

The Borough Council of Calderdale
(Elland Station)
(West Yorkshire Plus Transport Fund)
Compulsory Order 2022.

STATEMENT OF REASONS
TOWN AND COUNTRY PLANNING ACT 1990



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1. INTRODUCTION

1.1 On 2nd November 2020 The Borough Council of Calderdale’s Cabinet agreed in principle to the use of compulsory purchase powers and authorised its Director of Economy and Environment and Head of Legal and Democratic Services in conjunction with the relevant Portfolio Holder to prepare The Borough Council of Calderdale (The Elland Station) (West Yorkshire Plus Transport Fund) Compulsory Order 2021 (‘the CPO’) in order to deliver the Elland Station scheme.

1.2 The Elland Station Scheme includes the provision of a new railway station with car park, new pedestrian accesses, landscaping and associated works on a brownfield site adjacent to Lowfields Way, Elland.

1.3 The CPO has been made under section Sections 226 of the Town and Country Planning Act 1990. The Council sets out in this document that there is a compelling case in the public interest and that the proposed acquisition will facilitate the carrying out of the Elland Station scheme. The CPO will include both land acquisition and the surrendering of the rights across the site that currently exist to parties.

1.4 The Elland Station scheme is being delivered by the West Yorkshire Combined Authority with Borough Council of Calderdale (the Council) holding key roles in the project governance structure. As scheme promoter the Council will be the acquiring body.

1.5 This Statement of Reasons is a non-statutory statement provided in respect of the Order in compliance with the guidance set out in the Department for Levelling Up, Housing and Communities (DLUHC) Guidance on Compulsory Purchase Process and The Critchel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion (‘the DLUHC Guidance’).

DESCRIPTIONS OF THE ORDER LAND, LOCATION, PRESENT USE AND CONDITION

1.6 The land and rights proposed to be compulsorily acquired are shown in the Schedule to the CPO and the CPO Map (‘the Order Land’) and is located in Elland

1.7 Full details of the ownership of each interest in the Order Land is contained in the Schedule to the Order, but in summary the land to be included in the CPO is as follows:

Plot Number	Freehold and Leasehold Title Holder	Requirements
1	Borough Council of Calderdale	Land required for the construction and operation of the car park to serve Elland rail station.
2	Unregistered	Land required for the construction and operation of the car park to serve Elland rail station.
3	Routestone or Estates & Management	Land required for the construction and operation of the car park to serve Elland rail station.
4	Unregistered	Land required for the construction and operation of Elland Rail Station
5	Routestone or Estates & Management	Land required for the construction and operation of the car park to serve Elland rail station.

6	Unregistered	Land required for the construction and operation of the car park to serve Elland rail station.
7	Unregistered (Network Rail)	To allow for the construction and operation of Elland rail station.
8	Borough Council of Calderdale	Land required for the construction and operation of the car park to serve Elland rail station.
9	Borough Council of Calderdale	Land required for the construction and operation of Elland rail station.
10	Borough Council of Calderdale	Land required for the construction and operation of the car park to serve Elland rail station.
11	Borough Council of Calderdale	Land required for the construction and operation of the car park to serve Elland rail station
12	Borough Council of Calderdale	Land required for the construction and operation of the car park to serve Elland rail station.

1.8 The Order Land is in a number of different ownerships and details have been gathered through inspection of Land Registry title documents and through a Requisition of Information requests following notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and/or section 5A of the Acquisition of Land Act 1981, where the ownership is unclear.

1.9 The Council is seeking the power to acquire all land and extinguish any rights that would restrict development, maintenance, and operation of Elland station, the Order Land in order to facilitate the comprehensive redevelopment of the land (including the Order Land) to deliver integrated transport improvements.

2. THE ORDER MAPS

2.1 The Order Maps shown at Appendix A identifies the Order Land shown shaded in pink. The pink land represents land where all interests in that land will be acquired. Individual plot boundaries and numbers on the Order Maps correspond with the Schedule to the CPO. In addition, the Schedule to the CPO lists other parties who may have a compensable qualifying interest in the Order Land where known after diligent enquiry.

