

---

# **Report to the Secretaries of State for Transport and Communities and Local Government**

**by Ava Wood Dip Arch MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 27 June 2014**

---

## **ACQUISITION OF LAND ACT 1981**

### **HIGHWAYS ACT 1980**

**The County of Herefordshire District Council (Edgar Street Grid and Link  
Road) Compulsory Purchase Order 2013**

**AND**

**The County of Herefordshire District Council (A465 (Hereford Link Road)  
Classified Road) (Side Roads and Other Works) Order 2013**

Inquiry opened on 23 April 2014

.

File Refs: NPCU/CPO/M1900/72728 & LAO/WM/SRO/2013/35

---

---

## **TABLE OF CONTENTS**

<b>1. PROCEDURAL MATTERS AND STATUTORY FORMALITIES .....</b>	<b>1</b>
<b>2. THE ORDERS LAND AND SURROUNDINGS .....</b>	<b>2</b>
<b>3. THE PLANNING POSITION .....</b>	<b>3</b>
<b>4. THE COUNCIL'S CASE FOR THE CPO .....</b>	<b>5</b>
<b>5. THE COUNCIL'S CASE FOR THE SRO .....</b>	<b>16</b>
<b>6. THE STATUTORY OBJECTIONS.....</b>	<b>18</b>
<b>7. THE NON-STATUTORY OBJECTIONS .....</b>	<b>33</b>
<b>8. CONCLUSIONS AND RECOMMENDATION ON THE CPO .....</b>	<b>42</b>
<b>9. CONCLUSIONS AND RECOMMENDATION ON THE SRO .....</b>	<b>54</b>
<b>APPEARANCES .....</b>	<b>56</b>
<b>DOCUMENTS LIST .....</b>	<b>57</b>

## CASE DETAILS

- **The County of Herefordshire District Council (Edgar Street Grid and Link Road) Compulsory Purchase Order 2013 (CPO)** was made under section 226(1)(a) of the Town and Country Planning Act 1990, section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 by Herefordshire Council on 23 August 2013.
- The purpose of the Order is to facilitate the carrying out of development, re-development or improvement of the land for the provision of a link road, highway and other associated infrastructure and mixed uses including housing, employment uses, leisure, retail units, tourism, civic and community uses together with associated public access and public realm, car parking, other new highways and associated infrastructure, drainage, flood alleviation and associated works.
- **The County of Herefordshire District Council (A465 (Hereford Link Road) Classified Road) (Side Roads and Other Works) Order 2013 (SRO)**, made under sections 6, 14 and 125 of the Highways Act 1980 (as amended) (HA) would be confirmed under section 8 of schedule 1 of the HA. If confirmed by the Secretary of State for Transport, the SRO would enable the construction of the Link Road Scheme and other necessary and associated works generally between Edgar Street (the A49 Trunk Road) to the west and Commercial Road to the east. The SRO was made on 23 August 2013.
- When the Inquiry opened there were 15 remaining statutory objections<sup>1</sup> and 2 non-statutory objections<sup>2</sup> to both Orders. During the course of the Inquiry Councillor Powers submitted a written statement (OBJ/25/1) and he was added to the list as a non-statutory objector. Two further statutory objectors withdrew their objections before the Inquiry closed<sup>3</sup>

**Summary of Recommendations: I recommend that the CPO be confirmed and that the SRO be confirmed in accordance with the modifications recorded in ID/10.**

---

### 1. PROCEDURAL MATTERS AND STATUTORY FORMALITIES

- 1.1 I held concurrent Inquiries on 23, 24, 29, 30 April and 1 May 2014 to hear representations and objections concerning an application made by the Council for confirmation of the above mentioned Orders. The Inquiry closed on 1 May 2014. An accompanied site visit to the Orders land and surrounding areas was undertaken during the morning of 23 April, which included travelling the alternative route put forward by Mr Vaughan and Councillor Bowen. I also carried out unaccompanied inspections to view the land and routes on 22, 24 and 30 April.
- 1.2 It was confirmed, and not disputed, at the Inquiry that all statutory formalities had been complied with.
- 1.3 This Report describes the land that is subject to the Orders and its surroundings, outlines the relevant planning position and describes what is

---

<sup>1</sup> Core Document (CD)85 – Database of objections as on 23 April 2014

<sup>2</sup> Mr A H Vaughan and County Councillor Sebastian Bowen

<sup>3</sup> Royal Mail Group and Royal Mail Estates Ltd and Jewson Ltd, Gibbs and Dandy Ltd and SGBD Property Holdings Ltd. Withdrawal letters are included as WD/11 and WD/12 respectively. Also see CD/86 – Database of objections as of 1 May 2014

---

intended. I report on the material points on the acquiring authority's case for the CPO and the SRO. The gist of the individual remaining objections and the Council's responses to them are recorded before my conclusions and recommendations.

#### 1.4 **Proposed Modifications**

1.4.1 During the course of the Inquiry, the acquiring authority requested a modification to the SRO, the details of which are recorded in Inquiry Document 10 (ID/10). Briefly, the modification involves deletion of part of new highway C and the whole of the new private means of access 11. The revised SRO provisions sought are shown on the revised Site Plan 2, Appendix 1 to ID/10 (drawing no: 551535-SRO-003 Revision D) and a new Schedule 2 omitting new access 11 is enclosed as Appendix 2 to ID/10.

1.4.2 Other modifications involve minor corrections to achieve consistency between the SRO Schedules and the SRO Plans<sup>1</sup>. The corrections are set out in Appendix 3 to ID/10.

#### 1.5 **The CPO and the SRO**

1.5.1 The purpose of the CPO is to secure the land and new rights required to facilitate the construction of a new Link Road (the Link Road scheme) which is regarded as an integral part of the Council's proposals for regeneration of the Edgar Street Grid (ESG) area.

1.5.2 The SRO is intended to authorise the Council to make changes to side roads and private means of access to enable construction of the Link Road scheme and other necessary and associated works generally, as described in the banner heading above. Some sections of highway are to be stopped up and then recreated or replaced as part of the Link Road scheme. Other sections of highway will be stopped up permanently. Details of the highways to be stopped up, the changes to private means of access and provision of new means of access to serve premises are shown on the SRO Maps (CD/23).

## 2. **THE ORDERS LAND AND SURROUNDINGS<sup>2</sup>**

2.1 The land to be acquired in the CPO comprises approximately 12.34 hectares of a mixture of highways, private and Council-owned land situated between Edgar Street to the west and Commercial Road to the east and running down to Blackfriars Street to the south. The land lies close to the city centre of Hereford. Properties in the CPO but in the control of the Council are shown on ID/8. Some 37.5% of the total CPO area is in the Council's freehold ownership with a further 16.4% comprising adopted highway land.

2.2 A range of different businesses occupy the CPO land, including a petrol filling station<sup>3</sup>, a carpet warehouse<sup>4</sup>, tool hire company<sup>5</sup>, a builders'

---

<sup>1</sup> CD/22 and CD/23 respectively

<sup>2</sup> CD/20 - CPO Map

<sup>3</sup> ID/4 - Photographs 22, 23 and 24

<sup>4</sup> ID/4 - Photographs 17-20

<sup>5</sup> ID/4 - Photographs 21 and 22

---

merchant<sup>1</sup>, timber supplier<sup>2</sup>, tyre and lawnmower service and sales centre<sup>3</sup> and various light and general industrial units within the Barrs Court Trading Estate<sup>4</sup>. The Merton Meadow surface public car park stretching between Edgar Street and Widemarsh Street is included in the CPO, as is a grassed field used for police dog training<sup>5</sup>. Part of the Royal Mail depot service yard is included<sup>6</sup>, along with the site of a former large retail unit (Plot 107) currently used as a public car park.

- 2.3 The highway land to be acquired includes part of Edgar Street, Newtown Road to its north<sup>7</sup>, part of Widemarsh Street, Station Approach and Commercial Road to the east. To the north of Station Approach is the town's main railway station. To the south of the Order land on Edgar Street is the Hereford United football ground. Edgar Street and Widemarsh Road extend southwards towards the historic core of the town centre, which lies beyond the inner ring road dual carriageway of Newmarket Street and Blueschool Street<sup>8</sup>.
- 2.4 Much of the area comprises previously developed land and buildings. Historic flooding concerns have prevented built development on the police dog training field and the Merton Meadow car park. The course of the Widemarsh Brook runs across the site, through the northern end of Merton Meadow, along the perimeter of the dog training field and Jewson's yard from where it flows into a culvert under Commercial Road/Brook Retail Park (see CPO Map CD/20).

### **3. THE PLANNING POSITION**

#### **3.1 The Link Road**

- 3.1.1 A planning application for the Link Road was submitted by ESG Herefordshire Ltd. on 23 December 2009. It was accompanied by an environmental statement and supporting documents that included a planning statement, transport assessment (TA – CD/47), design and access statement and a flood risk assessment. The application had been subject to pre-application community involvement, and consultation following its submission. The application was granted planning permission on 30 March 2010, subject to 32 conditions<sup>9</sup>.
- 3.1.2 The permission granted allows for demolition of existing buildings and construction of the new highway, cycleway, drainage, landscaping and associated works between the A49(T) Edgar Street and A465 Commercial Road. It includes a new road link to unclassified roads (Blackfriar Street and Canal Road) and a new junction with Widemarsh Street. Highway

---

<sup>1</sup> ID/4 – Photographs 69-74

<sup>2</sup> ID/4 – Photographs 38-40

<sup>3</sup> ID/4 – Photograph 37

<sup>4</sup> ID/4 – Photographs 93-100

<sup>5</sup> ID/4 – Photographs 49-68

<sup>6</sup> ID/4 – Photographs 85-90

<sup>7</sup> ID/4 – Photographs 127-130

<sup>8</sup> ID/4 – Plan showing key points of interest (sheet 1 of 2)

<sup>9</sup> CD/4 – Application no: DMCE/092576/F Decision notice and CD/6 – Link Road

Scheme/General Arrangement Drawing and CD/70 – Link Road Plan (2010 Permission)

---

improvement works are also proposed to the junction of Edgar Street and the B4359 Newtown Road, as well as works to the junction of Aylestone Hill (A465) and Barrs Court Road.

- 3.1.3 An application for approval of a non-material amendment was approved on 23 April 2013<sup>1</sup>. The changes involve raising road levels, changes to design of north/south feeder routes and introduction at junctions of advance stop lines for cyclists.
- 3.1.4 A second non-material amendment is to be submitted to accommodate further changes to the permitted scheme arising from the design process. The amendments proposed are: changes to the treatment of Widemarsh Brook, road level changes, removal of the proposed pedestrian crossing west of the station junction, secondary access to Morrison's supermarket from Station Approach and changes to Station Approach<sup>2</sup>.
- 3.1.5 An additional application has been submitted for a proposed 3.5m shared footway/cycleway link between Station Approach and Canal Road<sup>3</sup>. As this proposal lies outside the red line boundary of the permitted Link Road scheme, a separate application is necessary. The proposal would involve demolition of existing store buildings within the premises of Jewson builders' merchants<sup>4</sup>.

## 3.2 **The ESG Area**

- 3.2.1 In September 2008, the ESG Masterplan (CD/14) was endorsed by the Council as a basis for ongoing development of the ESG Area. The Masterplan sets out the form of development proposed for the area, together with a transportation and parking strategy. Provision is made for expansion of the city centre, proposed in the Herefordshire Unitary Development Plan (UDP)<sup>5</sup>, and for development of an Urban Village to the north<sup>6</sup>.
- 3.2.2 An outline application for phase 1 of the Urban Village development was submitted on 28 March 2013 by the Sanctuary Group<sup>7</sup>. The proposal is for redevelopment of the site to provide residential development comprising up to 192 units including a 60-bed extra-care home on land at and adjoining Merton Meadow car park, Edgar Street and Widemarsh Street. All matters except access are reserved for subsequent approval. The application was granted approval by the Council on 7 August 2013<sup>8</sup>.

---

<sup>1</sup> CD/5 – Plan showing non-material amendments and CD/58 – decision notice Application no: 130789/AM

<sup>2</sup> CD/72 – Plan showing general arrangement with proposed non-material amendments

<sup>3</sup> CD/63 – Planning application for new footway/cycleway link, including proposed plans

<sup>4</sup> CD/63 – Photos accompanying the application

<sup>5</sup> CD/10 – UDP, page 120

<sup>6</sup> HDC/DN/2.1 – Dr Nicholson's proof – Plan 1 (page 15) ESG Masterplan

<sup>7</sup> ID/5 – Red line boundary plan and illustrative masterplan for phase 1 extracted from the Design and Access Statement

<sup>8</sup> CD/60 – Decision notice, Application no: 130888/O

---

## **4. THE COUNCIL'S CASE FOR THE CPO**

### **4.1 Introduction and Overview**

- 4.1.1 The CPO was made under the under the Town and Country Planning Act 1990 section 226(1)(a) and the Local Government (Miscellaneous Provisions) Act 1976 section 13, rather than the Highways Act 1981, because of its inclusion of land for regeneration and because of its overall regeneration purpose.
- 4.1.2 Hereford is an important sub-regional centre, offering a range of services to Herefordshire and beyond. These services include employment, shopping, education and leisure facilities, health and public administration<sup>1</sup>.
- 4.1.3 The ESG scheme is a response to the decline in Hereford's traditional role as the pre-eminent centre in the sub-region, evidenced by trends such as the leakage of comparison retail expenditure<sup>2</sup> and the loss of young people pursuing education and career opportunities elsewhere. The Masterplan set out a 20 year vision to stem the decline by<sup>3</sup>:
- creating new development opportunities;
  - responding positively to the city's growth status;
  - promoting sustainable development that is sympathetically integrated into the historic fabric of Hereford.
- 4.1.4 The focus of the ESG scheme is 43 Ha of land<sup>4</sup> immediately to the north of the city's historic city centre, together with other land where enabling works and relocation venues have been provided. The off-site enabling provisions are:
- relocation of Livestock Market to allow for the Market's edge of centre site to be redeveloped as the Retail Quarter. The replacement Livestock Market opened for business in 2011. The new Retail Quarter is nearing completion and part of it opened to the public on 1 May 2014;
  - Yazor Brook Flood Alleviation scheme which comprises a 1.3 km long culvert that diverts floodwaters away from the city.
- 4.1.5 The main elements within the ESG area are<sup>5</sup>:
- infrastructure enabling works, including the Link Road;
  - the new Retail Quarter comprising a new department store, foodstore and other comparison outlets, cinema and associated food and drinks premises;

---

<sup>1</sup> CD/10 – Herefordshire Unitary Development Plan (UDP), Chapter 3: Strategy

<sup>2</sup> CD/14 - ESG Herefordshire Ltd. Masterplan (2008), paragraph 1.13

<sup>3</sup> CD/14 – Masterplan, paragraphs 1.10-1.14

<sup>4</sup> CD/14 – Masterplan, page 3: Aerial View of the Study Area and CD/7 – Map showing the ESG area

<sup>5</sup> HDC/DN/1.1 – Dr Nicholson's proof, page 11: Plan 1 showing key elements within the ESG area.

- 
- Urban Village comprising up to 800 residential units (of which 35% to be affordable) together with civic, business and community uses;
  - the New Area to provide a mix of residential, Classes, A1, A3, A4 and A5 outlets plus Class B1 business premises and hotels, and
  - the Transport Hub providing a transport interchange at the railway station.
- 4.1.6 The ESG scheme has been under development by the Council since 2003 (the policy framework is explained in section 4.2 below). It is a long term regeneration project of which the Link Road is a key element necessary to facilitate its delivery. The new highway is being proposed to address difficulties of access and severance, both within the ESG area and in respect of links to other areas, notably the city centre to the south and to facilitate better access between the railway station and the city centre. The Link Road would additionally enable regeneration of the ESG area by opening up land that is currently inaccessible and underutilised (the Link Road and its benefits are described in detail in paragraphs 4.4.3-4.4.7).

## 4.2 The Planning Framework for the Area

### The Herefordshire UDP (CD/10)

- 4.2.1 The UDP provides for regeneration of the ESG area. The Plan was prepared under the 1999 Development Plan Regulations. Following public inquiry held into objections in 2005, the UDP was adopted in March 2007.
- 4.2.2 The proposals for the ESG area take forward a Regeneration Framework prepared for the Council and Advantage West Midland<sup>1</sup>. Key drivers for action identified in the study include the fragility of the County and the city economies, demographic factors such as a relatively old population, difficulties of retaining and attracting younger people and comprehensive regeneration to provide new retail, leisure, residential, public sector and mixed uses, as well as improving connectivity.
- 4.2.3 The UDP recognises that the ESG scheme presents a unique opportunity to develop an under-utilised area of land, to strengthen the city's sub-regional shopping role and ensure that it plays a full role in the wider rural economy. Reference is made to the ESG Framework and to the supporting Supplementary Planning Document (SPD). To assist in achieving the objectives outlined in the ESG Framework, the UDP includes a number of development and land use proposals based on the Grid Masterplan.
- 4.2.4 More specifically, UDP **Policy TCR1**<sup>2</sup> sets out the framework for an extended city centre boundary, encompassing land within the ESG area south of Blackfriars Street and Coningsby Street and includes the Livestock Market.

---

<sup>1</sup> CD/41 – Hereford Edgar Street Grid: 20 year Vision, Regeneration Framework May 2004, commissioned by the Council in 2003

<sup>2</sup> CD/10 – page 107



- 
- 4.2.5 The extended boundary paves the way for proposals for city centre retail and mixed use developments in Policies **TCR20** (Eign Gate regeneration area) and **TCR23** (civic quarter)<sup>1</sup>. The former identifies land on the western side of the city centre for retail redevelopment, which includes provision of a comprehensive retail based scheme for the Livestock Market site.
- 4.2.6 **Policy TCR21** (canal basin and historic core)<sup>2</sup> identifies land to the north east in the ESG area (east of Widemarsh Street) for residential development, the provision of a basin for the Herefordshire and Gloucestershire Canal and other uses. The cultural and leisure development aspirations for Hereford United Football Club/Merton Meadow part of the ESG land is covered under **Policy TCR22**<sup>3</sup>. The proposal includes re-orientation of the football ground to the north of the area to provide a high profile frontage onto the Link Road. The supporting text<sup>4</sup> to the policy refers to the line of the proposed Link Road running through this area and its route being safeguarded under **Policy T10**<sup>5</sup>. **Policy T7**<sup>6</sup> commits the Council to providing a number of new cycle routes including those identified in the ESG area.
- 4.2.7 Since the UDP policies were first formulated, masterplanning and detailed design have led to minor changes in the way that the original vision is being implemented. The cinema is being constructed as part of the Retail Quarter development on the displaced Livestock Market site. Proposed relocation of the football ground is no longer a realistic prospect. Thus, Policy TCR22 with its leisure focus within the redevelopment of Merton Meadow has been partly superseded. These changes have allowed for newly emergent housing requirements to be addressed in the Urban Village and for the ESG scheme to facilitate significant boosting of housing supply to meet the area's needs.

