

CABINET

10:00	Thursday, 23 November 2017	Committee Room 1, County Hall, Chelmsford, CM1 1QH
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Quorum: 3

Membership

Councillor David Finch
Councillor Kevin Bentley

Councillor Susan Barker
Councillor Ray Gooding
Councillor Ian Grundy
Councillor Sue Lissimore
Councillor Dick Madden
Councillor Louise McKinlay
Councillor John Spence
Councillor Simon Walsh

Cabinet Member responsibility

Leader of the Council (Chairman)
Deputy Leader and Economic Growth, Skills,
Infrastructure and the Digital Economy
(Vice-Chairman)
Culture, Communities and Customer
Education
Highways
Housing, Property and Planning
Children and Families
Resources
Health and Adult Social Care
Environment and Waste

**For information about the meeting please ask for:
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Essex County Council

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Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Apologies for Absence	
2	Minutes: 17 October 2017	5 - 10
3	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
4	Questions from the Public A period of up to 15 minutes will be allowed for members of the public to ask questions or make representations on any item on the agenda for this meeting. On arrival, and before the start of the meeting, please register with the Democratic Services Officer.	
5	A120 Braintree to A12: report on option selection and consultation (FP/830/05/17)	11 - 52
6	M11 J7A - Decision to acquire land by Compulsory Purchase and the publication of Compulsory Purchase Orders and associated documents (FP/968/10/17)	53 - 96
7	Award of Service Orders under 0538 Residual Waste Disposal Framework (FP/947/09/17)	97 - 110
8	Decisions taken by or in consultation with Cabinet Members (FP/957/10/17)	111 - 114
9	Date of Next Meeting To note that the next meeting of the Cabinet will take place on Tuesday 19 December 2017.	
10	Urgent Business To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

11 M11 J7A – Decision to acquire land by Compulsory Purchase and the publication of Compulsory Purchase Orders and associated documents (FP/968/10/17) - Confidential Appendix F

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

12 Award of Service Orders under 0538 Residual Waste Disposal Framework (FP/947/09/17) - Confidential Appendix

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

13 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

Minutes of the meeting of the Cabinet, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Tuesday, 17 October 2017

Present:

Councillor	Cabinet Member Responsibility
David Finch	Leader of the Council (Chairman)
Susan Barker	Culture, Communities and Customer
Ian Grundy	Highways
Louise McKinlay	Resources
Dick Madden	Children and Families
John Spence	Health and Adult Social Care
Simon Walsh	Environment and Waste

Councillors T Ball, J Beavis, M Buckley, S Canning, P Channer, R Gadsby, A Goggin, T Hedley, I Henderson, M Mackrory, C Pond and A Turrell also attended.

1 Apologies for Absence

Apologies for absence were received from Councillor Kevin Bentley (Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and Digital Economy), Councillor Sue Lissimore (Cabinet Member Housing, Property and Planning) and Councillor Ray Gooding (Cabinet Member for Education).

2 Minutes: 19 September 2017

The minutes of the meeting held on 19 September 2017 were agreed as a correct record and signed by the Chairman subject to an amendment of Councillor Turrell being made to the list of councillors in attendance.

3 Declarations of Interest

Councillor M Mackrory declared a Code interest in agenda item 5 (Financial Overview) in that he is a director of Boswells multi-academy trust - item 5 below refers.

Councillor C Pond declared a Code interest in agenda item 7 (Spend of improved Better Care Fund) in that he is a member of the North-East London Joint Health Overview & Scrutiny Committee - item 7 below refers.

Councillor M Mackrory declared a Code interest in agenda item 7 (Spend of improved Better Care Fund) in that he is a company member of Farleigh Hospice - item 7 below refers.

Councillor J Spence declared a Code interest in agenda item 9 (Medtech accelerator investment) in that he is a governor of Anglia Ruskin University - item 9 below refers.

4 Questions from the Public

There were none.

5 2017/18 Financial Overview as at the Half Year Stage (FP/745/02/17)

The Cabinet considered report FP/745/02/17, which set out the forecast financial position of Essex County Council's (ECC) revenue and capital budget as at the half year stage of the 2017/18 financial year. This reported a full year forecast overspend on revenue of £1.4 million (0.1%) against a net budget of £914.5m. This assumed that the balance of the Emergency Contingency (of £4m) was fully committed; if there were no further calls, then the full year forecast under spend was expected to be £2.6m. This position is an improvement on the Quarter 1 report of £3.5m.

The report also set out an underspend of £1.1m on capital against the current budget of £264.7m. Assuming that the capital budget requests were approved, there would be an underspend of £560,000.

Councillor Louise McKinlay, Cabinet Member for Resources and Councillor Dick Madden, Cabinet Member for Children's and Families provided the following information in response to questions by Councillors Mackrory, Henderson, Turrell and Pond.

- The error with the Rochford District Council tax issue amount is an estimate.
- Rechargeable support services costs are kept under constant review; however we do have a large share of the market for support services.
- The Chairman will speak to the Chief Executive about the wording used in paragraph 11.2, under Financial Implications, with regard to its being perceived as a political statement
- A written answer will be provided to Councillor Turrell in relation to the transit site provision.
- There has been an increase in the delivery of outreach services following the closure of some of the Children's Centre's across Essex with an increase of 40-70% outreach delivery. It was agreed that Councillor Madden would speak to Councillor Henderson outside the meeting on the specific issues raised.
- The savings from support services will not be fully achieved in 2017/18 but will be full year savings in 2018/19.
- We constantly review the budget and will be working with Scrutiny in the budget setting process.
- Councillor Madden will speak to Councillor Henderson separately after the meeting regarding the provision for hard-to-reach families.
- A reference to Epping will be checked as to whether it should be Epping or Epping Forest within the report and report back to Councillor Pond.

Resolved:

1. That there be a draw down of funds from reserves as follows:

- a. A sum (not to exceed £5m) determined by the Section 151 Officer from the Transformation Reserve to portfolios as required to fund redundancy costs arising from Organisational Design subject to services not being able to mitigate this expenditure
- b. £1.6m from the Quadrennial Reserve to the Leader portfolio attributable to costs associated with the local elections held in May 2017
- c. £432,000 from the Capital Receipts Pump Priming Reserve to the Resources Recharged Support Services portfolio in relation to funding for the Capital Receipts team
- d. £301,000 from the Community Initiatives Fund Reserve to the Reserve for Future Capital Funding, via the Environment and Waste portfolio, to match expenditure incurred to date in 2017/18 in relation to community projects.

2. That funds to reserves are appropriated as follows:

- a. £116,000 to the Transformation reserve from Highways portfolio in relation to 2017/18 savings identified in the recent LED Street Lighting Final Business case.

3. That the following adjustments are made:

- a. To transfer £4,598 from the Carry Forward reserve to the General Balance. This is the remaining balance from 2016/17 which is no longer required
- b. To vire a total of £1.2m to the Resources Recharged Support Services portfolio from Health and Adult Social Care (£665,000), Culture Communities and Customer (£178,000), Education (£172,000), Housing, Planning and Property (£101,000), Environment and Waste (£55,000) portfolios and a further £454,000 unused balance from the Grant Equalisation reserve, relating to mitigations for the Organisational Development savings
- c. To vire a total of £160,000 from Deputy Leader and Economic Growth, Skills, Infrastructure and the Digital Economy (£46,000), Health and Adult Social Care (£34,000), Children and Families (£23,000), Leader (£23,000), Leader Recharged Support Services (£23,000) and Education (£11,000) portfolios to the Resources Recharged Support Services portfolio as a contribution towards Business Support for Executive Directors

- d. To vire a total of £1.0m from Other Operating Costs interest receivable budgets to Resources (£996,000) and Leader (£50,000) portfolios to mitigate unachieved savings
- e. To amend the capital budget which allows for capital slippage of £8.2m, capital budget additions of £7.4m, capital budget reductions of £6.2m and advanced works of £6.4m.

6 **Extension of Section 75 Partnership Agreement with Essex Partnership University NHS Foundation Trust (FP/906/08/17)**

The Cabinet considered report FP/906/08/17, which asked for an extension of the two Section 75 Partnership Agreements relating to the provision of an integrated mental health service with Essex Partnership University NHS Foundation Trust (EPUT) for a 12 month period from 1 April 2018 to allow time for a commissioning exercise to take place.

Councillor John Spence, Cabinet Member for Health and Adult Social Care provided the following information in response to questions by Councillors Mackrory and Pond.

- The Child Assessment and Delivery Unit (CADU) is not covered within the agreement; however a clear way forward has now been established and an announcement will be made shortly on this.
- Councillor Spence will reply directly to Councillor Pond regarding the precise geographical net for EPUT.

Resolved:

1. That the two Section 75 Partnership Agreements with Essex Partnership University NHS Foundation Trust (EPUT) are extended for the 12 months period from 1 April 2018, subject to the right of the Council or EPUT to terminate at any time on six months' written notice. The total annual contract value is £5.6m, split between the North Essex Section 75 Partnership Agreement £3.6m and South Essex Section 75 Partnership Agreement £2.0m.
2. That a report will be brought back to Cabinet no later than May 2018 to enable it to make a decision on how these services will be commissioned after the expiry of the extension.

7 **Approve Spend of Improved Better Care Fund (FP/932/09/17)**

The Cabinet considered report FP/932/09/17 by the Director for Adult Social Care, presented by the Cabinet Member for Health and Adult Social Care and were asked to agree the allocation of the additional £24.7m in 2017/18 and the £16.8m in 2018/19 and £8.3m in 2019/20.

Councillor John Spence, Cabinet Member for Health and Adult Social Care, responded to the questions received by Councillors Mackrory, Henderson and Pond.

- Issues are dealt with as they arise and it has become increasingly evident that late transfers are a problem; this is the right investment decision now.
- The funding is supplementary on top of the main funding we receive. In three years money will be invested where it is needed.
- A review of the implementation of the new charging policy has been requested.
- Health service provision is complex across the county including in Epping Forest District.

Resolved:

1. That the 65% of the additional social care monies announced in the March 2017 Budget be used to maintain investment in services and offset pressures and that, subject to the amounts being received from central government, these amounts be £16.126m in 2017/18; £11.054m in 2018/19; and £5.482m in 2019/20.
2. That £8.6m be made available for new initiatives in 2017/18 with the funding being available for these initiatives reducing to £5.733m in 2018/19 and to £2.867m in 2019/20.
3. That £2.371m be committed in 2017/18 for the initiatives detailed in paragraph 3.12 of the report.
4. That the per capita allocations for each CCG area outlined in paragraph 3.11 of the report can be spent on schemes as set out in the BCF plan.
5. That we enter into section 75 agreements with the five Essex CCGs to reflect the above decisions and on such other terms as agreed by the Director, Adult Social Care.

8 Extension of the Foster Care Select List Contracts (FP/783/03/17)

The Cabinet considered report FP/783/03/17 by the Director for Commissioning, Children, presented by the Cabinet Member for Children and Families Care and were asked to agree to the extension of the current Select List Agreements with services providers for external foster care for a period of 12 months.

In response to a question from Councillor Mike Mackrory, Councillor Dick Madden, Cabinet Member Children and Families confirmed the use of foster families in London but they are largely located in Essex and the support that is provided is the same wherever the child is located.

Resolved:

1. Agreed to extend the current Select List Agreements with the current providers from 21 November 2017 to 20 November 2018.
2. Agreed that the Cabinet Member for Children and Families be authorised to approve the new Select List following an annual review to be undertaken in January 2018 with existing providers only.

9 Medtech Accelerator Investment (FP/912/08/17)

The Cabinet considered report FP/912/08/17, which sought approval for ECC to invest £500,000 into Medtech Accelerator Ltd (Medtech Accelerator) in return for the issue of 500,000 in shares in Medtech Accelerator Ltd, representing a 20% stake in the company and a position on the Medtech Accelerator Board.

In response to a question from Councillor Turrell, Councillor Finch, Leader of the Council confirmed that the paper had been through a rigorous legal and financial process.

Resolved:

1. That the Executive Director, Economy, Localities and Public Health may enter into an agreement to subscribe for or purchase at face value 500,000 ordinary £1 shares into Medtech Accelerator Limited, representing a 20% of the shares of the Company, subject to his being satisfied, after taking legal advice, that the Company's articles of association provide appropriate protection for the Council's investment.
2. That the purchase be an addition to the capital programme funded from borrowing.
3. That the Leader will make a decision about the identity of ECC's representative as a director of Medtech Accelerator Limited.

10 Decisions taken by or in consultation with Cabinet Members (FP/930/09/17)

The report of decisions taken by or in consultation with Cabinet Members since the last meeting of the Cabinet was noted.

11 Date of Next Meeting

It was noted that the next meeting of the Cabinet would take place on Thursday 23 November 2017 at 10.00am at County Hall, Chelmsford, CM1 1QH.

There being no further business, the meeting closed at 10:35am.

Chairman

Report title: A120 Braintree to A12: report on option selection and consultation.	
Report to: Cabinet	
Report author: Andrew Cook - Director, Highways and Transportation	
Date: 23 November 2017	For: Decision
Enquiries to: Chris Stevenson, Head of Commissioning, Connected Essex, Integrated Transport Telephone: 03330 136577 of: 07970 766769 Email: chris.stevenson2@essex.gov.uk	
County Divisions affected: All Essex	

1. Purpose of Report

- 1.1. To present an update on the A120 route options following public consultation for a new dual carriageway road between Braintree and the A12, to outline and assess the choices open to Essex County Council (ECC) for their post-public consultation announcement and to recommend the way forward.

2. Recommendations

- 2.1. That Cabinet agrees :
 - that of the initial 68 route options assessed and the 5 options taken to consultation only 2 broad options, corresponding to the central (routes B and C) and southern corridors (routes D and E), will now be pursued in greater detail to determine the best overall performing route;
 - that Option A (northern corridor) is the worst performing option and would appear unlikely to emerge as a candidate for preferred route status through further study;
 - that work continues to present a full set of route option appraisals to Government in accordance with Highways England processes;
 - that a final decision on Essex County Council's preferred route option be delegated to the Deputy Leader and Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy in consultation with the Executive Director for Infrastructure and Environment.

3. Summary of issue

Background

- 3.1. The A120 between Braintree and the A12 at Marks Tey is the last stretch of single carriageway road between the M11 and Colchester. It has long been the ambition of the County Council and its partners to see an upgrade to dual carriageway standard and indeed work to achieve this was undertaken by the

then Highways Agency in 2005. Regrettably the scheme did not proceed and is presently not included in any programme of work to upgrade this stretch of road.

- 3.2. Over the years and particularly since the stretch of the A120 from Stansted to Braintree was upgraded, part of the A120 between Braintree and the A12, which is still single carriageway, has become increasingly heavily congested and unreliable. This has led to poor levels of service and safety for travel in the corridor, which impacts economic growth and development in the region, as well as affecting the well-being of local residents via impacts on the local environment and access to essential services. With traffic volumes expected to increase, congestion on the A120 will get worse, further exacerbating the impacts on travel, local residents and economic growth.
- 3.3. Essex County Council has been leading on a feasibility study to upgrade the A120 between Braintree and the A12. It has been agreed by Essex County Council, the Department for Transport (DfT) and Highways England that the County Council will lead on the review of options through to Preferred Route status with the objective being for the scheme to be included in Highways England's Roads Investment Strategy: for the 2020/21 – 2024/25 Road Period (RIS2). The DfT's requirements are that:
 - The project's development follows all Highways England's processes to determine a preferred route.
 - That the scheme ultimately selected represents value for money.
 - That as wide a consensus as is possible is achieved through consultation and engagement processes
- 3.4. The County Council has previously indicated its desire to recommend a favoured A120 route option following public consultation as it was considered that this could improve the probability of the A120 scheme entering RIS2 by providing a focus for public and political support.
- 3.5. The project is following the Highways England Project Control Framework (PCF) process and is currently in the middle of Stage 2. It is the practice of Highways England to choose and then announce a Preferred Route on completion of Stage 2, whereas it is customary for the County Council to declare a preferred route following feasibility work and initial consultation on route options.
- 3.6. An assessment of the response to the public consultation and an analysis of the relative performance of the options based on the available data have now been carried out. The outcomes of this assessment have implications for the announcement made by Cabinet.
- 3.7. The following sections provide a brief summary of the Highways England Project Control Framework (PCF) process, the outcomes of the public consultation, the results of the options assessment and the implications of these items on the announcement choices open to ECC.

The Scheme

- 3.8. The scheme is to derive a dual carriageway improvement between Braintree at Galleys Corner and the A12 at Marks Tey. It is conceived that it would have:
- An expressway standard of road
 - Consistency with the section of the A120 route between the M11 at Stansted and Panner's junction at Braintree.
 - Grade separated junctions.
 - Similar design with the plans for the A12 between J19 and 25
- 3.9. The A120 Essex project team has worked closely with Highways England and has a joint Project Board to take strategic and collective decisions and to review progress.
- 3.10. The project has been reviewed at several points both by Highways England, and through an Independent Assurance Review process. Highways England is satisfied that the project has undertaken its technical and consultation processes effectively, and in accordance with its requirements. The review team concluded that the project team is on track to identify a viable scheme for consideration for inclusion in the funding round known as RIS2. They gave the project a "green" Delivery Confidence Assessment.

Strategic Fit

- 3.11. The project is closely associated with the following:
- The aims and objectives for the Strategic Route Network laid out by Highways England in its policy documentation and its Route Based Strategy for the East of England
 - Local Development Plans in the area especially those for Braintree and Colchester
- 3.12. The scheme relates closely with Essex's vision to:
- Develop our county sustainably
 - Connect us to each other and the world
 - Share prosperity with everyone
- 3.13. The scheme also reflects ambitions in our Organisational strategy, namely
- Enable inclusive economic growth by supporting trade, by better connecting key economic centres, especially along major transport corridors,
 - Help create great places to grow up, live and work
- 3.14. The scheme is identified in the Council's current Local Transport Plan, included in Essex's strategic plans for economic growth and infrastructure in particular the Growth and Infrastructure Plan (GIF) and Economic Plan for Essex (EPfE).

Anticipated Scheme Benefits

- 3.15. The scheme benefits are being developed as part of the feasibility study in order to develop an outline business case. Key in preparing the business case will be the understanding of strategic fit, economic worth and financial affordability. A summary of these considerations follows in the paragraphs below:
- 3.16. Strategic case objectives (shortened form) for the scheme have been determined as:
- Provide infrastructure that facilitates economic growth
 - Reduces congestion and delay
 - Improves safety for all users
 - Improve environmental impact of transport on existing communities along the A120 and reduce impact on the environment generally through design processes
 - Improve strategic connectivity
 - Improve local connectivity by non-motorised modes of travel
- 3.17 Although the scheme is still at an options stage all of the five routes taken to consultation have sought to achieve the above.
- 3.17. Economic Case evaluation as measured by the DfT Web Tag appraisal methods has been undertaken and all options have a medium ratio of Benefits to Cost.
- 3.18. Financial Case appraisal is still at an early stage of development but the scheme is eligible for consideration in the Roads Investment strategy period 2020-25 and the understanding is that it will become a candidate for such consideration by Government and Highways England in due course.