2.2 The CPO is made under current COVID-19 restrictions and are therefore to be available upon request to a relevant officer. The CPO and Order Maps will also be available for viewing on the Council's website at www.calderdalenextchapter.co.uk.

3. THE ENABLING POWERS FOR THE CPO

3.1 The Council has made the Compulsory Purchase Order pursuant to its powers under section 226 of the Town and Country Planning Act 1990 (the 1990 Act).

3.2 Section 226 of the 1990 Act enables the compulsory acquisition of land required to facilitate the carrying out of development, redevelopment or improvement of land where it will promote or improve the economic, social or environmental well being of the area.

3.3 The Council is satisfied that, for the reasons set out below, the purpose of the CPO falls within the powers set out above and that the CPO may lawfully be made.

3.4 The Council will exercise its compulsory purchase powers because it has not been able to acquire by agreement all interests that are required for the Elland Station scheme and it is not certain it will be able to acquire the remaining land by agreement.

3.5 The DLUHC Guidance provides guidance to acquiring authorities on the use of compulsory purchase powers and sets out the overarching consideration that there must be a compelling case in the public interest for making a compulsory purchase order. The Council has taken full account of this overarching consideration in making the CPO. Section 10 details why the Council considers that there is a compelling case in the public interest to make the CPO and proceed with the Elland Station scheme.

3.6 The DLUHC Guidance states that undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the acquiring authority is willing to be open and to treat their concerns with respect. Whilst the acquiring authority must make all reasonable efforts to acquire the land by negotiation, it is no longer the case that the making of the CPO can only be made as a last resort. Acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued.

3.7 Landowners were approached about the potential for the use of compulsory purchase powers during 2021. Since then, negotiations have been ongoing with respect to the purchase of the land required and compensation. Where relevant, dialogue has also taken place and will continue to take place in relation to mitigation and remedial works or relocation. The Council will continue to make meaningful attempts to reach agreement on a voluntary basis. Where mitigation measures, remedial works or relocation is appropriate, the Council are taking a proactive and sensitive approach to work with businesses and other landowners, lessee and tenants to minimise adverse impact.

3.8 In summary, in exercising its powers of compulsory acquisition, the Council is satisfied that it may lawfully do so under the power set out above and that there is a compelling case in the public interest for such exercise and that the public interest in progressing the Elland Station scheme is sufficiently important to justify the interference with private rights.

4. BACKGROUND

4.1 National Government Growth Deals present devolved powers represented in the West Yorkshire area by The Leeds City Strategic Economic Framework (2016) which recognise the economic potential of the region and the need to seize the potential of this 'game changing opportunity for the North'. It clearly articulates the contribution better transport connectivity will play in providing the driving force to the plan.