#### Consistency with the National Planning Policy Framework (NPPF)

- 4.2.8 Promoting a mixed use development in a sustainable location, proactively driving sustainable economic development, identifying a priority area for economic regeneration and addressing barriers to investment, the UDP strategy are consistent with the NPPF core principles. Policy TCR1 supports the NPPF town centre policy, given the proposed expansion of the city centre based on an assessment of need and improving connectivity to the centre's historic core.
- 4.2.9 The site-specific policies (TCR21 and TCR22) address provision of new homes plus infrastructure needs to alleviate flooding and to improve transport choices, in the interest of achieving sustainable development. In safeguarding the Link Road route, Policy T10 allows for town centre expansion and accords with the NPPF desire to provide transport choices.

---

<sup>1</sup> CD/10 – pages 123 and 128 respectively

<sup>2</sup> CD/10 – page 125

<sup>3</sup> CD/10 – page 127

<sup>4</sup> CD/10 - paragraph 7.7.40

<sup>5</sup> CD/10 – page 146

<sup>6</sup> CD/10 – page 141

---

### Edgar Street Grid Design Framework SPD (CD/13)

- 4.2.10 The SPD was adopted by the Council in November 2007. It provides further detail on how the UDP objectives should be achieved. The design of the new Link Road, for instance, is expected to reflect its status as a primary route, integrating active frontages into an attractive streetscene. The new road is regarded as fundamental to reducing traffic on the inner ring road, which in turn would provide design opportunities to create a more pedestrian friendly environment. The road would unlock land for development. For these regeneration areas, the SPD identifies design opportunities, such as landmark buildings, frontage treatment, density and scale.

### Hereford Edgar Street Grid: 20 year Vision Regeneration Framework May 2004 (CD/41)

- 4.2.11 Identifying an appropriate transport strategy was a key element of the 2003/4 master planning study. A preferred movement strategy was developed following a detailed assessment of travel conditions in the area<sup>1</sup>. The transportation planning objectives of improving access between the study area and the historic city centre, and taking an integrated approach to transport complementing the development strategy (amongst others), remain valid and applicable today. Provision of a link road to relieve the inner ring road and provide access to new development areas was at the heart of proposals suggested in the study.
- 4.2.12 When incorporating the ESG area within their UDP, the Council safeguarded the road scheme. The indicative line for the road shown on the UDP proposals (CD/71) and plans for such a road have remained in all subsequent planning and transportation documents<sup>2</sup>.

### ESG Masterplan (CD/14)

- 4.2.13 The Masterplan (commissioned by ESG Herefordshire Ltd<sup>3</sup>) was finalised in July 2008 and endorsed by the Council in September of the same year, as a basis for considering applications within, and ongoing development of, the ESG area. The Plan defines a framework of development parcels and movement proposals<sup>4</sup>. It sets out the form of development proposed for the area, together with a transport and parking strategy. The route of the Link Road is indicated, which in part defines the development parcels and the framework of traffic and pedestrian/cycle routes.
- 4.2.14 The Link Road is identified as having a vital and principal role in the hierarchy of connected routes in the area. It is conceived as the primary east west route, forming a strategic transport connection that will take capacity off Blueschool Street/Newmarket Street, allow the city centre to

---

<sup>1</sup> CD/46 – Transportation: Existing conditions and Proposed Masterplan November 2003

<sup>2</sup> CD/45 – Local Transport Plan 2006/7-2010/11 and CD/44 - Local Transport Plan (2013/14-2014/15)

<sup>3</sup> A joint venture development company established by the Council and Advantage West Midlands

<sup>4</sup> HDC/DN/2.1 – Dr Nicholson’s proof Plan 1 – ESG Masterplan

---

expand, the Retail Quarter to function and promote pedestrian connectivity between the historic and ESG areas<sup>1</sup>. The Urban Village is seen as a new sustainable community at the heart of the ESG area.

#### Site Wide Strategy (CD/8)

- 4.2.15 The strategy was prepared by ESG Herefordshire and its partners in October 2009 to establish the approach to be taken in delivering elements of the ESG scheme through the planning process. The Link Road scheme is identified as enabling infrastructure to address issues of access, severance, to achieve connectivity across the ESG area and the wider city centre and to enable access to development parcels.
- 4.2.16 Compulsory purchase proceedings are provided for in the strategy, where land and rights needed cannot be acquired by agreement. The Yazor Brook Flood Alleviation Scheme was implemented through compulsory acquisition of land and rights. The current CPO is mentioned in the Strategy as possibilities for acquisition of essential land<sup>2</sup>.

#### Draft Core Strategy Pre-submission Publication (CD/15)

- 4.2.17 **Policy HD1** commits Hereford to provide 6,500 new homes within the Plan period with around 800 new dwellings to be delivered in the city centre. **Policy HD2** is intended to strengthen Hereford's role as a focus for the county and outlying areas by increasing its shopping, employment, leisure, education and cultural focus. The policy takes forward the provision of 800 homes within the Urban Village (with 35% affordable), a new Link Road, upgrade to the inner ring road, an integrated transport interchange, canal basin, flood alleviation schemes and redevelopment of the football ground. Addressing existing movement constraints and ensuring delivery of new housing are clearly key concerns.
- 4.2.18 The Core Strategy is to be supplemented by the Hereford Area Plan, a Development Plan Document (DPD) provided for within the Local Development Scheme (CD/31). It is timetabled to be adopted in the winter of 2015/2016 following an examination in the summer of 2015.

#### Other Local Policy

- 4.2.19 The transport provision in the current Local Transport Plan (CD/44 adopted in 2013) aims to support the regeneration of the central area by facilitating city centre expansion and integration with the existing shopping area. Schemes for 2013/14 to 2014/15 include upgrading Newmarket Street and constructing the Link Road.
- 4.2.20 The Local Investment Plan (CD/36), developed by the Council in partnership with the Homes and Community Agency, identifies four priorities. Of these, the first priority (growth of Hereford) incorporates infrastructure (including the Link Road) to release development opportunities and city centre regeneration. The latter includes the 800 homes to be delivered in the Urban Village. The Plan recognises the role of the Urban Village in providing

---

<sup>1</sup> CD/14 – ESG Masterplan, paragraph 2.82

<sup>2</sup> CD/14 – paragraph 6.4

---

environmental and social sustainability through mixed communities, and its commencement is identified as a key priority.

#### 4.3 **The Planning Case for the Order**

- 4.3.1 The principle of development of the ESG and construction of a link road between Edgar Street and Commercial Road accords with the adopted UDP. The proposals were subject to objection and detailed consideration in the UDP process. It also accords with the Edgar Street Grid Design Framework SPD, insofar as it aims to address traffic congestion and severance, improve accessibility and accord with the basic design principles promoted in the SPD. While little weight can be given to the emerging Core Strategy, it confirms a consistent direction of travel for the local planning framework.
- 4.3.2 The increase in the number of dwellings since adoption of the UDP accords with Government policy of favouring more housing in sustainable locations. The scheme is supported by transport, housing and economic development strategies, as well as long established policies.
- 4.3.3 The Link Road forms an integral part of the proposals to regenerate the ESG area. It is a key enabling element of the infrastructure supporting delivery of the ESG vision. The road would address difficulties of access and severance within the area, and in respect of links to other areas. The Link Road and its benefits were identified in the UDP. Its route (established through the Masterplan and subsequent design proposals) continues to be safeguarded. Construction of the road would bring with it the investment necessary to regenerate the area.
- 4.3.4 The ESG scheme fits closely with national planning policy, in the way that it would boost the area's housing supply, provide for expansion and transport improvements in the city centre. The continuity and consistency of the local policy context over the last decade has provided a stable basis for implementation of the ESG scheme and its enabling infrastructure. Nothing in the National Planning Practice Guidance has altered the situation relating to the ESG scheme.
- 4.3.5 The Order would allow implementation of the cycleway and Link Road proposals in UDP Policies T7 and T10. It would assist with bringing forward redevelopment of the parcels of land forming the basis of UDP policies, recognised as necessary in the Masterplan and the Site Wide Strategy.

#### 4.4 **The Well-Being Case for the Order**

- 4.4.1 The Order is designed to enable and facilitate the highway, transport and regeneration proposals to benefit the economic, social and environmental well-being of the area. This would be achieved through implementation of the ESG scheme, of which the Link Road is an essential component.

##### The ESG Scheme

- 4.4.2 The ESG scheme has clear regeneration benefits. It would provide much needed new dwellings (open market, affordable and extra care provision) in a highly sustainable location, strengthen the city's role as a service centre in the sub-region and would address the area's transportation and movement issues. It would allow for the city's growth, with new development

---

integrated into its historic fabric. The scheme delivers on the three elements of sustainable development as follows:

- It has strong economic benefits, providing for the growth and regeneration of the city centre and nearby areas. The recovery of Hereford's role as a strong service centre in the sub-region would be assisted by the scheme, which would additionally support housing and provide infrastructure to alleviate flooding and transport constraints.
- The scheme has strong social benefits, bringing forward land for housing in a sustainable location to meet market and affordable needs.
- Promoting the use of brownfield and under-used land brings with it the environmental benefits of reducing development pressure on greenfield locations. Supporting sustainable transport modes and alleviating flood risk are also key environmental gains flowing from the ESG scheme.

#### The Link Road

- 4.4.3 The CPO is also required to acquire land and new rights over land necessary to construct and maintain the new Link Road.
- 4.4.4 The road scheme was developed to deliver an alternative route for traffic currently using Newmarket Street and Blueschool Street, which is a heavily trafficked dual-carriageway accommodating over 20,000 vehicles per day<sup>1</sup>. The roads have poor pedestrian facilities and a poor safety record<sup>2</sup>. The scale of traffic reduction made possible by the Link Road<sup>3</sup> would enable the inner ring road to be reduced from two lanes to one lane in each direction. Removing a substantial proportion of traffic passing along the inner ring road would provide an appropriate level of pedestrian connectivity. Pedestrians would cross the carriageway in a single manoeuvre, and cycle time on traffic signals would be reduced substantially.
- 4.4.5 The Link Road would resolve the issue of current lack of east-west movement through the northern half of the ESG area. Vehicles, pedestrians and cyclists have to route around the area (generally through the traffic calmed residential street of Barrs Court Road) if travelling to the railway station and to the hospital from the north/north west. There would be improved access from the south and west to community facilities on the eastern side of the area, such as the hospital and railway. The road would incorporate a number of specific provisions for pedestrians and cyclists, both crossing north-south and travelling east-west along it.
- 4.4.6 Development in the north of the ESG area and Phase 1 of the Urban Village are dependent on construction of the Link Road. The permission for the Phase 1 application is subject to a condition preventing occupation of the

---

<sup>1</sup> CD/47 – Edgar Street to Commercial Road link road and cycleway Transport Assessment (TA): Table 3.7

<sup>2</sup> CD/48 – Edgar Street Commercial Road 2009-2013 Personal Injury Accident plot of ESG and surrounding area

<sup>3</sup> CD/47 – TA Table 6.12 estimates flow reductions in the order of 36-65% in the AM peak hour and 34-66% in the PM peak hour along Newmarket Street, Blueschool Street and Commercial Road (at Commercial Square)

---

new dwellings (save for the extra care accommodation) until the Link Road is completed<sup>1</sup>. Later phases of the Urban Village, east of Widemarsh Street, are also dependent on access from the new road, which would additionally enable delivery of an integrated public transport interchange at the railway station.

4.4.7 The road would deliver transport and traffic benefits by improvements to traffic flows, reduction in the barrier that the inner ring road creates, and improvements in the link between the centre and the railway station. By alleviating existing conditions, facilitating access across Hereford and encouraging investment, the road will act as a catalyst preparing the ground for regeneration of the ESG area.

4.5 **Could the Purpose for which the Land is to be Acquired be Achieved by Other Means**

4.5.1 The Order land is within an inner urban setting and includes significant areas of public car park, lorry parking, undeveloped land, public highway and a range of businesses, retail and commercial properties. Historic flooding concerns have prevented built development of large parcels of land, such as the police dog training ground and Merton Meadow car park. The Council owns approximately 37.5% of the total CPO area and a further 16.4% is adopted highway<sup>2</sup>. The remainder is in a variety of different ownerships.

4.5.2 The CPO land is necessary for the Council to implement its regeneration proposals to provide certainty that suitable development can be achieved in a comprehensive and timely manner.

4.5.3 The Council has made significant efforts to acquire all of the interests in land not in its ownership. In some cases, where hopes of betterment on the part of objectors have led to unfulfilled expectations, agreement has not been reached. Nothing in ODPM Circular 06/04 requires the provision at public expense of such betterment. The point has been reached where a CPO is necessary either to acquire land at all or to acquire it without having, at public expense, to meet unmerited demands. Without the Order proceeding, it would not be possible to successfully conclude negotiations with all parties within a timeframe that would enable the ESG scheme to be taken forward and deliver its objectives for the area.

4.6 **Justification for the Plots to be Acquired**

4.6.1 The Council owned land and highway lands are included in the Order to ensure that unknown leases, rights or easements would not prevent or delay redevelopment within the ESG area or construction of the Link Road.

4.6.2 The Order is necessary to deliver the land for the road as well as redevelopment of Phase 1 and future phases of the Urban Village. The highways and transport benefits of the Link Road are described in

---

<sup>1</sup> CD/60 – Decision notice, Condition 28

<sup>2</sup> ID/8 – Land ownership plan

---

paragraphs 4.4.3-4.4.7 above. The road would also meet the key objective of providing access to the following principal parcels of development land:

- Land west of Widemarsh Street (Plots 27-50): The area would be bisected by the Link Road and the Order provides an opportunity for development of Phase 1 of the Urban Village<sup>1</sup>.
- Police dog-training ground (Plot 73): The site forms part of the Urban Village and the preferred use is residential. Although originally intended for redevelopment for a new police headquarters facility, that is unlikely to materialise. Nevertheless, the Link Road and the Order enabling its delivery would provide access to the site for a redevelopment opportunity of land that is currently accessible only via a track from Widemarsh Street.
- Jewson residual land is the balance of Plot 81, following a re-arrangement to accommodate the Royal Mail delivery office parking. The Order provides certainty that the land will be developed in accordance with the ESG scheme and its principles.
- Barrs Court Trading Estate (Plots 84-100): The land is already owned by the Council but the CPO is necessary to ensure that all rights and easements are acquired<sup>2</sup>. The Link Road would enable improved access to the area and allow for its redevelopment.
- Station Approach car park (Plot 107): Following construction of the road the site would be available for development as part of the ESG scheme.

4.6.3 The road has been designed as a single carriageway to minimise land-take. At the main junctions additional lanes are provided where necessary to accommodate turning vehicles without impeding the traffic capacity of the east-west route. Thirteen properties would need to be demolished or partly demolished and 20 existing accesses would have to be stopped up<sup>3</sup>. The carriageway standard and number of lanes at each junction have been designed to accommodate the predicted traffic flows and turning movements for the Design Year of 2026<sup>4</sup>. The Link Road option evolved following detailed evaluation of a number of alternatives. The road has been designed to provide ready access to development areas, to have sufficient capacity while minimising its scale and impact on residential properties.

4.6.4 The land and interests sought in the CPO are necessary for the construction and maintenance of the new road. The need for individual plots forming the

---

<sup>1</sup> ID/5 – Illustrative plans of Phase 1 of the Urban Village granted outline permission. Extracts from the Design and Access Statement shows how the scheme can be developed with or without the two properties sited outside the CPO land

<sup>2</sup> ID/8 – Plan showing land already acquired by the Council or in its ownership. However, the Council wishes to proceed with the Order to enable any unknown leases, rights or easements to be acquired

<sup>3</sup> CD/59 – Proposed General Arrangement Plan. HDC/GW/1.1 – Mr Walker’s proof Figure 4: Amendments post planning permission and Figure 6: proposed amendments to the SRO

<sup>4</sup> CD/47 – TA Table 6.14 demonstrates that the Link Road and junctions would have sufficient capacity

---

subject of objections is considered below, alongside the individual remaining objections.

#### 4.7 **Efforts made to Acquire the Land by Negotiation**

- 4.7.1 Negotiations with landowners have been ongoing from as early as 2006. Following the economic recession in 2008/2009 and change of Government in 2010, negotiations were scaled down due to financial constraints. In 2012/2013 the Council reactivated efforts in acquiring land by agreement and in 2012 was successful with acquisition of the substantial Plot 107.
- 4.7.2 In February 2012, 17 property owners were contacted to advise them of the intention to proceed with the Link Road scheme and landowners were invited to enter into negotiations relating to the sale of property and relocation<sup>1</sup>. In March and June 2012, 14 of those contacted were advised of the CPO, as their properties were directly in the line of the Link Road. Approaches have been made to other owners and those with interest in properties being acquired under the Order. Negotiations commenced where willingness was shown. The Hereford Link Road Compensation Guide was published in March 2013.
- 4.7.3 The Council remains fully committed to securing ownership of properties within the Order land by way of private treaty. Before the Inquiry opened acquisitions had taken place or terms agreed in respect of a number of properties<sup>2</sup> and objections were withdrawn. Further objections were withdrawn as a result of the Council's efforts at negotiating with landowners or those with an interest in the land. Each of the outstanding objections is capable of resolution, as demonstrated in the Council response to objections. Where a solution is not possible, appropriate compensation could be made. None of the remaining objections should be seen as an impediment to delivery of the ESG scheme or the Link Road.

#### 4.8 **Funding and Deliverability**

##### Funding

- 4.8.1 The Link Road scheme was included in the Council's forward financial plan at an estimated total scheme cost of £27m. It is included in the Council's Medium Term Financial Strategy<sup>3</sup> and forms part of the Capital Programme. The estimated costs include construction, preliminary works, land acquisition and compensation<sup>4</sup>. To date £7m of this funding has been spent.
- 4.8.2 The scheme is to be funded through a combination of capital receipts from the sale of Council-owned land that will come forward for redevelopment as a result of the Link Road and through borrowing. The cost of servicing the borrowing will be financed through revenue receipts, including business rates, New Homes Bonus and additional Council tax receipts<sup>5</sup>.

---

<sup>1</sup> HDC/CIH/1.1 – Appendix 1: List of recipient of letters

<sup>2</sup> Plots 27, 36, 37, 39, 40, 71, 86, 92, 96, 97, 104 and 107.

<sup>3</sup> ID/12 – Cabinet Meeting 19 January 2012, Draft Financial Strategy and Budget 2012/13.

<sup>4</sup> ID/16 – Funding of the Link Road scheme

<sup>5</sup> ID/16 – Funding of the Link Road scheme – costs and funding breakdown



- 
- 4.8.3 Third party contributions will be sought wherever feasible; in particular, consideration will be given to securing grant funding to minimise the borrowing requirement. The Marches Strategic Economic Plan (SEP) contains an initial set of schemes for which the Local Enterprise Partnership (LEP) is requesting Government financial support through the Local Growth Fund. The Link Road is identified in the Hereford City Centre Transport Package within the SEP, and is ranked as one of three with highest priority.
- 4.8.4 Private investment will be secured to deliver desired development of the regeneration sites along the route of the new road. The Link Road will act as a catalyst in attracting and enabling regeneration of the key sites along its route. Private developer interest is being sought and expressions of interest have been received<sup>1</sup>. The interest is conditional upon delivery of the Link Road by the Council.
- 4.8.5 The scheme has been costed following expert advice, and risk adjustments have been made to both income and cost projections to represent a prudent total scheme cost estimate. There is a strong likelihood that necessary resources will be available to achieve the CPO purpose within a reasonable timescale.

