

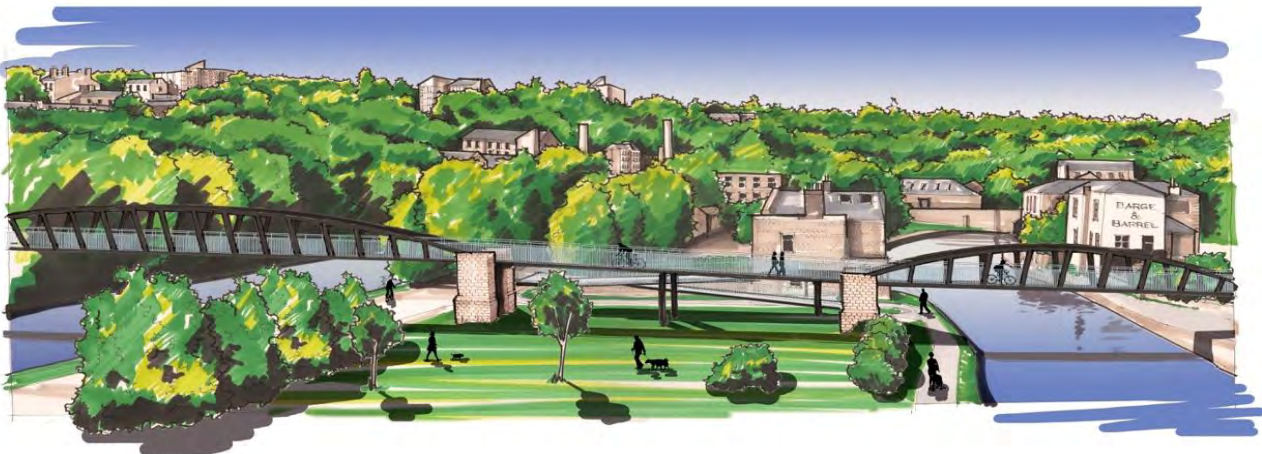
**The Borough Council of Calderdale  
(Elland Access Package)  
(West Yorkshire Plus Transport Fund, Transforming Cities Fund)  
Compulsory Order 2022**

**&**

**The Borough Council of Calderdale  
(Elland Access Package)  
(West Yorkshire Plus Transport Fund, Transforming Cities Fund)  
Side Roads Order 2022**

## **STATEMENT OF REASONS**

### **HIGHWAYS ACT 1980**



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# 1 INTRODUCTION

1.1 On 4<sup>th</sup> July 2016 The Borough Council of Calderdale's Cabinet agreed 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 Access Package) (West Yorkshire Plus Transport Fund & Transforming Cities Fund) Compulsory Order 2022 ("the CPO") in order to deliver the Elland Access Package scheme

1.2 As the Elland Access Package scheme progressed, further reports were drafted to take into account changes to the scheme and the use of a side roads order and making a bridge scheme. Further Cabinet authority was given for The Borough Council of Calderdale (The Elland Access Package) (West Yorkshire Plus Transport Fund & Transforming Cities Fund) (Side Roads) Order 2021 ("the SRO") and The Borough Council of Calderdale (Elland Access Package) (West Yorkshire Plus Transport Fund, Transforming Cities Fund) Bridge Scheme 2021 ("the Bridge Scheme") on 9<sup>th</sup> November 2020 and 17<sup>th</sup> January 2022

1.3 The CPO has been made under section sections 239, 240, 250 and 260 of the Highways Act 1980. The Council thinks that there is a compelling case in the public interest and that the proposed acquisition will facilitate the carrying out of the Elland Access Package scheme.

1.4 The land acquisition will also allow for widening and remodelling of existing highway to accommodate greater use and public realm improvements. These works combined will improve the economic, social or environmental well-being of the borough of Calderdale.

1.5 The SRO has been made under sections 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf. It includes provisions to stop up a private means of access to premises adjoining or adjacent to land forming part of the scheme and to provide a new means of access to any such premises. The SRO will enable the Council to carry out the necessary improvements and alternations to the highway required by the Elland Access Package scheme.

1.6 The Elland Access Package Scheme will include the construction of 2 new bridged canal and river crossings at Elland and West Vale. The Bridge Scheme is made under the provisions of section 106(3) of the Highways Act 1980 because the Elland Access Package scheme includes the construction of a bridge over the navigable waters of the Calder & Hebble Navigation as a part of the proposed highway at Elland.

1.7 This Statement of Reasons is a non-statutory statement provided in respect of both the Order and the Side Roads Order, in compliance with the guidance set out in the following:

- Department of Levelling up, Housing and Communities Guidance on Compulsory Purchase Process and The Critehel Down Rules ('the DLUHC Guidance');
- The Department for Transport's Note 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, Circular No. 2/97 ('the DfT Guidance'); and
- Department of Transport Circular 1/97 "Highways Act 1980: Orders under Section 14 of the Highways Act 1980 and Opposed Orders under Section 124 of that Act" (June 1997).