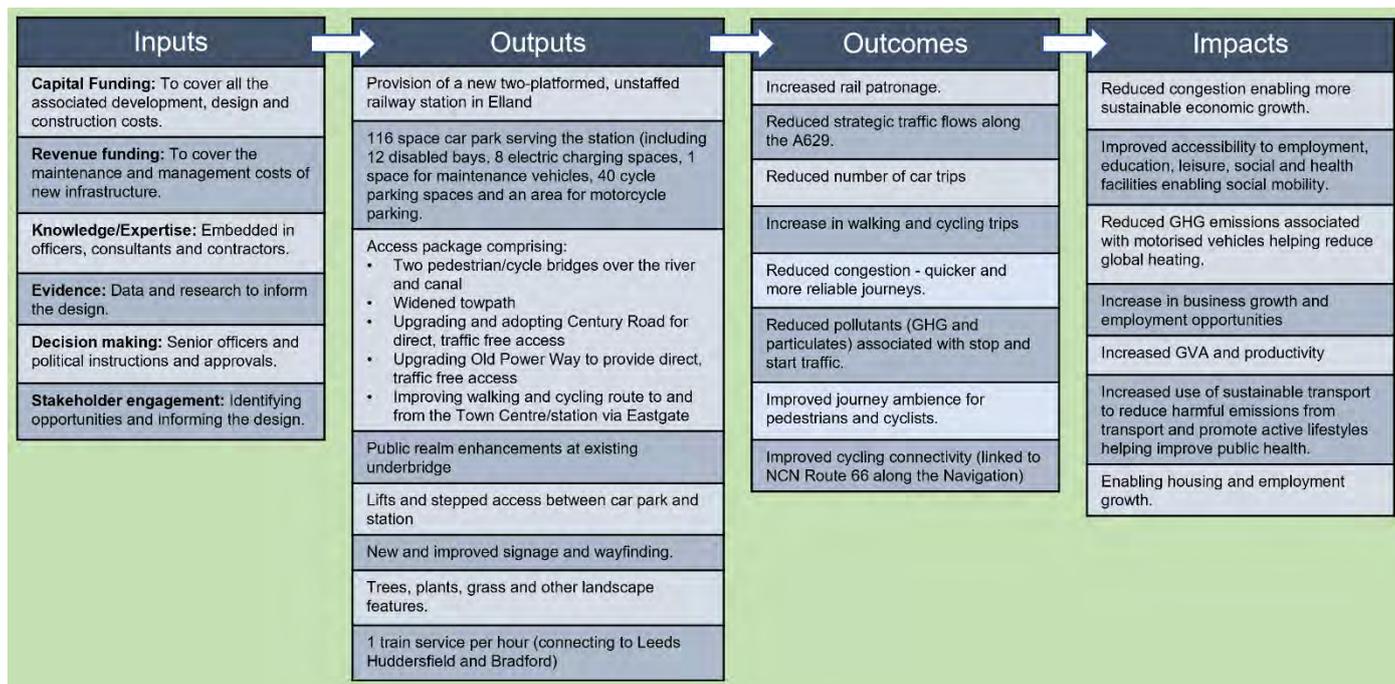
4.2 The proposal to create a £1billion fund to invest in transport in West Yorkshire and York and the confirmation of the Leeds City Deal with Government last year was welcomed across the region. In response to the Leeds City Region securing City Deal (2012) and subsequent West Yorkshire Combined Authority (WYCA) (2014) status the region was committed to developing a Single Appraisal Framework (SAF), to be approved by HM Treasury and the Department for Transport (DfT) that would enable devolved investment decisions to be made. The SAF was developed to be fully operational by April 2015 to enable the Local Enterprise Partnership (LEP) and the WYCA effective governance of the funding being made available by Central Government.

4.3 The town of Elland is located to the east of the Calderdale district, which itself sits on the western edge of the Leeds City Region (LCR), located approximately mid-way between the cities of Leeds and Manchester. The town currently suffers from poor public transport connectivity and significant congestion levels on the Strategic Road Network (SRN) that connects these towns to the regional economic centres of Leeds and Manchester. This hinders access to employment and skills opportunities both locally and across the wider LCR, subsequently constraining future growth and development. This is particularly important as Elland, town centre currently sits amongst the top 20% deprived areas in the country and consequentially Elland is a priority growth area for Calderdale.

4.4 The primary issues and challenges relating to transport are:

- Poor pedestrian and cycling infrastructure across both towns;
- Low car ownership and poor public transport connectivity hindering access to employment and educational opportunities, constraining growth;
- Poor railway station connectivity and accessibility issues hindering possible rail use;
- Significant congestion on the SRN; and
- Poor local air quality; nearby Brighouse has an Air Quality Management Area (AQMA).

4.5 From the £1 Billion Transport Plus fund, Elland was awarded a funding package to construct a new railway station while developing and improving non-motorised access to the proposed station and surrounding areas. The schemes overall outcomes and objectives that are set out in the table below:

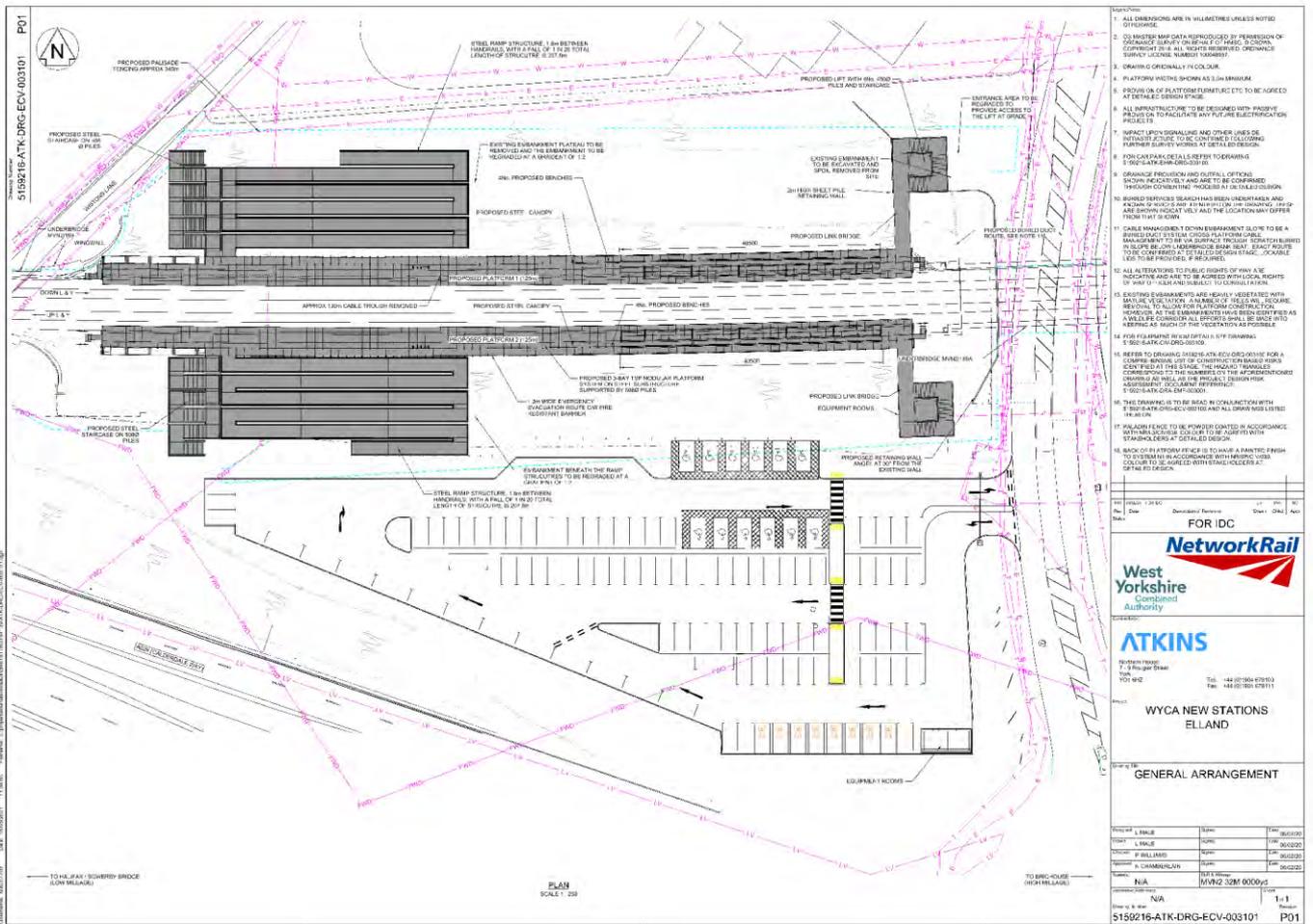


4.6 The Elland Station scheme also ties in to the Elland Access Package and A629 Phase 4 schemes. The Access Package aims to enhance walking and cycling access to the new station from across Elland and the wider area

through a series of access improvements. A629 Phase 4 is a package of interventions to create a sustainable travel link, mainly walking and cycling, from Halifax to Huddersfield.

