

## **NOTICE OF CONFIRMATION OF A COMPULSORY PURCHASE ORDER**

### **THE BOROUGH COUNCIL OF CALDERDALE (A58 & A646 CORRIDOR IMPROVEMENT PROGRAMME) (WEST YORKSHIRE PLUS TRANSPORT FUND, PHASE 1) COMPULSORY PURCHASE ORDER 2021**

#### **The Highways Act 1980 and the Acquisition of Land Act 1981**

1. Notice is hereby given that the Secretary of State, in exercise of their powers under the above Acts, on 14<sup>th</sup> September 2022 confirmed The Borough Council of Calderdale (A58 & A646 Corridor Improvement Programme) (West Yorkshire Plus Transport Fund, Phase 1) Compulsory Purchase Order 2021 submitted by The Borough Council of Calderdale.
2. The Order as confirmed provides for the purchase of the land described in Schedule 1 hereto for the purposes of:
  - (1) the improvement of the following highways in the area of the acquiring authority:
    - (a) the A58 West Street classified road, north of its intersection with the unclassified roads known as Foundry Street and Bridge Street in Sowerby Bridge, through the construction of an off-carriageway bus layby;
    - (b) the A58 Wharf Street classified road, north of its junction with the unclassified road known as Old Cawsey in Sowerby Bridge, through the construction of an improved footway and vehicle loading bay;
    - (c) the A6139 Tuel Lane classified road west of its junction with the unclassified road known as Church View in Sowerby Bridge, through the construction of an extended carriageway filter lane; and
    - (d) the A646 Skircoat Moor Road classified road, south of its intersection with the A58 Rochdale Road / Aachen Way classified road in Halifax, through the construction of an additional carriageway lane;
  - (2) the construction of works for the drainage of the highways to be improved;
  - (3) mitigating the adverse effects which the existence or use of the highways to be improved will have on the surroundings thereof through the reshaping and construction of a car park on land located north-west of the A58 West Street classified road, north-east of the Foundry Street unclassified road and south of the Sowerby Street unclassified road; and
  - (7) the use by the acquiring authority in connection with the improvement of highways and the mitigation of adverse effects.

3. A copy of the Order as confirmed by the Secretary of State and of the Map referred to therein have been deposited and may be seen at the offices of The Borough Council of Calderdale at Town Hall, Halifax, HX1 1UJ at all reasonable hours or may be viewed at:  
  
<https://www.calderdale.gov.uk/v2/residents/transport-and-streets/transport-improvements-and-initiatives/cip-cpo-2021>
4. The Order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the Order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the Order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the Order.
5. Once the Order has become operative, The Borough Council of Calderdale may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.
6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the Order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to The Borough Council of Calderdale at Town Hall, Halifax, HX1 1UJ about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

## SCHEDULE 1

### LAND COMPRISED IN THE ORDER AS CONFIRMED

NOTE: The land comprised in each item below is identified on the Map referred to in the Order by means of the number or numbers against that item below.

Plot No	Description
<b>IN THE AREA OF HALIFAX IN THE BOROUGH OF CALDERDALE</b>	
1/1	397 square metres of land comprising part of existing car park, steps, grassed area and shrubs located north-west and west of West Street (A58), north-east of the unclassified road known as Foundry Street and south of the unclassified road known as Sowerby Street.
1/1A	41 square metres of land comprising part of shrubbed area and existing footway on the northern part of West Street (A58) located north-west and west of West Street (A58), north-east of the unclassified road known as Foundry Street and south of the unclassified road known as Sowerby Street.
1/1B	20 square metres of land comprising part of shrubbed area and existing footway on the northern part of West Street (A58) located north-west and west of West Street (A58), north-east of the unclassified road known as Foundry Street and south of the unclassified road known as Sowerby Street.
1/2	All interests other than those of The Borough Council of Calderdale in 104 square metres of land comprising part of existing car park and stone wall located north-west and west of West

	Street (A58), north-east of the unclassified road known as Foundry Street and south of the unclassified road known as Sowerby Street.
2/1	8 square metres of paved land comprising access to the eastern side of the Mulhalls Mill Building on the northern part of Wharf Street (A58) located north-east of the junction between Wharf Street (A58) and the unclassified road known as Old Cawsey and south of the Rochdale Canal.
2/2	All interests other than those of The Borough Council of Calderdale in 3 square metres of paved land comprising access to the western side of the Mulhalls Mill Building on the northern part of Wharf Street (A58) located north-east of the junction between Wharf Street (A58) and the unclassified road known as Old Cawsey and south of the Rochdale Canal.
2/2A	All interests other than those of The Borough Council of Calderdale in 113 square metres of part of grass verge and existing footway on the northern part of Tuel Lane (A639) located west of the junction between Tuel Lane (A6139) and the unclassified road known as Church View.
2/3	169 square metres of paved land comprising part of shop forecourts on the northern part of Wharf Street (A58) located north of the junction between Wharf Street (A58) and the unclassified road known as Old Cawsey and south of the Rochdale Canal.
2/4	All interests other than those of The Borough Council of Calderdale in 27 square metres of land comprising forecourt and access to Sowerby Bridge Market and Tuel Lane Car Park on the northern part of Wharf Street (A58) located north-east of the junction between Wharf Street (A58) and the unclassified road known as Old Cawsey and south of the Rochdale Canal.
3/1	69 square metres of grass verge and wooden fencing adjacent to Halifax Fire Station car park located north-east of Skircoat Moor Road (A646) and south of Rochdale Road / Aachen Way (A58).

## **SCHEDULE 2**

### **STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981**

#### **Power to execute a general vesting declaration**

1. Once The Borough Council of Calderdale (A58 & A646 Corridor Improvement Programme) (West Yorkshire Plus Transport Fund, Phase 1) Compulsory Purchase Order 2021 has become operative, The Borough Council of Calderdale (hereinafter called "the Council") may acquire any of the land described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the Council at the end of the period mentioned in paragraph 2 below.

#### **Notices concerning general vesting declaration**

2. As soon as may be after the Council execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the confirmation notice of the Order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the Council together with the right to enter on the land and take possession of it. Every person on whom the Council could have served a notice to treat in respect of their interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for

the acquisition of their interest in the land, with interest on the compensation from the vesting date.

3. The “vesting date” for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

### **Modifications with respect to certain tenancies**

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a “minor tenancy”, i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or “a long tenancy which is about to expire”. The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew their interest.
5. The modifications are that the Council may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

## **SCHEDULE 3**

### **FORM FOR GIVING INFORMATION**

#### **The Borough Council of Calderdale (A58 & A646 Corridor Improvement Programme) (West Yorkshire Plus Transport Fund, Phase 1) Compulsory Purchase Order 2021**

To: The Borough Council of Calderdale

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information pursuant to the provisions of section 15 of, or paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981.

1. Name and address of informant(s) .....
2. Land in which an interest is held by informant(s).....
3. Nature of interest.....

Signed.....

[on behalf of].....

Date.....

- i. In the case of a joint interest insert the names and address of all the informants.
- ii. The land should be described concisely.
- iii. If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

**A copy of this form can be downloaded from:**

<https://www.calderdale.gov.uk/v2/residents/transport-and-streets/transport-improvements-and-initiatives/cip-cpo-2021>

Signed:



Ian Hughes  
Head of Legal and Democratic Services  
The Borough Council of Calderdale  
Town Hall  
Halifax  
HX1 1UJ

Dated: 3 November 2022