#### Deliverability

- 4.8.6 The Council has an unblemished record of achieving development of compulsorily acquired land, as demonstrated by its record in delivering the ESG objectives in stages.
- 4.8.7 The Link Road scheme is the fourth major stage in regeneration of the Edgar Street Grid. The first two comprised relocation of the Livestock Market and the Yazor Brook flood alleviation scheme. The former involved an Act of Parliament, extensive site searches, public consultation on potential locations and relocation of the market, which opened for business in 2011. The flood alleviation scheme (constructed to reduce the incidence of flooding in the north, west and central Hereford including the ESG area) was the subject of a CPO inquiry; it was constructed in 2011 and is operational. Development of the Retail Quarter is close to completion and forms the third major element of the ESG scheme.
- 4.8.8 Further works have been undertaken with the clearance and provision of car parking on Plot 107, following the Council's acquisition of the land and business. The Council already owns much of the CPO land.
- 4.8.9 As for developer interest, the Retail Quarter development and Phase 1 of the Urban Village materialised through the funding and partnership with Stanhope PLC and Sanctuary Group respectively. The regeneration project has attracted support from the Marches LEP and other local economic development bodies<sup>2</sup>. Stanhope and the Sanctuary Group have also expressed support for the CPO and the Link Road as an essential element of that project<sup>3</sup>. Expressions of interest from development companies to

---

<sup>1</sup> ID/14 and ID/15 – emails from Persimmon Homes and Taylor Wimpey

<sup>2</sup> HDC/DN/1.2 – Appendix 1 Letters

<sup>3</sup> HDC/DN/1.2 – Appendix 1 Letters

---

develop Phase 1 of the Urban Village confirm that there are good prospects for the ESG scheme proceeding<sup>1</sup>.

#### **4.9 Compelling Case in the Public Interest**

- 4.9.1 The regeneration, traffic and transport benefits and provision of homes that the Order would enable are strongly in the public interest. The ESG scheme will deliver development utilising under-used and previously developed land in Hereford, with linked proposals for housing, retail, leisure and other developments. The regeneration will help meet the city's requirements for housing and expansion of the city centre. Within this context, the Link Road is a key infrastructure improvement, helping to deliver the sought-after regeneration. There is a compelling planning case for confirmation of the Order. No valid planning grounds of objection have been raised and the schemes would address the current shortfall in housing land supply<sup>2</sup>.
- 4.9.2 The regeneration, traffic and transport benefits and provision of homes that the Orders would enable are strongly in the public interest. None of the objections provide good reasons to reject the CPO; the private losses concerned are all capable of being met by compensation. Failure to confirm the Order would prevent implementation of proposals that the Council consider to be of vital importance to the area.
- 4.9.3 The objectors' properties are not homes. The European Convention on Human Rights (ECHR) engaged is not the strong Article 8 (Right to Respect for Homes) but the less demanding First Protocol Article 1, Protection of Property (which has been consistently held to be met by the right to compensation). There are no human rights issues that are not satisfied by the right to appropriate compensation.

### **5. THE COUNCIL'S CASE FOR THE SRO**

#### **5.1 The Link Road Design and Alignment**

- 5.1.1 The road's alignment is based on the general line published in the UDP. Following the ESG masterplanning process and detailed highway layout design, the road followed a more southerly route than that depicted in the UDP<sup>3</sup>. The changes were necessary to:
- minimise property acquisition and demolition;
  - accommodate the future canal extension;
  - achieve marketable parcels of development land (such as in the vicinity of development parcel UV4<sup>4</sup>), and
  - provide sufficient space north of the road to accommodate a new station access and future development of a public transport interchange.

---

<sup>1</sup> HDC/DN/1.2 – Appendix 1 Letters from Lovell and Barratt Homes. ID/14 and ID/15 – emails from Persimmon Homes and Taylor Wimpey

<sup>2</sup> CD43 – Appeal decision APP/W1850/A/13/2192461 – Inspector concluded that the Council did not have a 5 year housing land supply

<sup>3</sup> HDC/GW/1.1 – Mr Walker's proof Figure 1 shows the UDP and proposed Link Road lines

<sup>4</sup> HDC/DN/2.1 – Dr Nicholson's proof Plan 1 (taken from 2008 ESG Masterplan)

- 
- 5.1.2 The SRO<sup>1</sup> provides for the stopping up and improvement of particular side roads that connect with the Link Road scheme, for the construction of new side roads, the stopping up of private means of access to premises and the provision of new means of access to them. The SRO works are required so that the Link Road can be properly connected to the existing highway network and can operate safely and efficiently. Improvements and alterations to side roads and to private means of access are necessary, in the interests of ensuring good traffic management and reducing the risk of accidents.
- 5.1.3 The Link Road layout on which the Order is based is shown on drawing 551535-DD-002 Rev E (CD/6). Some sections of highway are to be stopped up and then recreated or replaced as part of the Link Road. Other sections would be stopped up permanently. However, alternative highways are or would be available as part of the Link Road scheme.
- 5.1.4 Highways to be improved under the SRO include:
- Newtown Road/Edgar Street/Farriers Way roundabout - to increase the capacity of the roundabout to accommodate additional traffic generated by the Link Road and redevelopment proposals.
  - Edgar Street – to facilitate construction of the new signalised junction with the Link Road.
  - Prior Street – to enable construction of the Link Road junction and Toucan crossing.
  - Widemarsh Street – for construction of the new signalised junction with the Link Road.
  - Station Approach – to facilitate construction of the signalised junction with the Link Road and maintain access to the station.
  - Commercial Road/Aylestone Hill – to facilitate construction of the new signalised junction with the Link Road and junction improvement works with Barrs Court Road.
- 5.1.5 New highways to be created include:
- The north-south feeder road (SRO Ref A) – to connect the Link Road to the new Retail Quarter development and provide access to development areas south of the Link Road (SRO Ref 7 and 8).
  - Merton Meadow junction northern spur (SRO Ref B) – to provide access to development parcels north of the Link Road and new private access to CRW Carpets and new rear access to properties on Widemarsh Street (new accesses SRO Ref 1 and 2).
  - Station Approach (SRO Ref C) – to connect existing properties to the Link Road.

---

<sup>1</sup> CD/22 and CD/23 - The County of Herefordshire District Council (A465 (Hereford Link Road) Classified Road) (Side Roads and Other Works) Order 2013 and SRO Plans

- 
- Station Approach (SRO Ref C) – footway to provide continued pedestrian access between the Morrison supermarket entrance and secondary entrance off Station Approach.

5.1.6 The highways to be stopped up are:

- Widemarsh Street where it intersects the new Link Road – to facilitate construction of the new junction with the classified road.
- Station Approach – to facilitate construction of the Link Road and new Station Approach.

5.1.7 The SRO also includes the stopping up of a total of 20 existing private accesses and creation of 12 new private accesses. Where possible new accesses are proposed to replace existing ones stopped up under the SRO. The stopping up is necessary to enable construction of the Link Road and to ensure its safe and efficient operation.

## 5.2 **Modifications to the SRO**

5.2.1 Modifications to the SRO (ID/10) can be summarised as follows:

- The new highway to be created (Station Approach SRO Ref C) is to be curtailed at a point immediately west of the proposed new private access to the Royal Mail property (SRO Ref 12). The road connection between Station Road and Canal Road is not to be constructed.
- The new private access to Jewson Ltd (SRO Ref 11) will not be constructed; the present access from Canal Road will be retained.

5.2.2 The amendments stem from discussions with Royal Mail and in order to satisfy Condition 30 of the planning permission (CD/4), which prevents a vehicular link between Canal Road and Station Approach. The Secretary of State for Transport is requested that the SRO be modified in accordance with ID/10.

5.2.3 In conclusion, the provisions made in the modified SRO are required for the Link Road to be integrated into the existing highway network and justified on operational and road safety grounds. There is a compelling case in the public interest for the modified SRO to proceed. The plots to which no new access is being provided are subject to the CPO, so that no landowner would be left without an access. In all other cases, reasonable alternatives are provided.

## 6. **THE STATUTORY OBJECTIONS<sup>1</sup>**

### 6.1 **APP (Properties) Limited (Obj/01)**

#### The Objections<sup>2</sup>

6.1.1 The objector is the freehold owner of CPO **Plots 28 and 29** (24 Edgar Street<sup>3</sup>).

---

<sup>1</sup> All objections are to the CPO and the SRO

<sup>2</sup> Obj/01/01 - Written objection dated 1 October 2013

<sup>3</sup> ID/4 – Photograph 25

- 
- 6.1.2 The Link Road construction does not require land within the objector's title/interest and the Council cannot therefore set out a case for compulsory acquisition of the land. Section 2.4.3 of the SRO wrongly states that the road route has been selected to minimise property acquisition, as the objection property has no relevance to the road. The scheme can be delivered without the objector's property.
- 6.1.3 At the last meeting with the Council it was suggested that pre-scheme blight would not be paid as compensation, contrary to the Shun Fung decision<sup>1</sup>. The statutory requirement has not been met if compensation is being offered at lower values than the compensation code. Blight caused by the ESG scheme over the years has been the most damaging factor in the objector's landed interests. Proper regard has not been had to purchasing the property by agreement.
- 6.1.4 The Council is seeking powers to improve the value of their own land and not for the public benefit. The property was not part of the road's original route and was added subsequently to form part of the proposed residential development. It is not required for construction of the road but for its potential to realise residential opportunities on Council owned land. Market forces will deliver the land for redevelopment and the CPO is not needed for that to happen. Even if the CPO is confirmed, the permitted Phase 1 Urban Village development is undeliverable, as the application boundary does not correspond with the CPO boundary.
- 6.1.5 The Council's case for asking for confirmation of the CPO is based on an emerging Core Strategy which is not yet adopted, and on policies in place since 1999.
- 6.1.6 Recent reports in the press refer to vague commitments to sell Council assets to help with funding the road scheme. However in the current market, the certainty or reasonable prospect of funding cannot be assured. Building the Link Road should be enough to prompt the market to deliver the rest of the ESG scheme without resorting to a CPO.

#### The Council's Response

- 6.1.7 Acquisition of Plot 28 and closure of its access (SRO Ref X2) is necessary to ensure that highway safety and traffic efficiency at the new Edgar Street/Link Road junction are not compromised by vehicles turning in and out of the premises at this location. Such movements would increase the risk of shunt-type accidents from vehicles accelerating southbound from signals. Right turning vehicles out of the access would need to cross four traffic lanes and vehicles turning right into the access would be queuing in the dedicated right turn lane, beyond the right turn filter markings and thereafter cross two lanes of traffic.
- 6.1.8 Plot 29 is required for construction of the amended footway alignment on Edgar Street. The footway would be realigned to enable two southbound lanes, one northbound lane and one dedicated right turn lane onto the Link Road to be constructed on Edgar Street.

---

<sup>1</sup> Director of Buildings and Lands v Shun Fung Ironworks Ltd [1995] 2 AC 111

- 
- 6.1.9 The objector's land has been included in order to give certainty that it would be available for regeneration and development, in accordance with the planning framework for the area and in a timely manner.
- 6.1.10 Plots 28 and 29 if acquired would be available for development as part of Phase 1 of the Urban Village. The objector's property may be of some age, its value for use of the existing buildings is likely to be in excess of its value for redevelopment purposes. Therefore, without the scheme it is unlikely to be brought forward for development and regeneration in accordance with the Council's aspirations.
- 6.1.11 The Shun Fung case is irrelevant for two reasons. Firstly, it relates solely to compensation and not acquisition. Second, on several occasions the objector has been asked to provide the information needed to fund a Shun Fung type claim and this has not been provided.
- 6.1.12 A financial offer made in 2008 was not accepted. An effort to negotiate was made in January 2014 which proposed a financial settlement prior to confirmation of the Order, with a request for breakdown of compensation due. This was followed up by a letter in March 2014. A response letter provided a breakdown but no justification of figures. Dispute over compensation is a matter for the Upper Tribunal. However, if agreement cannot be reached, the Council has made genuine attempts to acquire the property in accordance with the Circular guidance.
- 6.1.13 The planning policy basis for the Orders is provided for by the development plan (the UDP), rather than the emerging Core Strategy. The Council's funding case for the Orders is explained in paragraphs 4.8.1- 4.8.9 above and need not be repeated here.
- 6.2 **Arrow Plant and Tool Hire Limited (Obj/02), Edgar Street Filling Station (Obj/04), and PK and JC Jones and MS and S Hughes, trading as Lincoln Properties (Obj/09) and Sabrechance Limited (Obj/16)**
- 6.2.1 These objectors have been drawn together, as their objections are identical or share common issues, albeit concerning different properties.
- The Objections<sup>1</sup>
- 6.2.2 Objector/02 is the lessee occupying the property at **Plot 31** (38 Edgar Street), which comprises workshops, storage buildings associated retail and land<sup>2</sup>. Since November 2009, **Plot 28** has been leased on behalf of the objector to provide temporary accommodation and to mitigate losses in the event of compulsory purchase of Plot 31. The objector and freeholder of Plot 31 (Lincoln Properties – Obj/09) are associated businesses.
- 6.2.3 Objector/04 is the freehold owner and occupier of land and buildings at the filling station, marked as **Plot 30** in the CPO, at 36 Edgar Street<sup>3</sup>.

---

<sup>1</sup> Obj/02/1, Obj/04/1, Obj/09/1 and Obj/16/1- Written objections by letters dated 9 October 2013

<sup>2</sup> ID/4 – Photographs 21 and 22

<sup>3</sup> ID/4 – Photographs 22 -24

- 
- 6.2.4 Sabrechance Limited (Obj/16) is the freehold owner of the warehouse and land (**Plot 105**) at Station Approach, Barrs Court. The property is held by Smiths News Trading Limited under a 5 year lease but is currently unoccupied.
- 6.2.5 The need for the Link Road is recognised, but it could be aligned to avoid the objection properties.
- 6.2.6 Some negotiations (on a without prejudice basis) have taken place with the Council but it has been fitful over the 10 years of the shadow period of the scheme. There have not been satisfactory attempts to address the problems of trading, relocation and consequent disturbance to the objectors' businesses due to the scheme. With regard to the Sabrechance property (Plot 105), an offer to purchase the freehold interest was made on 11 July 2013 but no further negotiations have taken place.
- 6.2.7 Objectors 02, 04 and 09 are entitled to a suitable opportunity to relocate to another site within the Order land<sup>1</sup>. This entitlement is not mentioned in the Compensation Guide issued by the Council (CD/18), nor has it been mentioned to the objectors.
- 6.2.8 Without suitable alternative premises, the businesses could be forced to close. In the case of the tool hire company that means jeopardising the employment of 3 full-time staff members in Hereford. The objector's other operations in Kington and Leominster would also be adversely affected. Equally, closure of the filling station would jeopardise the employment of four full-time and one part-time staff. Compulsory purchase of the Sabrechance property, without availability of a suitable property for re-investment, would compromise funding of the charitable activities of the objector.
- 6.2.9 The Council has not produced evidence to substantiate the case for a compelling case in the public interest or to interfere with the objectors' properties. Compulsory purchase would contravene Article 1 of the First Protocol to the European Convention on Human Rights (ECHR).
- 6.2.10 The objectors request that the Order not be confirmed, or in the alternative confirmed by exclusion of the objection properties.

#### The Council's Response

##### *The need for the objectors' land interests*

- 6.2.11 The reasons for acquiring Plot 28 are described in 6.1.7 above. Acquisition of Plot 31 and closure of its existing accesses (SRO Ref X3 and X4) are required for the improvement of Edgar Street and construction of its junction with the Link Road. To allow the premises at Plot 31 to remain operational would entail moving the Link Road at least 70m north or 85m south, resulting in demolition of additional commercial and private properties on Edgar Street and Widemarsh Street. The road alignment

---

<sup>1</sup> Under s233(5)-(7) of the Town and Country Planning Act 1990

---

accords with that shown in the UDP and on the revised ESG regeneration Masterplan<sup>1</sup>.

- 6.2.12 Part of Plot 30 and closure of its existing accesses (SRO Ref X3 and X4) are required to construct the Link Road and Edgar Street Junction. As explained above, road alignment accords with that shown in the UDP and on the revised ESG regeneration Masterplan. The route proposed is considered to provide the best balance between property acquisition and achievement of the Council's regeneration objectives. For highway safety reasons, access to the plot could not be maintained, because of its proximity to the proposed junction.
- 6.2.13 Plot 105 is needed for construction of the Link Road and realignment of Station Approach (SRO Ref New highway C). Alignment of the road at this location is constrained by the Royal Mail delivery office to the south and the railway station and access to the north. The road cannot be realigned within the Masterplan corridor to avoid Plot 105, taking these constraints into account.

#### *Negotiations*

- 6.2.14 With regard to Plots 28 and 31, attempts have been made to acquire the property by agreement, first by directly corresponding with the objectors, and then with their professional representatives from 2012 onwards. In 2009 a written offer for the freehold interests and an option of either a fixed sum for relocation of the business or for disturbance was issued. Discussions with regard to value and written compensations were made to the representatives thereafter. The Council has therefore complied with the requirements to negotiate.
- 6.2.15 In relation to Plot 30, an offer was made in December 2009 and discussions have continued since then. Values have been discussed further but the Council is waiting for further information with regard to accounts and fuel sales which are necessary to undertake the valuation of a petrol station. Disturbance to the objector's business (insofar as profitability is concerned) is reflected in the valuation. The Council has sought therefore to address disturbance to the business. Other disturbance items (costs of closure, redundancies) generally have to be assessed following acquisition of the property.
- 6.2.16 An open offer for the freehold of Plots 30 and 31 was made again on 16 April 2014. The offer was for the combined properties because of their relationship (Plot 31 requires access over Plot 30). The offer has not been accepted.
- 6.2.17 In 2007 a financial offer to the freeholders of Plot 105 was not accepted. A further offer was made in 2013. The property was re-inspected on behalf of the Council during which it emerged that on determination of the lease in February 2014 a dilapidation claim could potentially be made by the owner against the tenant. This clearly had some overlap with the property's value

---

<sup>1</sup> HDC/DN/2.1 – Dr Nicholson's proof Plan 1 – ESG Masterplan



---

and an alternative means of dealing with the matter was put to the owner's agent in November 2014. Discussions continue.