4. Feasibility Study

- 4.1. A feasibility study was carried out to inform decision making and help find the best solution for the A120. The first step was to identify potential routes; of which 68 were identified. These were looked at in more detail and sifted according to DfT Early Assessment Sifting Tool and transport appraisal process.
- 4.2. The five options are shown in plan form in Appendix A.
- 4.3. Extensive information and data collection was undertaken to underpin the feasibility study and to ensure a good evidence base was assembled. Details of the options assessment process is available as a background paper.

5. Consultation & Engagement

- 5.1. Throughout the feasibility study, extensive engagement was undertaken to ensure that the process by which route options were being examined was understood and emerging ideas and issues recorded and taken on board.

Extensive stakeholder liaison and engagement was undertaken through the following mechanisms:

- Member awareness and Forum
- Stakeholder liaison with Braintree, Colchester and Tending District Councils
- Braintree Community Forum
- Colchester Community Forum
- Environmental Forum
- Economic Forum

These fora met four times prior to the consultation and once following it. In addition local briefings were provided to Braintree and Colchester Councils.

5.2. In addition to local engagement strategic engagement of businesses, MPs and neighbouring authorities outside the study area was undertaken in conjunction with the Haven Gateway Partnership. In this way the following were held:

- MP receptions at Stansted, Braintree, Colchester and Harwich
- A Parliamentary Reception at the House of Commons in January just prior to the launch

5.3. The top five options were taken to public consultation which started on 17 January 2017 and ended on 14 March 2017, lasting a period of 8 weeks. Eleven events were held in a number of local locations across the study area. As there was a parallel consultation being undertaken by Highways England on the A12 J19 to 25 widening, the opportunity to host both exhibitions at the same venue was taken. Seven of the eleven venues hosted both of the exhibitions, enabling the public to view the juxtaposition of both proposals to each other.

5.4. In total, 2795 people responded to the consultation and a summary of the key outcomes can be found below:

- 82% of respondents felt that the A120 needs to be completely upgraded between Braintree and the A12 in order to meet future demand.
- Through agreement to a series of statements, respondents indicated that they strongly agreed or agreed that they would like to see upgrades which would: reduce queuing at junctions (86%), reduce the need for HGVs to travel through villages (85%), improve journey times (82%) and upgrade the A120 to dual carriageway (80%). 46% also agreed or strongly agreed that pedestrian, cycling and equestrian facilities should be improved.
- Respondents were asked to rank the five options presented from 1 to 5, with 1 being the first preference and 5 being the last preference.
- Option C received the most responses as first preference when compared across options with 29%, closely followed by option E with 27% and then option A (17%), option D (14%) and option B (13%).

- When first and second preferences were added together, option C was still the most preferred with 25%, followed even more closely by option E with 24%, options D and B with 20% and option A least preferred with 11%.
 - Option A was the least popular option, receiving the highest number of '5' rankings (62%), where respondents provided 5th placed rankings.
- 5.5. Whilst the consultation invariably teased out opinion in the study area, the A120 is a strategic route and thus it was important to ascertain the views of road users. Transport Focus were engaged to undertake a survey of driver attitudes to the A120 and its current performance. The Transport Focus study did not seek views on the route options or mention that a consultation was being held. Instead it concentrated on views about the route and its performance and what was needed by way of intervention if any.
- 5.6. The findings of the Transport Focus survey were as follows:
- A There is much dissatisfaction with the A120
 - 39% are dissatisfied with the road
 - In particular, road users are dissatisfied with journey times, which is highly correlated with overall satisfaction
 - Commuter/Business users are the most dissatisfied driver group
 - The A120 is seen as worse than other A roads by 69% of users
 - For many users, a likely comparison for this stretch of the A120 between Braintree and Marks Tey, will be with the upgraded stretch of the A120 just to the west of Braintree Key issues for users of the A120 include:
 - The road type (single carriageway rather than dual); 70% dissatisfied
 - Traffic jams; 60% dissatisfied
 - Condition of the road surface; 57% dissatisfied
 - When asked how they felt about driving on the A120, road users were most likely to feel frustrated (38%)
 - Just under a fifth feel stressed (18%) with this number rising to just under a quarter (22%) during morning rush hour
 - Over a quarter of drivers felt fairly or very unsafe (28%) on the A120
 - Dualling is seen as the solution to the A120's problems and from the qualitative findings, the implication of this is to build a new road
- 5.7. The findings of the consultation and that of the Transport Focus survey are very similar.
6. **Issues arising out of consultation**
- 6.1. The key issues which came up through consultation include mitigating any environmental impacts of a new route, diverting HGVs from local villages and ensuring network resilience.

Issue	Response
Environment: <ul style="list-style-type: none"> ecology, visual intrusion, impact during construction, landscape 	<p>Further environmental appraisal will be undertaken on the options. This will inform considerations of potential approaches to mitigation and design. Once a preferred route is determined then bespoke mitigation methods can be examined in detail.</p>
Capacity for future development: <ul style="list-style-type: none"> predicted growth in the area 	<p>No further action required until the local plans in particular are confirmed by statutory processes. All proposals in local plans are capable of being included at the detailed design stage whichever route option is chosen.</p>
A12: <ul style="list-style-type: none"> how the A120 links to the A12 	<p>Further consideration will be given to traffic impacts on the A12 in further development of the options, and when the preferred route announcement for the A12 between junctions 19 and 25 is announced. All options at their southern end can tie in well with whichever A12 option is selected by Highways England.</p>
Quarry: <ul style="list-style-type: none"> practicality of going through the quarry, and junction strategy to enable quarry traffic to access the new A120 	<p>It is a key objective to remove as much heavy goods vehicle traffic from the existing road as is possible. Hence an additional junction for access to Bradwell Quarry and the Integrated Waste Management Facility will be included in the design of the remaining options.</p>
HGVs: <ul style="list-style-type: none"> ensuring HGV's use new route 	<p>All of the route options are expected to significantly reduce traffic on local roads as HGV's will use a new route. Junction strategy and signing will be investigated to ensure this is maximised once a preferred route is chosen.</p>
Local communities: <ul style="list-style-type: none"> separating local and through traffic from villages 	<p>The anticipated significant reduction in traffic on the existing A120 would free-up capacity for local journeys, and future phases of the scheme's development will examine "post-bypass" traffic management works to ensure through traffic is eliminated whilst giving local communities access.</p>

6.2. Further detail is contained in the Promoter's Response, Appendix B.

7. Options

Decision Framework

- 7.1. The public consultation results are one of many criteria that must be considered by Highways England when making their decision on the Preferred Route following the completion of Stage 2 of the process.
- 7.2. A key requirement for entry to Highways England's RIS2 programme is the assessment of each route option against five key cases (Strategic Fit, Economic, Managerial, Financial and Commercial), in accordance with the Department for Transport's five cases Business Case model.
- 7.3. A *Decision Framework* has been developed to assess the relative performance of the A120 route options against the five DfT cases. The criteria assessed in the framework include: economic growth, local environment, value for money, public acceptability, capital costs and overall cost risk, among others. The data used to support the assessment of each criteria has been derived from the Stage 1 appraisal and public consultation outcomes. This framework will be updated once Stage 2 appraisal is complete in spring 2018.

Outcomes of Decision Framework for each option

- 7.4. The overall results of the *Decision Framework*, using a simple average of all criteria, are outlined in the following table, together with the subsequent ranking of each option (with 1 being the best performing option and 5 the worst).

Table 1: Overall Decision Framework Results

Option	Overall Score	Overall Rank
A	3.38	5
B	3.50	4
C	3.54	3
D	3.80	1
E	3.70	2

- 7.5. The **key findings** of the assessment are that, based on the currently available data, Option D is the best performing option, followed by Option E and then Option C, Option B and Option A in that order. Rigorous sensitivity testing suggests that these results are robust to sensible changes in data inputs and weightings. The detail behind the overall scores and rankings can be summarised as follows:

Option D:

- Is the **best performing option**. It represents the **best value for money** (currently has highest BCR), is the **lowest cost option**, and is considered

the **lowest risk** option with respect to both practical feasibility and overall cost risk. It provides significant, although not the highest, journey time savings and economic benefits.

- It is considered to have impacts which may be less onerous to mitigate when compared to the other routes.
- It was ranked 3rd by those responding to the consultation.

Option E

- Is a slightly higher cost option compared to Option D but also has marginally higher benefits and economic impact, in particular higher capacity around Braintree.
- The higher cost currently results in poorer value for money than Option D but better than Option C.
- Ongoing appraisal for Stage 2 of the Highways England process could potentially result in this option replacing Option D as the best performing option.
- It was ranked 2nd by those responding to the consultation

Option C

- Is the option with the **highest transport user benefits** and **impact on economic growth**. However, it is also the **highest cost option** with the **lowest estimated value for money**.
- Based on the currently available data, the additional benefits associated with Option C are not sufficient to compensate for or justify the additional capital cost in terms of value for money compared to the other options.
- Along with Option B and A, it is considered to have impacts which may be more difficult to mitigate than other routes.
- It is considered that the outcome of Stage 2 appraisal could result in this option replacing Option D as the best performing option, although this is less likely than for Option E.
- Option C was ranked 1st by those responding to the consultation

Option B

- Is similar to Option C but with a different starting point that moves eastwards and grade separates the existing Galley's Corner junction.
- It has slightly lower costs and benefits than Option C and a similar level of value for money.
- Along with Option C and A, it is considered to have impacts which may be more difficult to mitigate than other routes.
- It is considered unlikely that Stage 2 appraisal would result in this option replacing Option D as the best performing option.
- Option B was ranked 4th by those responding to the consultation

Option A

- Has the middle value with respect to costs and benefits and is second best with respect to value for money.
- However, it has the **highest level of opposition** from the public consultation and the **lowest public acceptability** when using the top three preferences as a measure.
- Along with Option B and C, it is considered to have impacts which may be more difficult to mitigate than other routes.
- It also provides the **lowest increase in capacity**, the **least improvement in resilience** and the **most design safety issues** of all the options.
- It is considered very unlikely that Stage 2 appraisal would result in this option replacing Option D as the best performing option.

8. ECC Choices

- 8.1. Following any decision of the Cabinet after considering this report, it is important that work continues to allow the scheme to remain a strong candidate for entry into the Government's Roads Investment Strategy 2 ('RIS2') which will cover the period 2020-2025 to maximise the chances of early delivery.
- 8.2. The Cabinet report cannot confer upon any of the routes a preferred status at this point, as this can only be undertaken by Highways England in association with Government. This is because the A120 is a trunk road. Preferred Route status would follow most probably in either 2018 or 2019, dependent upon progress made with the scheme's development and funding announcements.
- 8.3. The results of the public consultation and the outcomes of the *Decision Framework* have shown that there are at least three route options that could be strong candidates for entry onto RIS2. It is therefore not possible to identify, at this stage, which option is likely to be chosen by Highways England as their Preferred Route.
- 8.4. In the absence of an overwhelmingly strong single candidate option, there is a significant risk that any option chosen by ECC as a favoured option could differ from the option identified by Highways England at the conclusion of Stage 2 of the PCF process. The A120 scheme could then fail to gain entry to RIS2 due to a lack of political and public support for Highways England's Preferred Route. This situation represents a very high risk to ECC's reputation.
- 8.5. There would be a slightly lower (although still high) risk, if ECC announced a favoured option but stated that other options were still acceptable. If ECC's favoured option did not coincide with the option identified by Highways England, there might still be time to garner support for Highways England's Preferred Route before the RIS2 decision. However, there is no guarantee that public and political support could be shifted, once momentum had built up for a different route and entry to RIS2 could still be jeopardised.
- 8.6. It is recommended that the most appropriate response to recent findings, therefore, is for EEC to announce that it currently has no single favoured

option and that a number of options are still being considered. This would allow the Highways England process to proceed unhindered and would avoid the risk of losing DfT buy in should a single ECC favoured option not coincide with the Highways England Preferred Option.

- 8.7. Having previously stated its intention to announce a favoured option, this may be disappointing to the public. However, it is considered this risk is outweighed by the benefits of demonstrating that progress is being made and that the public's response to the consultation has been acted upon. This could be done by focussing on the key outcomes of the Promoter's Response document and choosing to announce:

- **The elimination of Option A from the process.** This is the option with the most public opposition, the lowest level of public acceptability (when considering the top three preferences) and is the worst performing option in the *Decision Framework*;
- **The addition of a junction to provide access to Bradwell Quarry and the Integrated Waste Management Facility.** This was the most frequent response to the public consultation question on junction locations and would further address a key desire of the public (85% of responses) to reduce the need for heavy goods vehicles to travel through local villages.

- 8.8. In summary, it is considered that favouring a single option at this intermediate stage of the Highways England process represents a significant risk to the project. This could prejudice the decision to include the scheme on RIS2 due to a lack of public and political support.

- 8.9. Together with the announcements of the elimination of the worst performing option and the addition of a junction for Bradwell Quarry, it is considered that an announcement supporting the four remaining options would maximise the probability of an A120 scheme entering the Highways England RIS2 programme while at the same time demonstrating progress and the impact of the public consultation on the definition of the scheme options.

9. **Conclusions and Recommendations**

- 9.1. The work to date has drawn out widespread support for the initiative to upgrade this stretch of the A120. Whilst a consensus as to the route option has not yet emerged it is clear that

- There is clear support from MPs
- District Councils wholeheartedly want a route upgrade to take place
- Businesses support the proposals
- The general public overwhelmingly support a new road

- 9.2. Although a consensus has not yet emerged the feasibility results and consultation feedback have combined to produce two broad corridors of further study:

- A central corridor comprising routes B and C
- A southern corridor comprising routes D and E

Option A which may be thought of as a northern corridor has been shown to have little support and is technically inferior.

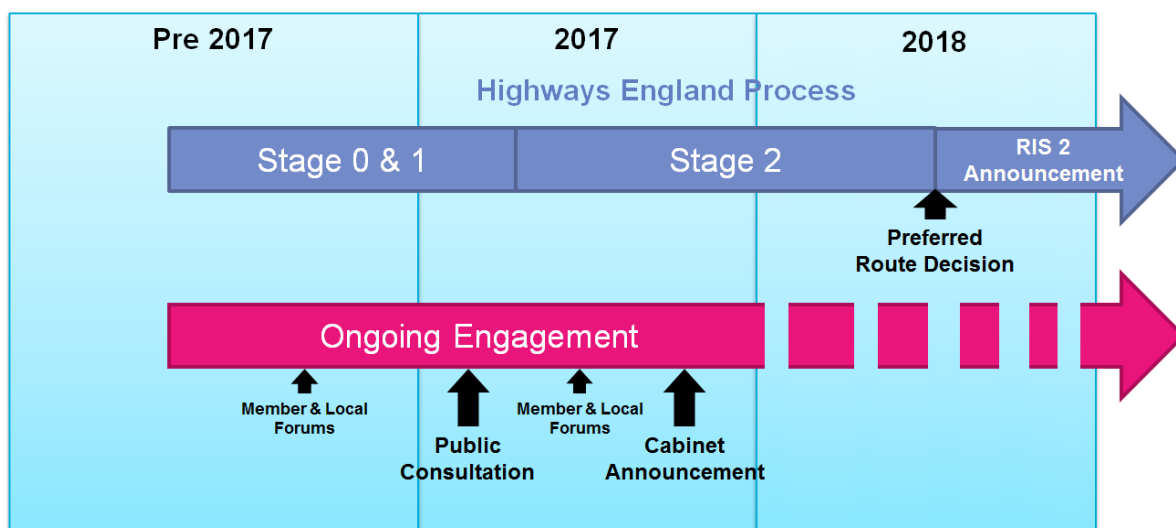
A diagram showing the shortlisted corridors is shown as appendix D.

- 9.3. According to the Decision Framework, the **southern options (D & E) currently represent the best performing options**. However, further modelling and technical studies are required to complete the next stage of Highways England's processes. Therefore, at this stage, it is recommended that **the central corridor options (B & C) are not yet discounted while further modelling and studies continue**.
- 9.4. Based on the outcomes of public consultation and the Decision Framework results, Option A is the least preferred option and does not perform as well as other options when assessed against the full range of criteria. It is therefore recommended that Option A as the worst performing route be effectively discounted at this stage although its appraisal will still be included in the technical appraisal reporting process. In addition, and based on feedback from the consultation, it is proposed that the County Council investigates the practicality of an additional junction to provide access to Bradwell Quarry in its further consideration of options B, C, D and E. This would also have the ability to serve the planned Integrated Waste Management Facility. Both of these decisions and proposals demonstrate that ECC is acting upon the outcomes of the public consultation and that progress is being made towards a single option.
- 9.5. Following the completion of Stage 2 appraisal, a single recommended option is to be identified as part of the PCF process. Therefore, it would be opportune for the County Council to make its views known in Spring or Summer 2018 based on the results of the finalised appraisal. Further it would be essential to discuss this with Highways England to enable Highways England to develop the project further towards a preferred route announcement.

10. **Next steps**

Further development of the scheme

- 10.1. The A120 project is currently in Stage 2 of the PCF process. Once the appraisal of the options is finalised near the end of Stage 2, a recommendation will be made for the favoured route, which will be assessed by Highways England based on the evidence and confirmed at the end of Stage 2.
- 10.2. At the same time, Highways England is undertaking an internal process for identifying the schemes to be included in RIS2. The evidence being developed as part of the A120 project is designed to support a Business Case and promote the inclusion of the scheme in RIS2.
- 10.3. During the period between now and the announcement of the RIS2 programme, ECC will continue to promote the scheme to gain public and political support for its inclusion in RIS2. It should be noted that a favoured route is not required for entry to RIS2.
- 10.4. The short term timeline can therefore be illustrated as follows:



10.5. Technical studies will be progressed to aid decision making in 2018.

11. Issues for consideration

In parallel with the feasibility study the A12 widening proposal between J19 and 25 has been progressing. Whilst the A120 options could join with the A12 at either of its southern terminal points, it was anticipated that a preferred route announcement (PRA) would have been made by now for the A12 project. The lack of a PRA does not of itself cause an issue with concluding the technical appraisal of the A120 options, it is nevertheless a consideration which will necessitate further parallel work with Highways England.

12. Financial implications

- 12.1. The project total cost incorporated within the ECC Capital Programme is £9m of which Highways England have contributed £4m. The remaining £5m is capped and funded by ECC.
- 12.2. Essex County Council will fund the scheme until it enters Highways England Road Investment Strategy 2.

13. Legal implications

- 13.1. The feasibility study embarked upon is being undertaken on behalf of Highways England. Highways England are the body with the legal duty to plan and operate the country's motorway and trunk road network. All work undertaken by Essex is to develop proposals in the hope that Highways England and the DfT will support our work and take over delivery. A preferred Route Announcement (PRA) can only be made by Highways England in association with DfT. At the stage of a PRA any route will be safeguarded and protected from development.

13.2 To fulfil the requirements of the Environmental Impact Assessment process, an Environmental Assessment Report (EAR) is prepared in PCF Stage 1 and 2. Once the Preferred Route Announcement is made, an Environmental Statement is prepared in PCF Stage 3 which is submitted as part of the DCO application. The stage 1 EAR has assessed the environmental impact of all options. During Stage 2, this will be refined and the options assessed in more detail and an updated EAR will be produced.