5. DESCRIPTION OF THE SCHEME

- 5.1 The Elland Station scheme is for a two platform, unstaffed railway station on the existing Calder Valley railway line, located on a 1.52 hectare site to the west of Lowfields Way and adjacent to the A629 Calderdale Way. The station platforms will be 125m in length and positioned on the existing embankment at an elevated level and partially covered by 40m long canopies. Lift, stepped and ramp access will be provided from car park level to both platforms to ensure accessibility for all. Associated cross-platform access will be provided by the existing highway underpass on Lowfields Way and Wistons Lane.
- 5.2 The rail station will be served by a 116-space car park, including blue badge spaces, an area for drop-off and pick up, motorcycle parking, cycle storage and passive provision for electric vehicle charging.
- 5.3 The scheme has direct links to the Elland Access Package scheme.
- 5.4 A general arrangement drawing can be seen in fig 2:



6. FINANCIAL VIABILITY

6.1. The Elland Station scheme is fully funded, with funding provided from the West Yorkshire Combined Authority (WYCA) under the remit of the West Yorkshire Plus Transport Fund. The Elland Station Schemes Outline Business Case (Decision Point 3 in the West Yorkshire Combined Authority Assurance Framework) was approved in May 2019. with total approved funding of £ 2,934,000 to take the scheme to Full Business Case (Decision Point 4), against a total indicative allocation of £17.30m. The Combined Authority are seeking a further £3.3m from the West Yorkshire Plus Transport Fund. Bringing the total indicative allocation to £20.6m

6.2 The estimated land cost of £100k is expected to be covered within this allocation.

A breakdown of the current budgets can be seen below-

Funding Programme	Indicative Funding Approval	Funding Approved
West Yorkshire-plus Transport Fund	£17,320,000 (04/02/2021)	£2.934,000 (22/10/2021)

6.3 Preliminary design (GRIP4 AiP) has been submitted to Network Rail for approval and Network Change has been established, therefore the proposal has been accepted and that Network Rail will be compliant with regulatory obligation. The Full Business Case compilation is currently being undertaken.

7. ALTERNATIVE OPTIONS / DESIGN REFINEMENT

7.1 Three possible station locations were considered as part of the development work undertaken to date for Elland Railway Station. These were:

- The site of the formers Elland Railway Station (Option 1)
- A site between Lowfields Way and Wistons Lane (Option 2), and
- A site off Elland Rioges Link, east of an existing business and associate car park, ands west of housing at Oliver's Meadow (Option3).

7.2 The site between Lowfields Way and Wistons Lane (Option 2) was selected as the preferred option following a sifting exercise involving key stakeholders including Calderdale Council officers, Network Rail, train operating companies, and Transport for the North. Reasons for excluding the other two sites include, but are not limited to:

- Option 1 would have resulted in the project having to relocate existing businesses operating on the site,
- Option 1 was found to have poor accessibility from the highway network,
- Option 3 is a smaller site which would have impacted upon the amount of land available for car parking provision,
- Option 3 was found to be at risk of greater impact from future flood events.

8. EXTENT TO WHICH THE SCHEME FITS WITH THE PLANNING FRAMEWORK

National Planning Policy Framework (NPPF)

8.1 The NPPF sets out the Government's planning policies for England and how these should be applied, and was updated in July 2021. It provides a framework within which locally-prepared plans for housing and other development can be produced of which the following are of particular relevance to the Elland Station scheme:

- Build a strong, competitive economy: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- Promoting sustainable transport: The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

8.2 The NPPF commits the Government to a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration; ensuring that the planning system does everything it can to support sustainable economic growth and requires significant weight to be placed on the need to support economic growth and productivity.

8.3 The NPPF provides strong support for sustainable transport modes as a means of supporting sustainable development, stating Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

8.4 The NPPF also attaches great importance to good design, stating "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process*".

8.5 The Elland Station scheme envisages the use of acquired land to improve sustainable modes of transport, with a particular view to supporting the transport needs and reducing the impacts of future development within the

western and south western parts of the Council's administrative area. The scheme is therefore compliant with the NPPF.

Local Planning Policy

8.6 The Replacement Calderdale Unitary Development Plan (RCUDP) 2009 and the emerging Calderdale Local Plan (Publication Draft 2018) provide justification for the proposal in that the RCUDP identifies a new railway station for Elland and the emerging Local Plan Spatial Portrait highlights the importance of investment on the Calder Valley Line and the delivery of a new railway station at Elland (Paragraph 2.37).