*Alternative accommodation*

- 6.2.18 There is no absolute requirement on the Council to provide a suitable opportunity for accommodation<sup>1</sup>. In any case, bearing in mind the Council's regeneration objectives, it is not practicable for the objectors or businesses to re-locate to new premises within the Order land. The land is required for regeneration incorporating a significant residential element developed to a relatively high density. Relocation of the business away from the Order land is necessary to enable development to proceed in a comprehensive manner and to avoid potential conflicts with future occupiers of the residential properties.
- 6.2.19 The Masterplan provides for a range of relatively high value uses. The western end of the Link Road (alongside which the objector properties are situated) is a gateway entrance to the ESG from the trunk road and should be a positive feature of the regenerated area. Low value land uses would be particularly inappropriate here.
- 6.2.20 Plot 31 comprises a workshop unit with a small yard for storage of plant. It must be possible to find alternative accommodation within Hereford. Other branches of Arrow Plant and Tool Hire are sited in either a relatively modern industrial estate (Leominster) or in a rural location (Kington). There is no reason why a Hereford branch could not similarly relocate to suitable premises, or that compulsory acquisition of the land would cause the other businesses to close.
- 6.2.21 The Council acknowledges that it would be difficult to find a replacement site for the filling station (Plot 30) in Hereford. It is therefore likely that the business would close with loss of employment. Appropriate compensation will be made.
- 6.2.22 Market value will be paid for the freehold investment property occupying Plot 105. This should enable the objector to acquire an alternative and not jeopardise its charitable activities. In addition to which, a 7.5% owner's loss payment will be made which should lessen the possibility of shortfall in the charity's income.

6.3 **J and EL Smith, trading as CRW Carpets (Obj/03), WTW and AH Maguire (Obj/11) and Tremlo Limited (Obj/19)**

The Objections<sup>2</sup>

- 6.3.1 Mr and Mrs Smith are the lessees of the carpet warehouse and land at 40a Edgar Street. Their objection is to the proposed appropriation of part of their land identified as **Plots 24 and 25** which comprise the footway and

---

<sup>1</sup> S233(5) of the Town and Country Planning Act 1990

<sup>2</sup> Obj/03/1, Obj/11/1 and Obj/19/1 – Written objections dated 9 October 2013 and Obj/03/2, 3 & 4, Obj/11/2, 3 & 4 and Obj/19/2, 3 & 4 – Mr Phillips' proof, summary proof and appendices on behalf of the objectors

- 
- part of the forecourt/parking/access/egress to the property. The property is held under a lease from Tremlo Limited (Obj/19).
- 6.3.2 The objectors also use **Plot 32**, which comprises land forming access to 40a Edgar Street. The land is held by WTW and AH Maguire (Obj/11) under a lease from the Council.
- 6.3.3 Tremlo Limited is the freehold owner of the warehouse and land at 40a Edgar Street (of which Plots 24 and 25 form a part) and in respect of subsoil fronting the property (**Plot 19**). Their tenants (Mr and Mrs Smith) occupy and use Plot 32. The land is leased from the Council for two years from 1 October 2012.
- 6.3.4 CRW Carpets is a long established Maguire family business with a history of carpet sales in the family. Mrs Smith (daughter of Mr and Mrs Maguire) runs the business in partnership with her husband. The current store on Edgar Street<sup>1</sup> has been operating as a carpet store since 1992. The retailers are now the largest independent stockists of carpets in Herefordshire. The business supports 5 employees (4 full-time and 1 part-time) and 9 full-time/part-time sub-contract fitters.
- 6.3.5 Good access to the store is essential, as carpets are delivered in large vehicles. The parking area at the front of the store allows for parking at the customer entrance and is accessible to disabled customers as well. This parking area complements the parking currently available on Plot 32. The premises are situated on a busy main road and its prominent location has ensured its success as a business. There is excellent access for delivery vehicles at the front, to the side of Plot 32 and at the rear on Merton Meadow car park.
- 6.3.6 In 2008 the Council informed the objectors that the carpet warehouse may be required for the regeneration scheme. Negotiations continued on and off until February 2013, originally on the basis of acquisition of the whole property. In due course, the discussions centred on the land now included in the Order and its implications on parking and access associated with the business.
- 6.3.7 It was accepted by the Council that a minimum of 12 car parking spaces (of which two were for use by disabled people), together with a turning and loading area for delivery and refuse vehicles would be required. The parking and access accommodation would be necessary to replace the parking lost at the front and side of the store and in the Merton Meadow car park. This produced an indicative layout<sup>2</sup>, which on reflection was found to be unsatisfactory for operational reasons. Specialist highway planning advice (RPS) was subsequently sought by the objectors with an amended scheme<sup>3</sup> for parking and access to the carpet shop premises. An open offer

---

<sup>1</sup> ID/4 – Photographs 17-20. Photograph 17 shows the front of the store (Plots 24 and 25) and Plot 32 is visible in photograph 18

<sup>2</sup> Obj/03/4, OBJ/11/4 and Obj/19/4 – Appendix 4 to Mr Phillips' statement on behalf of the objectors showing the Plan by Parsons Brinckerhoff

<sup>3</sup> Obj/03/4, Obj/11/4 and Obj/19/4 – Appendix 7 to Mr Phillips' statement on behalf of the objectors

---

letter on behalf of the Council accepted the RPS recommendations for an enlarged turning area but reduced the parking area agreed earlier by two-thirds and a request to retain the existing safe pedestrian and wheel-chair friendly route was refused.

- 6.3.8 An original Parsons Brinckerhoff plan formed part of the Link Road application in 2009 and formed a basis for Condition 29 of the decision notice (CD/4). However, the plan did not form part of the express planning permission, even though it was sent to Mrs Maguire and referred to in the Council's letter of 6 April 2010<sup>1</sup>. In response to a query regarding the status of the plan, it was said that the plan was not withdrawn but that *"...indicative details are not considered to be binding on the Council."*
- 6.3.9 Following further negotiations with Mr Cook (on behalf of the Council) an open offer to settle was made in an email dated 18 March 2014<sup>2</sup>. The email states that the land at the rear of the warehouse, to be used only for car parking/delivery in connection with the property and offered on a 99 year lease, *"...would be let in its current state."* This contradicts earlier plans<sup>3</sup> which describe the land as 'accommodation works', i.e. works carried out and funded by an acquiring authority on a claimant's retained land to mitigate the effects of compulsory purchase. It is also contrary to the information provided in a letter to Mr and Mrs Maguire from the Council's Valuation and Estate Manager (ID/17B), dated 22 February 2013, which states that the Council will *".....carry out the accommodation works to create the car park.....and make the necessary planning applications for the new car parking facility."*
- 6.3.10 The current offer provides far less in mitigation than has been offered in open planning drawings, meetings and privileged correspondence. The Council's proposals will reduce the property and business to a backland landscape-screened location with vehicular access only through a housing development.
- 6.3.11 The schemes underlying the Orders would on balance contribute to improvements in the area's well-being as a whole. However, the current offer to the objectors to mitigate the adverse effects on the objectors' property and business would not make such a contribution. The compulsory purchase of the objectors' land interests and stopping up of rights of access at SRO X5 would materially impact on the objectors' retained property. They will result in closure of the business, as suitable alternative property is not available.
- 6.3.12 The acquiring authority's efforts to negotiate and acquire by agreement have been insufficiently sincere or consistent to accord with the requirements of paragraphs 24-29 of Circular 06/04. The Council has not

---

<sup>1</sup> Obj/03/4, Obj/11/4 and Obj/19/4 – Appendix 5 to Mr Phillips' statement on behalf of the objectors

<sup>2</sup> Obj/03/4, Obj/11/4 and Obj/19/4 – Appendix 8 to Mr Phillips' statement on behalf of the objectors

<sup>3</sup> Obj/03/4, Obj/11/4 and Obj/19/4 – Appendix 4 and Appendix 6 to Mr Phillips' statement on behalf of the objectors

---

provided sufficient evidence to substantiate the claim that there is a compelling case in the public interest for the Orders.

- 6.3.13 The CPO should only be confirmed with modifications to protect the long-term viability of the CRW Carpets business and the property interests of the objectors. The protection would be achieved by the Acquiring Authority complying with its obligations as set out in the Parsons Brinckerhoff and Amey plans<sup>1</sup>; and by agreeing to directional signage for customers, height restrictions on the landscape and reasonable terms for the new car park lease.

#### The Council's Response

- 6.3.14 Plots 24, 25 and 32 and closure of the existing access to CRW Carpets (SRO Ref X5) are required for the construction of a new Edgar Street junction with the Link Road and to ensure safe and efficient operation of the junction. The road alignment at this location accords with that shown in the UDP and on the ESG Masterplan. To avoid the objectors' property interests, the Link Road would have to be moved at least 70m north or 85m south. That would entail demolition of additional commercial and private properties on Edgar Street and Widemarsh Street.
- 6.3.15 Plot 25 comprises a small area of parking (extending to 18 sqm) to the front of the warehouse. Although space is laid out for four cars, only two cars could park on this forecourt without encroaching on the public highway. As a result of the Link Road and ESG schemes, the frontage land would not be accessible for car parking purposes. Loading and unloading currently takes place from the side of the warehouse on Plot 32. As the land is owned by the Council and leased to Mr and Mrs Maguire, there is no guarantee of access to Plot 32 even in a no-scheme world. The current loading and access arrangements maybe good, but are insecure and short-term.
- 6.3.16 Since 2008 the Council has been considering the future of the objectors' property interests and how alternative loading and parking could be provided to service the warehouse. Discussions continued through 2009 and 2010 which resulted in an arrangement for parking and delivery at the rear of the property, as illustrated in the Link Road application plan (CD/6). A lease was offered for the land at a rent of £1 per annum<sup>2</sup>. Save for the unclear reference to accommodation works in a letter dated 22 February 2013 (ID/17B), it has always been the Council's position that construction of the parking area would be the objectors' responsibility, as demonstrated by the letter dated 15 February 2010<sup>3</sup>, and in subsequent correspondence. The 22 February letter was in any event unaccepted.
- 6.3.17 Given that current loading arrangements require access over an area held on a short-term lease (Plot 32) and that there are nominally four car parking spaces on the property's frontage, the Council's offer is a marked

---

<sup>1</sup> OBJ/03/4, OBJ/11/4 and OBJ/19/4 – Appendix 4 and Appendix 6 to Mr Phillips' statement on behalf of the objectors

<sup>2</sup> OBJ/03/4, OBJ/11/4 and OBJ/19/4 – Appendix 8 to Mr Phillips' statement on behalf of the objectors, email from Mr Cook dated 18 March 2014

<sup>3</sup> HDC/REB/02 – Rebuttal to objectors, Appendix 1, letter from Council

---

improvement over the present situation. The offer may be less than the 12 spaces originally considered (but not agreed), but would provide four spaces plus scope for two more, which is more than the two the premises are entitled to under present arrangements. Furthermore, by open email dated 14 April 2014 an offer for an increased area of land to accommodate 12 car parking spaces was made<sup>1</sup>. The Council has made generous efforts to provide alternative vehicular and pedestrian access for deliveries and customers.

- 6.3.18 Provision for alternative arrangements having been made, there is no reason to believe that the scheme would worsen the trading position. The property will continue to enjoy its 12m frontage to Edgar Street with an additional 40m of building and 20m of car parking facing the new Link Road.
- 6.3.19 The plans accompanying the Link Road application were clearly marked as indicative and subject to detailed design. Therefore, the plans were not referenced in the decision notice.
- 6.3.20 As a consequence of the Orders, the objectors would enjoy long-term rear loading access, 12 long-term car parking spaces and an improved location with better exposure. The Council has been consistent and open with its offers. The modifications proposed are unnecessary. It is not either good or normal practice for acquiring authorities to offer excessive betterment at public expense.

6.4 **Office of the Police and Crime Commissioner West Mercia (OPCC West Mercia) (Obj/14)**

The Objections<sup>2</sup>

- 6.4.1 The objector has an interest in Plots 54, 73 and 74 but the objections relate only to **Plots 73 and 74**. Together they comprise 1.7 hectares of land that make up the Essex Arms Playing Field site<sup>3</sup> and the bed and bank of the adjoining Widemarsh Brook. The former is currently used for dog training purposes, and since 2002 has been held as a site option for the future development of a new police headquarters for Hereford.
- 6.4.2 The objector is supportive, in principle, of the Council's regeneration proposals in the Edgar Street area and supports the proposed Link Road. However, the CPO goes too far and extends beyond what is required for the purpose of constructing the new road. A large part of the land is also required on a temporary basis for construction of the road.
- 6.4.3 There is no justification for permanent acquisition of the whole of the objector's land interests. There is no indication of the intended use of the land, or why it needs to be acquired. As such there is no explanation of why acquisition would be in the public interest.

---

<sup>1</sup> HDC/REB/02 – Rebuttal to objectors, Appendix 2

<sup>2</sup> Obj/14/1, 2 & 3 – Statement and letters on behalf of OPCC West Mercia

<sup>3</sup> ID/4 – Photographs 49-67

- 
- 6.4.4 If in the future the site is not required for police development, in whole or in part, then the objector would seek its development in line with the Council's regeneration proposals for the area.
- 6.4.5 The objector is willing to come to an appropriate agreement to enable the Council to acquire the land required for construction of the Link Road as well as such temporary working space as is required, in return for removal of Plots 73 and 74 from the CPO.
- 6.4.6 Objection to the SRO is on the basis of closure of the existing access (SRO Ref X16) without providing an alternative and rendering the land unusable.

#### The Council's Response

- 6.4.7 Plots 73 and 74 together occupy a large area of land within the Masterplan regeneration area. They are needed for the Link Road, regeneration, provision of a diverted Widemarsh Brook<sup>1</sup> and drainage. The Council seeks to ensure an appropriate beneficial use for the land that is not used for the Link Road, Widemarsh Brook diversion and drainage. It also seeks to use this minimally used, centrally located, site for the Link Road construction compound.
- 6.4.8 Aspirations for the police headquarters are unrealistic and unlikely to be achieved. There is not money even for an application for planning permission and the current trend is to amalgamate English police forces. It is highly unlikely that the police headquarters on the land would proceed. The site is currently prone to flooding and designated Zone 3 in the Environment Agency Flood Zone Map. The means of access is limited to a track from Widemarsh Street. So there are also significant site issues to be overcome for the site to be developed.
- 6.4.9 With the uncertainty, and the consequent risk of the site detracting from the ESG regeneration, compulsory acquisition is justified. Without it, regeneration would be impeded by this unused or underused land that would harm amenity.
- 6.4.10 The Council has been in discussion with the objector and professional advisers since 2008. Heads of terms have been agreed which is subject to the objector's approval<sup>2</sup>. The offer of 14 April 2014 (ID/25A) seeks to acquire land necessary for the Brook diversion. The remainder is to be retained by OPCC West Mercia (see ID/25B plan) but with the Council granted a Licence to Occupy to enable it to be used for accommodation purposes during construction of the Link Road.
- 6.4.11 As the agreement has not been signed, compulsory acquisition of the land is necessary.
- 6.4.12 Under the SRO, the existing access (SRO Ref X16) would be stopped up to facilitate the Link Road/Widemarsh Street junction and improvements to Widemarsh Street as part of the works. A new access (SRO Ref 5) to the

---

<sup>1</sup> The nature of the watercourse diversion is such that its precise route cannot be certain

<sup>2</sup> ID/25A and ID/25B – Council's letter outlining terms of agreement, dated 14 April 2014

---

remaining southern portion of the plot would be provided from the Link Road.

#### Objector's Counter Response

- 6.4.13 The terms set out in the Council's letter of 14 April broadly reflect the agreement reached, but a number of details remain outstanding. These are:
- Upon reaching formal agreement, insofar as any land belonging to the objector, the OPCC will expect the Council to undertake to rely upon the contents of the agreement instead of exercising any compulsory purchase powers which may be conferred upon it in respect of the OPCC's legal interests.
  - The rights to be granted by the Council need also to include rights to access and for the objector to develop its retained land.
  - The objector expects to have transferred back to it land not required for adoption of the Link Road;
  - The objector's responsibility for maintenance will not apply during the period that the Council is in occupation of the land as temporary accommodation space.
- 6.4.14 The Council's letter clearly demonstrates that only the land shown edged in orange on the plan (ID/25B) is permanently required for the purposes of the Order. The remainder of the land is only required for temporary use.
- 6.4.15 OPCC West Mercia is continuing to work with the Council to reach agreement.

#### 6.5 **Ron Smith and Company Ltd (Obj/18)**

##### The Objections<sup>1</sup>

- 6.5.1 The objector owns the freehold interest to **Plot 55**. This comprises a garden machinery sales and servicing business operating out of a detached industrial/trade counter unit with a rear yard at 168 Widemarsh Street<sup>2</sup>.
- 6.5.2 The objector fails to see how CPO powers can be granted for a scheme that stems from policies in place since 1999<sup>3</sup>, adopted in 2005 and not been implemented since then. Furthermore, the powers sought are also based on policies in an emerging Core Strategy<sup>4</sup>.
- 6.5.3 There is no mention of funding for the regeneration proposal in the Statement of Reasons (CD/21). Vague references in the local press to selling Council assets does not accord with the CPO reasonable expectation test for funding, particularly in the current market. The SRO refers to the

---

<sup>1</sup> Obj/18/2 – Written objection dated 11 October 2013 and Obj/18/1 – Statement from Mr Turner on behalf of the objector

<sup>2</sup> ID/4 – Photograph 37

<sup>3</sup> CD/21 – Council's Statement of Reason, Section 8.8

<sup>4</sup> CD/21 – Council's Statement of Reason, Section 8.10.4

---

cost of the road scheme but does not explain where and when the money would be delivered. The Council does not as yet have detailed cost proposals for construction or acquisitions. The appellant points to other schemes that have not been successfully implemented (Swindon – the Modus scheme, Oxford – the Westgate scheme). Without a reasonable prospect of funding for the Link Road scheme, properties forming the subject of the Orders could be similarly affected by blight due to lack of progress.

- 6.5.4 Building the Link Road should be sufficient to prompt the market to deliver the rest without CPO powers.
- 6.5.5 There is insufficient evidence to support the claim of a compelling case in the public interest. Compulsory purchase would contravene Article 1 of the First Protocol of the ECHR.
- 6.5.6 Ron Smith and Company operates from branches in Hereford and Worcester. Due to the Council’s inability to provide reasonable and suitable alternative premises, the Hereford branch would have to close. The company’s buying power would be seriously diminished which would affect its competitiveness in what is already a tough market. Dealerships would be lost and given to other companies, due to lack of coverage and decreased sales. As a consequence, the Worcester branch would also be forced to close. The Council would therefore have to buy both businesses, which has not been accounted for in the acquisition costs.
- 6.5.7 The objector is entitled to a suitable opportunity to relocate to another site within the Order land. There has been no offer from the Council for relocation within the Order land. However, the objector agrees that the Council has tried very hard to find a suitable relocation property in Hereford but the searches have been hampered by lack of availability<sup>1</sup>. The Council has commissioned a concept study on a possible relocation site on Rockfield Road<sup>2</sup> and there is a good prospect of relocation being achieved.
- 6.5.8 In the absence of an agreement being reached, the objection remains. The CPO should not be confirmed, or alternatively confirmed with modifications to exclude the objector’s property interests.