13.3 In summary, all options result in a broadly similar level of environmental effects and mitigation will be implemented where appropriate. All options could lead to impacts which may require mitigation. This is due to a number of factors, including Route A's proximity to Stisted, crossing of the River Blackwater by Routes A, B and C, crossing the River Brain for routes D and E and crossing a local wildlife site for Routes B and C. An assessment of the environment impacts has been made and is available in Options Assessment Report which is a background paper to this report.

14. Equality and Diversity implications

14.1. The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

14.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

14.3. The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

14.4. The Equality Impact Assessment can be found in Appendix C.

15. List of appendices

A: Consultation Plan of Route Options

B: Promoter's response

C: Equality Impact Assessment

D: Shortlisted Corridors

16. **List of Background papers**

Public Consultation Document

Consultation report

Late response consultation report

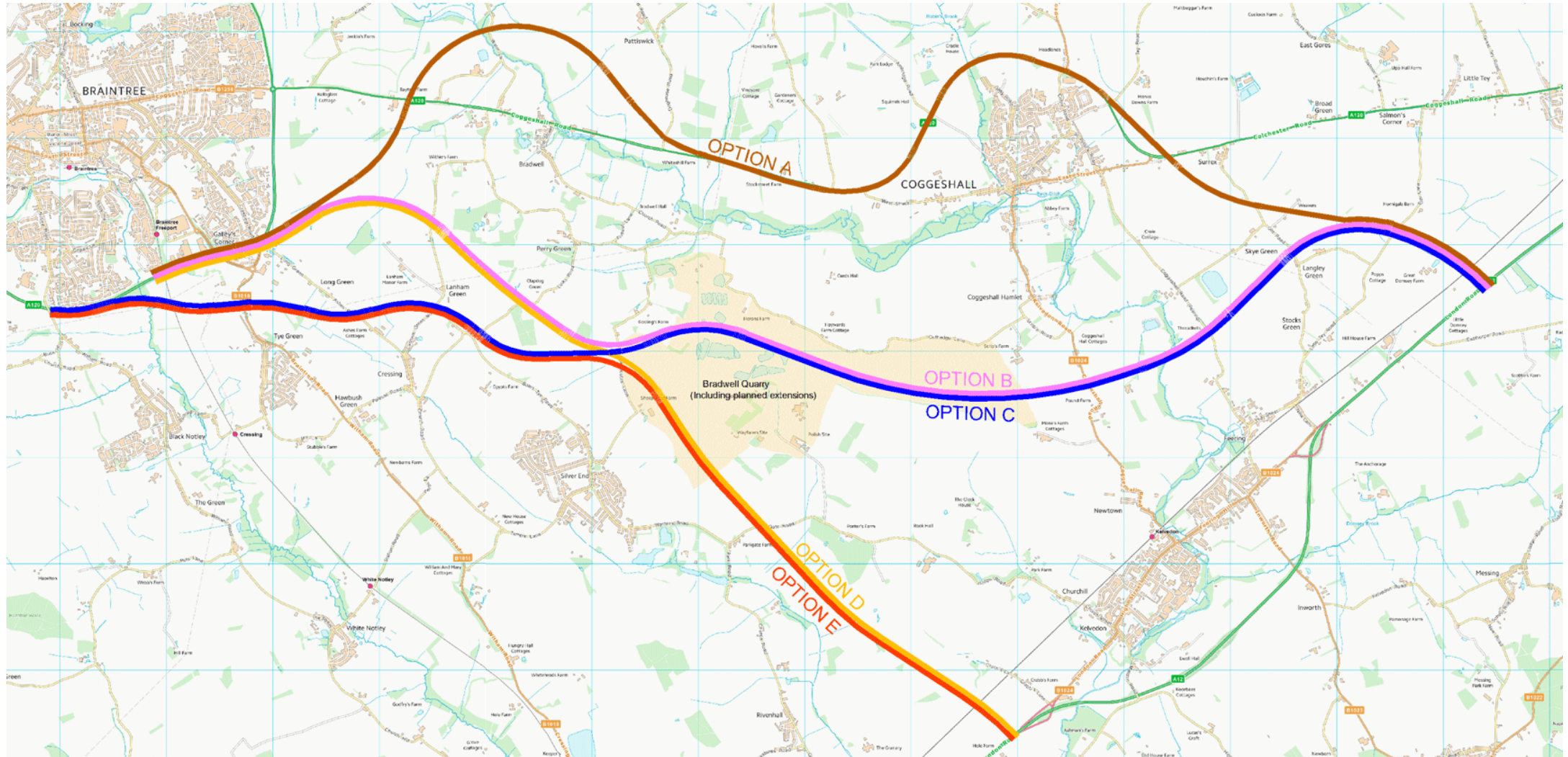
Engagement summary since the close of consultation

Options Assessment Report

Appendix A: A120 to A12

Consultation Plan on Route Options

Public Consultation Options



Appendix A. Promoters Response

Introduction

Essex County Council (ECC) welcomes the results of this very successful public consultation and would like to thank the many people who participated and shared a wide range of views which will inform decisions on the next phase of the scheme.

This document sets out ECC's response to the main issues raised in responses to the consultation and outlines the next steps for the scheme.

Background

The A120 is in urgent need of improvement between Braintree and the A12. The section between Braintree and Marks Tey is already greatly over capacity and with traffic volumes expected to increase, congestion problems and the regular bottlenecks are expected to get worse. In 2015, the government agreed that ECC would lead the work to determine the best way forward for the A120. ECC identified issues for the A120 and developed 68 potential options. Using the Department for Transport's (DfT) Early Assessment Sifting Tool and transport appraisal process, these options were refined to the five best performing options, which were presented for public consultation.

The proposals which were consulted on are a significant step forward in understanding how best to address this need and find effective solutions that reflect the needs of local communities and users of the route.

Highways England (HE) are developing the next phase of the Road Investment Strategy (RIS2), for schemes commencing construction after 2020. Whilst there is no guarantee of funding for the scheme, based on the consultation and ongoing studies ECC believe there is a very strong case for the A120 being included in RIS2. In the coming months ECC will present the case for the inclusion of this scheme within RIS2 to Highways England and the Department for Transport.

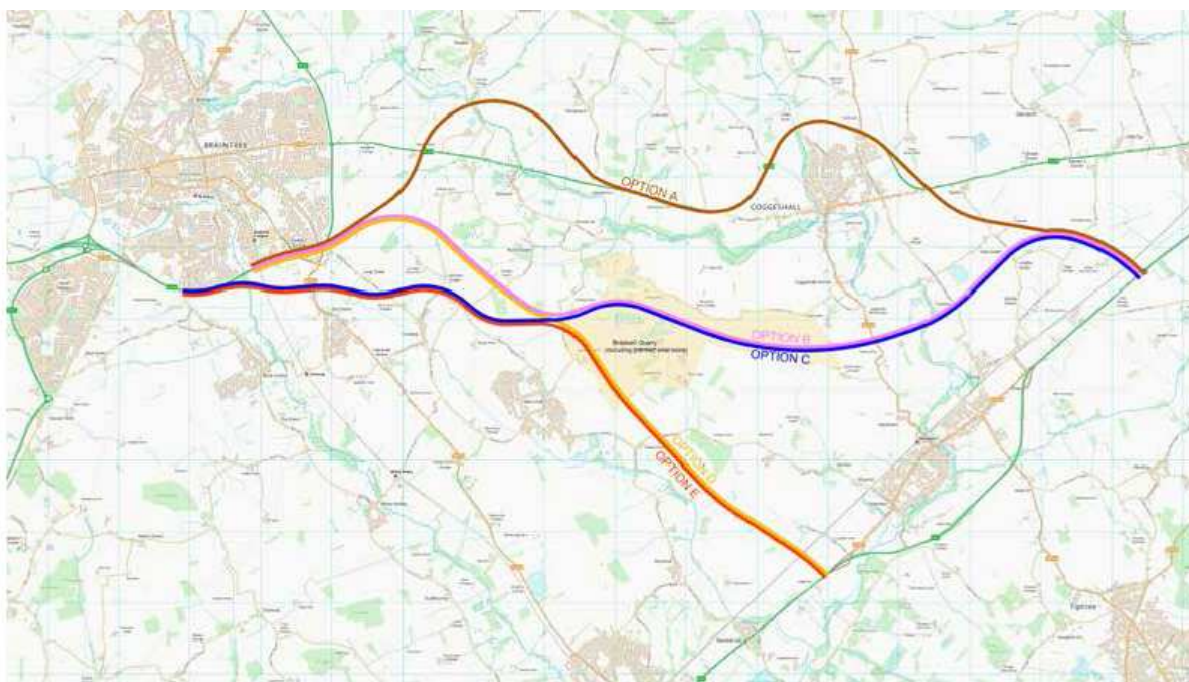
The Consultation

Public consultation on the five options identified was carried out between 17th January and 14th March 2017 and sought views from:

- members of the public
- communities
- local authorities
- emergency services
- strategic traffic generators

- freight and passenger transport bodies
- statutory environmental bodies
- equalities and vulnerable user groups
- organisations
- businesses

The figure below shows the five option alignments that were consulted on:



Respondent views were sought on the need for improvements to be made to the A120 and on the five options identified, including ranking the options and on potential junction locations.

ECC welcome the enthusiastic response to the consultation and are grateful that so many people took the time to participate. The Council are pleased with the engagement which took place and the interest shown in the scheme. Over 3000 people attended the public engagement events held during the consultation and 2795 responses to the consultation questionnaire were received. The majority of responses (88%) were received online, with 12% of responses received through post and email.

Questionnaire Responses

Support for Scheme:

82% of respondents to the public consultation felt that the A120 required a complete upgrade to meet current and future demand.

Favoured Outcomes:

Through agreement to a series of statements in the consultation questionnaire, respondents indicated they strongly agreed or agreed that they would like to see upgrades which would:

- reduce queuing at junctions (87%)
- reduce HGV's need to travel through villages (85%)
- improve journey times (82%)
- upgrade the A120 to a dual carriageway (80%)
- improve pedestrian, cycling and equestrian facilities (46%)

Route Option Preference

In the consultation questionnaire, respondents were asked to rank the five options presented in order of preference.

Of those who provided a ranking, options C and E were favoured. Option C received the highest number of '1' rankings (29%), followed by option E (27%). When '1' and '2' rankings are considered then there is little difference between the two options.

All routes have varying levels of support but are relatively close. If you add the first and second preference together, routes C and E are favoured, but there is no clear winner from the options.

Additional Evidence:

Alongside the public consultation, an independent study was commissioned by Transport Focus to assess the views of those who regularly use the route but do not live in the local areas. The study surveyed around 2000 A120 users and found that the A120 is seen as worse than other A-roads by 69% of users, with key issues including road type, traffic jams and the condition of the road surface.

The Transport Focus study confirms support for the scheme and reinforces the argument for improvements to the A120.

Response to issues and proposed actions

The key issues to arise from the consultation and ECC's response to those issues are detailed below. The issues below relate to all of the route alignments. Many of these issues will be mitigated once a single route has been finalised and the technical studies are progressed.

<i>Issue</i>	<i>Response and Action</i>
Visual and environmental impacts on: <ul style="list-style-type: none"> Blackwater Valley, particularly of the viaduct Brain River Valley 	<p>The River Blackwater and Brain River Valleys are recognised as key areas for consideration with particular regard to views and nature conservation. The impacts on these have been considered as part of the environmental appraisal.</p> <p>Overall, all route options are considered to have a similar level of environmental effect, and we will mitigate where appropriate. However, there may be impacts to a local wildlife site and views from crossing the River Blackwater which potentially would be more difficult to mitigate. The effects may be limited through careful design of structures and earthworks and other mitigation measures such as planting.</p> <p>Action: further environmental appraisal will be undertaken on the options. This will inform considerations of potential approaches to mitigation and design.</p>
Concern that route options were influenced by: <ul style="list-style-type: none"> Particular developments Interest groups 	<p>The route options were not influenced. The process undertaken to date follows Department for Transport (DfT) guidelines that only allow developments that have some formal planning permission status to be considered. While the predicted general growth in housing and traffic is considered, access to specific development sites that do not have formal status planning is not. In addition, the consultation process has provided a route for interest groups to be involved and share their views, in the same way as the general public.</p> <p>Action: no further action required until the local plans in particular are confirmed.</p>
Addressing congestion at junctions around Braintree	<p>In all options a new road layout would be provided to address the high levels of existing congestion on the A120 around Braintree, including at Galley's Corner.</p>

<i>Issue</i>	<i>Response and Action</i>
	<p>For options A, B and D, an entirely new grade separated junction located to the east would replace the existing Galleys Corner roundabout. This junction would provide new road links connecting to the existing A120/A131/Marks Farm Roundabout, Fowler's Farm Roundabout, Cressing Road and Long Green.</p> <p>For options C and E the new A120 would avoid the Galleys Corner by leaving the existing A120 alignment near the River Brain with a limited movement junction provided to give access to/from Galleys Corner and Freeport via the existing A120 alignment. The new A120 would then pass north of Tye Green, where a grade separated junction would be provided connecting to a new link that would provide access to the B1018, A131 and Marks Farm roundabout to the north, bypassing Galleys Corner to the east. In this option the existing Galleys Corner roundabout would be retained, but would have most of the traffic removed from it by the new links provided.</p> <p>New west-facing slip-roads are being proposed to connect the existing A120 to Millennium Way which will remove some traffic, in particular that for Freeport, from the Galley's Corner and Fowler's Farm roundabouts.</p> <p>Action: ongoing consideration will be given to the issue as the technical studies progress and when specific junction details are established.</p>
Additional traffic on the A12	<p>The potential impact of additional traffic on the A12 between the new A120 junction and the existing J25 at Marks Tey is acknowledged and is being considered in the design and appraisal of all options.</p> <p>Action: further consideration will be given to traffic impacts on the A12 issue in further development of the options. At this time, investigations are being undertaken to ensure that the improvements made to the A12 best serve the region.</p>

<i>Issue</i>	<i>Response and Action</i>
Location and performance of junctions with the A12	<p>None of the routes would use the existing A120 junction with the A12, (Junction 25 at Marks Tey), which already suffers from high levels of congestion.</p> <p>Routes A, B and C would join the A12 at a grade separated junction between Feering and Marks Tey. Routes D and E would join the A12 at a remodelled Kelvedon South (J23) junction.</p> <p>All new junctions would be designed in accordance with current design standards and analysed to ensure their operational effectiveness and safety.</p> <p>The exact location of the junctions will be decided in discussion with the team planning the upgrade of the A12, which is to be implemented prior to the A120 scheme.</p> <p>Action: consideration will be given to junction location and design in the further development of the options.</p>
Network Resilience	<p>All route options provide improved resilience for the road network across north Essex and beyond by providing an additional east-west corridor that serves east-west movements as well as providing faster and higher capacity access between the A12 and M11. Resilience is improved to a lesser extent by Option A, which would upgrade the existing bypass rather than creating a new one.</p> <p>Specific concerns regarding the impact on resilience of additional traffic generated by the A120 on the A12 Kelvedon bypass by options D and E have been identified. It should be noted that improvement of the A12 will provide a higher capacity and safer route on this section, reducing the probability and impact of an incident and increasing resilience in the area. Also, the additional A120 traffic on the A12 would avoid an incident on Kelvedon bypass via the existing A120 road.</p> <p>Action: consideration will be given to impacts in the further development of options, in particular for the Kelvedon bypass and any mitigation from improvements to the A12.</p>

<i>Issue</i>	<i>Response and Action</i>
Capacity for future development	<p>All the route options have been designed to accommodate the expected growth in traffic resulting from the DfT's projected housing and employment growth in the region (including the growth expected from sites that have formal planning permission)</p> <p>Action: no further action required until the local plans in particular are confirmed.</p>
HGV's: <ul style="list-style-type: none"> Using the A120 to access Bradwell Quarry Possibility of a larger number of HGVs using unsuitable local roads leading to increased congestion 	<p><u>Access to Bradwell Quarry</u></p> <p>All options are expected to significantly reduce HGV traffic on the existing A120 and other local roads. Reflecting responses to questions regarding potential junctions and on the impact of HGV traffic in general, including a HGV access to Bradwell Quarry on Options B, C, D and E will be looked at as part of the design to be taken forward. This would provide a direct access for HGVs and remove the need for these vehicles to travel on local roads or through villages. This would further reduce the number of HGVs travelling through Bradwell by around 590 lorry movements each day. Option A already includes the provision of a grade separated junction for access to Bradwell Quarry from the new A120 that bypasses Bradwell.</p> <p>Action: consideration will be given to HGV access to Bradwell Quarry in further development of the options.</p> <p><u>Unsuitable Local Roads</u></p> <p>As shown in Section 8 of the consultation document, all of the potential route options are expected to significantly reduce traffic on local roads as HGV's will use a new route. This is particularly the case for HGVs for which a reduction in the order of 89% to 93% is estimated on the A120 at Bradwell, depending on the option and the inclusion of a new junction for Bradwell Quarry.</p> <p>Action: no additional action required.</p>
Impact of Construction works on:	<p><u>Noise, Air and Light Pollution</u></p> <p>A Construction and Environmental Management Plan (CEMP) would be developed to reduce</p>

<i>Issue</i>	<i>Response and Action</i>
<ul style="list-style-type: none"> Noise, air and light pollution Traffic flow Community ties, local businesses, schools and road users Pedestrians, local road users, cyclists and equestrians 	<p>noise, air and light pollution during construction.</p> <p>At this stage of assessments, all of the options were considered to have an overall adverse but not significant effect on air quality. The scheme would also lead to a beneficial effect on areas along the existing A120 and in the south east of Braintree by relieving congestion and reducing the amount of traffic using this road.</p> <p>The proposed A120 scheme is anticipated to lead to an overall significant beneficial effect on noise for all routes, due to the change in traffic along the existing A120. Whilst a number of properties have the potential to experience adverse noise effects in relation to the proposed new routes, mitigations such as road design and landscaping will be implemented where appropriate. These areas are located in the rural areas between Braintree and the A12.</p> <p>Roadside lighting would also be appropriately designed to mitigate potential impacts.</p> <p><u>Traffic Flow</u></p> <p>We acknowledge that the construction of each of the five routes would have some impact on traffic flow at new junctions and connections. The CEMP report will explain how these temporary impacts will be managed to reduce inconvenience to road users.</p> <p><u>Community Ties, Local Businesses, Schools and Road Users</u></p> <p>Although there may be a temporary disruption during construction, there are a number of expected benefits from this project, some of which are long term. During construction, these could include: the creation of construction jobs and use of local services and suppliers. In the longer term, benefits are anticipated to include improvements in access, relief of traffic congestion; and economic benefits from reduced journey times. Connectivity across the existing A120 for cyclists, pedestrians and horse riders could also be improved.</p> <p><u>Pedestrians, Local Road Users, Cyclists and Horse Riders</u></p>

