Calderdale MBC

Wards Affected Calder, Luddendenfoot, Ryburn, Skircoat, Sowerby Bridge, Todmorden, Town 8

Cabinet 27th April 2020

West Yorkshire-plus Transport Fund (WY+TF) A58/A647; A646/A6033 Corridor Improvement Programme – Land acquisition and deployment of Compulsory Purchase Powers, Side Roads Order as necessary

Report of the Interim Director, Regeneration and Strategy

1. Purpose of Report

- 1.1 Authorisation is sought to acquire land to facilitate improvements to the A646/A6033 (Burnley Road) and A58/A6033 (Junction 22 through Sowerby Bridge to Halifax) transport corridors (the Corridor Improvement Programme). Members are asked to approve the commencement of negotiations by Officers in order to purchase the plots specified in Appendix A, with a total estimated value of up to £80,000, required for the successful implementation of the Corridor Improvement Programme.
- 1.2 Members are also asked to approve the making of a Side Roads Order, as required, under Section 14 and 125 of the Highways Act 1980, for the implementation of the corridor improvement scheme as required.
- 1.3 Members are asked to approve the use of Compulsory Purchase Powers under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980, in accordance with the plans in Appendix A required for the implementation of the Corridor Improvement Programme.

2. Need for a decision

- 2.1 The making of a Compulsory Purchase Order requires Cabinet approval.
- 2.2 While the project team continues to progress the acquisition of land detailed in Appendix A through negotiation, the above schemes require the making of a Compulsory Purchase Order to minimise risk, and provide an alternative route to the assurances required for the funding process.
- 2.3 The temporary underwriting of costs associated with these land purchases, prior to them being reimbursed by West Yorkshire Combined Authority (WYCA), requires Cabinet approval.
- 2.4 A Side Road Order is made under section 14 and 125 of the Highways Act 1980 and requires Cabinet approval.

3. Recommendation

It is recommended:

- 3.1 That the acquisition of land specified in Appendix A and any associated interests, is approved.
- 3.2 That the Council approves the purchase of the land specified in Appendix A, through negotiation as and where possible.
- 3.3 That Cabinet approve the use of Compulsory Purchase Orders under sections 239, 240, 246, 250 and 260 of the Highways Act 1980, as and if required, and that Delegated Authority be given to the Interim Director of Regeneration and Strategy and the Head of Legal and Democratic Services, in consultation with the Portfolio Holder for Regeneration and Resources, to make any Compulsory Purchase submissions to the Secretary of State which are necessary to deliver the Corridor Improvement Programme;
- 3.4 That Members approve the making of a Side Road Orders as necessary.

4. Background

- 4.1 The A646/A6033 and A58/A672 are the main routes between Todmorden and Halifax; and J22 in Rishworth and Halifax. In addition, the A58/A672 is an Emergency Diversionary Route for the M62 motorway. Both corridors are congested, particularly in Sowerby Bridge, and sections are reaching capacity, with all users experiencing significant delays to their journeys. Both corridors have Air Quality Management Areas, issues of pedestrian severance and persistent records of road casualties.
- 4.2 As part of Calderdale's ambition to be the Best Borough in the North and to deliver on its Vision 2024, and in light of the declared climate emergency, significant improvements are planned to both of these routes. The improvements will be delivered as part of the WY Corridor Improvement Programme, a major highways programme delivered through West Yorkshire Combined Authority's (WYCA) WY+TF. This seeks to deliver multi-modal journey-time improvements across the West Yorkshire Key Route Network (WYKRN), those roads which carry greater than 20,000 vehicles per day or provide significant connectivity across the region. Their overall importance is specifically recognised within the proposed devolution deal. The Calderdale interventions focus on improved access to the district centres and Halifax. We are seeking to deliver an 8% reduction in journey times for all vehicles and a 12% reduction in journey-times for buses. We are also seeking to improve air quality and reduce the number of road deaths. These are challenging objectives requiring a transformational approach. The Corridor Improvement Programme therefore brings forward proposals that are intended to improve journey times. reduce pollution and road collisions, increase walking and cycling and also improve public transport links.
- 4.3 Specific measures include up to ten new pedestrian/cycle crossings; new access to the tow path (CityConnect route); displacement of parking from the main road to car parks to remove pinch-points and improve bus journey times; place-making and some reductions in speed limits. To improve flood resilience on the A646 Burnley Road a new footbridge will replace the life-expired New Road Footbridge in Mytholmroyd and a chamber will also be constructed to ease the long standing matter of surface water flooding at Callis Bridge.
- 4.4 The proposals have been subject to extensive consultation and during this exercise a number of people questioned whether, with the overall reduction in journey times that is being sought, the scheme was too "car centric". However, the interventions also seek to redress the current severance that exists across the two main roads. The provision of new crossings or improvements to the location of existing crossings to better align with pedestrian need have been key to the plans. Improving bus reliability and connectivity to railway stations has also been a priority. All the designs will be reviewed and audited prior to finalisation so that any further options for the enhancement of non-motorised vehicle provision, particularly cyclists, can be maximised in order to fully exploit the opportunities for modal shift. Taken together, these interventions will further support Local Plan growth and the wider economic growth (identified in the SEP) in the urban centres of Halifax, the Ryburn and Upper valleys.
- 4.5 Nationally, air quality is under increasing scrutiny and creates a real cause for concern. Changes to air quality resulting from the completion of these schemes will