#### The Council’s Response

- 6.5.9 Attempts have been made to enter into negotiations to acquire the property by agreement. Throughout discussions that have been ongoing for many years, the Council has confirmed that the objector would be compensated in accordance with the statutory compensation code. However, the objector has not been prepared to sell in advance of confirmation of the Order or before suitable relocation premises have been found.
- 6.5.10 Financial information has been requested to assess the level of business carried out by both branches of the business. This is necessary to make an assessment as to the level of compensation that may arise as a result of

---

<sup>1</sup> In response to Inspector’s question

<sup>2</sup> ID/22 – HUB Concept Proposals for Proposed New Showroom and Workshop Building, Rockfield Road



---

relocation or total extinguishment. The information requested has not been forthcoming. The Council cannot act on assertion alone that the Worcester branch of the business would close.

6.5.11 Detailed design work is being undertaken for possible relocation to premises on land in the Council's ownership (ID/22). Negotiations will continue in relation to compensation terms.

6.5.12 As for relocating on the CPO land – the ESG scheme is intended to transform the area from a low intensity relatively low value area to a more intensively used high land value area. It would not therefore be practicable to accommodate the objector's business within the scheme area without considerable detriment to achieving the ESG vision.

## 6.6 **White Pillar Properties Limited (Obj/20 )<sup>1</sup>**

6.6.1 The objector company owns the freehold interest of land at Brook Retail Park<sup>2</sup> and it is believed that **Plots 116 and 117** fall within the owner's title. The objector additionally queries whether **Plot 118** falls within its ownership interest. If so, an objection with regard to that part of the objector's interest is maintained<sup>3</sup>.

6.6.2 The Statement of Reasons does not explain why rights over Plot 116 are needed in this location when the Highway Authority has sufficient rights to carry out the scheme without any need to acquire further rights in the subsoil and airspace vested in the objector. Where land interests are not required there is no justification for the Order. A mere desire for neatness of ownership is not a good reason to override the objector's interests and has a bearing on the balancing act to be undertaken under the Human Rights Act 1998.

6.6.3 Plot 116 is stated to be public highway, a part of the title falls within the public highway. That area is significantly smaller than that to be acquired. The land acquired beyond that has the effect of severing the objector's property from the highway network with no guarantee of rights of passage along the access road immediately or on completion of the project.

6.6.4 The Order contains no provision for on-going access to the retail park during trading and servicing hours and no guarantee that the works will be completed within the envisaged time scale (late 2014 to late 2015). Should slippage occur, in the current economic climate, disruption to trading as well as uncertainty regarding timing could be seriously damaging to the objector's tenants and to the prospects of re-letting the units.

6.6.5 The objector supports the principle of the scheme and believes that the issues described are resolvable.

---

<sup>1</sup> Written objection dated 11 October 2013

<sup>2</sup> ID/4 – Photographs 109-112

<sup>3</sup> ID/9 – Land Registry Title

---

### The Council's Response

- 6.6.6 Plots 116, 117 and 118 would be affected by the proposed improvement works required on the eastern arm of the Commercial Road junction, which is the access to the retail park. The plots would be additionally affected by construction of a petrol interceptor and surface water drainage outfall into the culverted Widemarsh Brook at this location.
- 6.6.7 The Council has included all adopted public highway within the Order land, as this is good practice to secure ownership of all outstanding interests in land that is already or intended to be adopted public highway.
- 6.6.8 Discussion between the objector and the Council is ongoing. Should agreement not be secured, then it is the Council's intention to grant appropriate rights over Plot 116 so that a legal right of access is available to the objector and tenants. Through provisions in the construction contract, the Council would ensure that an appropriate means of access is maintained to the objector's property so as to minimise disruption.

### 6.7 **Dŵr Cymru Welsh Water (Obj/21)**

#### The Objection<sup>1</sup>

- 6.7.1 An objection is raised, as the objector has apparatus that may be affected. Further construction details are required, to assess the extent to which the apparatus would be affected.

#### The Council's Response

- 6.7.2 The objector's apparatus<sup>2</sup> (comprising mains water supply and public sewerage) is likely to be affected by construction of the Link Road. Protection and/or diversion may be required in addition to new apparatus to maintain present services and to accommodate the regeneration proposals.
- 6.7.3 The Council is liaising with the objector to identify the affected apparatus and agree appropriate actions. Studies have been commissioned to determine likely water and sewerage requirements in the future. The results will be shared with the objector to agree the design of new services and ensure that their installation is co-ordinated with the forthcoming highways works. Detailed design and construction of the road and other associated highway works will take into account the services affected.
- 6.7.4 The objector is a statutory undertaker but does not own any part of the Order land. A responsible acquiring authority would not do anything other than respect equipment needed for the benefit of its area.

---

<sup>1</sup> Obj/21/1 – Written objection dated 10 October 2013

<sup>2</sup> ID/6 – Welsh Water Apparatus Locations Plan

---

## 6.8 **National Grid (Obj/24)**

### The Objection<sup>1</sup>

- 6.8.1 The objector has apparatus in the vicinity which may be affected by the Link Road and regeneration proposals<sup>2</sup>. The level of protection currently afforded to the apparatus may be diminished.

### The Council's Response

- 6.8.2 The Council has consulted the objector and provided an explanation of the works likely to affect its gas mains. Initial proposals for protection of these existing services have been set out for consideration and formal agreement<sup>3</sup>.
- 6.8.3 The objector is a statutory undertaker but does not own any part of the Order land. A responsible acquiring authority would not do anything other than respect equipment needed for the benefit of its area.

## **7. THE NON-STATUTORY OBJECTIONS**

### **7.1 Mr AH Vaughan (ALT/01) and Councillor Sebastian Bowen (ALT/02)**

- 7.1.1 Councillor Bowen and Mr Vaughan submitted separate objections in response to a public notice in The Hereford Times (dated 13 March 2014) inviting any person who considers that an alternative route should be used in place of the Order route to make a submission to the Department for Transport.
- 7.1.2 The alternative routes suggested by Councillor Bowen and Mr Vaughan are identical. Furthermore, the cases for both parties are similar. I have therefore reported them together and recorded them as objections.

### The Objections<sup>4</sup>

- 7.1.3 The proposed Link Road is promoted on the basis of:
- facilitating access to the ESG and the Urban Village;
  - reducing traffic flows along Newmarket Street (A438), thereby integrating the ESG area with the city's historic core, and
  - a compelling case in the public interest.
- 7.1.4 The reality suggests that there are more acceptable and less costly options available which would have wider community benefits.

---

<sup>1</sup> Obj/24/1 – Written objection dated 6 November 2013

<sup>2</sup> ID/7 – Statutory Undertakers Plan

<sup>3</sup> CD/73 – Email to National Grid dated 20 March 2014

<sup>4</sup> ALT/01 and ALT/01/1 – Mr Vaughan's written submissions. ALT/02 – Councillor Bowen's written submissions

- 
- 7.1.5 The Link Road is claimed to remove a significant percentage of traffic from Newmarket Street (A438). However, it would be at a substantial public cost and the amount of traffic reduction is unspecified. The road would also:
- introduce a right turn traffic movement in Edgar Street, across the A49(T) traffic flow, into the proposed Link Road;
  - increase the intensity of right turn traffic movements in Commercial Road, across the A465 traffic flow, into the proposed Link Road;
  - route diverted arterial traffic, including HGV flows, through many sets of traffic light controlled junctions on the proposed Link Road near a proposed urban village, and
  - possibly increase traffic retention times within the city limits.
- 7.1.6 The main components of the suggested alternative route<sup>1</sup> comprise the following:
- Traffic flow enhancement at the roundabout at the Newtown Road A49(T) junction (included in the Order scheme as well).
  - Replacement/removal (or removal with level crossing) of the narrow bridge on the A49(T) on Newtown Road, with carriageway widening and the provision of cycleways and footways on both sides. This highway restriction is a long standing impediment to traffic flow over an almost disused railway track.
  - Additional north western left turn lane at the mini roundabout on the A49 (T) Holmer Common Junction.
  - Replacing the single lane highway bridge over the railway on the A4103, widening the carriageway to include two lanes, providing footways and cycleways on both sides and removing the traffic lights.
  - Provision of short local routes into the ESG proposed Urban Village from the existing road network. Links to the Urban Village can be provided from Blackfriars Street and Widemarsh Street and Station Approach.
  - Signage to direct traffic accordingly.
  - Improved cross-city routes for emergency vehicles and public transport along Blackfriars Street/Coningsby Street.
  - A high level pedestrian walkway across Newmarket Street to link the historic city with the new Retail Quarter.
  - Improvement to the public realm in Commercial Road using existing highway land.
- 7.1.7 The alternative route brings with it a number of advantages. The main ones are:

---

<sup>1</sup> ALT/01 – Doc 1: Location Plan, Doc 2: Location of major works, Doc 3: Suggested alternative traffic route and Doc 4: Map showing alternative route and Link Road

- The alternative route would take north/south bound countywide traffic west of the city centre.
- Reduction in traffic flow on Newmarket Street.
- Substantially reduced project cost, and unlikely to need such an extensive CPO as the Link Road scheme.
- Uses existing 'A' Class highway network and local distributors.
- Removes existing pinch points on the A49(T)/A4103 network.
- Removes existing restriction on the A49(T) at a narrow bridge.
- Provides footways and cycleways on both sides of the A49(T) at the location of a wider bridge (or bridge removal) on the A49(T).
- Improves traffic flow on the A4103 at a realigned wider railway bridge and providing footways and cycleways on both sides at the location of the wider bridge.
- Does not require an additional junction on Edgar Street (A49(T)) and removes a proposed second right turn movement across A49 (T) traffic flow in Edgar Street.
- Reduces right turn traffic movements across A465 flow in Commercial Road.
- Reduces traffic flows along Aylestone Hill where there is frequent southbound queuing traffic at present.
- Provides an improved link northwards towards the proposed South Western Relief Road<sup>1</sup> along the existing A49(T) highway network.
- Protects cyclists and pedestrians from conflict with traffic which would arise using a cross city 'A' road link between the A49(T) and A465 (Aylestone Hill).

7.1.8 The alternative route would not prevent delivery of benefits attributed to the Link Road<sup>2</sup>. For instance, new and improved access routes across the ESG area, the Urban Village and to large plots such as the police dog training field can be achieved from roads running off Widemarsh Street and Blackfriars Street. The claimed significant traffic distribution would be achieved through an alternative and smoother route with improvements for all road users. Supporting infrastructure (such as drainage and service ducts) to facilitate delivery of future regeneration plots could be achieved through the use of appropriate statutory powers of infrastructure providers. East-west access could be improved through Blackfriars Street and Coningsby Street and north-south routes would benefit from the removal of pinch points on the A49(T) and A4103, as suggested by the alternative

---

<sup>1</sup> The Council's evidence points out that this is a reference to proposals in the emerging Core Strategy to enable and support long term growth in Hereford

<sup>2</sup> CD/28 – Statement of Case for the CPO, paragraphs 5.2.1-5.2.4

---

described. A local transport hub could still be provided along the existing station frontage.

- 7.1.9 The Council does not appear to have assessed alternatives to the Order scheme in any meaningful way. There are no displayed cost benefits of other options. Alternatives explored are briefly described in the CPO Statement of Case in Chapter 8 as: either an underpass along Newmarket Street or widening of Newtown Road. Both options were summarily dismissed, one of which was claimed to be too costly. However, the proportionate cost of the Link Road is approximately £51m/mile. By comparison, the recent widening of the M1 motorway in 2013 between junctions 10 and 13 cost approximately £21m/mile.
- 7.1.10 There is significant unease about loss of business premises should the Order scheme proceed, which would be seriously harmful to the local economy.
- 7.1.11 In conclusion, the alternative option suggested could be carried out a lower cost than the Link Road and would have other significant advantages. In terms of traffic flow and highway safety it would be in the wider public interest, while achieving the desired result of reduced traffic flow on Newmarket Street, in line with the requirements of the CPO scheme.
- 7.1.12 In a compulsory purchase order scheme the responsibility rests with the order making authority to demonstrate that there is a compelling case in the public interest for confirmation of the Order. This normally entails investigation work on all reasonable alternatives before committing such a large amount of public money and causing disruption to businesses and lifestyle. The Council does not appear to have demonstrated that these investigations have been carried out or that there is a compelling case to support the making of the Orders which overrides other interests. The Orders should not be confirmed until all viable alternatives to reduce traffic flow on Newmarket Street have been properly explored and investigated.

#### The Council's Response

- 7.1.13 The alternative route would address wider movement issues within and across the city. Such issues are being addressed separately by the Council through new highway infrastructure and sustainable transport improvements. The Link Road is not intended as a strategic highway improvement scheme. It is enabling infrastructure designed to facilitate regeneration of the ESG area and expansion of the city centre. The suggested route is not without its merits but cannot be regarded as an alternative to the Link Road.
- 7.1.14 Addressing the points raised against the Link Road:
- As the TA demonstrates, the Link Road would lead to a significant reduction in traffic flows on Newmarket Street<sup>1</sup>.
  - The new right turn movement in Edgar Street would be to the overall benefit of traffic movement to the north of the city centre, as it would

---

<sup>1</sup> CD/47 – TA: Table 6.12 reductions of 52% and 48% on Newmarket Street in the AM and PM peak hours

---

enable a new cross-city route in place of the congested A49/Newmarket Street roundabout and reduce travel time across the network<sup>1</sup>.

- The Link Road would enable a revised hierarchy of roads and the dominant route would be the movement between the Link Road (to be designated as the A465 in place of Commercial Road) and Aylestone Hill. Furthermore, traffic levels in Commercial Road and Commercial Square would be markedly reduced. These locations have poor safety records<sup>2</sup>.
- The Link Road has been designed as an 'A' class highway capable of accommodating longer distance traffic. The traffic signals on the Link Road would assist with the safe and expeditious movement of pedestrian and cyclists as well as allow connections to local roads. The SCOOT system to be installed would enable traffic flow to be optimised.
- The Link Road scheme has been designed to enable development for regeneration of the ESG area and reduce traffic volumes on key city centre streets. There would not be an increase in traffic retention times within city limits as alleged. Overall travel time in the city network would in fact decrease by 1-2%<sup>3</sup>.

7.1.15 The main components of the proposed route and its claimed advantages are considered below.

- The alternative proposal would undoubtedly improve the existing network by replacement of the single lane highway bridge on the A4103. It would not, however, reduce traffic volumes on Newmarket Street nor provide ready access to regeneration areas.
- Traffic flow enhancement at the Newtown Road roundabout would be delivered through the Link Road scheme.
- The A49 bridge on Newtown Road is not the critical restraint on capacity. It is the junctions to the north and south of the bridge that generate congestion. Even with some improvements, the constraints on capacity would remain. The costs and disruptions incurred by the bridge replacement could not be justified.
- The additional left turn lane would require open space to be taken from Widemarsh Common with loss of prominent mature trees. It could additionally impact on a recently installed cycleway scheme. The left turn lane may provide some localised northbound benefits but not lead to transformative journey times from the A4103 via the A49 to Newmarket Street.
- Improvements to the eastern section of the A4103 (including the railway bridge) is a safeguarded scheme in the UDP<sup>4</sup>. While this localised improvement would reduce travel times along the A4103, it would not

---

<sup>1</sup> CD/47 – TA: Table 6.8

<sup>2</sup> CD/48 - 2009-2013 Personal Injury accident plot of ESG and surrounding area

<sup>3</sup> CD/47 – TA: Table 6.8

<sup>4</sup> CD/10 – UDP: paragraph 8.8.13 and Policy T10

---

impact materially on flows on Newmarket Street, due its distance from the city centre.

- The localised access from existing roads such as Widemarsh Street and Blackfriars Street to potential Urban Village development parcels have been available for many years but have not attracted development. Piecemeal, cul-de-sac accesses would not address the strategic issue of a lack of east-west connectivity across the ESG area, which was one of the drivers for the scheme<sup>1</sup>. Without the Link Road, development traffic would need to route via Newmarket Street or Barrs Court Road, Commercial Road or Widemarsh Street, adversely impacting on the existing network rather than relieving it. The opportunities for improved access from the south and west to the hospital and railway station would be lost.
- Access to the Urban Village via Station Approach introduces the potential for conflict with station users, as development traffic would have to pass through the station forecourt area.
- Signage may have the benefit of diverting non-regular travellers to the suggested route. However, the majority of travellers drive regularly and routinely into the city centre. Given the lengthy diversion required by the alternative route<sup>2</sup>, signage is unlikely to impact on driver behaviour.
- The scale of through traffic from the A4103 to the south of the city centre is modest<sup>3</sup>. The alternative scheme would only influence trip patterns from the A4103 and beyond. It would not impact on to any material extent on the flow pattern on Newmarket Street. The majority of trips in this area originate and are bound for local destinations (hospitals, railway station, and residential areas).
- As the suggested route is not a viable alternative (for the reasons described above), any costs comparison is an irrelevant exercise. In any event, CPO powers would still be required to acquire land for regeneration of the ESG area.
- There would be obvious merit in having footways and cycleways on both sides of the A49<sup>4</sup>. However, these need to form part of a wider network for significant benefits to accrue. Recent completion of a cycleway scheme provides a safe cycle route from the A49 into the city centre. This route would connect with the proposed cycleway of the Link Road scheme and providing a continuous east-west route to the station and hospital. The Link Road would complement the existing cycleway network in a way that the alternative would not.

---

<sup>1</sup> CD/14 – ESG Masterplan paragraphs 1.52-1.62, plan p.19 paragraph 1.66

<sup>2</sup> 3.6km rather than 2.85km from Aylestone Hill roundabout to Edgar Street at Prior Street via the Link Road

<sup>3</sup> CD/47 – TA Figure A4.3, for example, shows that only 7% of trips travelling to work in the ESG area originate from the A4103

<sup>4</sup> At present there is only a footway on the north side



- The traffic flow reduction along Aylestone Hill has not been demonstrated or quantified. By contrast, the Link Road scheme has been predicted to provide relief to Aylestone Hill<sup>1</sup> as a result of allowing traffic to route directly to key destinations (such as the hospital via the Link Road) rather than via Aylestone Hill.
- The Link Road scheme would deliver significant connectivity and safety benefits to pedestrians and cyclists within and around the ESG area. The concerns about conflict with traffic from using a cross city 'A' road link are unfounded.
- Opening up cross city routes for public transport emergency vehicles via Blackfriars Street and Coningsby Street was considered as an alternative. However, such a scheme would not relieve Newmarket Street of traffic, nor deliver the required quality of access for the northern half of the ESG area.
- The high level pedestrian walkway was also considered in the masterplanning exercise but discounted for reasons explained below.
- To implement improvements to the public realm on Commercial Road, a large proportion of the traffic would need to be removed from the road and from Commercial Square, which would not be the case with the alternative route suggested. By contrast, the Link Road would deliver significant traffic reductions in these locations<sup>2</sup>.