8.7 Local Plan Policy IM1 Strategic Transport Interventions identifies Elland Station as one of the strategic transport infrastructure interventions to be delivered in the plan period (the associated Elland Access Package is also identified in this policy) and the proposed site of the station is also shown on the Policies Maps with the notation 'Potential Elland Rail Station'.

8.8 Policy IM3 Safeguarding Transport Investment states that where necessary, land will be safeguarded to ensure the transport schemes can be successfully implemented, in particular:

Safeguarding Rail Development Schemes:

There are a number of rail related schemes at various stages of development and proximity to Local Plan decision making. These scheme types and their relationship to the necessities of safeguarding within this Policy IM3 are set out in their approximate order of importance and relation to the Local Plan below:

1. New Station Development - where an entirely new station is planned for development and the land it and related facilities will occupy is required to be safeguarded;
2. Station Redevelopment - where land relating to the improvement of station facilities (e.g. station buildings, parking, access arrangements, platforms) is required to be safeguarded;
3. Rail Infrastructure Improvements - relating to route improvements.

Safeguarding the Elland Access Package Scheme:

In association with other transport improvements planned for the Elland area a number of walking and cycling specific improvements are in development. Planning permission will not be granted for development that would prejudice the construction of the Elland Access Package scheme.

8.9 The scheme is therefore compliant with emerging Local planning policy and it is considered that there are no planning impediments to the delivery of the scheme.

9. OUTLINE OF THE COUNCIL'S PURPOSE AND JUSTIFICATION IN MAKING THE ORDER

9.1 The Council's purpose in making the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate not only the delivery of the Elland Station scheme but also to allow for interfaces with the Elland Access Package.

9.2 The CPO is intended to enable the creation of the public transport infrastructure which will deliver the efficiencies and sustainable future growth capacity necessary to realise the economic dependencies in the local region which need to be achieved. Accordingly, the objectives of the CPO are to bring the Order Land into beneficial use as an enabling component of the wider West Yorkshire Plus Transport Fund strategy.

9.3 The Order Land is adjacent to or links to the publicly maintained highway.

9.4 The Council has already commenced negotiations to acquire interests in the Order Land by agreement. These negotiations will continue throughout the CPO process. However timely instigation of the compulsory acquisition process will enable the scheme promoters meet delivery timescales to give certainty to the delivery of the wider public benefits of the Elland Station scheme.

9.5 The current economic assessment of the Elland Station and the Elland Access Package schemes have been carried out in accordance with DfT's WebTAG guidance to establish the benefits, costs and value for money associated with the scheme and can be seen within the table below:

Table 1: Preferred Option Economic Appraisal Results

	FBC
PVB	14.5
PVC	14.5
NPV	0
Initial BCR	1.0
Adjusted BCR	1.3

9.6 Including the estimates of Wider Economic Benefits (£4.1m), the adjusted BCR becomes 1.3 representing Low value for money.

9.7 In addition, there will be wider economic benefits as a result of the scheme, assessed by the Urban Dynamic Model (UDM) which makes an assessment of how economic growth in LCR is constrained due to rising transport costs. It then estimates the extent to which constrained economic growth is unlocked by new transport interventions which reduce those costs.

9.8 Other anticipated wider benefits of the scheme include:

- Productivity Benefits:
 - The scheme will result in a better connected, accessible and comprehensive transport system, promoting productivity by enabling more people to access employment and skill building opportunities, expanded labour catchments, increasing business efficiency through time savings and increasing competition by opening up access to new markets.
 - With 1477 homes located in and around Elland and West Vale planned for construction over the next 5 years. The Elland Station scheme being part of the wider Calderdale aim to provide regeneration via improved sustainable travel to employment centres, is an important scheme in creating connections and unlocking these new housing sites to employment centres, not only within Elland but to the wider West Yorkshire region.
- Air Quality:
 - Reduced traffic levels through de-congestion and sustainable mode shift are key to improving air quality across both towns. The scheme will encourage increased uptake rail travel, reducing the need to travel by private car.
- Social Inclusion:
 - The scheme promotes social inclusion by improving access to the public transport network. It therefore provides a better quality of life for those without access to a car and those on low incomes.