be monitored and will be used to educate our air quality strategy beyond 2021. The programme delivers a balanced package of focused transport measures to improve the flow of traffic along the corridors, reduce congestion and improve air quality by reducing the emissions caused by idling engines. Included within the package are traffic management measures such as speed reductions in areas where schools are located and the provision of continuous cycling and pedestrian routes to public transport hubs such as rail stations and bus stops in order to encourage modal shift. Wherever possible the public realm is also being enhanced.

4.6 As noted above, the proposals have been the subject of extensive consultation and the main concerns are highlighted below. Wherever possible the scheme has been amended to account for any particular issues raised but where that was not possible the reasons why are also shown below:

Hebden Bridge: Burnley Road Parking

- 4.7 A number of comments were received relating to the removal of parking on Burnley Road in Hebden Bridge. Various factors were raised in these objections, including:
 - Detrimental to commuters using the rail station causing people to drive to their final destination;
 - Detrimental to local businesses and the economy;
 - The parking is not currently causing a problem and its removal will not achieve desired benefits.
- 4.8 The removal of the parking is proposed due to peak time congestion caused by limited space for vehicles to pass in both directions. This is particularly problematic with buses, HGVs, and other wide vehicles. It is also hazardous for other road users, such as cyclists, as motorised vehicles struggle to allow adequate passing space. Prohibiting this parking will therefore improve peak-time traffic movements and reduce congestion along Burnley Road and into Hebden Bridge town centre. This will also have follow on improvements to air quality in the area.
- 4.9 In recognising the importance of parking to access Hebden Bridge town centre shops and market, a new controlled car park will be provided at Stubbing Holme and there are also plans for an additional 44 spaces to be provided at Hebden Bridge Railway Station car park within the delivery timeframe of the project as well as a further 200 additional parking spaces at Mytholmroyd railway station. Commuters will therefore also be able to use Mytholmroyd as an alternate route to travel via train.

A646 Hebden Bridge: Changes to traffic circulation

4.10 There was a general lack of support for the proposed changes to the circulation pattern of Hebden Bridge Town Centre and therefore these changes will not be implemented. We will, however, seek to progress with the implementation of a no right turn out of Crown Street onto Market Street as this movement is having a negative impact on traffic flows on the A646.

A646 Sowerby Bridge North – Blackwall Lane one-way

4.11 Local residents in Sowerby Bridge North were concerned that the proposed implementation of a one way on Blackwall Lane would be problematic. In particular,

issues were raised around HGVs using the lower part of Water Hill Lane and its general use during snow or icy weather. This proposal will therefore be omitted.

A646 Hebden Bridge: Burnley Road Cycleway

- 4.12 The main concerns here related to the planned provision of a mandatory cycle lane on the south side of the Burnley Road along with a shared use footway/cycleway to the north. The comments suggested that there was a lack of need for improved cycle facilities.
- 4.13 The current cycle route runs parallel to Burnley Road alongside the canal. It is not permanently lit which makes its use limited, especially in winter, and it is not to current cycle standards. Cyclists using this route are restricted by the need to give way to pedestrians. There are no existing cycle facilities along this part of Burnley Road and the speed of motorised vehicles and narrow sections of road are a deterrence to cyclists. One key objective of the project is to encourage the use of active transport modes for short journeys and to improve air quality overall. One of the best ways to encourage a greater uptake of cycling is to provide better cycling infrastructure. Unfortunately, there is not space to provide on carriageway cycle tracks in both directions and given the low level of pedestrians using the north side footpath, the shared cycle/pedestrian path is considered a reasonable compromise.

