the Scheme. Compulsorily acquiring the Order Land and bringing it within single ownership would, in the opinion of the Council, ensure that the Council meets its transport, planning and policy objectives and does so within a realistic timescale. The exercise of the compulsory acquisition powers is necessary to mitigate the risk that the Scheme could be delayed.
- 6.4. As set out at paragraph 1.8 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. This is in line with the decision by the Council's Executive on 30 June 2016 to grant permission for the *"In Principle Use of Compulsory Purchase Powers"* subject to referral back to the Executive at the appropriate time for detailed authority on the enabling statutory powers, areas and value of land to be acquired compulsorily, and potentially indemnity agreements.
- 6.5. The Report to the Executive acknowledged that the in principle authority to use statutory compulsory purchase powers to acquire land could be used as part of the Council's strategy to meet the housing need identified in the Core Strategy and to enable new infrastructure to be brought forward to enable development. The Report stated that *"to enable effective delivery of our strategic sites there is a need for there to be clarity about the Council's appetite to pursue all options available to secure the infrastructure necessary...this would assist with negotiation...We will initially establish contact with affected land owners and as these are established we will seek to ensure acquisition through negotiation..."*
- 6.6. To that effect the Council has taken all reasonable steps to negotiate the purchase of the Order Land and has entered into negotiations with all relevant parties in respect of the acquisition of the necessary land and rights. The owners and occupiers 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. Details of the negotiations are as follows:
- 6.7. As can be seen from the above, the negotiations with landowners have been undertaken with some success. Further, in line with the DCLG Guidance, the Council is committed to continuing to negotiate to acquire the Order Land in tandem with the compulsory purchase process. These negotiations will continue 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.
- 6.8. However, the Council considers that the compulsory purchase process must also be pursued in order to minimise delays to the Scheme as a result of protracted and ultimately unsuccessful negotiations with landowners. The Report referred to at paragraph 6.5 states that *"...it is considered that as a precautionary measure and to assist with discussion a resolution to show a willingness to follow all available options is appropriate."*

- 6.9. The Council considers that those landowners who have not reached an agreement with the Council for the purchase of their land have had considerable time to consider those offers and there is now need for significant progress to be made. Whilst the Council would prefer to acquire all of the Order Land by way of agreement, the public interest demands confirmation of the Order so that the Council can ensure that the Scheme can take place and that it can achieve its policy objectives. Without invoking compulsory purchase powers there is no certainty that the Council will be able to acquire the necessary interests in time, or at all, in order to allow the Scheme to progress.
- 6.10. As such the Council is satisfied that there is a compelling reason in the public interest for acquiring the necessary interests in the Order Land which outweighs the effect of acquisition on individual rights. It is considered that the case meets the requirements of Paragraph 2 of the DCLG Guidance, domestic legal requirements and the requirements of the European Convention on Human Rights (the “**Convention**”). Further detail as to how the Council has considered its duties under the Convention are set out at paragraph 7 below.

## 7. Human Rights Considerations

### **The Human Rights Act 1998 and the European Convention on Human Rights**

- 7.1. The Human Rights Act 1998 (the “**HRA**”) incorporated into domestic law the European Convention on Human Rights (the “**Convention**”).
- 7.2. 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.
- 7.3. 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, the need for which is set out at section 5 above.
- 7.4. 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.
- 7.5. 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.

- 7.6. 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.