<i>Issue</i>	<i>Response and Action</i>
	<p>A Construction and Environmental Management Plan (CEMP) will be designed to appropriately address and limit the impacts on pedestrians, local road users, cyclists and equestrians.</p> <p>Action: consideration will be given to approaches to mitigating relevant impacts as part of further development of the options and for inclusion in the CEMP.</p>
<p>Environment and Landscape:</p> <ul style="list-style-type: none"> • Preservation of the highly regarded landscape, wildlife and conservation areas • The environmental impacts of routes A, B and C which were felt to be greater • Impacts on listed buildings • Proximity of route to Stisted and associated environmental effects 	<p><u>Landscape, Wildlife and Conservation Areas</u></p> <p>The environmental appraisal already undertaken considers the landscape, wildlife and conservation areas for each of the scheme options.</p> <p>The effects would be limited through careful design of structures and earthworks and other mitigation measures such as planting. Opportunities would be sought for ecological enhancements, such as buffer areas around new and retained habitats, compensation planting and replacement habitats. However, further environmental appraisal is required once the routes are further developed.</p> <p><u>Routes A, B and C</u></p> <p>It is considered that whilst all the routes have overall significant impacts, mitigation will be implemented where appropriate. However, options A, B and C could lead to impacts which may be more difficult to mitigate. This is due to a number of factors, including Route A's proximity to Stisted, crossing of the River Blackwater by Routes A, B and C, and crossing a local wildlife site for Routes B and C. More detailed assessment of relative environmental impacts will be happening at a later stage.</p> <p><u>Impacts on listed buildings</u></p> <p>Each of the routes could affect the views from and the setting of a number of listed buildings. There are a number of rural dwellings, farmsteads and settlements from which earthworks and structures could be visible. However, whilst all of the route options are considered to have potential adverse effects, mitigation through careful design of structures and earthworks will be developed where appropriate.</p>

<i>Issue</i>	<i>Response and Action</i>
	<p><u>Stisted</u></p> <p>The concerns are noted and consideration is being given to a minor variation of the alignment within the route corridor to reduce impacts on Stisted.</p> <p>Action: consideration to be given to approaches to mitigating relevant impacts as part of further development of the options.</p>
<p>Local Communities:</p> <ul style="list-style-type: none"> Concerns that through traffic will not use the new route Separating local and through traffic Impact on property prices and blight Impact on existing public rights of way and pedestrian, cyclist and equestrian facilities 	<p><u>Through Traffic Using New Route</u></p> <p>The new A120 would be a high-standard dual carriageway with grade separated junctions (where the A120 traffic runs through uninterrupted). Combined with the new grade separated connection to the A12, the journey between Braintree and the A12 north of Marks Tey would be faster than the existing A120 even after traffic is transferred to the new route and without any reduction in speed limit or traffic management measures. Depending on the option, traffic volumes on the existing A120 are therefore expected to drop by between 55% and 65% through Bradwell to an average of around 10,000 to 13,000 vehicles per day by 2026. Around 40,800 to 44,600 journeys are expected per day on average on the new A120 by 2026.</p> <p>Action: no further action required.</p> <p><u>Local and Through Traffic</u></p> <p>A key benefit of all options is expected to be the separation of local and through traffic. The anticipated significant reduction in traffic on the existing A120 would free-up capacity for local journeys.</p> <p>During the design development phase, treatment of the existing “de-trunked” A120 would be considered and this may include traffic calming or other measures to create a road environment more appropriate for its revised local usage for local journeys, as well by pedestrians, cyclists and horse riders.</p>

<i>Issue</i>	<i>Response and Action</i>
	<p>Action: consideration to be given to the treatment of the existing “de-trunked” A120 during the further development of the options.</p> <p><u>Property Prices and Blight</u> This will be the responsibility of Highways England, who will set out details of how blight resulting from this scheme will be addressed.</p> <p>Action: In line with the statutory process, blight and the impact on property prices is not applicable until a single route is selected.</p> <p><u>Public Rights of Way, Pedestrian, Cyclist and Equestrian Facilities</u> Detailed improvement plans for pedestrians, cyclists and equestrian networks will only be made once a single route has been chosen. However, there are a number of provisions that are likely to happen, for example:</p> <ul style="list-style-type: none"> • local roads and Public Rights of Way would remain in place where possible and realigned where this is not possible. • improved facilities would be provided to tie into local strategies and plans. In some cases where crossings are close together, it might be more effective to combine facilities; in other places studies may show additional facilities or routes would be beneficial <p>Action: further consideration and more detailed plans for improvements will form part of further development of the options.</p>
Subsidence	<p>The concerns of respondents about the state of the carriageway of the existing A120, in particular around Coggeshall, are noted. Should the new A120 run on the alignment of the existing A120, the road and other associated features, such as drainage, would be reconstructed to modern standards to provide long term durability of the new road.</p>

<i>Issue</i>	<i>Response and Action</i>
	Action: consideration will be given to this issue in further development of the options.
Routes through Bradwell Quarry	<p>The alignments of routes B, C, D and E were designed to pass through the quarry to limit the impacts on the environment and local residents. A route to the south of the quarry would move the road closer to settlements like Silver End and a route to the north would move the road closer to the southern limits of Bradwell and Perry Green. It could also impact the Grade 1 listed Parish Church of the Holy Trinity in Bradwell.</p> <p>Action: no further action required</p>
Route Alignment <ul style="list-style-type: none"> Potential impact of routes on communities 	<p>During the options development stage, 68 route options were considered. Options were then sifted down to five during a lengthy process that included consideration of environmental constraints, the location of the housing and heritage buildings, transport performance, likely cost, feasibility and risk, safety and economic impacts. Routes to the south of Bradwell and many more were assessed during this stage with the five options taken to public consultation representing the five best performing options when all criteria were taken into account.</p> <p>Action: consideration will be given to potential modifications to the route alignment during further development of the route options.</p>

Ongoing Engagement and Next Steps

Since the public consultation ECC have held a further round of forum meetings, updating key stakeholders about the consultation outcomes. A Members forum (for local politicians and councillors) was held on Friday 8th July whilst the economic and environmental forums (which include representative bodies) took place on Thursday 27th July. Two community forums, which include Parish councillors as representatives of local communities, were held on Wednesday 19th July and Friday 21st July. Attendees were given an overview of the outcomes and responses to the consultation, and also briefed on the findings from the 'Transport Focus' independent study of regular A120 road users. ECC recently held two more forum meetings with Colchester Borough Council, on Monday 11th September, and Braintree District Council on Tuesday 12th September.

Conclusion

ECC are very pleased with the public engagement activity, the level of interest shown in the scheme and the volume and detail of input provided by stakeholders. The project team have been able to discuss and respond to issues continuously throughout and this has contributed to an open and transparent process.

From the consultation it is clear that many people believe that the A120 is in need of improvement between Braintree and the A12. ECC are confident that there is support for improvement, although some respondents have highlighted issues that are of concern to residents and regular users of the route.

ECC are confident that the proposed options will address the existing issues and result in significant improvements for all road users as well as boost the economy. ECC are also keen to ensure that potential impacts and issues are recognised as part of the ongoing design process and that appropriate mitigations are introduced.

Equality Impact Assessment

Context

1. under s.149 of the Equality Act 2010, when making decisions, Essex County Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - gender and sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. The EqIA will be published at:
<http://cmis.essexcc.gov.uk/essexcmis5/Home.aspx>
8. All **Cabinet Member Actions, Chief Officer Actions, Key Decisions** and **Cabinet Reports must be** accompanied by an EqIA.
9. For further information, refer to the EqIA guidance for staff.
10. For advice, contact:
Shammi Jalota shammi.jalota@essex.gov.uk
Head of Equality and Diversity
Corporate Law & Assurance
Tel 0330 134592 or 07740 901114



Section 1: Identifying details

Your function, service area and team: Highways & Transportation

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: A120 Braintree to A12: report on option selection and consultation.

Officer completing the EqlA: Gary MacDonnell Tel: 07415 791950 Email: gary.macdonnell@essex.gov.uk

Date of completing the assessment: 13/10/2017

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? Decision to assess the choices open to Essex County Council following public consultation and further technical studies for the A120 between Braintree and the A12.
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <ul style="list-style-type: none">• Route options B, C, D and E remain strong candidates for entry into the next Highways England Roads Investment Strategy 2 programme and that work should continue on developing these options.• Option A should be eliminated from further consideration.• It will be announced that an additional junction for access to Bradwell Quarry and the Integrated Waste Management Facility will be included in the design of the remaining options.• The remaining four route options will be assessed in further detail according to Highways England process, and a decision on a preferred route will be made by Highways England on completion of stage 2. <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>To select the favoured routes for the A120 between Braintree and the A12.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>Service Users / Wider Community</p> <p>Will the policy or decision influence how organisations operate?</p> <p>No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No</p>



2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>It supports the councils aims to:</p> <ul style="list-style-type: none"> To reduce congestion on the network To support economic growth and development To make best use of existing public transport services To promote, encourage and support sustainable journeys along the corridors To improve safety To improve air quality in the area and reduce carbon emissions.
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Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>The changes would have a universal impact and would not disproportionately impact any equalities group.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>A non-statutory public consultation took place between 17th January and 14th March 2017. 2795 responses were received which have been analysed and can be found in the A120 Consultation Report.</p> <p>A questionnaire was used to gather the views and opinions of key stakeholders about the long term improvements of the A120 from Braintree to the A12. The questionnaire used a combination of open and closed questions. Respondents were given the option to complete the questionnaire online or on paper to ensure that the consultation was accessible to the full target population.</p> <p>The consultation result and technical studies combined have assisted us to make the decision to eliminate Route A from further consideration.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>We have consulted with the following stakeholders:</p> <ul style="list-style-type: none"> • Internal (Department for Transport and Highways England) • Local authorities • Emergency services • Strategic traffic generators • Business community • Local residents • Freight and passenger transport • Statutory environmental bodies • Statutory bodies and utilities • Road users • Equalities and vulnerable user groups.

¹ Data sources within EEC. Refer to Essex Insight Page 46 of 114
<http://www.essexinsight.org.uk/mainmenu.aspx?cookieCheck=true>
 with links to JSNA and 2011 Census.



Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral (unknown at this stage)	L
Disability	Neutral (unknown at this stage)	L
Gender	Neutral (unknown at this stage)	L
Gender reassignment	Neutral (unknown at this stage)	L
Marriage/civil partnership	Neutral (unknown at this stage)	L
Pregnancy/maternity	Neutral (unknown at this stage)	L
Race	Neutral (unknown at this stage)	L
Religion/belief	Neutral (unknown at this stage)	L
Sexual orientation	Neutral (unknown at this stage)	L
Cross-cutting themes		
Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Socio-economic	Neutral (unknown at this stage)	L
Environmental, eg housing, transport links/rural isolation	Neutral (unknown at this stage)	L

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Chris Stevenson

Date: 07/11/17

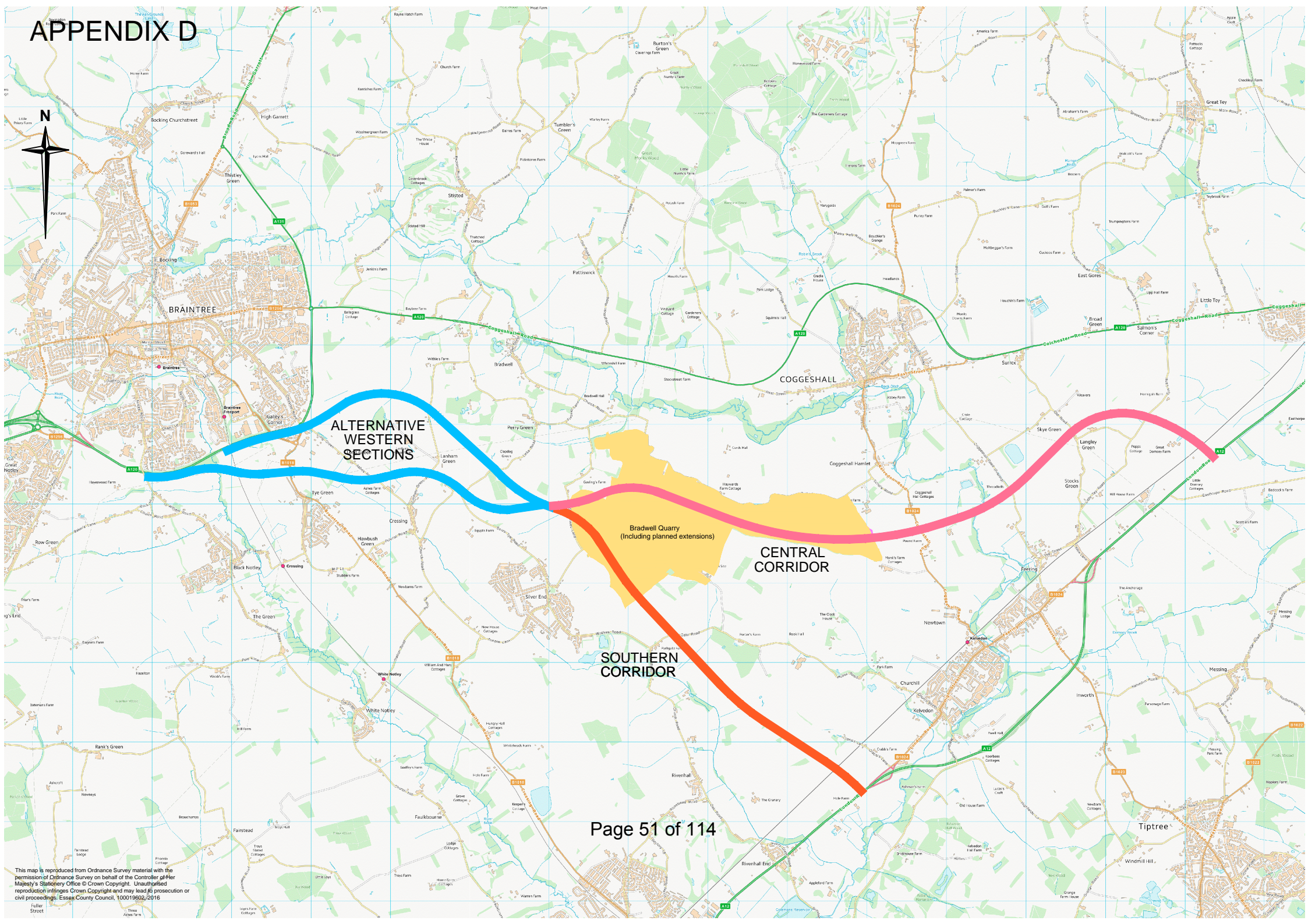
Signature of person completing the EqlA: Gary Macdonnell

Date: 13/10/17

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.





ALTERNATIVE
WESTERN
SECTIONS

CENTRAL
CORRIDOR

SOUTHERN
CORRIDOR

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Report title: M11 J7A – Decision to acquire land by Compulsory Purchase and the publication of Compulsory Purchase Orders and associated documents	
Report to: Cabinet	
Report author: Paul Crick, Director, Capital Delivery	
Date: 23 November 2017	For: Decision
Enquiries to: Paul Crick paul.crick@essex.gov.uk or Ian Allen ian.allen@essex.gov.uk	
County Divisions affected: North Weald and Nazeing and all Divisions in Harlow District.	

This report includes a confidential appendix which is not for publication as it contains exempt information falling within paragraph 3 of schedule 12A to the Local Government Act 1972 as amended.

1. Purpose of Report

- 1.1 To inform the Cabinet Members of the current status of the M11 J7a project and to seek authority that ECC exercise its own highways construction etc. powers and those of Highways England Company Limited to compulsory purchase the land identified on the land plots drawing in Appendix A and detailed in Schedule 1 in Appendix B for the purpose of constructing the scheme. Therefore, this report requests the Cabinet to authorise the publication of the necessary Compulsory Purchase Orders (CPOs) to avoid potential delays and excessive costs should land negotiations, which are ongoing, prove unsuccessful. Acquisition is required for both temporary and permanent situations (as denoted by the colour of the land plots on the CPO plan).
- 1.2 This report also requests authority to proceed with the project through the Main Works tender process up to the decision to award the contract and to delegate Cabinet's authority to award the Enabling Works contract to the Director for Capital Delivery, Paul Crick.

2. Recommendations

- 2.1 Authorise the Director, Capital Delivery to enter into agreements with Highways England and the Secretary of State for Transport under which the Council will deliver the M11 Junction 7A scheme at the expense of Highways England / the Secretary of State for Transport.
- 2.2 Agree that if the Director, Capital Delivery is unable to acquire the land by agreement on reasonable terms he may, after consulting the Leader of the Council, authorise the making of Compulsory Purchase Orders to acquire the land shown at appendix A for the construction of the M11 J7a scheme and the

improvement of the B183 and other roads and to pursue the Orders to confirmation as well as any additional legal processes required as a result of the arrangements with Highways England Company Limited.

- 2.3 Authorise the Director, Capital Delivery to agree minor changes to the boundaries of the land to be acquired after consulting the Leader of the Council.
- 2.4 Agree that the Director, Capital Delivery may progress enabling works for the scheme to facilitate construction of the scheme.
- 2.5 Authorise proceeding with the tender process for the enabling works using the Eastern Highways Framework procurement process.
- 2.6 Delegate authority to the Director for Capital Delivery to award the enabling works Contract to the tenderer who submits the bid which is evaluated as the highest scoring subject to a maximum value of £3m.
- 2.7 Authorise the Director, Capital Delivery to approve the illustrative design and undertake a procurement of a contractor using a design and build contract using the restricted procedure in the Public Contracts Regulations 2015. This will include the determination of the price quality split of the Contract by the Director, Capital Delivery. A further report will be issued to Cabinet on the award of the contract to the successful tenderer.

3. Summary of issue

Background

- 3.1 Harlow was designed in the 1940s as a new town. The continued growth of the town and the resulting pressure on the road network now demands that a strategic plan for the future needs to be agreed to reduce current and forecast congestion and access issues already manifest and likely to worsen. Junction 7 is the only access to the M11 for the Harlow area and is the only junction on the M11 between the M25 and Bishop's Stortford. This single access causes congestion on the local network that will continue to increase as growth in the area continues. Growth is likely to continue to fulfil the Government's focus on generating economic growth and housing development.
- 3.2 Without an improved link to the motorway, the town and surrounding Districts will not be able to realise their full potential and deliver their emerging Local Plan strategies. Traffic modelling work has shown that the existing M11 junction 7 is now at capacity. An increase in road network capacity and resilience is needed to support the level of committed and new housing and jobs required to meet future needs and support economic development and regeneration in Harlow and the surrounding areas. Without a new motorway junction and link road, the town and surrounding districts will not be able to realise their full potential.

- 3.3 Over the last 4 years ECC has investigated options to improve Harlow's road network. A strategic options appraisal report shows that a new junction on the M11 is the optimum solution to overcome the problem, although further improvements will also be required at M11 J7 in due course to provide for all of the planned future growth. Further work was undertaken, with initial designs being shared with the public at local exhibitions in 2013 and 2015.
- 3.4 Feedback from these consultations have informed the decision that in order to address the issues of congestion and to support Harlow as it continues to grow and expand, ECC is promoting the construction of a new motorway junction 7A on the M11 between junctions 7 and 8. This would connect to Harlow via a new link road to the B183 at Sheering Road (Epping Forest District Council) and Gilden Way (Harlow District Council). Further improvements are proposed along the B183.
- 3.5 The scheme received Preferred Route Status following Cabinet approval in December 2016 (Forward Plan reference number FP/456/16) which set out the justification of the route as the best delivery option for the outcomes and objectives of the scheme and there have been no significant variances that would affect the integrity of the decision.
- 3.6 Following the Preferred Route Announcement, a planning application for the new junction was submitted in January 2017. The decision notice was issued on 21 July 2017 following the Secretary of State's approval to allow the development within the designated Green Belt land.
- 3.7 The scheme is currently being developed at detailed design with approval to proceed with this stage being granted by the Infrastructure Delivery Board.