A646 Todmorden: Bus Stop relocation

4.14 Potential issues arising from the relocation of the bus stop to 23-25 Halifax Road outside of the pet shop and café were also raised. Concerns included the visual impact for users of the café, and the potential conflict with dogs visiting the pet shop. The bus stop relocation has consequentially been redesigned and the proposed relocation is now outside of Todmorden Working Mens Social Club.

A58 Sowerby Bridge Central: St Paul's Methodist Church

- 4.15 Some comments related to the impact the scheme on Tower Hill would have on St Paul's Methodist Church due to removal of parking. Parking is only to be removed where necessary and where clear benefits are demonstrated. Pedestrian crossings have been added to ensure that the additional traffic flow on Tower Hill do not prevent people crossing on foot. Parking is available at the nearby Tuel Lane car park. The disabled space outside the church is to be retained to ensure accessibility, and initial plans to provide a zebra crossing at this location in place of on street parking have now been withdrawn. Further formalised parking is also proposed at "Owd Causey" which could also be utilised as an events space.
- 4.16 Members should note that where formal Traffic Regulation Orders are required to deliver these proposals further statutory consultation will also be required.
- 4.17 The majority of the land required to deliver the Corridor Improvement Programme is either existing highway maintainable at public expense or in the ownership of the Council. However, several small parcels of land are required to deliver the greatest possible impact against our objectives as set out in the Calderdale Transport Strategy 2016. Failure to secure these parcels of land will greatly compromise the Corridor Improvement Programme and the outputs from the schemes.

These transformational projects have the potential to deliver the following benefits:

- Economic growth: improving journey times to Halifax from the M62, encouraging investment and enabling access to employment, access to land for housing and employment developments in Calderdale
- Sustainability: making bus journeys quicker and easier, encouraging more people to use the services and thereby sustaining our existing services.
- Journey times: reduced congestion along the routes will lead to improved journey times for all modes.
- Cleaner environment: the investment in active travel infrastructure and public transport will reduce private vehicle usage, leading to lower emissions and reduced congestion.
- 4.18 The project team, supported by CAFM, continues to progress the acquisition of land detailed in Appendix A through negotiation. The project team continues to engage with the landowners and partner organisations to identify an effective way forward. In large discussions have been positive and work continues to develop a final solution. However, to ensure the deliverability of the above schemes, and minimise risk to the programme, the making of a Compulsory Purchase Order provides an alternative route to the assurances required for the funding process

5. Options considered

5.1 Not applicable

6. Financial implications

- 6.1 In terms of the Corridor Improvement Programme, at decision point 3 (outline business case), the following amounts were sought by the Council from the West Yorkshire Combined Authority (WYCA); Project Development costs to decision point 5 (full business case with finalised costs):
 - A646 £789,581
 - A58 £941,665
- 6.2 If the full acquisition is approved, land purchases will take place over a prolonged period during the delivery phase, and given the above it is unlikely the Council will be exposed to anything near the total value of the identified land; a total estimated value of up to £80,000 at a single point in time. The total amount is budgeted for and falls within the project funding threshold.
- 6.3 Approval of a Side Road Order is not anticipated to have any further financial implications.

7. Legal Implications

- 7.1 In parallel with continued landowner negotiations, a Compulsory Purchase Order ('CPO') may be made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and submitted to the Secretary of State for Confirmation. A CPO is only effective once it has been confirmed by the Secretary of State.
- 7.2 The CPO will not be made until any relevant Planning Permissions are obtained for the project. It is not anticipated that there are any impediments to a successful grant of planning permission.
- 7.3 If after making and advertising the CPO, any qualifying objections are received within the statutory timescales and not resolved, it is likely that the matter will proceed to a local public inquiry. If this is the case, the Secretary of State will appoint an inspector to hear evidence from the objector(s) and the Council, before determining whether or not to confirm the CPO. The Secretary of State has limited power to modify the CPO before confirmation.
- 7.4 Once the CPO is confirmed and notices have been served, all persons with a compensation interest in the order land and who make a claim will be entitled to compensation in accordance with the provisions of the Compulsory Purchase Act 1965. Any dispute with regards compensation will be referred to the Upper Tribunal (Lands Chamber) to determine.
- 7.5 If the CPO is not confirmed, it will not be effective to enable the Council to compulsorily acquire the land within it. In this situation, the Council will need to assess whether or not to amend the scheme and restart the process.
- 7.6 Negotiations with landowners will continue throughout the CPO process.
- 7.7 The scheme will require alteration of accesses and the realignment and improvement of highway. A side roads order made under sections 14 and 125 of the Highways Act 1980 will implement these alterations. A Side Roads Order is an order made under sections 14 and 125 of the Highways Act 1980. It may authorise a highway authority for a classified road to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of a classified road. The power extends to works being carried out on highways which will be "otherwise affected" by the construction or improvement of the classified road. Section 14 also provides for the construction of new highways, or parts of, for purposes concerned with any such alternations or related purposes. Section 125 of the 1980 Act provides that a side roads order can authorise the stopping up of private means of access to premises and can provide new means of access to premises.