### **Public Sector Equality Duty**

- 7.7. The public sector Equality Duty (the “**PSED**”) was introduced by the Equality Act 2010 (the “**EA 2010**”) as part of the government’s aim to protect people from discrimination in the workplace and in wider society. The PSED came into force on 5 April 2011 and means that public bodies have to consider all individuals when carrying out their day-to-day work including when shaping policy and delivering services.
- 7.8. Section 149 of the EA 2010 established the general equality duty which is that all public authorities are required in the exercise of their functions to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Advancing equality of opportunity means, in particular, having due regard to the need to remove or minimise disadvantages suffered by people due to their protected characteristics; take steps to meet the needs of people with certain protected characteristics where these are different from the needs of others; and encourage people with certain protected characteristics to participate in public life where their participation is disproportionately low.
- 7.9. The legislation is not prescriptive about the approach that a public authority should take in order to comply with the PSED. However principles from case law suggest that each public authority should keep in mind, amongst other things, that the duty must be complied with before and at the time a particular policy is under consideration, as well as when a decision is taken; and that a public authority must consciously think about the need to do the things set out in the PSED as an integral part of the decision-making process, exercising the duty in substance, with rigour and with an open mind.
- 7.10. Throughout the process of developing the Scheme, as it makes and shapes its policy, the Council, as a public body, has had to have due regard to the PSED. The main way in which the Council has done this has been through the consultation process. The July 2017 Statement of Community Engagement submitted as part of the Planning Application referred to the Council’s adopted Statement of Community Involvement (“**SCI**”) which sets out guidance for applicants relating to pre-application consultation on planning application proposals. The SCI states that developers are required to consult local communities and that involvement should be open to all regardless of gender, faith, race, disability, sexuality, age and social deprivation.

- 7.11. The July 2017 Statement of Community Engagement recognised that certain parts of the community are more difficult to engage than others including “*young people, old people, ‘time poor’ people, gypsies and travellers, people with disabilities, people from deprived areas and people for whom English is not their first language*”. The SCI suggests certain methods of engagement that are appropriate to engage with such groups. For example, for young people it suggests using websites, young peoples’ forums, online forums and social media to engage; for older people it suggests engagement is better sought through letters and forums/meetings at church halls, community centres and GP surgeries; for people with disabilities it suggests using newsletters in different formats (e.g. large print) and ensuring appropriate access to meetings; and for people for whom English is not their first language it suggests making documents available in different languages and targeting displays at faith centres.
- 7.12. Throughout the consultation process the Council has had due regard to these suggestions and the need to ensure that those who are traditionally less able to reach, who often have a protected characteristic, are not disadvantaged as a result of that characteristic. As such, as set out in the July 2017 Statement of Community Engagement, consultation was undertaken in a number of different forums and methods such as at meetings, online and by way of newsletters.
- 7.13. As such the Council considers that it has complied with the PSED in the process of developing the Scheme.

## **8. Planning position**

- 8.1. In July 2017 the Planning Application was submitted to the local planning authority. The Planning Application was considered by the Council’s Planning Committee on 10 January 2018 where the recommendation was to authorise the grant of planning permission subject to conditions. The decision of the Planning Committee on 10 January 2018 was to grant planning permission.
- 8.2. The planning policy context for the Scheme consists of policy at local, regional and national levels and the Planning Application was considered against the relevant policies which were as follows:
- 8.2.1. the National Planning Policy Framework (2012 ) (“**NPPF 2012**”);
  - 8.2.2. Wokingham Borough Council Local Transport Plan (2011 – 2026)
  - 8.2.3. Wokingham Borough Council Local Development Framework which includes
    - 8.2.3.1. the Core Strategy Development Plan Document (2010);
    - 8.2.3.2. Managing Development Delivery Local Plan (2014);
    - 8.2.3.3. Sustainable Design and Construction SPD (2010);
    - 8.2.3.4. Borough Design Guide SPD (2012); and
    - 8.2.3.5. Arborfield and Newland Village Design Statement SPD (2015)

- 8.3. The Scheme was assessed against the main planning policy considerations and any other material considerations that were relevant to the consideration of the planning application.

#### **NPPF 2012**

- 8.4. The NPPF 2012 is an overarching document which seeks to establish the national planning policy agenda focused specifically upon the delivery of sustainable development. As a national planning policy it was a material consideration in the consideration of the planning application relating to the Scheme.