#### *Alternatives Considered by the Council*

- 7.1.16 Options seeking to address wider outer city traffic flows were not assessed, as interventions some distance from the city centre would not address the ESG and Link Road scheme objectives. However, the objectors are incorrect in suggesting that the Council did not assess alternatives to the Link Road scheme in any meaningful way. The Link Road option evolved following detailed evaluation of a number of alternatives.
- 7.1.17 At an early stage in the masterplanning process (2003) grade-separation of vehicles and pedestrians (by constructing an underpass along the inner ring road) was considered and discounted for geometric, environmental and costs reasons. A bridge or pedestrian underpass option was also discarded, given the extra walking distance, poor visual amenity and space take-up of such a scheme. Therefore, only direct at-grade crossing solutions were pursued further.
- 7.1.18 Other options considered in the 2003/2004 Masterplan were as follows:
- Make no significant changes to the highway network around the ESG area.

---

<sup>1</sup> CD/47 – TA: Figures A8.5 and 8.6

<sup>2</sup> CD/47 – TA: Table 6.12, shows reductions of 65% and 66% during the AM and PM peak hours

- 
- Close the inner ring road to traffic and provide replacement route of similar scale between Edgar Street and Commercial Road to the north of the football ground.
  - Reduce traffic levels on the inner ring road by making bus and access only westbound and providing a new dual carriageway between Edgar Street and Commercial Road to the north of the football ground.
- 7.1.19 In 2008 a city-wide traffic model was re-worked and re-validated<sup>1</sup>. There were two key objectives: to improve accessibility to the ESG area and improve connectivity between north and south. Options considered as part of the 2008 Masterplanning process were<sup>2</sup>:
- Reducing traffic levels along the inner ring road by provision of a new single-carriageway road along the line of Blackfriars Street and Coningsby Street (south of the football ground). This road would connect back to the inner ring road in the Catherine Street area.
  - Provision of an alternative single-carriageway route for east-west traffic between Aylestone Hill and Newtown Road. A new bridge would be constructed over the railway to connect to the junction of Newtown Road and Widemarsh Street.
- 7.1.20 None of the above would prevent worsening of traffic conditions on the inner ring road and along the A49, following development of the ESG area. Nor would they provide adequate access to plots in the northern half of the ESG area. Safety improvements on Commercial Road and Commercial Square would not be delivered and east-west connectivity would remain poor.
- 7.1.21 Complete or substantial removal of traffic from the inner ring road to a dual-carriageway scale link road would create problems at the Edgar Street and Commercial Road junctions. Furthermore, Commercial Road would be subject to increased traffic levels and the safety improvements would not be forthcoming.
- 7.1.22 The single-carriageway east-west option would mean utilising Barrs Court Road and a substantial increase in traffic along a residential road. It would additionally require residential property acquisitions and provision of a costly bridge.
- 7.1.23 As for cost and the comparison with the M1, the Link Road scheme is not simply a highway scheme: it is a regeneration scheme where the highway element is enabling infrastructure. Furthermore, unlike the M1 motorway constructed on greenfield land, the Link Road is to be built on previously developed urban land where costs also entail property acquisition. The alternative route suggested would complement the Link Road but is not a real alternative.

---

<sup>1</sup> Mr Oakley in evidence in chief

<sup>2</sup> CD/14 – ESG Masterplan 2008: Development of Movement Strategy (paragraphs 2.33 onwards)

---

## 7.2 Councillor Powers on behalf of 'It's Our County' (Obj/25)

### The Objections<sup>1</sup>

- 7.2.1 The objector supports the aspirations for the Link Road and its main objectives, but remains unconvinced of the benefits or whether the Order facilitating it makes a compelling case in the public interest. The concerns fall under two broad headings: traffic modelling and finance.
- 7.2.2 Initially, the objector put forward reasons for doubting the traffic implications of the Link Road (Obj/25/1) but in the closing statement accepted that extensive modelling has been undertaken for the Link Road and that modelling has also been done for other and subsequently rejected options (Obj/25/2).
- 7.2.3 However, with the anticipated level of traffic on the Link Road and its multi-functional objectives, and without a coherent integrated transport vision for the city, the capacity of the roads to serve these functions is questionable. It is disappointing that the opportunity has not be seized for a more forward looking design or learning from proven best practice of 'shared space', such as those used in Europe.
- 7.2.4 On the matter of finance, the concerns arise from budget allocation for the CPO and robustness of the costs and income estimates. A full and clear presentation of the budget for the road has not been made. A number of questions and issues remain unaddressed:
- The mix of capital and revenue elements in the budget summary (ID/16) does not clarify whether the whole life cost of the Link Road scheme has been compiled on a prudent basis.
  - The capital grant funding is conditional on a successful bid by the Marches LEP. The 'better than reasonable chance' of success anticipated by Mr Robinson<sup>2</sup> is not sufficient assurance that the budget summary figures do not require at least a documented contingency plan for the income and borrowing costs. If none of the grant is forthcoming the knock-on effect on the Link Road budget would be considerable. The net cost to fund via borrowing and annual borrowing costs would rise by 40%.
  - The estimate for capital receipts is subject to market conditions and it remains unclear what receipts are included. The Retail Quarter capital receipt appears very low and is not clear whether it is to be received from the completed Phase 1 or a future Phase 2.
  - It is regrettable that the New Homes Bonus has already been allocated to fund the Link Road scheme and would therefore not be used for the benefit of new local communities. It should not be included at this stage in the budget. DCLG guidance expects local councils to consult communities about how they will spend the money.

---

<sup>1</sup> Obj/25/1 and Obj/25/2 – written submissions submitted at the Inquiry

<sup>2</sup> Chief Finance Officer, Herefordshire Council

---

### The Council's Response

- 7.2.5 The reduction in traffic expected, even if it is only 1-2% overall, is acceptable in relation to the cost of the scheme because it enables development to take place. As the Link Road would benefit the city as a whole, using the New Homes Bonus Fund would not be contrary to Government guidance.
- 7.2.6 The objector appears to be criticising the scheme without advancing any alternative. While recognising the desirability of regenerating the ESG area, it is not clear whether the highway and traffic benefits are similarly acknowledged. No alternative means of achieving this regeneration and the social, economic and environmental benefits that this would bring to Herefordshire have been advanced. The alternative to housing provision in the ESG area would mean housing on greenfield sites, which would cause harm.
- 7.2.7 The concerns expressed are not shared by the Council as a corporate body, which wishes to see the regeneration highway and traffic benefits, income from local taxes and protection of greenfield sites that the scheme would bring. It has brought the scheme about by a careful staged process that has involved substantial public consultation. Nothing said by the objector provides any means of effecting regeneration of the ESG or has otherwise dented the Authority's confidence that the Link Road and the planned regeneration are justified in planning, highway and regeneration terms. They are in the public interest, satisfy the compelling case test, essential to the future well-being of the city, consistent with national and local planning policies, and capable of being funded.

## **8. INSPECTOR'S CONCLUSIONS ON THE CPO**

*(Numbers in square brackets refer to relevant sections or paragraphs in this Report)*

- 8.1 ODPM Circular 06/2004 expects CPOs to be made only where there is a compelling case in the public interest; that is the fundamental test for any CPO. In addition to which, paragraph 16 in Appendix A of the Circular lists the factors relating to the purposes of an Order made under the well-being power, and which could have a bearing on its merits. Having heard the cases for the parties, and appraised the evidence, my recommendation flows from consideration of these factors:
- Does the purpose for which the land is to be acquired fit in with the adopted planning framework for the area?
  - Would it contribute to the economic, social or environmental well-being of the area?
  - Is the scheme viable/deliverable with a reasonable prospect of it proceeding?
  - Could the purpose be achieved by any other means?
  - Whether the objections could be addressed without recourse to compulsory acquisition or by any other means.

- 
- Is there a compelling case in the public interest and would the public benefit outweigh any private losses?

## 8.2 **Fitting in with the Adopted Planning Framework for the Area**

- 8.2.1 Confirmation of the Order would give the Council the powers to carry out re-development or improvement of land within the ESG area with the focus on construction of the Link Road and infrastructure to enable regeneration to take place. The ESG regeneration scheme has been an aspiration since 2003 and takes forward the 20 year vision established in the Regeneration Framework prepared for the Council in 2004. The key drivers were promoting the growth, renewal and competitive advantage of Hereford. [4.1.3, 4.1.6, 4.2.2, 4.2.11]
- 8.2.2 The Framework additionally developed a preferred movement strategy following detailed assessments of travel conditions in the area. Provision of a link road to relieve the inner ring road and provide access to new development areas lay at the centre of proposals suggested in the study. [4.1.6,4.2.11]
- 8.2.3 The policy tools for implementing the vision are contained in the Herefordshire UDP. This is the main component of the development plan for the area. The UDP includes specific policies for strengthening Hereford's role as a sub-regional centre, of which the ESG regeneration is a key component. The area is seen as a unique opportunity to develop this edge of city location marked by low grade industrial and commercial uses. To achieve the objectives set out in the Framework, the UDP identifies a number of development and land use proposals based on the original Masterplan (Policies TCR20, TCR21, TCR23 and TCR22). In addition to which, the UDP identifies the route of the Link Road in much the same location now being promoted, and safeguards it through Policy T10. [4.2.1-4.2.7]
- 8.2.4 Relocation of the Livestock Market and construction of the recently opened Phase 1 of the Retail Quarter testify to the Council's commitment to delivery of the ESG regeneration scheme. Construction of the Link Road would be the next major step in meeting the transport and redevelopment policy objectives for the area set out in the UDP. Over time, circumstances and further masterplanning have changed the way development in the area was originally envisaged. However, the changes have allowed the Council to seek to address their more recent and demanding housing requirements as part of the regeneration proposals. [4.1.4, 4.2.6, 4.2.7]
- 8.2.5 The UDP may well be based on evidence dating back to the late 1990s. However, the strategy and policies relevant to rejuvenation of the ESG area are not only a manifestation of a long-term vision but accord with many of the fundamental principles of sustainability underlying the Government's policies in the NPPF. Thus, the Link Road and the ESG scheme would help boost the area's housing supply (800 new homes envisaged in the Urban Village) with potential for delivering a wide choice of high quality homes in a highly sustainable location. The schemes would provide for expansion of the city centre and comply with policies relevant to the management and growth of centres. The opportunities for improving connectivity, reducing congestion and providing transport choices for development in this central

---

location would accord with the Government's desire to promote sustainable transport opportunities. The Planning Practice Guidance expands on these themes, and nothing in the evidence points to a conflict with the Guidance. [4.2.8, 4.2.9, 4.3.3, 4.3.4, 6.1.5, 6.5.2]

8.2.6 The UDP, Local Transport Plans, the Edgar Street Framework SPD and the masterplanning exercises have provided a continuous and consistent basis for taking forward these key planning objectives in a way that accords with up to date Government policies in the NPPF. The Core Strategy, although accorded little weight due to its early status, carries forward many of the development proposals and land use aspiration in the UDP, while the Link Road and its identified route remains largely unchanged. The Order is a vital element in the regeneration, housing, accessibility and transport objectives forming the subject of an established and evolving local policy framework. It is consistent with the local and national policy framework. [4.2.1-4.2.7, 4.2.10, 4.2.11-4.2.14, 4.2.17, 4.2.18, 4.2.19 4.3.1-4.3.5]

### 8.3 **Contribution to the Economic, Social or Environmental Well-being of the Area**

8.4 The Order is designed firstly, to enable land to be brought into the Council's ownership to allow construction of the Link Road together with its associated infrastructure. The second main purpose is to bring forward land to progress the ESG regeneration programme, of which the Link Road is an essential component. [4.4.1]

#### The ESG Scheme

8.4.1 There is no dispute that the ESG scheme is necessary and the objectors are broadly supportive of it. Elements of the scheme already implemented, the Retail Quarter for instance, will strengthen Hereford's sub-regional role and assist with the city's economic growth. Further commercial developments would build on the economic and social benefits likely to flow from the schemes already in place. [4.4.1, 4.4.2, 6.2.5, 6.3.11, 6.4.2, 6.6.5, 7.2.1]

8.4.2 The land brought forward for meeting future housing demands in a sustainable location would also bring significant social benefits. The use of brownfield, under-used land reduces the pressure for development on greenfield sites. Removal of low grade industrial/commercial uses would improve the area's appearance and lead to environmental benefits. The opportunity to reduce flood risk in the area provides further scope for environmental gains. [2.2, 4.4.1, 4.4.2, 6.2.18, 6.5.12, 7.2.6]

#### The Link Road

8.4.3 Construction of the Link Road is a necessary and major step in progressing the ESG regeneration. Without it, the benefits and advantages of the ESG would not be forthcoming. Development in the north of the ESG area and Phase 1 of the Urban Village, for instance, are dependent on construction of the Link Road. Save for the extra-care accommodation, the remaining permitted dwellings in Phase 1 are prevented from occupation by a condition until the road is completed. The road would unlock large tracts of land (such as the OPCC site) and even smaller ones forming parts of development parcels identified in the Masterplan. [4.2.10, 4.4.6, 4.6.2]

- 
- 8.4.4 The Link Road also has the potential to reduce congestion in the city centre and improve east-west connectivity. Unlike the alternative route suggested by Mr Vaughan and Councillor Bowen, the Link Road is not intended to address movements across the city, which I understand are the subject of other initiatives. It is a more local solution designed to deliver ESG development opportunities and improve key city centre locations such as the inner ring road, Commercial Road and Commercial Square. [4.4.4, 4.4.7, 7.1.13]
- 8.4.5 The inner ring road is a heavily trafficked dual-carriageway, effectively acting as a barrier between the established historic part of the centre and the land to its north, with poor pedestrian/cycling links. The TA predicts the transfer of traffic flows from the inner ring road to the Link Road, which would enable the former to be reduced to a single carriageway road. With signalling improvements, the reduction in traffic volumes would render the inner ring road more pedestrian and cyclist friendly. [4.4.4,7.1.15]
- 8.4.6 Although objectors question the ability of a single carriageway Link Road to make such transformations, traffic studies and modelling estimate reductions in traffic volumes of between 34 and 66% in key city centre locations. There was no substantiating evidence to the Inquiry to the contrary, nor is there any evidence to counter the basis of the TA results. The reduction in traffic conditions on the inner ring road would help with integration of the ESG area with the historic parts of the centre and improve the safety performance of identified roads. These amount to material environmental and social gains. [4.4.4, 7.1.14, 7.2.2]
- 8.4.7 Equally, the Link Road would bring a vastly improved east-west connection for vehicular traffic, pedestrians and cyclists, with opportunities for links to minor roads in the ESG development area. The alternatives of Widemarsh Street, Blackfriars Street and Coningsby Street have not to date attracted new developments to the area, nor would they provide genuinely effective east-west links, given the narrowness of the roads and the fragmented nature of the connections. Improvements around the Newtown Road roundabout would form part of the suggested alternative route but would equally be a benefit of the Link Road. The transport hub to be created near the railway station is an additional beneficial element of the Link Road bringing opportunities for improved transport choices. [4.4.5, 4.4.7, 7.1.8, 7.1.15]
- 8.4.8 The much needed relief to the inner ring road, improved connectivity in all directions and, as a major facilitator to progressing the ESG regeneration, the Link Road would contribute substantially to the well-being of the area. The Order is a necessary component in the delivery of land interests needed to construct and maintain the road, and therefore also contributing to the area's well-being. [4.4.7]
- 8.5 **Achieving the CPO Purpose by Other Means**
- 8.5.1 There are two main parts to this issue. First, whether the land could be acquired by means other than compulsory acquisition, and second, whether the objectives of the Link Road could be achieved by the alternative route suggested by objectors.

---

### Compulsory Acquisition

- 8.5.2 Of the land included within the CPO boundary some 37% is already in the Council's ownership and a further 16.4% comprises adopted highway. Nevertheless, inclusion of these lands is necessary for the purpose of acquiring unknown interests by other parties that might otherwise delay redevelopment of the ESG or construction of the Link Road. [2.1, 4.5.1, 4.6.1]
- 8.5.3 The remaining plots of land within the Order comprise a mix of land uses and buildings in a range of different ownerships, in addition to a variety of other interests over the land. The Council has been pro-active in acquiring the land by negotiation since 2008. While there was a lull in negotiations in 2010 (due to financial restraints), progress was made during 2012/2013 with a number of properties being acquired from owners willing to negotiate. The process continued during the course of the Inquiry with some success. However, a number of private land interests remain to be acquired, despite the efforts made by the Council to seek agreement. [2.2, 4.7.1, 4.7.2, 4.7.3]
- 8.5.4 There is little to suggest that objectors have held out deliberately for betterment or that their actions have been unduly obstructive; they remain genuinely concerned for the future of their businesses and employees. On the other hand, in a number of instances, despite offers and approaches by the Council, there is little prospect of achieving agreement. Without confirmation of the Order, therefore, the comprehensive approach necessary to deliver construction of the Link Road and access to the ESG development area would be likely to be hampered by the patchwork of plots falling outside the Council's control. Therefore, the Order is the only available means by which the land could be acquired in a timely manner. Waiting for market forces to deliver individual plots in private ownership risks delaying delivery of the ESG vision. [4.5.3, 6.2.14-6.2.17, 6.3.16, 6.3.20, 6.4.10, 6.5.9]

### Alternative Routes

- 8.5.5 The Council is charged with insufficiently exploring alternative means by which to achieve the ESG objectives, before committing itself to the significant costs associated with the Link Road. [7.1.9, 7.1.12]
- 8.5.6 There may not have been a full investigation into options looking to address outer city traffic flows. But the Council identified and properly weighed up the relative merits or otherwise of a range of different ways of facilitating regeneration of the ESG area, expansion of the city centre, effecting east-west connectivity and reducing traffic volumes on the inner ring road. [4.6.3, 7.1.16]
- 8.5.7 The last is intended to integrate the historic established part of the city centre with the area to the north of the inner ring road. Earlier investigations concluded that the options offering grade separation of pedestrian and vehicles were not workable. The reasons are explained in the Council's response to objections at paragraphs 7.1.16 and 7.1.17 above. Other options were evaluated in the 2003 and 2008 masterplanning processes but discounted for reasons of likely worsening of traffic conditions



---

on the inner ring road and the A49, unsatisfactory east-west linkage, cost or inability to deliver safety improvements. [7.1.16-7.1.19]