8. Consultation

8.1 Landowners, occupiers and major stakeholders, including the West Yorkshire Combined Authority (WYCA), local authority partners and statutory undertakers, have been contacted. Some Landowner objections were received as anticipated, and we are working with them to develop an acceptable solution. 8.2 Public Engagement on the proposals within the Full Business Case preparation commenced in January 2020, and ended on 14th February 2020. The communications campaign had an extensive reach, promoting the online survey and the four drop-in events, and three presentations at town boards, where the proposals were available to review. The public engagement reiterated the range of demands placed on the two corridors; for example, some criticising the proposals as too car centric, while others critical of the proposals seemingly penalising vehicular traffic, with others recognising the necessary compromises required along confined corridors such as the A58 and the A646. While changes have been made to the proposals in light of the engagement feedback, the project team has endeavoured to balance the needs of the local communities along both corridors, with the broader strategic aims of the Council and the funding objectives; laying the foundation work for future phases of the Corridor Improvement Programme.

9. Environment, Health and Economic Implications

9.1 The Corridor Improvement Programme will reduce journey times along these congested principal routes for goods and employment destinations in Calderdale. Poor air quality is a result of the stop-start traffic conditions and high volumes. The topography and vehicle types are also contributory factors to poor air quality. These programmes seek to improve and thereby promote the use of active modes through the creation of safer, more accessible and user-friendly routes, and the use of buses via significant journey time improvements and better infrastructure along the route, resulting in modal shift away from the private car. Increased active mode travel also has the added benefit of creating healthier residents.

10. Equality and Diversity

10.1 In considering the land acquisitions and Side Road Orders careful consideration has been given to the balance between individual rights and the wider public interest. Article 1 and 8 of the European Convention on Human Rights are also engaged. Any interference with European Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the redeveloped corridor will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions. It is therefore considered that there is a compelling case in the public interest for the use of a Compulsory Purchase Order and Side Road Order. If approved, these will strike an appropriate balance between public and private interests.

11. Summary and Recommendations

11.1 Members are asked to consider whether the economic, social and environmental benefits derived from the highway corridor improvements under the WY+TF strategy validates the proposed compulsory land acquisitions and associated Side Roads Order as being in the wider public interest. Whilst emphasis will continue to focus on negotiated land purchase settlements, authority is sought to use compulsory purchase powers in parallel. Stakeholder engagement is an essential on-going element of the WYTF programme and on-going public engagement is being planned as part of the overall programme

For further information on this report, contact:

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The documents used in the preparation of this report are:

1.National and Local Planning Policies including:-

- a) National Planning Policy Framework
- b) CMBC Unitary Development Plan and emerging Local Plan
- 2. Highway documents:-
- a) WY+TF CIP OBC Summary Document
- 3. Relevant National Circulars:-
- a) DCLG Guidance on Compulsory Purchase and the Critical Down Rules
- b) Department for Transport Circular 2/97: Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority
- c) Department for Transport Circular 1/97: Orders Under Section 14 of the Highways Act 1980 and opposed Orders Under Section 124 of that Act
- d) Department for Transport Guidance: Preparation and Making Bridge/ Tunnel Schemes Under s106 of the Highways Act 1980 and Orders under s108 for the Diversion of Navigable Waters
- 4. Other relevant documents:-
- a) CPO 2015 Statement of Reasons in the public interest

The documents are available for inspection at:

Transportation, Mulcture House, Halifax, HX1 1SP

Appendix A: Statements of Reason and Drawings

Statements of Reason: A58

Corridor	Plot	Landowner	Statement of Reason
A58	1	West Yorkshire Fire and Rescue Authority	To allow for the widening of the Skircoat Moor Road carriageway to lengthen the left-turn lane approaching King Cross junction. Said provision will allow for improved throughput at King Cross junction from Skircoat Moor Road.
A58	3	Calderdale MBC - Tuel Lane (Left Turn)	To allow for the widening of the Tuel Lane carriageway to lengthen the left- turn lane at the junction with Wharf Street. Said provision will allow for improved throughput at the said junction.
A58	4	Calderdale MBC - Ripponden Library	To allow for the introduction of a HGV turning facility to allow for the implementation of a no right or left turns between Rochdale Road and Oldham road respectively, at the said junction.
A58	5	Bailey Bros (Builders) - Regents Parade	To allow for the inclusion of the said section of land into the public realm, to contribute to the safety and regeneration of the central Sowerby Bridge area.
A58	6A	Calderdale MBC - West Street Car Park	To allow for the introduction of an off-set bus layby, offsetting the removal of the existing bus layby opposite Station Road junction with West Street. The removal of the existing bus stop is proposed for the widening of West Street
A58	6B	Together Housing – Sections adjacent to West Street Car Park	at said location to allow for the signalisation of the Sowerby Street/West Street/ Station Road/ Water Street/ Town Hall Street junction to improve and control traffic flow.
A58	8	Calderdale MBC – Old Cawsey	To allow for the formalisation of parking on said car park to off-set the reduction of parking in Sowerby Bridge.

Statements of Reason: A646

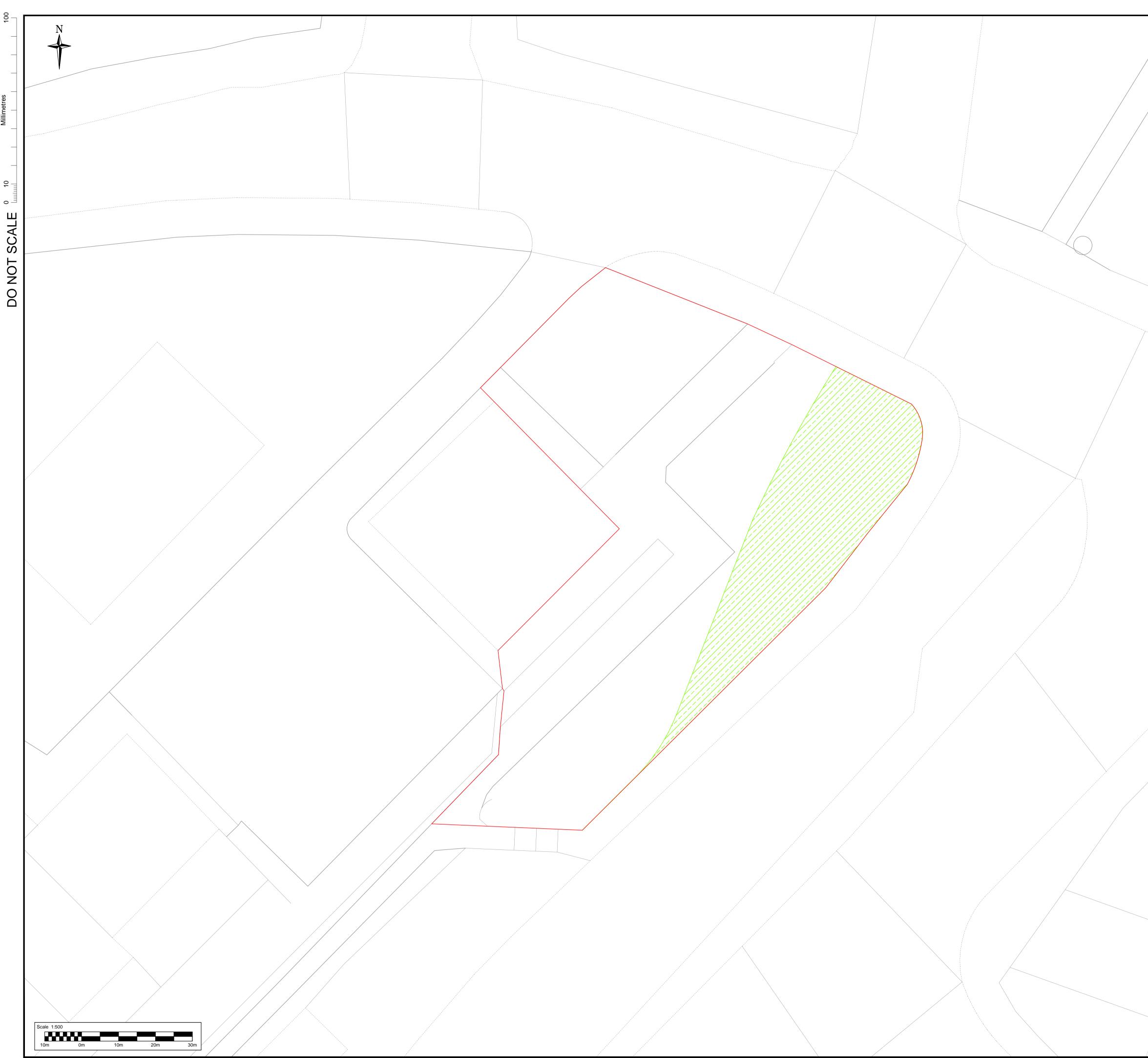
Corridor	Plot	Landowner	Statement of Reason
A646	2	Calderdale MBC - (Burnley Road Academy - Long-term Lease)	To allow for the introduction of an Equality Act compliant access/cycle route onto the canal towpath.
A646	3	Calderdale MBC - Stubbing Holme Road	To allow for the introduction of an off-street car park at the site off Stubbing Holme Road, to off-set the reduction of parking on Burnley Road (between Hebden Bridge and Mytholmroyd).