- 8.5. The relevant parts of the NPPF 2012 are as follows:

8.5.1. **Paragraph 7:** three key roles of the planning system to achieve sustainable development: economic, social and environmental;

8.5.2. **Paragraph 14:** sets out the presumption in favour of sustainable development and indicates that applications which accord with the development plan should be approved without delay;

8.5.3. **Paragraph 30:** *“Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport”;*

8.5.4. **Paragraph 32:** *“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether; the opportunities for sustainable transport modes have been taken up depending on the nature and local of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impact of development. Developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”;*

8.5.5. **Paragraph 65:** *“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design...”*

- 8.6. The Scheme was considered to comply with the NPPF and its specific provisions on the basis that it would address existing congestion and anticipated congestion and would in turn contribute to social well-being through reduced journey times and provision for walking and cycling. There were also found to be environmental benefits resulting from reduced vehicle carbon emissions and landscaping which contributes to biodiversity in the area.

- 8.7. In accordance with paragraph 32 of the NPPF the Transport Assessment was prepared and carefully considered as part of the planning process.

### **Wokingham Borough Council Local Transport Plan (2011 – 2016)**

- 8.8. The LTP3 sets out the long term strategy for the provision of transport facilities and infrastructure in the Borough to 2026. The overarching vision is to *“provide a cost-effective, inclusive transport network that enhances the economic, social and environmental prospects of the Borough whilst promoting the safety, health and well-being of those that use it”*. The LTP3 also seeks to provide a *“resilient, safe highway network that balances capacity for all users, enhances the economic prospects of the Borough and promotes sustainable travel”*.
- 8.9. Policy HW1 and HW3 are both relevant to the Scheme. Policy HW1 provides for delivery of engineering and highway measures to help address areas of congestion and envisages that measures to be explored to minimise bottleneck congestion include developing new highways, re-directing car travel and junction improvements (among others). Policy HW3 promotes improved public access to key corridors to improve connections from the Borough to regional hubs.
- 8.10. For the reasons described throughout this Statement of Reasons, in particular in paragraph [ ] above, the Scheme will contribute to the enhanced economic, social and environmental well-being of the area by reducing congestion which could have both social and environmental benefits. The Scheme aligns with the measures identified in Policy HW1 and is in accordance with Policy HW3.

### **Wokingham Borough Council Local Development Framework**

#### **Core Strategy Development Plan Document (2010)**

- 8.11. The Council’s Core Strategy is a material consideration for planning applications. The Core Strategy expressly recognises that a key component of the Borough strategy is the provision of a good transport system. Paragraph 3.7 recognises that the vision for the Borough is based on *“locating the majority of new housing in high quality Strategic Development Location with excellent infrastructure provision and protecting the character of the Borough”*.
- 8.12. The following policies were considered to be particularly relevant for the Scheme:
- 8.12.1. **CP1 (overarching policy)** sets out that planning permission should be granted for development proposals that (inter alia) maintain or enhance the quality of the environment; minimise the emission of pollutants into the environment; avoid areas of versatile agricultural land; and provide attractive, functional, accessible, safe, secure and adaptable schemes.
- 8.12.2. With regard to this, the Scheme will enhance the quality of environment for motorists and non-motorised users and this will be maintained through mitigation and management measures following implementation. Further the alignment has been developed and refined to minimise land take and maximise the retained,

workable field areas of adjacent arable land. Landscaping is also proposed as part of the Scheme which will appropriately mitigate adverse impacts and will contribute to the attractiveness of the Scheme.