- 8.5.8 I do not doubt that the Link Road would bring with it certain disadvantages, as identified by Mr Vaughan and Councillor Bowen - the right turn movements across traffic flows, for instance. On the other hand, the 'A' class highway status intended for the Link Road would shift the balance in the road network hierarchy. Alongside signalised junctions, this approach would provide safe/expedited movements, as well as signalling conditions offering good crossing facilities for pedestrians and cyclists along the length of the new road itself. [7.1.5, 7.1.14]
- 8.5.9 The suggested alternative route would bring with it a number of benefits to the wider road network. The main ones are removal of pinch points at the narrow railway bridge on Newtown Road and the bridge on the A4103 to the north, with improved pedestrian and cycling facilities and enhanced traffic flow at the Newtown Road/A49 roundabout. The last would be delivered as part of the Link Road scheme in any event. What is more, because of its distance from the city centre, the road widening scheme on the A4103 (already safeguarded in the UDP) would be unlikely to lead to material reductions in traffic flows or congestion on the inner ring road. [7.1.7, 7.1.15]
- 8.5.10 Without an evaluated traffic assessment of the alternative route, it is difficult to fully establish its impact on Newmarket Street, Commercial Road, Aylestone Hill or on travel time overall in the city centre. By comparison, the TA estimates significant reductions on the inner ring road, 1-2% reduction in travel time in the centre and relief to Aylestone Hill with the Link Road in place. All that said, as the Council points out in its response, the alternative route suggested has its merits and indeed there are elements of it already identified in transport plans and the UDP. However, neither that nor the other alternatives explored by the Council would bring forward the scale of benefits or necessary infrastructure to progress regeneration of the ESG area and facilitate expansion of the city centre. [7.1.14, 7.1.15, 7.1.20]
- 8.5.11 The Link Road provides the only means by which the purpose of the CPO can be achieved. The route suggested by Mr Vaughan and Councillor Bowen has not been costed. However, comparing its costs with that of the Link Road serves little purpose, given the very different outcomes. [7.1.9, 7.1.23]

## 8.6 Funding and Deliverability

- 8.6.1 The question of cost of the Link Road scheme, and whether the Council has the necessary funds to proceed with it, is a common complaint amongst objectors. The £27m total cost of the scheme includes, construction of the road, land acquisition and compensation, of which £7m has already been spent. There is no evidence to suggest that recent agreements reached with landowners, or land remaining to be acquired, are likely to undermine the total cost estimates. The money is a committed part of the Council's Capital Programme. [4.8.1, 6.1.6, 6.5.3, 7.2.4]

- 
- 8.6.2 The Council has a clear idea of how the road is to be funded. This is to be achieved through a combination of capital receipts from sales of Council-owned land and borrowing. The former would materialise following construction of the Link Road, which would act as a catalyst for development of the ESG parcels of land. There is already interest in residential development in the area which in all likelihood would enable the Council to realise the capital receipts estimated. The new completed Retail Quarter provides an assured source of income and receipt. [4.4.7, 4.8.2, 4.8.3, 4.8.4, 4.8.9]
- 8.6.3 There is less certainty about the amount forthcoming from grant funding. Councillor Powers was sceptical about committing future New Homes Bonus to a road scheme without consulting the future community in the ESG area. On the former, there are good reasons for the Council to be confident that some of the Government funding sought will be forthcoming, given the high priority accorded to the road scheme. The Link Road is an essential enabling component of developments that would bring forward new homes in the area. The new community therefore is likely to be a significant beneficiary of the road; relying on the New Homes Bonus for its funding is not an unreasonable approach to take. [4.8.3, 7.2.4]
- 8.6.4 Elements of the Council's estimates and funding sources could be affected by circumstances beyond its control. However, it has a good record of delivering projects, in particular the ESG regeneration programme, of which the Link Road comprises the fourth major stage. Relocation of the Livestock Market, the Yazor Brook alleviation scheme and development of the Retail Quarter have been successfully implemented and demonstrate not only the commitment to the ESG scheme but also to the Council's ability to deliver complex and substantial projects. The Council has also set about acquiring land needed for the ESG regeneration and its success can be measured by ownership of 37.5% of the CPO area. [4.5.1, 4.8.7, 7.2.4]
- 8.6.5 Permissions granted for the Link Road and for Phase 1 of the Urban Village also testify to the Council's commitment to the schemes and their compliance with the area's policy framework. There are no planning-related impediments to progressing construction of the road, and the next stages of redevelopment of the ESG area are dependent on implementation of the road scheme. [3.1, 3.2]
- 8.6.6 There is evidence of developer interest by way of written expressions of interest as well as tangible commitments. Both Stanhope PLC (responsible for delivering the Retail Quarter) and the Sanctuary Group (applicant for Phase 1 of the Urban Village) are committed to the ESG cause. Developer interest and progressing redevelopment of the ESG is, however, conditional upon completion of the Link Road. [4.8.4, 4.8.9]
- 8.6.7 In short, the Council's record of delivery confirms that the prospects for completing the Link Road and furthering ESG regeneration are very good. The funding intentions described and interest from third parties for future developments add to the strength of the Council's case for the Link Road and the CPO.

---

## 8.7 **The Need to Acquire Statutory Objectors' Land Interests**

8.7.1 A number of objectors raise general points against the CPO which have been addressed in the earlier sections of these conclusions. These include, for instance, funding of the Link Road and the Council's reliance on an emerging Core Strategy to justify the CPO. The following sections conclude on objections specific to individual objectors' land interests. The compelling public interest case and allegation of interfering with rights under Article 1 of the First Protocol to the ECHR are addressed in Section 8.8.

### APP (Properties) Limited – Plots 28 and 29 [6.1]

8.7.2 The objector's property is used for a variety of retail/commercial purposes. Plot 28 is occupied by a two storey brick faced building with little or no design value to commend it. The property falls within the Phase 1 Urban Village development boundary. Continuation of the present commercial/retail or industrial use/s on this site would be inappropriate, given its prominence on Edgar Street and the high value urban design and regeneration aspirations for the ESG area. Allowing market forces to deliver the land brings with it risks of delay and the potential for jeopardising comprehensive development of the area. Inclusion of Plot 28 in the Order is justified in the interest of proper planning of the area.

8.7.3 Plot 29 is necessary for construction of an amended footway alignment. The re-alignment would allow for modifications to Edgar Street at its junction with the Link Road.

8.7.4 That the CPO boundary does not correspond with the red line of the approved outline planning application is neither here nor there. Illustrative plans show how Phase 1 of the Urban Village scheme could proceed with the existing buildings in place.

8.7.5 The Council has been pro-active in seeking to acquire the land by agreement, with the first offer being made in 2008. The negotiation process in January of this year has been ongoing but the objector had not provided the necessary information for the Council to make another offer. I agree that genuine attempts have been made by the Council and that the CPO should not be withheld on that basis. From the limited evidence provided, it does appear that the Shun Fung case is not relevant to considering the case for this CPO.

### Arrow Plant and Tool Hire Limited, Edgar Street Filling Station, and PK and JC Jones and MS and S Hughes, trading as Lincoln Properties and Sabrechance Limited [6.2]

8.7.6 These objections concern Plots 28, 30, 31 and 105. My conclusions on Plot 28 are set out in paragraph 8.7.2 above.

8.7.7 Plots 30 and 31 fall within the line of the junction of Edgar Street with the Link Road. To move the Link Road north or southwards to avoid the objection properties would entail demolition of additional properties including residential ones. Furthermore, the premises are necessary for a comprehensive approach to delivering Phase 1 of the Urban Village. The proposed route of the new road is the optimum for achieving a balance between minimising property losses and achieving the ESG aims.

- 
- 8.7.8 The route of the Link Road in the vicinity of Plot 105 is constrained by the Royal Mail delivery office to its south and the railway station to the north. Loss of Plot 105 is necessary to accommodate construction of the road and for realigning Station Approach. Given these constraints, there is no prospect of re-routing the Link Road to avoid the objection property.
- 8.7.9 With regard to Plots 30 and 31, the Council has been seeking to acquire the properties by agreement, with offers made in 2009 to purchase the freehold interests and options for compensation for relocation. Discussions have continued along similar lines with the objectors' representatives from 2013 onwards. The fact that the offers are not acceptable does not diminish the Council's efforts in acquiring the land interests in advance of this CPO. The same applies to Plot 105, although it appears that the Council is additionally seeking measures to address a potential dilapidation claim. Discussions are continuing but the Council cannot be blamed for a lack of agreement to date.
- 8.7.10 The ESG regeneration objectives, and those of planning policies seeking to reinforce Hereford's sub-regional role and to boost housing supply, would be hampered by relocating the businesses occupying Plots 28, 30 and 31 (Plot 105 is unoccupied) in another location within the Order land. The industrial type businesses and filling station (low value land uses) could not be accommodated alongside the high density residential and city expansion redevelopment schemes intended for the ESG area.
- 8.7.11 The plant and tool hire business currently occupying Plot 31 could operate from industrial premises elsewhere in Hereford, as it does with the Leominster branch. Equally, it could occupy premises in a rural position in the way found to be suitable in Kington. The evidence does not provide any convincing reasons for lack of suitable alternatives or why therefore the business would fold as a result of the CPO.
- 8.7.12 The same cannot be said for the filling station at Plot 30. The business would be lost but the Compensation Code would allow appropriate recompense. The reasons for acquiring the property have been fully justified by the Council and for the Link Road construction to proceed expeditiously there is no alternative.
- 8.7.13 The charity body with freehold interest in Plot 105 is not claiming that its future is threatened by loss of its property. The Council has appropriately offered means by which to compensate for shortfall in investment income.
- J and EL Smith, trading as CRW Carpets, WTW and AH Maguire and Tremlo Limited [6.3]
- 8.7.14 Plots 24 and 25 comprise highway land and the Edgar Road frontage parking area for the carpet sales warehouse at 40a Edgar Street. Plot 32 is leased from the Council; the land provides parking as well as delivery access to the property.
- 8.7.15 The plots are needed for construction of the new Edgar Street junction with the Link Road. There are no alternatives. The objectors' concerns focus mainly on the impact on the carpet business from loss of parking, poor access and diminished presence in the streetscene.

- 
- 8.7.16 I note the history of negotiations with the Council and also note that there may have been some misunderstanding on reimbursements for construction of the alternative car parking arrangements. However, it has to be said, that the Council has gone a long way in this case to meet the objectors' concerns. The solutions offered would provide them with a level of certainty regarding future parking and access. The most recent offer (April 2014) is generous and commits the Council to providing land sufficient for 12 car parking spaces, and for access for loading and delivery vehicles. This is a marked improvement over the existing situation and would not worsen the trading position.
- 8.7.17 Following construction of the Link Road, the carpet warehouse premises would occupy a corner location with better exposure than at present.
- 8.7.18 Reimbursement of costs for constructing the car park is not a matter for this CPO process. From my part, I am satisfied that the arrangements offered to compensate for acquiring the objectors' interests would be likely to represent an improvement over the current parking and access position. With the arrangements in place, the carpet warehouse business would not be exposed to poorer trading conditions as a result of the Order.

Office of the Police and Crime Commissioner West Mercia (OPCC West Mercia) – Plots 73 and 74<sup>1</sup> [6.4]

- 8.7.19 Plot 73 is one of the substantial plots within the ESG Masterplan regeneration area. It is an underused piece of land with poor access and is almost entirely landlocked. Plot 74 comprises the bed and bank alongside the route of the Widemarsh Brook. The Link Road and diversion of the brook intended are necessary and 'enabling' parts of the infrastructure that would bring this land forward for development. Plot 73 is required in connection with construction of the Link Road for the construction compound.
- 8.7.20 It is clear that the objector and the Council are working towards a common aim. The former is supportive of the Link Road and redevelopment of the ESG but sees no reason for appropriation of the land by the Council and wishes to keep redevelopment options open. The Council is not resistant to the idea of a police headquarters on the site as part of the regeneration proposals for the area, but is not optimistic of its prospects.
- 8.7.21 The police headquarters may be a remote possibility for a number of reasons. The OPCC is, however, minded to develop the land in line with the ESG objectives and the Council accepts that would be the case. Nevertheless, without an agreed position on ownership, on arrangements for access to Plots 73 and 74 and the level of uncertainty that follows, the possibility of delay as well as an inability to proceed with implementation of the Link Road construction cannot be discounted.
- 8.7.22 By the time the Inquiry closed, it did appear that the parties were close to an agreement. The Council's most up to date offer appears a good

---

<sup>1</sup> As no objection is raised to Plot 54 (subsoil to highway in which the objector has an interest) I confine my considerations to Plots 73 and 74

---

compromise that would benefit both parties. The CPO is capable of being modified in accordance with the Council's offer, but only if the Secretary of State for Communities and Local Government is satisfied that an agreed position is in place and the objection has been withdrawn. Without the agreement, or a request from the Council for modification in the light of an agreement with the OPCC, Plots 73 and 74 should not be excluded from the Order lands. This approach would remove any uncertainties that might linger and impede future development of or works on these key pieces of land.

Ron Smith and Company Limited – Plot 55 [6.5]

- 8.7.23 The general objections have been addressed in earlier sections of these conclusions.
- 8.7.24 The objection land falls within the line of the Link Road. The objector has not questioned the route or the need for the land to enable the road to be constructed. The concerns centre on closure of the business due to lack of alternative suitable premises for relocating the garden machinery sales and servicing operations occupying Plot 55. The claim that the Worcester branch would close as a consequence of the loss of the Hereford branch has not been properly substantiated. Nevertheless, the impact on the Hereford branch should not be underestimated.
- 8.7.25 That said, both parties have been working towards a resolution. The Council has taken responsibility for commissioning a feasibility study to evaluate the prospects of relocation to a Council-owned property at Rockfield Road (close to Aylestone Hill). The objector's representative informed me that the Council had worked hard to find a suitable accommodation for the business; for that it could not be faulted. Should the Rockfield Road option not materialise, I am confident that the Council would continue to co-operate with the objector to search for an appropriate alternative in Hereford. For reasons I have explained in connection with other commercial premises, relocation within the Order land would not be appropriate.
- 8.7.26 Given the critical need for the objection land to completion of the Link Road, the Order should proceed with Plot 55 included, even in the absence of a final and agreed relocation option for the objector's business.

White Pillar Properties Limited – Plots 116, 117 and 118 [6.6]

- 8.7.27 The Council concedes that each of the plots identified in the objection would be affected by the works required to link the new road with Commercial Road, in addition to works connected with the culverted Widemarsh Brook at this location. However, as the plots form part of existing or future highway land, their inclusion in the Order is necessary to ensure that outstanding property interests or rights do not delay or impede implementation of the road scheme.
- 8.7.28 The Council has a duty to ensure that access to commercial/industrial properties and the objector's premises at the Brook Retail Park is retained. I am confident that the duty would be honoured and disruption would be

---

minimised through the construction contract. There is no good reason for excluding the objection plots from the Order.

Dŵr Cymru Welsh Water and National Grid [6.7, 6.8]

8.7.29 As statutory undertakers, the objectors do not own any part of the CPO land. Nevertheless, their apparatus may be affected by development in the future.

8.7.30 The Council has acted responsibly by evaluating and undertaking studies to establish the nature of future service requirements and preparing for the effects of development. Nothing in the evidence suggests that its actions in the future would be anything other than responsible and respectful of the objectors' apparatus. There is no reason to modify or withhold the Order in response to the objectors' comments.

**8.8 Compelling Case in the Public Interest and Overall Balance**

8.8.1 With all that I have said above, it follows that the Order lands are needed to successfully and effectively implement construction of the Link Road and progress regeneration of the ESG area. Benefits to the community are likely to be considerable and would markedly improve the well-being of the area. [4.9.1, 4.9.2]

8.8.2 The public interest would be clearly served by development of the Link Road and ESG schemes, and a compelling case for the Order has been demonstrated. The grounds for proceeding with the Order are weighty. Should any of the individual land interests be excluded, the well-being purpose of the Order could be frustrated and unacceptably delayed. From the evidence submitted and heard at the Inquiry, I am content that there are either good prospects for resolutions to the statutory objectors' individual issues or that their losses would be adequately compensated. There is no alternative route or other means by which the regenerative objectives would be achieved and the Council has been diligent about seeking to acquire land by agreement. Article 1 of the First Protocol of the ECHR concerns enjoyment and deprivation of possessions. Confirming the Order would interfere with the objectors' rights under Article 1. Having regard to the beneficial outcome and legitimate policy framework underpinning the city's regeneration, the Order is proportionate and necessary. The compelling public interest cannot be achieved by any other means. [4.7.3, 4.9.2, 4.9.3, 6.2.7, 6.5.5, 7.1.12]

8.8.3 The grounds for proceeding with the CPO are convincing. There may be some uncertainty with regard to elements of the Council's funding intentions. However, the general indication of funding provided and evidence of future developer commitment are sufficient to be assured that there is a reasonable prospect of the Link Road scheme and future regeneration proceeding. [4.8.2, 4.8.3, 4.8.4, 7.2.4]

**8.9 Recommendation**

8.9.1 I recommend that the County of Herefordshire District Council (Edgar Street Grid and Link Road) Compulsory Purchase Order 2013 be confirmed.

---

## **9. INSPECTOR'S CONCLUSIONS AND RECOMMENDATION ON THE SRO**

- 9.1 The Council requested that the SRO be modified in accordance with the changes and corrections described in paragraph 1.4.1 and 1.4.2 of this Report (also see ID/10). The corrections are minor in nature and distances altered are no greater than the distances specified in the original Order. They are necessary to achieve consistency between the SRO Schedules and the SRO plans. [1.4.1, 1.4.2]
- 9.2 The more substantive changes in terms of deleting part of highway C and the private means of access 11 initially drew an objection from Jewson Ltd, Gibbs and Dandy Ltd and SGBD Property Holdings Ltd (recorded as a single objector). However, the objection was withdrawn and the changes are necessary in the interest of continued effective operation of Royal Mail's services<sup>1</sup>. I am satisfied that considering the merits of the SRO on the basis of the modifications sought would not prejudice anyone's interest. My conclusions from here onwards therefore apply only to the modified SRO. [5.2.1, 5.2.2, 5.2.3]
- 9.3 If I am to recommend that this modified SRO be confirmed, I need to be satisfied in the following respects:
- In relation to the stopping up of highways, that another reasonably convenient route is available or will be provided before the highway is stopped up<sup>2</sup>.
  - In relation to the stopping up of private access to premises that: no means of access to the premises is reasonably required; or, that another reasonably convenient means of access to the premises is available or will be provided in pursuance of an order made by virtue of section 125(1)(b) or otherwise<sup>3</sup>
- 9.3.1 The modified SRO is necessary for construction of the Link Road; it would provide for improvements and alterations to side roads and to private means of access along the route of the new road, in the interest of safety and good traffic management. The section of Widemarsh Street to be stopped up would facilitate construction of the junction with the new Link Road. The new junction arrangement would comprise the alternative route for traffic. Stopping up of Station Approach would allow for construction of the new southern arm of the junction, with the Link Road forming the eastern and western arms. Traffic currently using this highway to be stopped up would be provided for by way of new highway reference C on the Map and a new footpath referenced D. [5.1.2, 5.1.6]
- 9.3.2 The modified SRO Schedule and Plans (CD/22 and CD/23) confirm the alternative arrangements for the private means of access to be stopped up. I am satisfied that the premises affected would be conveniently provided for

---

<sup>1</sup> The route of the proposed Link Road crosses existing Royal Mail land (CPO Plots 101, 102 and 103)

<sup>2</sup> Section 14(6) of the Highways Act 1980

<sup>3</sup> Section 125(3) of the Highways Act 1980



---

under the Order. Only plots subject to the CPO would be left without an access. [5.1.7, 5.2.3]

9.3.3 Therefore, the provisions of the modified SRO would comply with the statutory tests. It is necessary for implementation of the Link Road and its wider regenerative outcomes.