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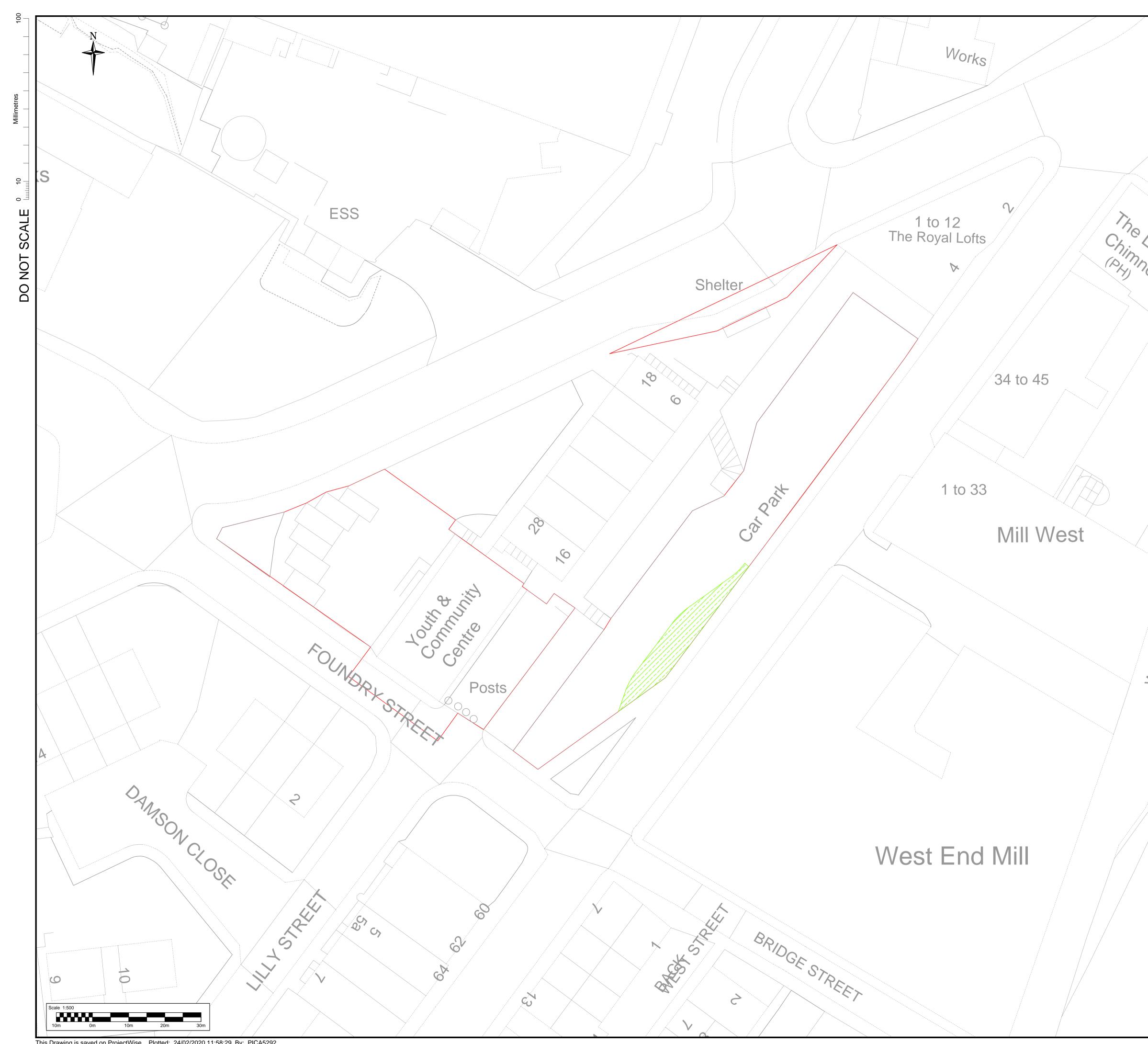