The Scheme

- 3.8 The scheme being developed is a new junction on the M11, which would be located within the district of Epping Forest and would be connected to the existing highway network within Harlow District. A plan showing the extent of the scheme is attached as Appendix A. The scheme phasing would begin to the west, at the London Road Roundabout on Gilden Way (B183) and involve the widening of the existing two-lane road to three lanes. When completed, two of the lanes would take traffic in a westerly direction into Harlow Town and the third lane would take the outbound traffic onto the M11 motorway. A roundabout, known as the Churchgate Roundabout, would have a "hamburger" configuration allowing traffic to flow through the centre of the roundabout in an east-west direction. The roundabout would also allow access into the proposed Harlowbury development. A new 2.5m wide footpath/cycleway would run from London Road to Sheering Road at The Champions.
- 3.9 At Mayfield Farm, the proposed widened carriageway would begin to veer to the right from its present route. Here a new carriageway would be built linking the existing Sheering Road with a new roundabout known as the Champions Roundabout. The existing Sheering Road would be converted into a local

access road for use by residents of the Campions only. This access road would link with the realigned Sheering Road via a new junction to the south of the new Campions Roundabout. Exiting the new Campions Roundabout, heading towards the new M11 junction, the road would connect to another new roundabout known as Pincey Brook Roundabout. Continuing towards the new motorway junction, with traffic exiting the Pincey Brook Roundabout, the road would approach the new roundabout on the western side of the M11.

- 3.10 A new two-lane road, to be known as the Westbound Link, would take traffic in the opposite direction, from the M11 to the new Campions Roundabout. The new link roads would rise on an embankment close to the motorway to allow for the differences in elevation between Sheering Road and the M11. Two new roundabouts and associated north and south bound slipways would be constructed on either side of the M11 and be connected by a new four-lane bridge over the motorway.
- 3.11 Some of the works will be carried out on land forming part of the M11 or in the ownership of Highways England Company. Authority is sought to enter into an agreement with Highways England and / or the Secretary of State for Transport so as to enable ECC to acquire land for motorway purposes as well as for the local roads with the intention that the slip roads and overbridge become part of the motorway network after they are completed. The new roads will be highways, with ECC being the highway authority for all non-motorway parts of the scheme, including the dumbbell roundabouts and the road over the new motorway bridge.

Land Negotiation

- 3.12 In order to construct the scheme we need to acquire significant land. Negotiations for the land are progressing but ultimately they may not succeed. Although we believe that the landowners accept that they need to sell, we may simply be unable to agree appropriate terms for the purchase. If we cannot agree reasonable terms then we need to make a compulsory purchase order.
- 3.13 The design of the proposed Scheme has taken account of its impact with local residents and has been designed to minimise the number of landowners affected by it. Two public information events and a formal public consultation have been carried out and all the feedback and recommendations received during the engagement programmes have been analysed and incorporated into the preliminary design where feasible. The Cabinet have previously considered the feedback and decided that the proposed route should still go ahead because of the considerable benefits that the scheme would bring. The revised scheme includes the following:
- Additional safe crossing points along Gilden Way
 - Provision of a local access road to the Campions opposite Mayfield Farm entrance
 - Closure of Churchgate subway
 - Closure of Old Road, to prevent rat running within Old Harlow

- Speed Reduction along Gilden Way.
- 3.14 To facilitate the construction of the new junction and the widening of Gilden Way it is necessary to acquire land outside the highway boundary. This is programmed to commence from January 2019 during the Main Works contract. To further mitigate the impact to local residents along Gilden Way and ultimately ensure value for money in relation to the cost of the project, the design has been developed in such a way that minimises the amount of land to be acquired as explained in the Preferred Route Status Cabinet report.
- 3.15 ECC have commissioned ECC's Land Agents, Lambert Smith Hampton, to engage with the affected landowners to negotiate acquisitions for the land required as part of the scheme and therefore avoid the need for a CPO or at least to complete negotiations before any Public Inquiry as part of the confirmation process. However, in the interest of ensuring the construction works remain on programme and to ensure a fair and reasonable cost for the land acquisition is achieved, it is the intention to proceed with the CPO process in parallel with these negotiations. The Scheme programme and budget has always included provision for the potential need of a Public Inquiry should this become unavoidable.

Implementation of the Scheme

- 3.16 The Project programme shows the enabling works Contract commencing in April 2018. This work will include the installation of drainage pipes and the diversion of underground utilities prior to the construction of the widened length of Gilden Way which will be undertaken as part of the Main Works Contract. As stated previously, the enabling works will not be impacted by the CPO process. Cabinet is asked to agree that we can procure a contract for the enabling works using the Eastern Highways Alliance Framework agreement and award the contract to the successful bidder if the works cost no more than £3m.
- 3.17 With respect to the main works, we are finalising illustrative designs which we anticipate will be completed by April 2018. It is proposed that Cabinet agree that the Director, Capital Delivery will launch a procurement procedure using the restricted procedure in the Public Contracts Regulations 2015. It is proposed that the contract will be a design and build contract and that the final split between price and quality will be determined by the Director, Capital Delivery. Cabinet will be asked to take the decision to award the contract to the successful bidder.
- 3.18 It is anticipated that, following confirmation, the land comprised in the CPO will need to be taken into ECC control in January 2019 in order to allow the commencement of the Main Works. Until the Main Works Contractor has been appointed it is not possible to be more specific as this will depend on the Contractor's method of working and programme.

4. Options

- 4.1 The Council could decide not to progress the scheme and ask Highways England to deliver it. Although this would be lower risk to ECC, it would be likely to significantly delay the delivery of the scheme, incur substantial additional cost and possibly even mean that it did not happen.
- 4.2 The Council could agree to deliver the scheme and rely on acquiring the land by agreement only. This would increase the risk of delivery of the scheme as landowners would have no incentive to negotiate reasonable terms and the scheme could be delayed.

5. Financial implications

- 5.1 All the above actions are within the estimated costs of delivering the scheme with an indicative total scheme budget (which includes spend in prior years, as set out in Appendix F (Confidential) and has also been accounted for in the development of a robust delivery programme.
- 5.2 If any of the recommendations included in this report are not approved there is a risk that the scheme costs could escalate and the delivery profile would be affected. This would be mitigated by the contingency built into the project budget.
- 5.3 As it currently stands there are no additional implications to the MTRS as a result of these decisions.
- 5.4 ECC will be liable for payments in relation to the land to be acquired on a temporary or permanent basis and other statutory compensation payments and this has been included in the budget provision.
- 5.5 The financial and reputational risk to ECC has been considered throughout the design process and the scheme has been developed to minimise the number of land owners affected by the potential CPO process and also the amount of land to be acquired. This has contributed to producing a Very High value for money scheme.

6. Legal implications

- 6.1 ECC has the power to make a compulsory purchase order for highway purposes in relation to the local road network and Highways England Company Limited has similar powers in relation to the motorway and trunk road network. In order to achieve the scheme, ECC and Highways England Company Limited will need to either act in concert or one of the two organisations take the lead in delivery of the scheme. Provided ECC obtains agreement from Highways England Company Limited to exercise their powers of acquisition, ECC can make the CPO for the entire scheme.

- 6.2 In relation to the confirmation process, through a public inquiry or otherwise, ECC will need to be able to demonstrate that it has a clear plan for the delivery of the scheme that it has the necessary resources to achieve that end within a reasonable time scale. It will also need to address any impediments to delivery.
- 6.3 It is common practice, and acknowledged in the Department of Communities and Local Government guidance, that negotiations with landowners should sensibly continue alongside a formal CPO process.

7. Human Rights and Equality and Diversity implications

- 7.1 Paragraph 12 of the Department of Communities and Local Government Guidance in 2015 states that ‘an acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected.’
- 7.2 Officers acknowledge that these proposals will have an effect on the human rights of those with interests in the CPO land, however, on balance it is recommended that ECC finds that the public benefit of these proposals outweigh the impact of those affected. Regard has been taken in particular to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention as recommended by the guidance.

Article 1 of the First Protocol to the ECHR

7.3 Article 1 of the First Protocol provides that:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”

- 7.4 The CPO will affect the Article 1 rights of the present owner/occupiers if confirmed by the Secretary of State. However, there will be no violation of those rights if we can establish a strong case in the public interest and lawful as required by Article 1 of the First Protocol. If a CPO is made, the Council will be required to demonstrate the public interest. In this case there is a clear case in the public interest because of strong transport and economic benefits of the scheme to the area. Those directly affected by the CPO will be entitled to compensation as provided by law, such compensation to be settled in the absence of agreement by the impartial Upper Tribunal (Lands).

Article 8

7.5 Article 8 of the Convention provides as follows:

“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the Country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others”.

7.6 Article 8 is a qualified right and interference can be justified in appropriate cases by reference to Article 8(2).

7.7 The CPO will be made pursuant to section 239 of the Highways Act 1980 which authorises ECC to acquire land compulsorily for the construction of and improvement of highways subject to following the procedures laid down in the Acquisition of Land Act 1981. Again, ECC will need to demonstrate that there is a compelling case in the public interest to acquire the CPO land and the public benefit will outweigh the private loss. In the circumstances, the compulsory acquisition of the CPO land will not conflict with Article 8 of the Convention.

Article 6

7.8 Article 6 provides that:

“In the determination of his civil rights and obligations..... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”

7.9 The CPO when made will be publicised and all those affected by the Order will be notified and have the opportunity to make objections and to be heard at a public inquiry before a decision is made on whether or not the CPO should be confirmed. A right of legal challenge exists to this process in accordance with section 23 of the Acquisition of Land Act 1981. Any dispute as to compensation payable falls to be determined by the Upper Tribunal (Lands).

Application of Human Rights to the Proposed CPO

7.10 To the extent that the Order would affect individual rights the proposed interference with them would be in accordance with the law, proportionate and necessary in the public interest in order to secure the redevelopment of the CPO land and improvements and benefits that the Scheme will bring.

- 7.11 All of those whose Article 1, Article 6 and Article 8 rights would be affected by the CPO will have an opportunity to object to it and to have their objection considered at an independent and public hearing. If the order is confirmed then anyone considering that the order is invalid as a result of a legal error has a statutory right to go to court to challenge the order.
- 7.12 Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the compensation code and any disputes over compensation are determined by an impartial tribunal established by law.

Public Sector Equality Duty

- 7.13 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful;
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.14 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.15 The equality impact assessment (EqIA) indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.
- 7.16 An equality impact assessment was completed for the Preferred Route Status decision on 18 November 2016 and has been included in Appendix D. A second equality impact assessment was completed in relation to the known characteristics of plot owners and occupiers directly affected by this decision on 27 October 2017 and is included in Appendix E.

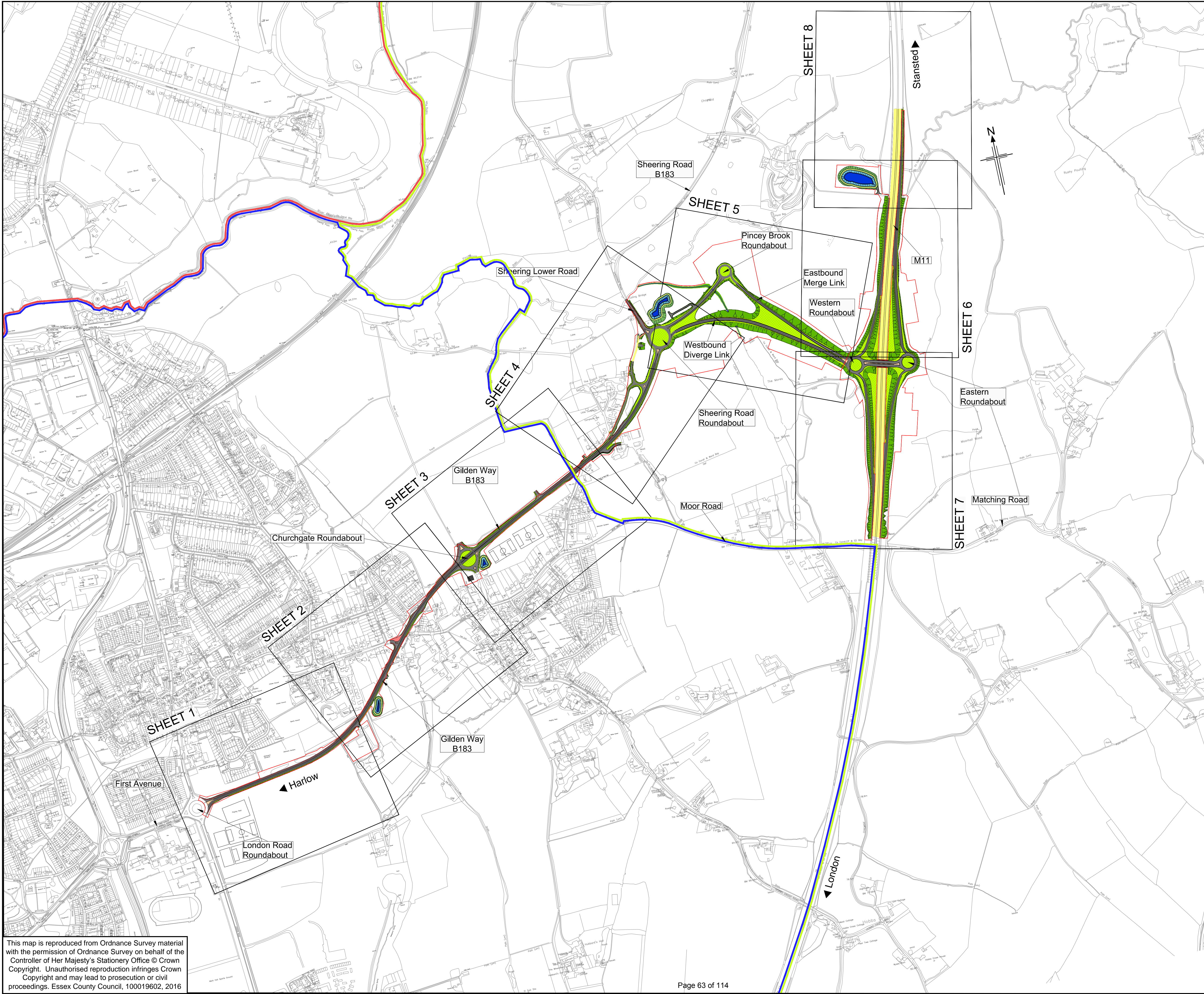
8. List of appendices

- Appendix A - Plan of the Scheme
- Appendix B - CPO plan
- Appendix C - CPO Schedule 1
- Appendix D - Equality Impact Assessment (Preferred Route Status)
- Appendix E - Equality Impact Assessment (CPO)
- Appendix F - Scheme Budget (Confidential)

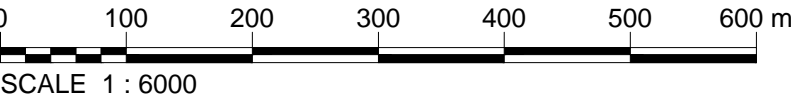
9. List of Background papers

M11 J7A Consultation Document – June 2016

Planning application and Decision Notice: [Link to M11 J7a Planning Application](#)



- Notes:**
1. All dimensions in meters unless stated otherwise.
 2. For Layout Plans refer to B3553F05-0100-DR-0501 to B3553F05-0100-DR-0508.
- Key:**
- Harlow District Boundary
 - Epping Forest District Boundary
 - East Hertfordshire District Boundary



Rev.	Date	Description of revision	Drawn	Checked	Reviewed	Approved
P0	30/09/16	ISSUED FOR PLANNING APPLICATION	OM	JB	AK	PM

DRAWING STATUS
PRELIMINARY



Mark Rowe, Service Director, Highways
Seax House, Victoria Road South, Chelmsford, CM1 1QH.
Tel: 0345 6037631
© Essex County Council

SCHEME TITLE
M11 JUNCTION 7A

DRAWING TITLE
PROPOSED LAYOUT

KEY PLAN

DESIGNED	DRAWN	CHECKED	REVIEWED	APPROVED
JB	OM	JB	AK	PM
DATE	DATE	DATE	DATE	DATE
30/09/16	30/09/16	30/09/16	30/09/16	30/09/16

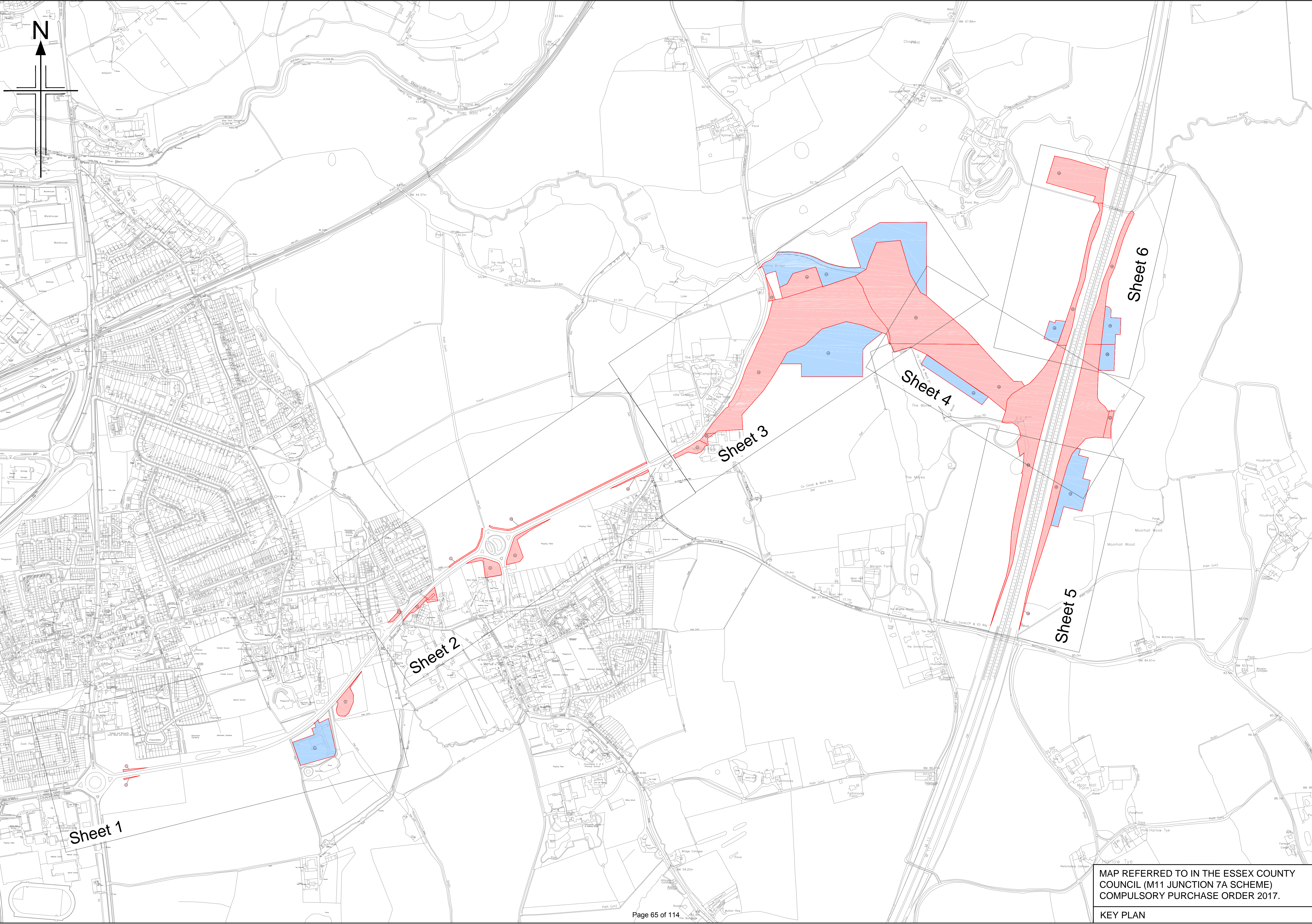
DRAWING UNITS U.N.O.
DIMENSIONS AND LEVELS
IN METRES