9.9 The Elland Station and Access Package will contribute to the core objectives of enabling inclusive growth, boosting productivity, supporting clean growth and creating a 21st century transport system. Thereby contributing

to the City Regions target to become a zero-carbon economy by 2036 by creating an attractive alternative to the private car through public transport improvements and a step change in walking and cycling infrastructure.

9.10 Further anticipated benefits from the scheme are:

- Increased uptake of rail travel;
- Improved journey quality and travel experience;
- Improved access to education and health care;
- Increased number of jobs in Elland and Brighouse;
- Improvement to public health; and
- Greater productivity and reduction in deprivation through improved access to skills (wider economic benefit).

9.11 Given the above, the scheme is regarded as both compliant and supportive of the following national, regional and local key strategies and policies: the Government's Levelling Up agenda, Transport for the North's Strategic Transport Plan, West Yorkshire Transport Strategy 2040, West Yorkshire Low Emission Strategy (2016-2021), Leeds City Region Strategic Economic Framework (SEF), Leeds City Region Climate Emergency and Calderdale Transport Strategy and thereby the Council considers that there is a compelling case in the public interest for the CPO and that, if confirmed, the CPO would strike an appropriate balance between public and private interests. For the reasons explained in this part of the Statement, the Order Land is a critical element in the successful delivery of the scheme and in unlocking the benefits described above.

10. HUMAN RIGHTS ACT

10.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("Convention"). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

10.2 Section 6 of the Human Rights Act prohibits public authorities from acting in a way which is incompatible with the Convention. Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably Article 1 protects the right of everyone to the peaceful enjoyment of possessions. No-one can be deprived of possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. Article 8 provides a right to respect for one's private and family life, home and correspondence except in accordance with law and as necessary in a democratic society.

10.3 In considering the CPO, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the redevelopment will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the relevant statutory provisions.

10.4 The Council considers that there is a compelling case in the public interest for contemplation of the CPO and that the CPO, if confirmed, would strike an appropriate balance between public and private interests. In addition, having regard to the provisions of the DLUHC guidance, the Council considers that the Order Land is both suitable for and necessary for the Elland Station scheme in order to deliver the public benefits described above. Furthermore the Council considers that interference with individual rights is necessary and proportionate in the context of the delivery of the scheme.

10.5 Consultation has and will continue to be undertaken during the acquisition process, with the opportunity being given for interested parties to make representations regarding the proposal. If qualifying objections to the CPO are received, further representations can be made if the Secretary of State decides to hold a public inquiry. Those directly affected by the CPO who have legally compensatable interests will be entitled to statutory compensation.

10.6 In assessing human rights considerations, the Council has had particular regard to the fact that the proposed acquisition will affect land currently owned and occupied by the owners, lessees, occupiers and other legal interests in the Order Land.

11. SPECIAL CONSIDERATIONS

11.1 There are no ancient monuments or listed buildings within the Order Land. There are no issues concerning special category land, consecrated land or other protected land arising from the CPO. The Order Land does not include any Crown land.

12. VIEWS OF GOVERNMENT DEPARTMENTS

12.1 The Department for Transport is supportive of the West Yorkshire Combined Authority (WYCA) and Calderdale Council's plans to construct a new station at Elland on the Calder Valley (Leeds – Huddersfield) Line to improve the town's connectivity with the wider region, support future housing growth and ease congestion on the local road network (including the nearby A629).

13. VIEWS OF STATUTORY BODIES

13.1 Network Rail are supportive of the proposal and are committed to continuing to work collaboratively with the scheme promoters to deliver the station. The Council will work with statutory undertakers to ensure that they are able to continue to meet their statutory obligations at all times during the construction and operation of the Elland Station scheme.