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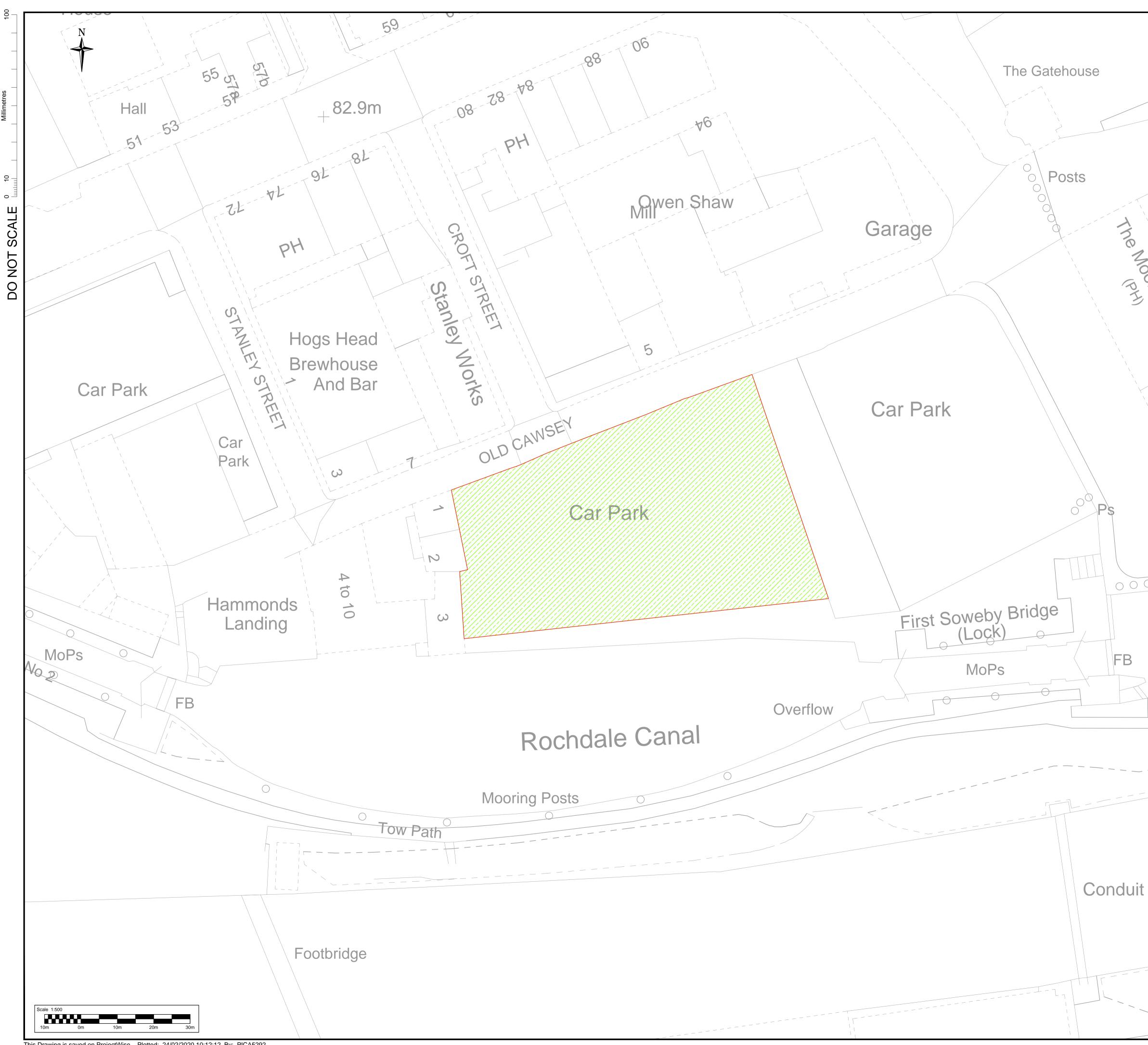
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