SCALE AT A1 (841X594mm)
1:6000

DRAWING No.
B3553F05-0100-DR-0500

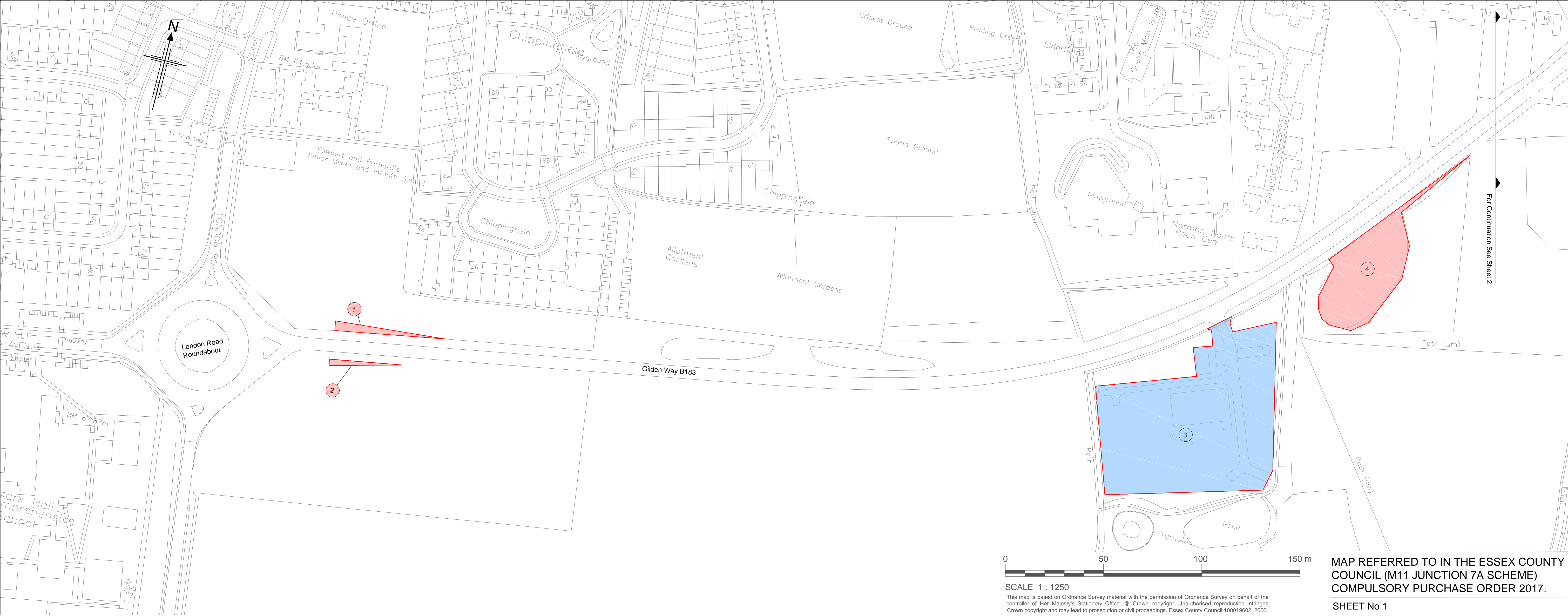
REV.
P0

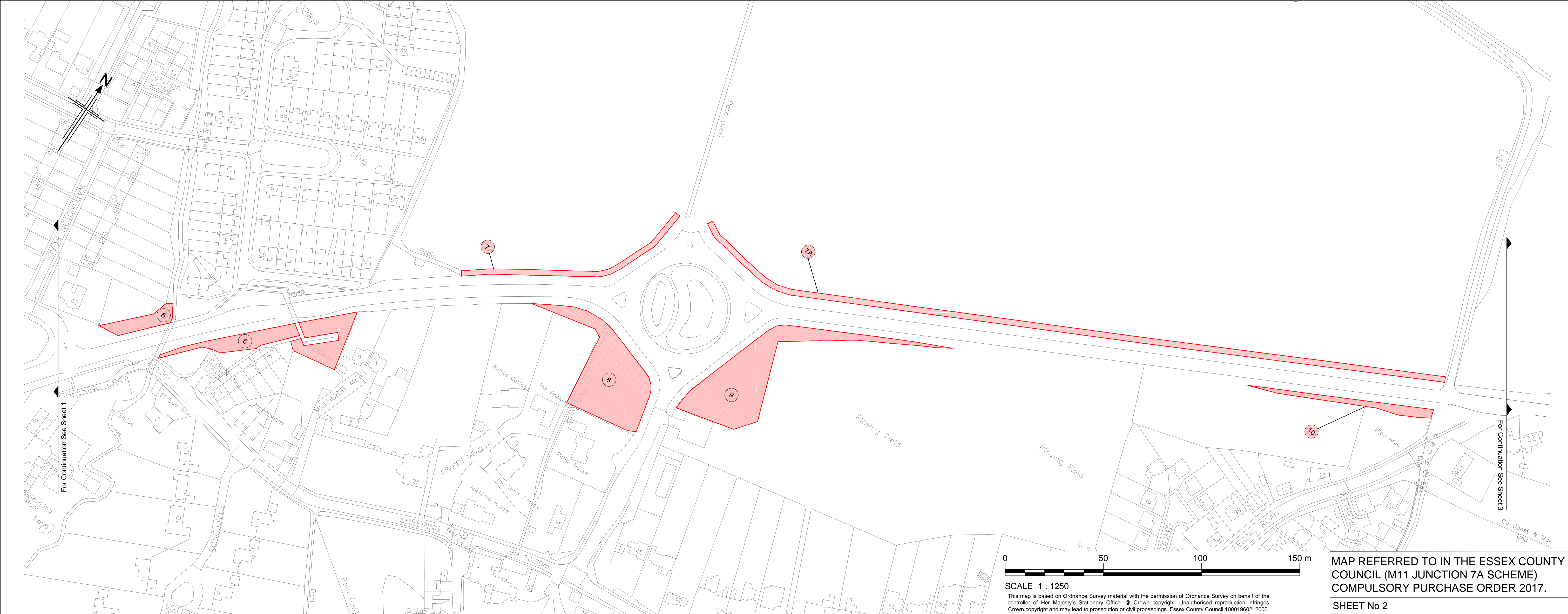
This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.

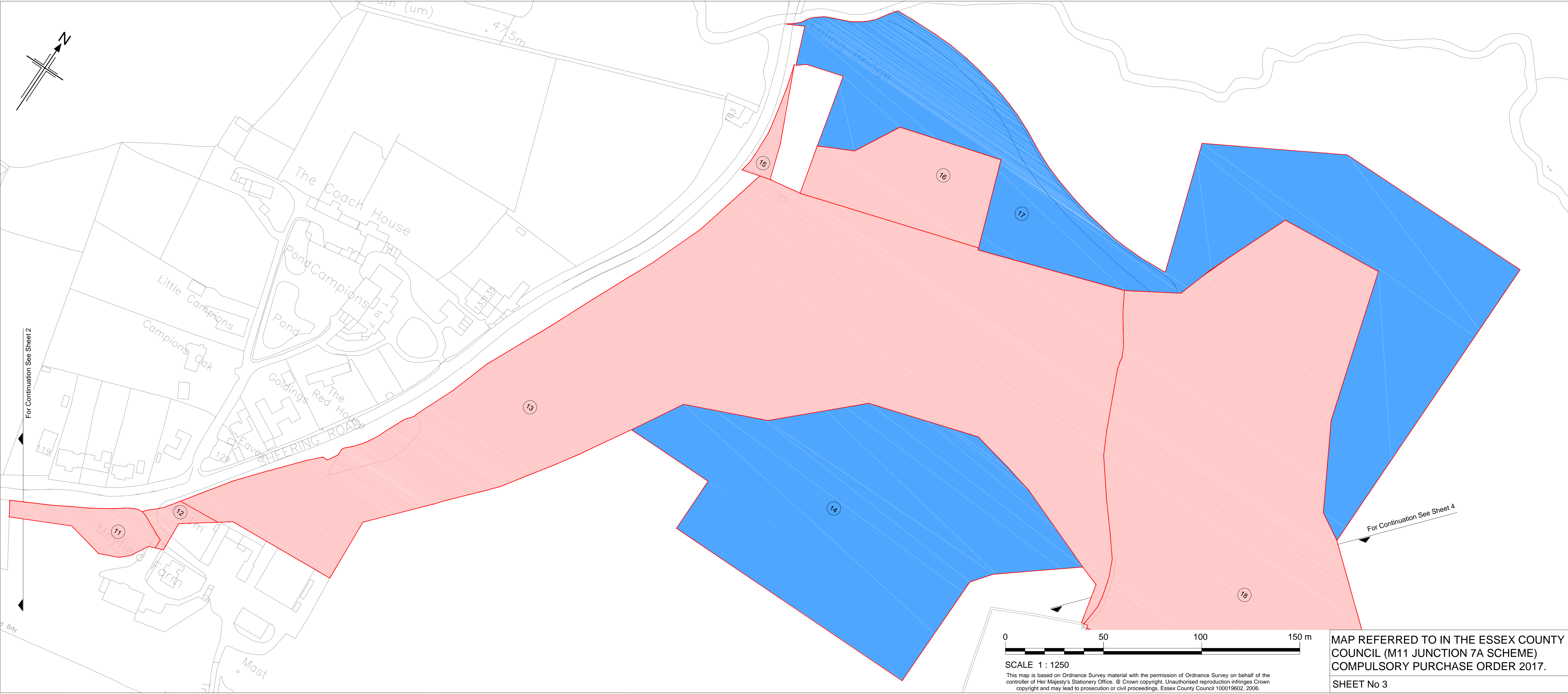


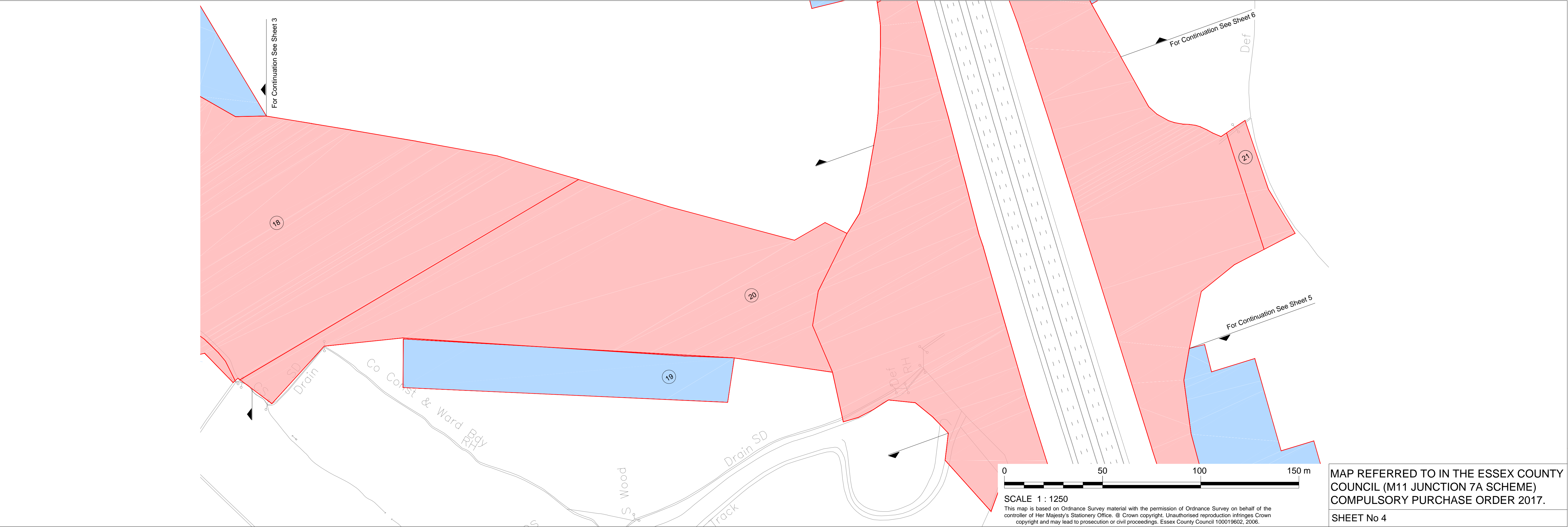
MAP REFERRED TO IN THE ESSEX COUNTY
COUNCIL (M11 JUNCTION 7A SCHEME)
COMPULSORY PURCHASE ORDER 2017.