- 8.12.3. **CP3 (general principles for development)** sets out that planning permission will be granted for proposals that are of a high quality design without detriment to amenities of adjoining land users and quality of life and those that have no detrimental impact upon important ecological, heritage, landscape, or geological features or water courses (among others).
- 8.12.4. With this in mind a Landscape and Visual Impact Assessment (“**LVIA**”) forms part of the Planning Application submission and assessed the visual impact of the development from key visual receptors and from a variety of different representative viewpoints. The impact was assessed both in terms of the initial construction and operation of the ACRR.
- 8.12.5. It was found that the Scheme will result in some significant visual effects during the construction phase, including for residential properties (of which there are 5 within the vicinity of the ACRR) and users of the ARBO 17 and ARBO 22. However, mitigation proposals are in place to reduce the predicted noise impact of construction to a minimum.
- 8.12.6. In the long term the effect will be greatly reduced as a result of proposed mitigation. This includes extensive planting and limited lighting, which will soften the visual impact and integrate the ACRR within the landscape, and a proposed alignment that is located as close to and below the existing ground level where possible and which avoids impacts upon important ecological and heritage features within the vicinity of the ACRR and which has been designed to minimise potential impacts on amenity and the quality of life of adjoining landowners.
- 8.12.7. The inclusion of the green bridge is a clear example of how the Scheme has been designed to minimise the impact of the Scheme on the environment and on quality of life. The location of the bridge has been chosen to integrate with the alignment of the ARBO 17 and the existing ridgeline. The bridge features a curved, horizontal profile which widens at either end. When combined with extensive tree planting across the structure on either side of the footpath the visual impact of the road cutting from the north and south is greatly reduced.
- 8.12.8. The Scheme has also had regard to heritage assets within its vicinity. Although there are no heritage assets within the Order Land itself there is a Scheduled Monument and nine Listed Buildings (one Grade II\* and eight Grade II) within 500m of the Order Land. There are three other Scheduled Monuments within 1km of the Order Land.
- 8.12.9. The ES considered the effect of the Scheme on the various heritage assets in the vicinity of the ACRR. The ES found that there would be an operational effect of minor negative significance on the setting of two Grade II Listed buildings (Bartlett’s Farmhouse and White’s Farmhouse) which are located approximately 400m to the

south-west of the Scheme and front on to Swallowfield Road. Although the ACRR and lights from passing cars would be visible from the properties, the presence of intervening buildings and mature trees would reduce the visibility of the ACRR. Further, in terms of noise pollution, the reduction in noise along Swallowfield Road (onto which the properties directly affront) would be a benefit greater than the harm caused by traffic noise on the ACRR (around 400m to the north). As such although the mitigation proposed would not entirely offset the residual impact on the setting of both heritage assets, this was assessed as being “less than substantial” and therefore acceptable in heritage terms given the wider public benefit of the ACRR.

- 8.12.10. Two other heritage assets which were considered to a great extent were Arborfield Court and Ducks Nest Farm, both Grade II Listed buildings. In respect of Arborfield Court it was found that the development would result in some minor negative impact to the setting of the building but the inclusion of a noise barrier proposed along the relevant stretch of road would mitigate the impact to some degree. As such the harm caused was found to be “less than substantial”. In respect of Ducks Nest Farm it was found that increased light and movement would affect the property but the presence of new screening and sensitive lighting would reduce this affect. As such the harm would be “less than substantial”.
- 8.12.11. It should be noted that Historic England have assessed the Planning Application and are satisfied that the harm to designated heritage assets as a result of the development would be “less than substantial” in NPPF terms. The wider public benefits of a new road are a clear and convincing justification for the Scheme to be taken forward despite this harm.
- 8.12.12. Although none of the Order Land is within a Conservation Area the Arborfield Cross Conservation Area lies approximately 700m to the north-east and includes Arborfield Cross village. There would also be a benefit to the setting of the conservation area as the ACRR would reduce the amount of vehicle traffic travelling through Arborfield Cross.
- 8.12.13. **CP6 (management of travel demand)** states that planning permission will be granted for schemes that provide for sustainable forms of transport; improve the existing infrastructure network and enhance facilities for pedestrians and cyclists; mitigate adverse effects upon the network that arise from development; and do not cause highway problems or lead to traffic related environmental problems.
- 8.12.14. The Scheme is compliant with this policy and a key objective is to manage demand on the existing infrastructure network. The inclusion of the shared path along the eastern edge of the carriageway and the green bridge will improve the position greatly for non-motorised users. The Scheme also has the potential to enhance road safety by alleviating congestion and reducing potential frustration experienced by motorists which can lead to high-risk decision-taking. The project also has the potential to reduce annual mean vehicle emissions.