14. OTHER IMPEDIMENTS

14.1 The Council is not aware of any financial, planning, physical, legal or any other impediments to the implementation of the Elland Station scheme.

15. ENQUIRIES

15.1 Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

The Borough Council of Calderdale, Transportation, Mulcture House, Halifax, HX1 1SP

Email: Thenextchapter@calderdale.gov.uk

16. LISTS OF DOCUMENTS REFERRED TO

Should it be necessary to hold a public inquiry into the Order, the Council may refer to or put in evidence the following documents (not exclusive), in addition to the Orders themselves and the Order Maps.

National and Local Planning Policies including:

National Planning Policy Framework (NPPF)

Calderdale Local Plan Calderdale Local Plan Publication Draft 2018

The Council's Local Plan Proposals Maps

The Planning Act 1990

The Acquisition of Land Act 1981

Relevant National Circulars

Department for Levelling Up, Housing and Communities' Guidance on Compulsory Purchase Process and The Critchel Down Rules, July 2019.

Other relevant documents

Cabinet reports dated 9th November 2020 authorising the use of the Compulsory Purchase Order

Cabinet reports dated 17th January 2022 authorising the Compulsory Purchase Order

17.2 Appendix B CPO

17.3 APPENDIX C – PHOTOGRAPHS OF LAND AQUISITIONS



Footpath down to Wistons Lane from Lowfeilds way



South embankment Plot 7

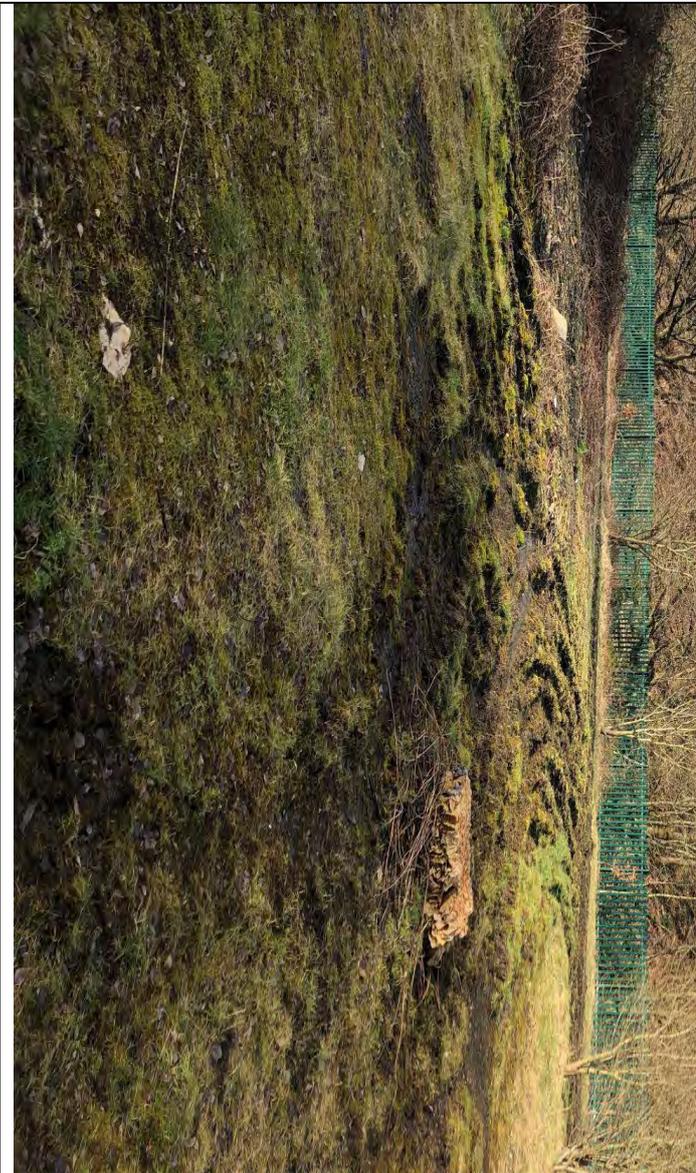


View of Plot 7

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View of Plot 10



View of Plots 7 and 10