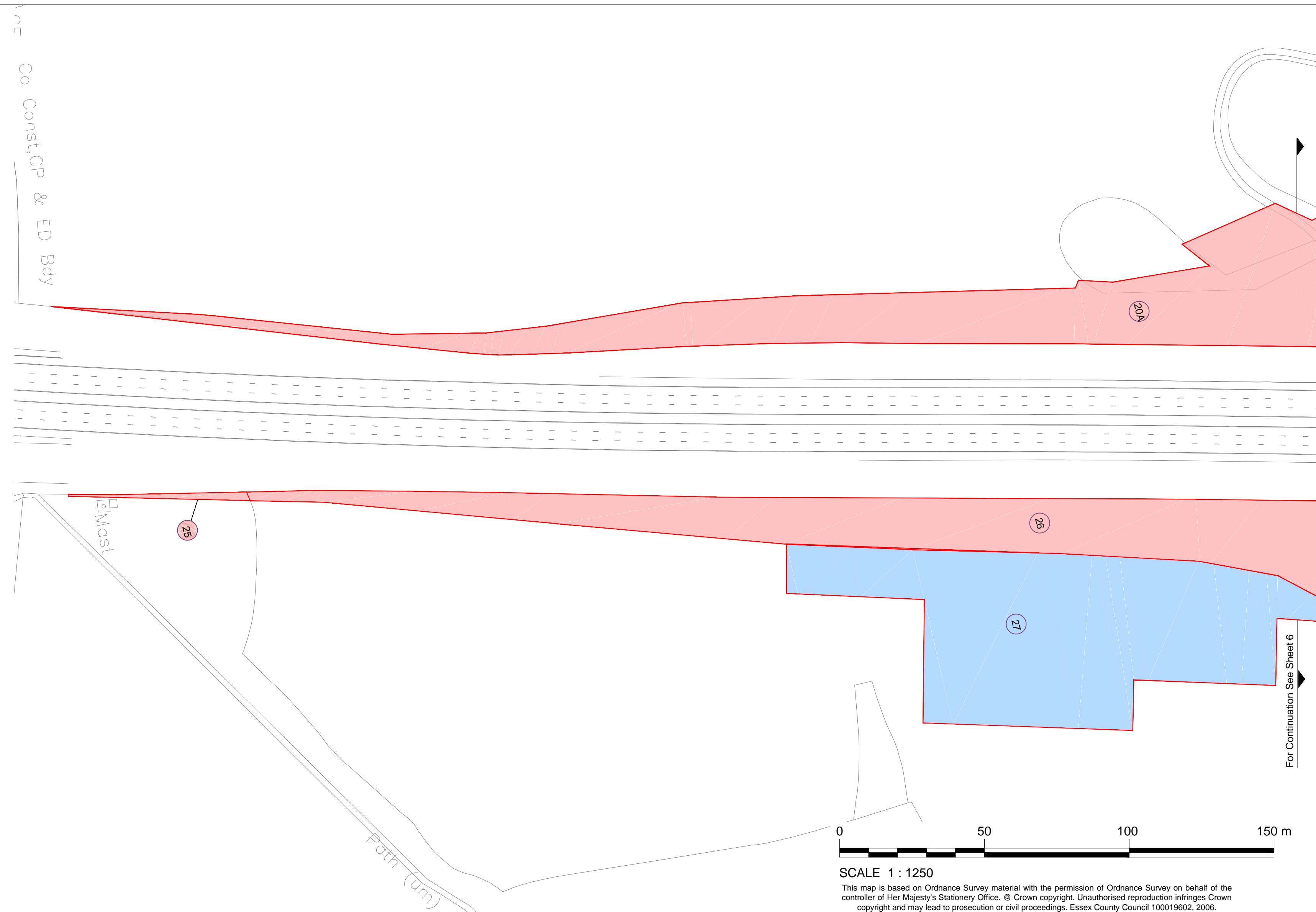
KEY PLAN

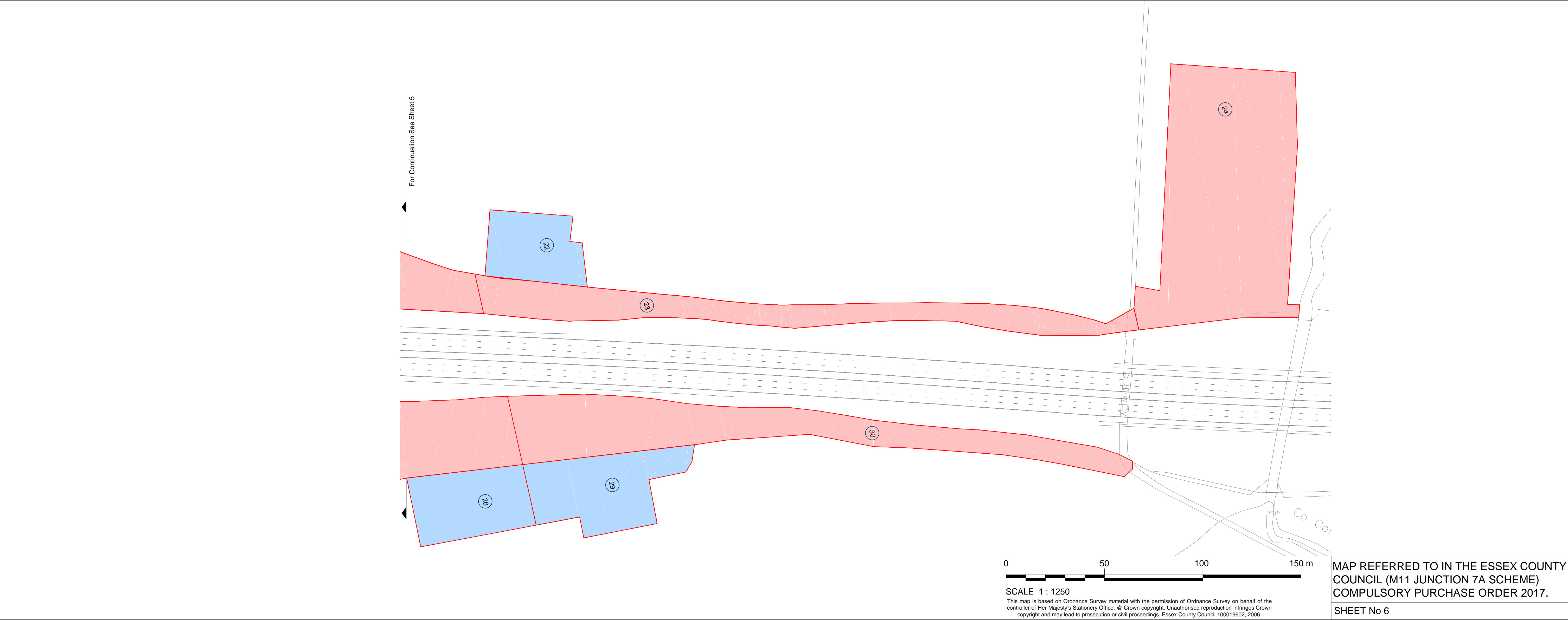












Schedule 1
Table 1

Number on Map	Extent, description and situation of the land	Qualifying Persons Under Section 12(2)(a) of the Acquisition of Land Act 1981				Reason or Purpose of CPO
		Owners or Reputed Owners	Lessees or Reputed Lessees	Tenants or Reputed Tenants	Occupiers	
In the District of Harlow in the county of Essex						
1	195 square metres, land to the north of Gilden Way, east of London Road Roundabout	Harlow District Council (HDC)	-	-	-	Land required for highway widening and improvement
2	86 square metres, land to the south of Gilden Way, east of London Road Roundabout	NEW HALL PROJECTS LIMITED, Lynsore Court, Upper Hardres, Canterbury, Kent, CT4 6EE	-	-	-	Land required for highway widening and improvement
3	8505 square metres, land to the south of Gilden Way, including a nursery owned by Harlow District Council	Harlow District Council (HDC)	-	-	-	Land required for site compound during construction
4	2468 square metres of land to the south of Gilden Way	Harlow District Council	-	-	-	Land required for the construction of highways drainage attenuation pond
5	345 square metres land to the north of Gilden Way	Harlow District Council (HDC)	-	-	-	Land required for the construction of highways drainage oil interceptor and outfall.
6	1238 square metres land to south of Gilden Way, east of Sheering Drive	Harlow District Council (HDC)	-	-	-	Land required for construction of highways drainage network and landscape mitigation
7	479 square metres land to north of Gilden Way and north-west of Churchgate roundabout	HARLOWBURY ESTATES LIMITED 24 Castle Street, Hertford SG14 1HP	-	-	-	Land required for highway widening (footway) and improvement
7A	1622 square metres land to the north of Gilden Way and North-East of Churchgate roundabout	HARLOWBURY ESTATES LIMITED 24 Castle Street, Hertford SG14 1HP	-	-	-	Land required for highway widening (footway) and improvement
8	2137 square metres of land located south of Gilden Way and west of Churchgate roundabout	Harlow District Council (HDC)	-	-	-	Land required for the construction of highways drainage, storage and flow balancing facilities.
9	2341 square metres of land located on the east of Churchgate Roundabout	Harlow District Council, The Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG	-	-	-	Land required for the construction of highways drainage attenuation pond
10	380 square metres of land located south of Gilden Way and north of Sheering Road, including a play area	Harlow District Council, The Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG	-	-	-	Land required for highway widening (bus layby) and improvement
11	1596 square metres of land located south of sheering road and west of Mayfield farm	(i) SIMON MICHAEL COLLINS, Feltimores Farmhouse, Chalk Lane, Moorhall Road, Harlow, Essex CM17 0PF (ii) JANE COLLINS Feltimores Farmhouse, Chalk Lane, Moorhall Road, Harlow, Essex CM17 0PF. (iii) EDWARD COLLINS Daw Street Farm, Daw Street, Finchingfield, Braintree, Essex CM7 4LQ. (iv) CLAIRECOLLINS Daw Street Farm, Daw Street, Finchingfield, Braintree, Essex CM7 4LQ	-	-	-	Land required for highway widening and improvement
12	500 square metres of land located at the access of Mayfield Farm.	(i) CHARLES EDWARD COLLINS Daw Street Farm, Daw Street, Finchingfield, Braintree, Essex CM7 4LQ. CLAIRE (ii) COLLINS Daw Street Farm, Daw Street, Finchingfield, Braintree, Essex CM7 4LQ	-	-	-	Land required for highway widening and improvement - Mayfield Farm Access

Schedule 1
Table 1

13	53572 square metres of arable land at Mayfields Farm and Feltimores Farm, Harlow	(i) SIMON MICHAEL COLLINS, Feltimores Farmhouse, Chalk Lane, Moorhall Road, Harlow, Essex CM17 0PF (ii) MARY JANE COLLINS Feltimores Farmhouse, Chalk Lane, Moorhall Road, Harlow, Essex CM17 0PF. (iii) CHARLES EDWARD COLLINS Daw Street Farm, Daw Street, Finchingfield, Braintree, Essex CM7 4LQ. CLAIRE (iii) COLLINS Daw Street Farm, Daw Street, Finchingfield, Braintree, Essex CM7 4LQ	-	-	-	Land required for construction of New Link Road
14	24376 square metres of arable land at Mayfields Farm and Feltimores Farm, Harlow	(i) SIMON MICHAEL COLLINS, Feltimores Farmhouse, Chalk Lane, Moorhall Road, Harlow, Essex CM17 0PF (ii) MARY JANE COLLINS Feltimores Farmhouse, Chalk Lane, Moorhall Road, Harlow, Essex CM17 0PF. (ii) CHARLES EDWARD COLLINS Daw Street Farm, Daw Street, Finchingfield, Braintree, Essex CM7 4LQ. CLAIRE (ii) COLLINS Daw Street Farm, Daw Street, Finchingfield, Braintree, Essex CM7 4LQ	-	-	-	Land required for site compound and material storage during construction
15	500 square metres of land to the east of sheering road and south of Princey Brook river	(i) Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB. (ii) Jennifer Jane Tasker Brook Barn, Sheering Hall Drive, Harlow, Essex CM17 0NG	-	-	-	Land required for construction of New Link Road
16	5363 square metres of land to the east of sheering road and south of Princey Brook river	(i) Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB. (ii) Jennifer Jane Tasker Brook Barn, Sheering Hall Drive, Harlow, Essex CM17 0NG	-	-	-	Land required for the construction of highways drainage attenuation pond
17	30476 square metres of arable land to the south of Garden Care Tree Services and Pincey Brook River	(i) Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB. (i) Jennifer Jane Tasker Brook Barn, Sheering Hall Drive, Harlow, Essex CM17 0NG	-	-	-	Land required for material storage during construction
18	42751 square metres of arable land to the south of Garden Care Tree Services and west of M11 motorway	(i) Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB. (ii) Jennifer Jane Tasker Brook Barn, Sheering Hall Drive, Harlow, Essex CM17 0NG	-	-	-	Land required for construction of New Link Road
19	6004 square metres of arable land lying to the east of Sheering Road, Harlow	M F Strategic Land Limited Parkside, 3620 Birmingham Business Park, Solihull, West Midlands, B91 7TG	-	-	-	Land required for site compound and material storage during construction
20	22276 square metres of arable land lying to the east of Sheering Road, Harlow	M F Strategic Land Limited Parkside, 3620 Birmingham Business Park, Solihull, West Midlands, B91 7TG	-	-	-	Land required for construction of New Link Road
20A	26254 square metres of arable land to the west of the M11 motorway, north of Matching Farm	M F Strategic Land Limited Parkside, 3620 Birmingham Business Park, Solihull, West Midlands, B91 7TG	-	-	-	Land required for construction of New Junction and Slip Road(s).
21	1115 square metres of arable land located to the east of M11 motorway north of Moorhall Wood	Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB	-	-	-	Land required for construction of New Junction and Slip Road(s).

Schedule 1
Table 1

22	2294 square metres of arable land to the west of M1 motorway	(i) Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB. (ii) Jennifer Jane Tasker Brook Barn, Sheering Hall Drive, Harlow, Essex CM17 0NG	-	-	-	Land required for advanced works (high pressure gas main diversion) during construction.
23	5751 square metres of arable land to the west of M11 motorway	(i) Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB. (ii) Jennifer Jane Tasker Brook Barn, Sheering Hall Drive, Harlow, Essex CM17 0NG (as on sheet 4)	-	-	-	Land required for construction of Slip Road (part of the New Junction)
24	11707 square metres of arable land to the west of M1 motorway	Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB. Jennifer Jane Tasker Brook Barn, Sheering Hall Drive, Harlow, Essex CM17 0NG	-	-	-	Land required for the construction of highways drainage attenuation pond and maintenance access
25	155 square metres of arable land located east of M11 motorway, north of Matching Road	M F Strategic Land Limited, Parkside, 3620 Birmingham Business Park, Solihull, West Midlands, B91 7TG	-	-	-	Land required for construction of Slip Road (part of the New Junction)
26	26193 square metres of arable land located east of M11 motorway, north of Matching Road	M F Strategic Land Limited, Parkside, 3620 Birmingham Business Park, Solihull, West Midlands, B91 7TG	-	-	-	Land required for construction of New Junction and Slip Road.
27	10220 square metres of arable land located east of M11 motorway, north of Matching Road	M F Strategic Land Limited, Parkside, 3620 Birmingham Business Park, Solihull, West Midlands, B91 7TG	-	-	-	Land required for material storage during construction
28	2789 square metres of arable land located east of M11 motorway, north of Matching Road	M F Strategic Land Limited, Parkside, 3620 Birmingham Business Park, Solihull, West Midlands, B91 7TG	-	-	-	Land required for material storage during construction
29	3537 square metres of arable land located to the east of M11 motorway, south of Princey Brook river	Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB	-	-	-	Land required for material storage during construction
30	7812 square metres of arable land located to the east of M11 motorway, south of Princey Brook river	Stuart John Tinney, Housham Hall, Harlow Road, Matching Tye, Harlow, Essex CM17 0PB	-	-	-	Land required for construction of Slip Road (part of the New Junction)

Equality Impact Assessment

Context

1. Under s.149 of the Equality Act 2010, when making decisions, Essex County Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - gender
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. The EqIA will be published [online](#):
8. All **Cabinet Member Actions, Chief Officer Actions, Key Decisions** and **Cabinet Reports must be** accompanied by an EqIA.
9. For further information, refer to the EqIA guidance for staff.
10. For advice, contact:
 Shammi Jalota shammi.jalota@essex.gov.uk
 Head of Equality and Diversity
 Corporate Law & Assurance
 Tel 0330 134592 or 07740 901114



Section 1: Identifying details

Your function, service area and team: Transportation Strategy and Engagement

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: M11 J7A Harlow - Preferred Route Status

Officer completing the EqlA: David Sprunt Tel: 03330136699 Email: david.sprunt@essex.gov.uk

Date of completing the assessment: 19th Sep 2016

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? New Decision
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): This report considers the outcome of the public consultation and asks the Cabinet Member to grant Preferred Route Status for the new junction (7A) on the M11 and link road to B183.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? The construction of a new junction (7A) on the M11 and link road to B183 to relieve congestion and provide for the future economic and housing growth within Harlow and the surrounding area .</p> <p>Congestion within Harlow has been identified as a constraint to economic growth and regeneration within the town. This has recently been highlighted by the need to restrict job numbers at the Enterprise Zone in the town due to constraints at M11 J7.</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none"> • service users • employees • the wider community or groups of people, particularly where there are areas of known inequalities? <p>Yes. Most Essex residents use the transport network daily</p> <p>Will the policy or decision influence how organisations operate? No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No</p>



2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The decision relates closely with Essex's vision to:</p> <ul style="list-style-type: none"> • Develop and maintain the infrastructure that enables our residents to travel and our businesses to grow • Support employment and entrepreneurship across our economy <p>The construction of this transport scheme will contribute to the Economic Plan for Essex to deliver transport infrastructure that will secure growth in jobs and homes to 2021 and beyond.</p> <p>This proposal also aligns with the Sustainable Economic Growth for Essex Communities and Businesses outcomes based commissioning strategy. In particular: Increased connectivity and journey time reliability on priority route network (PR1).</p>
-----	--

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>It is widely accepted that infrastructure improvements are required to facilitate the existing and proposed traffic flows through Harlow</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>Formal public consultation on the proposed scheme was held between June and July 2016. All the responses have been collated and actions allocated to minimise the impact of the scheme. Additional work is being undertaken (Air Quality Assessment) and mitigation proposals considered to alleviate public concerns.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary. Please include any reasonable adjustments, e.g. accessible formats, you will provide as part of the consultation process for disabled people:</p> <p>N/A</p>

¹ Data sources within EEC. Refer to Essex Insight:
<http://www.essexinsight.org.uk/mainmenu.aspx?cookieCheck=true>
 with links to JSNA and 2011 Census.

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral - The provision of a new junction would not affect this group	L
Disability – learning disability	Neutral - The provision of a new junction would not affect this group	L
Disability – mental health	Neutral - The provision of a new junction would not affect this group	L
Disability – physical disability	Neutral - The provision of a new junction would not affect this group	L
Disability – sensory impairment (visual, hearing and deafblind)	Neutral - The provision of a new junction would not affect this group	L
Gender	Neutral - The provision of a new junction would not affect this group	L
Gender reassignment	Neutral - The provision of a new junction would not affect this group	L
Marriage/civil partnership	Neutral - The provision of a new junction would not affect this group	L
Pregnancy/maternity	Neutral - The provision of a new junction would not affect this group	L
Race	Neutral - The provision of a new junction would not affect this group	L
Religion/belief	Neutral - The provision of a new junction would not affect this group	L
Sexual orientation	Neutral - The provision of a new junction would not affect this group	L
Cross-cutting themes		
Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact

		Low, medium, high (use L, M or H)
Socio-economic	Positive – This decision relates to Essex's commitment to develop and maintain the infrastructure that enables our residents to travel and our businesses to grow and to support employment and entrepreneurship across our economy	H
Environmental, eg housing, transport links/rural isolation	Positive – provides improved network capacity and resilience improving opportunity to develop new housing, provide new jobs and improve links to London Stansted Airport	H

Section 5: Conclusion			
		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
Air Quality	Under development, but will include methods to manage traffic flows on the links and junctions to reduce impact	Dec 2016
Noise	Under development, but will include methods to manage traffic flows on the links and junctions to reduce impact	Dec 2016

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: <i>Chris Stevenson</i>	Date: 18 th November 2016
Signature of person completing the EqlA: <i>David Sprunt</i>	Date: 18 th November 2016

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

Equality Impact Assessment

Context

1. under s.149 of the Equality Act 2010, when making decisions, Essex County Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sex/gender
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
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9. For further information, refer to the EqIA guidance for staff.
10. For advice, contact:
Shammi Jalota shammi.jalota@essex.gov.uk
Head of Equality and Diversity
Corporate Law & Assurance



Section 1: Identifying details

Your function, service area and team: Infrastructure and Environment, Infrastructure Delivery, Infrastructure Project Team

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:

Title of policy or decision: M11 J7A – Decision to acquire land by Compulsory Purchase and the publication of Compulsory Purchase Orders and associated documents

Officer completing the EqlA: Ian Allen Tel: 03330 130 563 Email: ian.allen@essex.gov.uk

Date of completing the assessment: 27/10/2017

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? New Decision
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To inform the Cabinet Members of the current status of the M11 J7a project and to seek authority that ECC exercise its own highways construction etc. powers and those of Highways England Company Limited to compulsory purchase the land identified on the land plots drawing in Appendix A and detailed in Schedule 1 in Appendix B (Confidential) for the purpose of constructing the scheme. Therefore, this report requests the Cabinet authorise the publication of the necessary Compulsory Purchase Orders (CPOs) to avoid potential delays and excessive costs should land negotiations, which are ongoing, prove unsuccessful. Acquisition is required for both temporary and permanent situations (as denoted by the colour of the land plots on the CPO plan).</p> <p>This report also requests authority to proceed with the project through the Main Works tender process up to the decision to award the contract and to delegate Cabinet's authority to award the Enabling Works contract to the Director for Capital Delivery, Paul Crick.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Cabinet's approval of the preferred options for each of the Decision items to enable the M11 J7a scheme to progress to the agreed programme. This includes to acquire land belonging to 3rd parties for the purpose of road construction in relation to the scheme</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees



	<ul style="list-style-type: none"> the wider community or groups of people, particularly where there are areas of known inequalities? <p>Yes – These decisions will affect the communities within Harlow and Epping Forest as a limited number of land owners will have their land acquired compulsorily through the confirmation of the Compulsory Purchase Orders. It is ECC's wish to be able to negotiate a fair and reasonable cost for the land, however, it is not uncommon to proceed with the CPO process in parallel should negotiations prove unsuccessful.</p> <p>Will the policy or decision influence how organisations operate? No</p>
2.4	<p>Will the policy or decision involve substantial changes in resources? No</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>The decisions set out in the Cabinet Report relate closely with Essex's vision to:</p> <ul style="list-style-type: none"> Develop and maintain the infrastructure that enables our residents to travel and our businesses to grow; and Support employment and entrepreneurship across our economy. <p>The construction of this transport scheme will contribute to the Economic Plan for Essex to deliver transport infrastructure that will secure growth in jobs and homes to 2021 and beyond.</p> <p>This proposal also aligns with the Sustainable Economic Growth for Essex Communities and Businesses outcomes based commissioning strategy. In particular: Increased connectivity and journey time reliability on priority route network (PR1).</p>

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>Those affected by the potential CPO process are Harlow District Council, the consortium for Harlowbury and a family owned agricultural business at Mayfield Farm.</p> <p>The Harlowbury consortium is a group of national housing developers who have planning permission for the construction of a housing development adjacent to Gilden Way which is yet to commence. These Developers are fully aware of the acquisition process and have appointed a CPO expert to act on their behalf.</p> <p>Mayfield Farm is a family owned agricultural business that has aspirations to sell develop the remainder of their land surrounding the new M11J7a link. This will form part of Epping Forest's Local Plan and are aware of the acquisition process and have appointed a land agent to act on their behalf.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>A Formal Public Consultation was undertaken between May 2016 and July 2016 with the subsequent responses collated and analysed to help inform a better design of the scheme for the local residents. All the feedback and recommendations received during the engagement programmes have been analysed and incorporated into the preliminary design as much as reasonably practicable. This includes:</p> <ul style="list-style-type: none"> • Additional crossing points along Gilden Way • Provision of a local access road to The Campions opposite Mayfield Farm entrance • Closure of the subway between Mulberry Green and Churchgate Roundabout • Closure of Old Road to prevent rat running • Speed Reduction along Gilden Way <p>The responses were noted by Cabinet in December 2016 at the same time as authorising the making of a planning application for the scheme and the announcement of the Preferred Route Status.</p> <p>The decision to publish the CPO will affect considerably fewer people than those that were consulted during the Formal Public Consultation. This is as a result of focussed development of the design to minimise and mitigate the impact on local residents. This scheme will enable future development within Harlow and the wider</p>

¹ Data sources within EEC. Refer to Essex Insight <http://www.essexinsight.org.uk/mainmenu.aspx?cookieCheck=true> with links to JSNA and 2011 Census.