- 8.12.15. **CP7 (protect biodiversity)** provides for the avoidance or mitigation of potential effects on the Thames Basin Heaths Special Protection Area (“SPA”), an area statutorily designated for its European conservation value. The policy also establishes that where non-residential schemes include avoidance and mitigation measures, the likely effects on the SPA will have been addressed though monitoring of their effectiveness will be needed. Further, the policy requires appropriate protection of species and habitats of conservation value.
- 8.12.16. Although no part of the Order Land is located within the Thames Basin Heath SPA, the closest component part (the Bramshill Site of Special Scientific Interest) is approximately 3km to the south of the Order Land. The ES sets out that designated sites of importance within the Order Land or near to it, including the Thames Basin Heaths SPA, will be conserved during construction and operation of the Scheme. Avoidance and mitigation measures are included where necessary as part of the Scheme and as such no significant long term effects are expected on the SPA and the Scheme is considered to comply with policy CP7.
- 8.12.17. With respect to ecology, a range of sites, habitats and species were considered in the ES and an Ecological Impact Assessment evaluated ecological features within 250m of the road alignment in terms of potential effects during construction and operation. The assessment found that although there was likely to be some moderate adverse effects to habitats during construction, there would be residual positive ecological benefits in the longer term as a result of habitat creation through the green bridge and badger tunnels as well as through new hedgerow planted.
- 8.12.18. **CP18 and 19** both relate to development to be delivered as part of two of the SDLs, the Arborfield Garrison and South of the M4 SDLs. The policies include improvements to transport capacity along the A327. The Scheme constitutes a direct improvement to the transport capacity along the A327 and will also provide connectivity for non-motorised users.
- 8.13. As such, the Scheme is considered to be wholly compliant with the Council’s Core Strategy.

**Managing Development Delivery Local Plan (2014) (“MDDLDP”)**

- 8.14. A key objective of the MDDLDP is to promote a transport system that enables access to services by a variety of modes and increases the use of non-car based transport where appropriate.
- 8.15. Policy CC03 of the MDDLDP requires development proposals to demonstrate how they have enhanced the Borough’s Green Infrastructure networks, promoted accessibility and permeability between and within existing green corridors, protected and retained trees, hedges and landscaped features and incorporated high quality, native planning and landscaping as part of the scheme. Policy CC06 seeks to mitigate noise impacts whilst CC10 requires that all proposals must ensure that surface water runoff is managed sustainably. Policy TB23 requires proposals to demonstrate how they provide opportunities to incorporate new biodiversity features and how they provide buffer zones between the proposal and designated sites.

- 8.16. It is considered that the Scheme overwhelmingly aligns with the overarching objective of the MDDL. The A327 at both ends of the ACRR proposed alignment is a green route enhancement area and the Scheme will create a linkage between these two areas with considerable landscaping to assist the ACRR to integrate into the setting. Existing trees and hedgerows are proposed to be retained as far as practicable and, where removed, mitigation measures are implemented.
- 8.17. With regard to policy CC06, mitigation measures are put in place as part of the Scheme to help to reduce noise impacts. For example, a 3m high acoustic barrier is proposed along the footpath north of the road between the Swallowfield Road junction and the proposed green bridge. Although this will achieve only a modest reduction, it may reduce the impact on some receptors at Arborfield Court from “high” to “medium”. Further, setting the speed limit at 50mph ensures that the benefits of the low noise surface are realised as this only happens at higher speeds.
- 8.18. With regard to CC10 a drainage strategy has been prepared for the Scheme which demonstrates that a sustainable drainage system can be delivered. Considering policy TB23 the Scheme involves landscaping which has the potential to improve biodiversity in the area and, in particular, will result in positive effects on the reptile population. The ES demonstrates that there is an appropriate buffer between the proposed alignment and nearby designated sites.