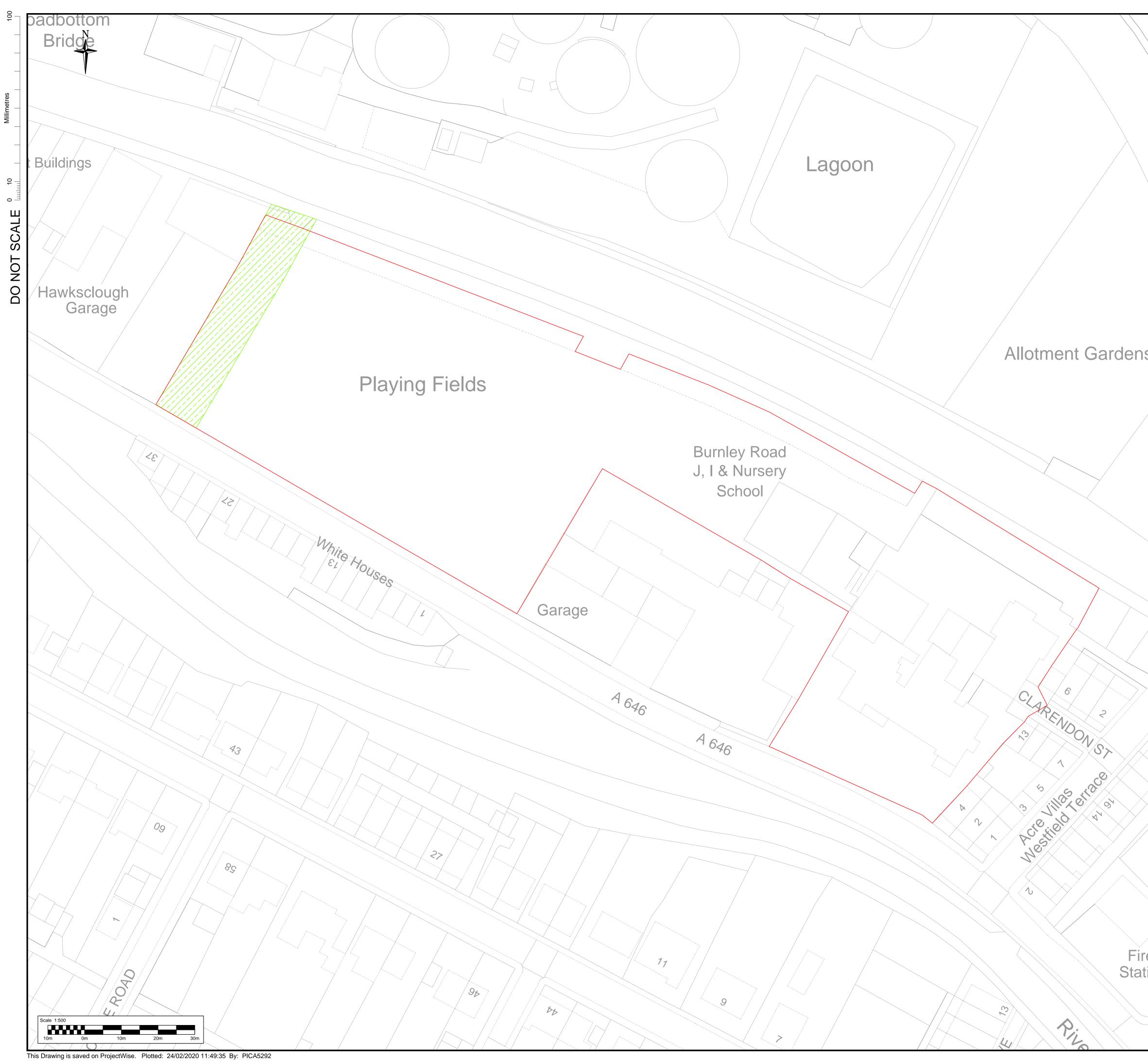
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