	<p>areas with increased economic and social benefits. In addition, this scheme will release land earmarked for development that will benefit landowners.</p> <p>ECC have instructed their Land Agents, Lambert Smith Hampton, to begin discussions with the affected land owner's agents to try to negotiate acquisitions for the land required as part of the scheme and therefore avoid the need to deal with objections to the CPO and a potential Public Inquiry as part of the confirmation process.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary. Please include any reasonable adjustments, e.g. accessible formats, you will provide as part of the consultation process for disabled people:</p> <p>Any notices and correspondences regarding the CPO process will be available in various formats through different communication channels such as posted letters, emails and face to face meetings as requested by the affected land owners.</p> <p>There will be no violation of those rights as officers are content that the steps taken are in the public interest and lawful as required by Article 1 of the First Protocol. Those directly affected by the CPO will be entitled to statutory compensation as provided by law, such compensation to be settled in the absence of agreement by the impartial Upper Tribunal.</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral – The decision to publish the CPOs would not affect this group.	L
Disability – learning disability	Neutral – The decision to publish the CPOs would not affect this group.	L
Disability – mental health issues	Neutral – The decision to publish the CPOs would not affect this group.	L
Disability – physical impairment	Neutral – The decision to publish the CPOs would not affect this group.	L
Disability – sensory impairment (visual, hearing and deafblind)	Neutral – The decision to publish the CPOs would not affect this group.	L
Gender/Sex	Neutral – The decision to publish the CPOs would not affect this group.	L
Gender reassignment	Neutral – The decision to publish the CPOs would not affect this group.	L
Marriage/civil partnership	Neutral – The decision to publish the CPOs would not affect this group.	L
Pregnancy/maternity	Neutral – The decision to publish the CPOs would not affect this group.	L
Race	Neutral – The decision to publish the CPOs would not affect this group.	L
Religion/belief	Neutral – The decision to publish the CPOs would not affect this group.	L
Sexual orientation	Neutral – The decision to publish the CPOs would not affect this group.	L
Cross-cutting themes		

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Socio-economic	<p>Positive – This decision relates to Essex’s commitment to develop and maintain the infrastructure that enables our residents to travel and our businesses to grow and to support employment and entrepreneurship across our economy.</p> <p>Improved sustainable travel facilities (footpaths and cycle paths) and increased safety through the closure of Churchgate subway.</p> <p>Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the compensation code and any disputes over compensation are determined by an impartial tribunal established by law</p>	H
Environmental, eg housing, transport links/rural isolation	<p>Positive – This decision provides improved network capacity and resilience improving opportunity to develop new housing, provide new jobs in line with the aspirations of the Local Plans and improve links to London Stansted Airport.</p> <p>Improved sustainable travel facilities (footpaths and cycle paths) and increased safety through the closure of Churchgate subway.</p>	H

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.



Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service:



Date:

7/11/17

Signature of person completing the EqlA:



Date:

7/11/17

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.



Report title: Award of Service Orders under 0538 Residual Waste Disposal Framework	
Report to: Cabinet	
Report author: Nicola Beach – Executive Director for Infrastructure & Environment	
Date: 23 November 2017	For: Decision
Enquiries to: Jason Searles, Head of Commissioning - Sustainable Essex Integration and Waste Management ³ of Email: jason.searles@essex.gov.uk	
County Divisions affected: All Essex	

This report includes a confidential appendix which is **NOT FOR PUBLICATION** because it includes exempt information by virtue of paragraph 3 of schedule 12A to the Local Government Act 1972.

1. Purpose of Report

- 1.1 The purpose of this report is to approve the award of a number of Service Orders to various waste disposal providers following a mini-competition conducted pursuant to the 0538 Residual Waste Disposal Framework set up by Essex County Council (ECC) in October 2017.

2. Recommendations

- 2.1 Agree to award 13 Service Orders to the relevant providers as set out in paragraph 3.4 for the period February 2018 – 31 March 2019, totalling £19.7m following a mini competition conducted in accordance with the Residual Waste Disposal Framework (reference 0538) with the breakdown of the individual order values as set out in the confidential appendix.
- 2.2 Note that the actual spend under each order will be determined by officers using delegated powers as set out in paragraphs 3.5-3.7 of this report.

3. Summary of issue

- 3.1 In accordance with the previous Cabinet Decision (reference FP/756/02/17) a medium-term framework was procured and is now in place for use by ECC for:
- a. the disposal of Refuse Derived Fuel (RDF); and
 - b. contingency disposal routes for residual waste arisings in Essex and Southend, in the event that the TOVI waste treatment facility were to become wholly or partially unavailable.

- 3.2 ECC ran a mini-competition for four out of the five lots listed below, to meet requirements for the fourteen-month period from 1st February 2018 until 31st March 2019.

<p>Lot 1 – Disposal Only of RDF and/or MSW (municipal solid waste)</p> <p>a. Total tonnage offered: 200,000 tonnes.</p> <p>b. Guaranteed Minimum Tonnage (GMT): 160,000 tonnes</p>
<p>Lot 2 – Disposal Only of MSW (Contingency)</p> <p>a. A contingency arrangement to be used by the Authority on an ‘as required’ basis.</p> <p>b. Any Service Order awarded for this Lot shall state a zero to 25,000 tonne range for the contract period, but no GMT or other supply assurance shall apply.</p>
<p>Lot 3 – Disposal Only of bulky waste (Contingency)</p> <p>a. A contingency arrangement to be used by the Authority on an ‘as required’ basis.</p> <p>b. Any Service Order awarded for this Lot shall state a zero to 25,000 tonne range for the contract period, but no GMT or other supply assurance shall apply.</p>
<p>Lot 4 - Transfer and Disposal of direct-delivered MSW (Contingency)</p> <p>Not offered in this mini-competition; no prevailing requirement</p>
<p>Lot 5 – Transfer and Haulage only of direct-delivered MSW (Contingency)</p> <p>a. A contingency arrangement to be used by the Authority on an ‘as required’ basis.</p> <p>b. No tonnage is forecast for this Lot and no GMT shall apply.</p>

- 3.3 All due diligence with regard to provider disposal facilities was carried out during the procurement of the Framework. As previously published when setting up the Framework, the mini-competition evaluation is based 100% on price and evaluated using an award model based on a whole system cost. Each bidder’s gate fee was evaluated taking into account the location of waste arisings and ECC’s haulage costs to deliver waste to the bidder’s disposal facility.

- 3.4 Following evaluation of all mini-competition bids received, the following providers offered the most economically advantageous tenders for the relevant tonnages and are accordingly recommended for award of service orders:

Lot	Provider	Location	Tonnage Award
Lot 1 – Disposal Only of RDF and/or MSW	Suez Recycling & Recovery Ltd Suez Recycling & Recovery Ltd	Tilbury Barking	50,000 with GMT* 150,000 with GMT*
Lot 2 – Disposal Only of MSW (Contingency)	Cory Environmental (Glocs) Ltd Cory Environmental (Glocs) Ltd Veolia ES (UK) Ltd Viridor Waste Management Ltd Suez Recycling & Recovery Ltd	Bellhouse, Colchester Barling, Rochford Ockendon landfill Mason's, Ipswich Barking	0 – 25,000 tonnes 0 – 25,000 tonnes 0 – 25,000 tonnes 0 – 25,000 tonnes 0 – 25,000 tonnes
Lot 3 – Disposal Only of bulky waste (Contingency)	Cory Environmental (Glocs) Ltd Cory Environmental (Glocs) Ltd Veolia ES (UK) Ltd Viridor Waste Management Ltd	Bellhouse, Colchester Barling, Rochford Ockendon landfill Mason's, Ipswich	0 – 25,000 tonnes 0 – 25,000 tonnes 0 – 25,000 tonnes 0 – 25,000 tonnes
Lot 5 – Transfer and Haulage only of direct-delivered MSW (Contingency)	James Waste Management LLP Hadleigh Salvage & Recycling Ltd	Rochford Southend	0 – 25,000 tonnes 0 – 25,000 tonnes

* GMT is 80% of tonnage award

- 3.5 For Lot 1 all refuse derived fuel produced by the MBT facility in Basildon will be sent under this lot.
- 3.6 Lots 2 and 3 will be used as and when required. If we need to use these other refuse disposal lots we will use them in the order which is the cheapest depending on the volume of each order which has already been used and the location in which the waste which needs to be disposed of arises.
- 3.7 Lot 5, which consists of haulage lots will be used in conjunction with the transport of waste for which ECC does not already have contractual arrangements. T

4. Options

- 4.1 Option 1 – Approve the recommendations as set out in this report as it will provide the medium-term capacity to deliver our statutory duties as a waste disposal authority.

4.2 Option 2 – Do not approve the Service Orders.

If the Service Orders are not granted, ECC will not be able to meet its statutory duties as a waste disposal authority. The previous medium-term framework has now expired and no further orders can be placed.

Next steps

4.3 Subject to approval of this decision, ECC will enter into the Services Orders with the relevant providers identified in paragraph 3.4. No further decisions are required.

5. Issues for consideration

5.1 Financial implications

5.1.1 The financial evaluation of treatment options for residual waste cannot be based solely on the disposal price per tonne and cannot be evaluated in isolation as they are linked to contractual haulage payments made through the Integrated Waste Handling Contract. These are known as whole system costs upon which the evaluation is based.

5.1.2 In order to try and secure the best price from off-takers, guaranteed minimum tonnage has been offered by ECC where possible, for the fourteen-month period. Commissioners also requested a small amount of contingency in the event of the non-availability of the provider's plant, which amounts to a maximum of 10% of the total available tonnage.

5.1.3 The cost of the award for each service order is set out in the confidential Appendix. Whole system disposal costs total £52.5m which includes the costs of service orders. The profile of spend will be split across two financial years with £7.5m being spent in 2017/18 with £45m falling into 2018/19. It is assumed that all Lot 2 service orders – which are awarded on a contingency basis – receive zero tonnes during the service order period.

5.1.4 The remaining budget envelope for 2017/18 is £7.3m with a total budget of £44.9m available for 2018/19. This is for whole system costs. The award of this contract exceeds the budget envelope, as summarised in the table below;

Contract Award: RESIDUAL WASTE DISPOSAL

Financial Year	2017/18 £000	2018/19 £000
Budget Available	7,392	44,869
Award of Contract	7,478	45,009
Pressure	87	140

- 5.1.5 The pressure in 2017/18 will be offset by in-year opportunities. For 2018/19, the service will mitigate this pressure by utilising opportunities within the wider Waste Management budget.

Financial Risks

- 5.1.6 Fluctuations in tonnage can lead to the following financial risks:

- a) Service Orders with guaranteed minimum tonnage are not fulfilled leading to ECC paying a void. This has been mitigated within the Service Orders as providers will dispose of both SRF and MSW giving ECC the maximum flexibility and reducing the likelihood of this situation occurring.
- b) Tonnage exceeds current forecasts. The successful bidders do have a right to refuse additional tonnage under the Service Orders however if they accept, they do so at the awarded framework price. If additional tonnage is refused there are several providers within the contingency lots that would be able to offer capacity at the prices awarded under this mini-competition. Either way, any financial pressure arising from increases in volumes would require the service to mitigate/contain within the existing budget envelope.

Financial Opportunities

- 5.1.7 The Service Orders have been set up to maximise opportunities as follows:

- a) Flexibility to run mini competitions at intervals which are determined by the Authority.
- b) The option to extend the service orders by up to 18 months if required subject to agreement of the applicable price for such extension.
- c) The option to refresh the framework on an annual basis to attract new entrants or facilities onto the Framework.

5.2 Legal implications

- 5.2.1 The Framework has been established in accordance with the Cabinet Decision taken in March 2017 and the published tender documents.

- 5.2.2 The mini-competition has been conducted in accordance with the published procedures for awarding Service Orders under the Framework and notification letters will be issued to successful bidders pending approval of this decision.

Under the Public Contracts Regulations 2015, a standstill period is not required for awards under a framework agreement.

- 5.2.3 Subject to approval of this decision and call-in, Service Orders will be completed in early December 2017 in order to allow providers sufficient mobilisation time prior to service commencement.

6. Equality and Diversity implications

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

7. List of appendices

- 7.1 Equality Impact Assessment
7.2 Confidential Appendix – Service Order values

8. List of Background papers

- 8.1 FP/756/02/17 – Medium-term Waste Disposal Framework

Equality Impact Assessment

Context

1. under s.149 of the Equality Act 2010, when making decisions, Essex County Council must have regard to the Public Sector Equality Duty, ie have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sex/gender
 - sexual orientation.
3. In addition to the above protected characteristics you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. The EqIA will be published [online](#):
8. All **Cabinet Member Actions, Chief Officer Actions, Key Decisions** and **Cabinet Reports must be** accompanied by an EqIA.
9. For further information, refer to the EqIA guidance for staff.
10. For advice, contact:
Shammi Jalota shammi.jalota@essex.gov.uk
Head of Equality and Diversity
Corporate Law & Assurance
Tel 0330 134592 or 07740 901114



Section 1: Identifying details

Your function, service area and team: Place Commissioning; Integrated Waste Management

If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team: N/A

Title of policy or decision: Procurement of Medium-term Residual Waste Disposal Services

Officer completing the EqlA: Jason Searles Email: Jason.searles@essex.gov.uk

Date of completing the assessment: 8 November 2017

Section 2: Policy to be analysed

2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? No
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision):</p> <p>To secure waste disposal outlets for residual waste in accordance with ECC's statutory obligations as a Waste Disposal Authority</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)?</p> <p>Commissioning a service</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>No.</p> <p>Will the policy or decision influence how organisations operate?</p> <p>No.</p>
2.4	<p>Will the policy or decision involve substantial changes in resources?</p> <p>No.</p>
2.5	<p>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</p> <p>Supports the corporate outcome:</p> <p>People in Essex experience a high quality and sustainable environment</p>



Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	<p>What does the information tell you about those groups identified?</p> <p>Essex residents are not affected by the commercial arrangements being secured; these are business-to-business arrangements for ECC in order to meet a statutory duty.</p>
3.2	<p>Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?</p> <p>No consultation has been undertaken as no identified groups will be affected by this decision. The arrangements being made under this decision are business as usual in nature and have existed for over forty years.</p>
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary. Please include any reasonable adjustments, e.g. accessible formats, you will provide as part of the consultation process for disabled people:</p> <p>There are no interfaces between the public on these arrangements.</p>

¹ Data sources within EEC. Refer to Essex Insight <http://www.essexinsight.org.uk/mainmenu.aspx?cookieCheck=true> with links to JSNA and 2011 Census.



Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	None – no public interfaces	N/A
Disability – learning disability	None – no public interfaces	N/A
Disability – mental health issues	None – no public interfaces	N/A
Disability – physical impairment	None – no public interfaces	N/A
Disability – sensory impairment (visual, hearing and deafblind)	None – no public interfaces	N/A
Gender/Sex	None – no public interfaces	N/A
Gender reassignment	None – no public interfaces	N/A
Marriage/civil partnership	None – no public interfaces	N/A
Pregnancy/maternity	None – no public interfaces	N/A
Race	None – no public interfaces	N/A
Religion/belief	None – no public interfaces	N/A
Sexual orientation	None – no public interfaces	N/A
Cross-cutting themes		
Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Socio-economic	None – no public interfaces	N/A
Environmental, eg housing, transport links/rural isolation	None – no public interfaces	N/A

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If ' YES ', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.



Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service: Jason Searles

Date: 8 November 2017

Signature of person completing the EqlA: Ian Doyle

Date: 8 November 17

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.



Report title: Decisions taken by or in consultation with Cabinet Members	
Report author: Secretary to the Cabinet	
Date: 23 November 2017	For: Information
Enquiries to: Judith Dignum, 033301 34579	
County Divisions affected: All Essex	

The following decisions have been taken by or in consultation with Cabinet Members since the last meeting of the Cabinet:

Leader of the Council

FP/971/10/17	To approve the establishment of an Independent Property Review Commission
FP/978/10/17	Seax Trading Ltd – Appointment of Director
FP/982/11/17	Proposed Insourcing of the delivery of the Emergency Planning Function
FP/988/11/17	Appointments to the Health and Wellbeing Board
FP/994/11/17	Commercial Property Investment in 45 Clarendon Road, Watford
FP/001/11/17	Essex Cares Limited – Approval by Shareholder of Risk Management Framework

Deputy Leader & Cabinet Member for Economic Growth, Skills, Infrastructure and the Digital Economy

Cabinet Member for Children & Families

Cabinet Member for Culture, Communities & Customer

Cabinet Member for Education

FP/958/10/17	Re-Appointment of School Governors to Represent the LA Schedule 290
FP/961/10/17	Proposed expansion of Holland Haven Primary School, Holland on Sea, in Clacton on Sea

FP/962/10/17	Appointment of Additional Governors by the LA to drive school improvement
FP/967/10/17	Appointment of School Governors by Essex LA Schedule 429
FP/969/10/17	Re-Appointment of School Governors to Represent the LA Schedule 292
FP/980/11/17	Proposed amalgamation of Ghyllgrove Infant School and Ghyllgrove Junior School, Basildon
FP/987/11/17	Proposed expansions of Home Farm Primary School in Colchester
FP/990/11/17	Appointment of School Governors by Essex LA Schedule 430
*FP/960/10/17	Decision on the proposed amalgamation of Brightlingsea Infant School and Nursery and Brightlingsea Junior School
*FP/878/07/17	Final decision on the proposed expansion of Monkwick Junior School, Colchester
FP/002/11/17	Re-Appointment of School Governors to Represent the LA Schedule 293

Cabinet Member for Environment & Waste

Cabinet Member for Health & Adult Social Care

FP/966/10/17	Live at Home Framework – 2018/19 refresh
FP/974/10/17	Procurement of renovations and adaptations for Thistley Green, a Specialist Supported Living Scheme
*FP/521/06/16	Capital Grant Award to Abbeyfield Braintree & Bocking Ltd for Polly's field, Bocking, Braintree, Independent Living Scheme for Older People

Cabinet Member for Highways

FP/963/10/17	Proposed Trial to Remove Vehicles which are Unlawfully Parked and Interfering with Highway Works
FP/965/10/17	Proposed 20mph Speed Limit – King Street, Maldon
FP/970/10/17	Request to advertise 40mph Speed Limit A1017, Baythorne End, Sturmer

FP/973/10/17	Proposed 20mph Speed Limit – Three Arch and Eastham Estate, Brentwood
FP/977/10/17	Revision of development management inspection fees
FP/983/11/17	Uttlesford Highway Panel – Scheme Approval for footway on Sampford Road, Thaxted
FP/984/11/17	Uttlesford Highway Panel – Scheme Approval for arboriculture works on High Street, Hempstead
FP/985/11/17	Chelmsford City Local Highway Panel – Additional Scheme Approvals 2017/18

Cabinet Member for Housing, Property & Planning

FP/995/11/17	Babergh and Mid Suffolk Joint Local Plan: Consultation Document, August 2017 (Regulation 18, Issues and Options)
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Cabinet Member for Resources

*FP/918/08/17	Approval to rerun a competitive procurement process and award a framework agreement to a single supplier for the provision of travel management services
FP/976/10/17	Drawdown from Transformation Reserve: Community Hubs Activity during 2017/18