#### **Sustainable Design and Construction SPD (2010) (SDC SPD)**

- 8.19. The SDC SPD seeks to direct sustainable choices in the design and construction of buildings and structures; development proposals should incorporate the conservation and enhancement of existing habitats and landscape design as key considerations and should consider provision of footpaths and road crossings for pedestrians and provision for cycling. The SDC SPD also requires direct consideration to be given to issues such as air, noise and light pollution.
- 8.20. The Scheme is considered to be compliant with the SDC SPD. The Scheme involves a comprehensive landscaping proposal involving the reinstatement and strengthening of lost or declining hedgerows along the route. This will help to reinforce the rural character of the landscape and screen or soften views of the ACRR. Strips and blocks of native deciduous trees will also be planted along the route and highway verges and embankments will be seeded with species rich grass, helping to increase habitats and biodiversity. As a result of these measures the ES concluded that at year 15 the long-term effects on visual receptors would reduce to between moderate adverse to minor adverse and there would be no significant residual effects in the long term.
- 8.21. Dust emissions (and resulting air pollution) will be controlled during construction through the use of best practice methods and measures; a Construction Environmental Management Plan is proposed to ensure that the impact of dust and fumes is negligible. The Air Quality assessment undertaken as part of the Planning Application concluded that there would be both increases and decreases in concentrations of nitrogen and particulates associated with the new road. As such there is not considered to be a significant impact on air quality overall.

- 8.22. Noise and light pollution will also be limited: most work will be undertaken in working hours and mitigation measures will be used following implementation, and street-lighting is not proposed along the route.

### **Borough Design Guide SPD (2012)**

- 8.23. The BDG SPD seeks to enhance the quality of development and ensure that proposals are of the highest quality of design with particular focus on design in the context of residential and non-residential development. Although the relevance of the BDG SPD is considered to be limited careful consideration has been given to the design of the proposed alignment in the context of the existing environment.

### **Arborfield and Newland Village Design Statement SPD (22015)**

- 8.24. Appendix 3 of the document provides context regarding the existing transport network in the Arborfield and Newland Parish. It identifies the problem arising at Arborfield Cross roundabout, especially the significant proportion of heavy goods vehicles which travel through the village. Although the document notes that it is inappropriate to provide a policy direction in relation to Highway Authority matters it recognises the “inevitable need” for a bypass to ensure that sustainability of the adjacent SDL. It states that any such bypass should sit sympathetically in the countryside, follow natural contours and respect established woodland.
- 8.25. In line with this the ACRR has been developed and refined to ensure it sits sympathetically within the context of the surrounding countryside environment. The Scheme avoids areas of ancient woodland and landscaping is proposed.
- 8.26. As such the Scheme is considered to be compliant with the planning policy for the area. As full planning permission has now been granted for the Scheme the Council does not consider that there will be any impediment to the Scheme being taken forward on planning grounds.

## **9. Funding**

- 9.1. The total estimated cost of the Scheme will be £[ ] million.
- 9.2. The Arborfield Garrison SDL and South of M4 SDL planning applications were approved subject to planning obligations that will contribute towards the overall cost of the ACRR.
- 9.3. The Council’s Infrastructure Delivery and Contributions SPD (adopted October 2011) (the “**IDC SPD**”) again recognises that improvements to transport capacity on the A327 are necessary “*including measures to relieve Arborfield Cross which may include provision of a new route avoiding existing settlements or junction capacity improvements such as at Arborfield Cross*”. Under the IDC SPD off-site works for the ACRR are to be funded by developers of the Arborfield Garrison and South of M4 SDLs and indicative developer contributions are set at £5 million from Arborfield Garrison SDL and £4 million from South of M4 SDL.

**10. Land required for Mitigation of the effects of the use and existence of the ACRR**

**11. Special considerations affecting the Order land**

- 12.1. There are no special considerations applying to 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.

**13. Other information that might be of interest to those affected by CPO**

- 13.1. Anyone who considers that they are affected by the Order can contact [ ] by telephone on [ ] during normal office hours or can make an appointment to visit the Council Offices at [ ].
- 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 [ ] between [ ].
- 13.3. 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 in the event of a public local inquiry being held.