9.4 **Recommendation**

9.4.1 I recommend that the County of Herefordshire District Council (A465 (Hereford Link Road) Classified Road) (Side Roads and Other Works) Order 2013 be confirmed in accordance with the modifications in ID/10.

*Ava Wood*

Inspector

---

## **APPEARANCES**

### **FOR THE ACQUIRING AUTHORITY:**

Mr Timothy Jones of counsel	Instructed by Pinsent Masons LLP
He called:	
Dr David Nicholson BSc PhD MRTPI	Planning Consultant
Mr Christopher Oakley BSc DipTP DipMM MICE MIHT	Director, Crown Dynamics International Ltd.
Mr George Walker BEng CEng MICE MCIHT	Associate, Parsons Brinckerhoff
Mr Peter Robinson MBA CPFA	Chief Finance Officer, Herefordshire Council
Mr Ian Higgs Dip Est Man	Property Development Manager, Herefordshire Council
Mr Andrew Cook BA FRICS IRRV	Regional Board Director, Lambert Smith Hampton Group Limited

### **APPEARANCES AT INQUIRY BY OBJECTORS OR ON BEHALF OF OBJECTORS**

Mr A H Vaughan CEng MICE MRTPI	Non-statutory objector
Councillor Sebastian Bowen Councillor Anthony Powers	Non-statutory objector It's Our County Group Leader and non-statutory objector
Mr J A Turner	On behalf of Ron Smith and Ron Smith and Company Limited
Mr and Mrs Smith t/a CRW Carpets	Statutory Objectors

---

## DOCUMENTS LIST

Core Document Number	Title of Core Document
1.	Cabinet report dated 14 March 2013, minutes of Cabinet meeting dated 14 March 2013 and written statement
2.	Cabinet report dated 14 June 2012, minutes of Cabinet meeting dated 14 June 2012 and written statement
3.	Updated report to Cabinet Member and written statement dated 18 July 2013
4.	Decision notice for planning permission for the Link Road, reference DMCE092576/F and site boundary plan
5.	Plans showing non-material amendment to planning permission reference 130789/AM
6.	Link Road Scheme/General Arrangement Drawing
7.	Map showing the ESG Area
8.	Site Wide Strategy for the ESG Area
9.	National Planning Policy Framework
10.	Herefordshire Unitary Development Plan (UDP, adopted March 2007)
11.	Direction of the Secretary of State to save the policies of the UDP (24 February 2010)
12.	Local Development Scheme (June 2010)
13.	Edgar Street Grid Design Framework Supplementary Planning Document (SPD, adopted November 2007)
14.	ESG Masterplan (July 2008)
15.	The draft 'Herefordshire Local Plan – Core Strategy 2011 – 2031' (pre submission draft) dated July 2013
16.	Map showing the position of the Scheduled Ancient Monument
17.	Map showing the Hereford Central Conservation Area

18.	Hereford Link Road – Compensation Guide for Owners and Occupiers
19.	The County of Herefordshire District Council (Edgar Street Grid and Link Road) Compulsory Purchase Order 2013
20.	Compulsory Purchase Order Map
21.	Statement of Reasons for the Compulsory Purchase Order
22.	The County of Herefordshire District Council (A465 (Hereford Link Road) Classified Road) (Side Roads and Other Works) Order 2013
23.	Side Roads Order Plans
24.	Statement of Reasons for the Side Roads Order
25.	Agreement with the Highways Agency pursuant to Section 6 of the Highways Act 1980
26.	Edgar Street to Commercial Road link road and cycleway, Environmental Statement, Volume 1 Main Report, chapter 5.
27.	Technical Guidance to the National Planning Policy Framework
28.	Statement of Case for the Compulsory Purchase Order
29.	Statement of Case for the Side Roads Order
30.	ODPM Circular 06/2004
31.	Herefordshire Council – Local Development Scheme - January 2014
32.	Secretary of State Direction 24 February 2010 including schedule
33.	Department for Business, Innovation and Skills and Department for Communities and Local Government, Planning for Growth, written statement 23 March 2011
34.	Department for Communities and Local Government, Housing and Growth, written statement 6 September 2012
35.	Herefordshire Council, Enterprising County, Economic Development Strategy for Herefordshire 2011-2016,

	November 2011
36.	Herefordshire Council/Homes and Communities Agency, Local Investment Plan 2011-2026, January 2011
37.	West Midlands Impact Investment Location, Overview for 2009/2010, Advantage West Midlands, July 2010
38.	WMRSS Phase 2 Revision – Draft, Preferred Option, Chapter 3 The Spatial Strategy for the Development of the West Midlands, December 2007
39.	Hereford City Centre Regeneration Strategy
40.	New Growth Points – Hereford (2006)
41.	Hereford Edgar Street Grid: 20 Year Vision - Regeneration Framework - May 2004
42.	Hereford Markets Act 2003
43.	Planning Inspectorate, Appeal decision APP/W1850/A/13/2192461, Home Farm, Belmont, Hereford HR 2 9RX, 10 January 2014.
44.	Herefordshire Council, Local Transport Plan Strategy and Delivery 2013-2015, March 2013.
45.	Herefordshire Council, Local Transport Plan (2006/2007-2010-2011)
46.	Ove Arup & Partners, Edgar Street Grid, Hereford Masterplan Strategy – Transportation Existing Conditions and Proposed Masterplan March 2003
47.	ESG Herefordshire Ltd, Edgar Street to Commercial Road Link Road and Cycleway Transport Assessment October 2009 and appendices
48.	2009-2013 Personal Injury accident plot of ESG and surrounding area
49.	Retail quarter proposals for Newmarket Street
50.	Design Manual for Road and Bridges (DMRB) - Volume 6 – TD 9/93
51.	Design Manual for Road and Bridges (DMRB) - Volume 6 –TD 50/04
52.	Design Manual for Road and Bridges (DMRB) - Volume 6 – TD 42/95

53.	Manual for Streets published by DoT
54.	Written Statement of a non- key decision – Cabinet Member for Infrastructure – 13 January 2014
55.	Council's Medium Term Financial Strategy approved by Council on 7 February 2014
56.	The Link Road Scheme approved by Council on 3rd February 2012
57.	Traffic Signs and Regulations and General Directions 2002 (Department for Transport) January 2003
58.	Decision notice in respect of the non material amendment to the Link Road planning application
59.	Proposed scheme drawing (all)
60.	Urban Village Phase 1 decision notice
61.	Plan of properties acquired
62.	Ove Arup Masterplan document (2004)
63.	Planning application for the proposed footway/cycleway link
64.	ESG Development Area (Revised Scheme) Hereford; Road Safety Audit Stage 1; TMS Ref 8911
65.	Edgar Street/Newtown Road/Farriers Way Roundabout; Road Safety Audit Stage 1; TMS Ref 8912
66.	ESG Development Area, Hereford; Stage 1 Road Safety Audit Designer's Response; PB Ref HDC91362A/RSA/01
67.	BS5489 Part 1 2013 Code of Practice for the Design of Road Lighting (British Standards Institution) December 2012
68.	Draft Core Strategy – Herefordshire Context
69.	Draft Core Strategy - vision, objectives and the spatial strategy
70.	Link Road plan (2010 permission)
71.	UDP proposals map, Hereford City
72.	Non-Material Amendment Plan Ref 1DMCXN018-1-024
73.	E-mail from Mairead Lane, Construction Manager, Hereford Council to National Grid (Plant Protection)

	dated 20 March 2014
74.	Drawing 5551535-SRO-003 revision D
75.	<i>Not Used</i>
76.	<i>Not Used</i>
77.	<i>Not Used</i>
78.	<i>Not Used</i>
79.	<i>Not Used</i>
80.	<i>Not Used</i>
81.	<i>Not Used</i>
82.	<i>Not Used</i>
83.	<i>Not Used</i>
84.	<i>Not Used</i>
85.	Database of Objections as at 23.04.14
86.	Database of Objections as at 01.05.14

### **PROOFS OF EVIDENCE SUBMITTED BY THE ACQUIRING AUTHORITY**

<b>HDC/DN/1.1</b>	Proof of Evidence of Dr David Nicholson (Overview)
<b>HDC/DN/1.2</b>	Appendix to main proof of Dr David Nicholson (Overview)
<b>HDC/DN/1.3</b>	Summary Proof of Dr David Nicholson (Overview)
<b>HDC/DN/2.1</b>	Proof of Evidence of Dr David Nicholson (Planning)
<b>HDC/DN/2.2</b>	Appendix to main proof of Dr David Nicholson (Planning)
<b>HDC/DN/2.3</b>	Summary Proof of Dr David Nicholson (Planning)
<b>HDC/CFO/1.1</b>	Proof of Evidence of Mr Christopher Oakley (Transport)

<b>HDC/CFO/1.2</b>	Summary Proof of Mr Christopher Oakley (Transport)
<b>HDC/GW/1.1</b>	Proof of Evidence of Mr George Walker (Highway Engineering)
<b>HDC/GW/1.2</b>	Summary Proof of Mr George Walker (Highway Engineering)
<b>HDC/PR/1.1</b>	Proof of Evidence of Mr Peter Robinson (Funding)
<b>HDC/CIH/1.1</b>	Proof of Evidence of Mr Ian Higgs (Property and Acquisitions)
<b>HDC/CIH/1.2</b>	Summary Proof of Mr Ian Higgs (Property and Acquisitions)
<b>HDC/ANC/1.1</b>	Proofs of Evidence of Mr Andrew Cook (Property and Acquisitions)
<b>HDC/ANC/1.2</b>	Summary Proof of Mr Andrew Cook (Property and Acquisitions)

### **REBUTTAL PROOFS SUBMITTED BY THE ACQUIRING AUTHORITY**

<b>HDC/REB/01</b>	Rebuttal to Mr Vaughan and Cllr S Bowen
<b>HDC/REB/02</b>	Rebuttal to Tremlo, CRW, Smith & Maguire
<b>HDC/REB/03</b>	Rebuttal to Jewson Limited/SBGD/Gibbs and Dandy
<b>HDC/REB/04</b>	Rebuttal to Cllr Powers (Part 1)
<b>HDC/PR/1.2</b>	Rebuttal to Cllr Powers (Part 2 – Funding)

### **DOCUMENTS SUBMITTED BY OBJECTORS**

<b>OBJ/03/1</b>	Letter of objection from Mr & Mrs Smith t/a CRW Carpets
<b>OBJ/03/2</b>	Proof of Evidence from Mr Hugh Phillips, obo CRW Carpets
<b>OBJ/03/3</b>	Summary proof from Mr Hugh Phillips, obo CRW Carpets
<b>OBJ/03/4</b>	Appendices to proof from Mr Hugh Phillips, obo CRW Carpets



<b>OBJ/06/1</b>	Statement of Jewson, SGBD and Gibbs and Dandy, this includes Jewson Core Documents (1 to 7)
<b>OBJ/06/02</b>	Email from William Sclater obo Jewson Ltd dated 28 April 2014, with attachments
<b>OBJ/06/03</b>	Letter of objection from Gerald Eve, obo Jewson/SGBD and Gibbs & Dandy

<b>OBJ/11/1</b>	Letter of objection from Mr & Mrs Maguire
<b>OBJ/11/2</b>	Proof of Evidence from Mr Hugh Phillips, obo Mr & Mrs Maguire
<b>OBJ/11/3</b>	Summary proof from Mr Hugh Phillips, obo Mr & Mrs Maguire
<b>OBJ/11/4</b>	Appendices to proof from Mr Hugh Phillips, obo Mr & Mrs Maguire

<b>OBJ/14/1</b>	Statement of West Mercia Police and Crime Commissioner
<b>OBJ/14/2</b>	Letter from West Mercia Police to the Inspector, dated 29 April 2014
<b>OBJ/14/3</b>	Letter of objection from Ashfords, obo West Mercia Police

<b>OBJ/15/1</b>	Proof of Evidence from Mark Westwood, on behalf of Royal Mail and Royal Mail Estates
<b>OBJ/15/2</b>	Appendices to proof

<b>OBJ/18/1</b>	Statement of Mr Andrew Turner on behalf of Ron Smith and Ron Smith & Company Limited
<b>OBJ/18/2</b>	Original objection letter on behalf of Ron Smith & Company Ltd. dated, 11 October 2013

<b>OBJ/19/1</b>	Letter of objection from Tremlo Limited
<b>OBJ/19/2</b>	Proof of Evidence from Mr Hugh Phillips, obo Tremlo Limited
<b>OBJ/19/3</b>	Summary proof from Mr Hugh Phillips, obo Tremlo Limited
<b>OBJ/19/4</b>	Appendices to proof from Mr Hugh Phillips, obo Tremlo Limited

<b>OBJ/22/1</b>	Statement of Case of Western Power Distribution(West Midlands) PLC
-----------------	--

<b>OBJ/25/1</b>	Statement of Case from Cllr Powers (Non Statutory Objector)
<b>OBJ/25/2</b>	Closing Statement from Cllr Powers (Non Statutory Objector)

### **DOCUMENTS SUBMITTED ON ALTERNATIVE ROUTES**

<b>ALT/1</b>	Statement of Mr A Vaughan regarding Suggested Alternative Traffic Alleviation Routes
<b>ALT/1/1</b>	Updated Statement of Mr AH Vaughan, regarding Suggested Alternative Traffic Alleviation Routes

<b>ALT/2</b>	Statement of Cllr Sebastian Bowen regarding Alternative Route for the Proposed Link Road Order
--------------	--

### **DOCUMENTS SUBMITTED DURING INQUIRY**

<b>ID/1</b>	Opening Statement of the Acquiring Authority (23 April 2014)
<b>ID/2</b>	Questions from Mr Jon Turner (Ron Smith & CO) (23 April 2014)
<b>ID/3</b>	Site Visit Itinerary with Plan (23 April 2014)
<b>ID/4</b>	Folder of photos (24 April 2014)
<b>ID/5</b>	Plans showing Redline boundary – Urban Village (24 April 2014)
<b>ID/6</b>	Utility Plans – Welsh Water (24 April 2014)
<b>ID/7</b>	Utility Plans – Statutory Undertakers (24 April 2014)
<b>ID/8</b>	Land Ownership Plan (24 April 2014)
<b>ID/9</b>	Land Registry and Title
<b>ID/10</b>	SRO Provisions to be excluded document (24 April 2014)
<b>ID/11</b>	Plan of objections to the CPO 2013 (24 April 2014)
<b>ID/12</b>	Cabinet Meeting notes dated 19 January 2012, Draft Financial Strategy and Budget (24 April 2014)
<b>ID/13</b>	Answers to the Inspectors questions (24 April 2014)
<b>ID/14</b>	Email from Myles Thomas, Persimmon Homes to Stephanie Kitto, dated 17 October 2013 (24 April 2014)
<b>ID/15</b>	Email from Gareth Hawke Taylor Wimpey to Stephanie Kitto, dated 4 November 13 (24 April 2014)

<b>ID/16</b>	Breakdown of figures – Funding of Link Road Scheme (24 April 2014)
<b>ID/17A</b>	Letter to Mr Phillips, dated 18 March 2014, Re: CRW Carpets/Tremlo (24 April 2014)
<b>ID/17B</b>	Letter to Mr & Mrs Maguire, dated 22 February 2013, Re: CRW Carpets (24 April 2014)
<b>ID/17C</b>	Letter to Mr & Mrs Maguire, dated 13 February 2013, Re: CRW Carpets (24 April 2014)
<b>ID/18</b>	Letter to Ron Smith, dated 3 February 2012, Re: Update of scheme (24 April 2014)
<b>ID/19</b>	Note to the Inquiry from Mr Chris Oakley (30 April 2014)
<b>ID/20</b>	Note to the Inquiry from Mr Andrew Cook, RE: CRW Carpets (30 April 2014)
<b>ID/21</b>	Position Statement from Mr Andrew Cook on Edgar Street Filling Station and Lincoln Properties (30 April 2014)
<b>ID/22</b>	HUB Concept Proposals for Proposed New Showroom and Workshop Building, Rockfield Road
<b>ID/23A</b>	Plan showing Link Road General Arrangement – HDC91362A/P002-4 (30 April 2014)
<b>ID/23/B</b>	Plan showing ESG Hereford Development Area – HDC91362A-P003 (30 April 2014)
<b>ID/24</b>	Meeting Notes of 07.02.14, linked with CD55 (30 April 2014)
<b>ID/25A</b>	Letter to BNP dated 14 April 2014 from Herefordshire Council (30 April 2014)
<b>ID/25B</b>	Plans relating to letter above to BNP (30 April 2014)
<b>ID/26</b>	Extract of the Herefordshire Strategic Housing Assessment 2011-2031 (30 April 2014)
<b>ID/27</b>	Note to Inquiry from Peter Robinson in response to questions on funding asked by Cllr Powers (30 April 2014)
<b>ID/28</b>	Note to Inquiry from Mr Higgs regarding compensation (1 May 2014)
<b>ID/29</b>	Closing Statement from the Acquiring Authority (1 May 2014)

## **WRITTEN REPRESENTATIONS RECEIVED FROM OBJECTORS**

<b>OBJ/01/1</b>	Letter of objection received from Mr Shaun O’Keeffe, obo APP Properties Limited
<b>OBJ/02/1</b>	Letter of objection received from Mr Hugh Phillips, obo Arrow Plant and Tool Hire Limited
<b>OBJ/04/1</b>	Letter of objection received from Mr Hugh Phillips, obo Edgar Street Filling Station Limited
<b>OBJ/09/1</b>	Letter of objection received from Mr Hugh Phillips, obo Hughes & Jones, trading as Lincoln Properties

<b>OBJ/16/1</b>	Letter of objection received from Mr Hugh Phillips, obo Sabrechance Limited
<b>OBJ/21/1</b>	Letter of objection received from Welsh Water/Dwr Cymru
<b>OBJ/24/1</b>	Letter of objection received from National Grid

#### **WITHDRAWN OBJECTIONS – BEFORE THE INQUIRY**

<b>WD/01</b>	Hereford Boilers – Withdrawn – 16 April 2014
<b>WD/02</b>	Lively Family – Withdrawn – 17 April 2014
<b>WD/03</b>	Llewellyn Heating – Withdrawn – 16 April 2014
<b>WD/04</b>	Mr & Mrs Lambert – Withdrawn – 19 March 2014
<b>WD/05</b>	Mr & Mrs Turner – Withdrawn – 19 March 2014
<b>WD/06</b>	The Mokler Family – Withdrawn – 17.February 2014
<b>WD/07</b>	Network Rail – Withdrawn – 24 January 2014
<b>WD/08</b>	Mr Sanders – Withdrawn – 12 February 2014
<b>WD/09</b>	Western Power – Withdrawn – 8 April 2014
<b>WD/10</b>	St James Place Property Trust Unit – Withdrawn – 22 April 2014

#### **WITHDRAWN OBJECTIONS – DURING THE INQUIRY**

<b>WD/11</b>	Jewson Limited/SGDP Properties – Withdrawn – 30 April 2014
<b>WD/12</b>	Royal Mail and Royal Mail Estates – Withdrawn – 29 April 2014