1.8 In progressing the Bridge Scheme reference has also been made to:

- Department of the Environment, Transport and the Regions "Preparing and Making Bridge/Tunnel Schemes under s106 of the Highways Act 1980 and Orders under s108 for the Diversion of Navigable Waters (March 2000).

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

1.5 The land proposed to be compulsorily acquired is shown in the Schedule to the CPO and the CPO Map ("the Order Land") and is located in 2 main locations, Elland and West Vale. The majority of the land is located within publicly adopted highway, on various highways around Elland or land under Local Authority Ownership, although this is included within the Order at this stage to ensure no third party rights are missed and will stay within the councils ownership. The rest of the land is located between these parcels of land or as part of a connecting route to access local cycleways.

1.6 Full details of the ownership of each interest in the Order Land is contained in the Schedule to the Order, but in summary the Order land outside council ownership and not consisting of publicly adopted highway is in broad terms, a combination of developed land, brown field site and riverbanks, compromising of varying parcels as follows:-

Plot Number	Freehold Title Holder/Reputed Owner	Requirements
1/1	North Dean Automotive Limited	Land to construct cycleway and new structures, replace/improve existing structures and drainage systems.
1/1a	North Dean Automotive Limited	Temporary access to land to allow for the construct cycleway and new structures, replace/improve existing structures and drainage systems.
1/1b	North Dean Automotive Limited (Reputed Owner)	Temporary access to land required to create new access to North Dean Automotive and adjust boundaries and ground levels.
1/1c	North Dean Automotive Limited	Temporary access to land required to construct new access into North Dean Automotive lower yard.
1/2	North Dean Automotive Limited & Heath Rugby Union Football Club Limited (Reputed Owners)	Unregistered land with reputed title owners. Part permanent land required to construct cycleway. Part temporary to provide reputed landowners with Freehold on existing boundary fence.
1/2a	Heath Rugby Union Football Club Limited (Registered Owner). North Dean Automotive Limited (Reputed Owner and Occupier of part)	Temporary access to land required to create new shared access and access to North Dean Automotive and adjust freeholder boundaries and ground levels.
2/1	Canal & River Trust	Temporary access to land required to construct bridge and maintain permanent oversail.
2/1a	Canal & River Trust	Right of access for all purposes connected with the construction, use and maintenance of a pedestrian and cycle bridge crossing the River Calder.
2/1b	Canal & River Trust	Land required for temporary access to construct the works.
2/1c	Canal & River Trust	Land required for new cycleway and bridge and associated drainage, and landscaping.

2/1d	Canal & River Trust	Temporary access to land required to construct the works.
2/1e	Canal & River Trust	Temporary access to land required to create new towpath cycleway and retaining wall.
2/1f	Canal & River Trust	Right of access for all purposes connected with the construction, use and maintenance of the Canal and River Calder pedestrian and cycle bridge crossing.
2/2	Christopher John Morton and Daryl Scott Morton	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle access for new bridge construction.
2/3	Unknown (Unregistered land)	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle access for new bridge construction.
2/4	Unknown (Unregistered land)	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle access for new bridge construction.
2/5	Unknown (Unregistered land)	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle access for new bridge construction.
2/6	Unknown (Unregistered land)	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle access for new bridge construction.
2/7	Unknown (Unregistered land)	Land required to create new bridge, footway/ cycleway, and associated landscaping and improvement.
2/8	John Christopher Holton & Carol Ann Holton	Land required to create new bridge, footway/ cycleway, and associated landscaping and improvements.
2/8a	John Christopher Holton & Carol Ann Holton	Land required to create new bridge, footway/ cycleway, and associated landscaping and improvement.
2/8b	John Christopher Holton & Carol Ann Holton	Temporary access to land required to create temporary access and works areas to enable construction of new cycleway, towpath, retaining walls, and bridge.
2/8c	John Christopher Holton & Carol Ann Holton	Temporary access to land required to create temporary access and works areas to enable construction of new cycleway, towpath, retaining walls, and bridge.

2/8d	John Christopher Holton & Carol Ann Holton	Right of access for all purposes connected with the construction, use and maintenance of the Canal and River Calder pedestrian and cycle bridge crossing.
2/8e	John Christopher Holton & Carol Ann Holton	Temporary access to land required to create temporary access and works areas to enable construction of new cycleway, towpath, retaining walls, and bridge.
2/9	Newriver Community Pubs Limited	Temporary access to land required to create temporary access and works areas to enable construction of new cycleway, towpath, retaining walls, and bridge.
2/9a	Newriver Community Pubs Limited	Land required to create new towpath/cycleway and retaining walls.
2/9b	Newriver Community Pubs Limited	Land required to create new footway/ cycleway.
2/9c	Newriver Community Pubs Limited	Land required to create new bridge and footway/ cycleway and towpath.
2/10	Unknown (Unregistered land)	Land required to create new bridge, footway/ cycleway, and associated landscaping and improvement.
3/1	Optimisation Investments Limited	Temporary access to land required to create temporary access and works areas to enable construction of new footway/cycleway, landscaping and improvements.
3/1a	Optimisation Investments Limited	Land required to create new footway/ cycleway, and associated landscaping and improvement.
3/1b	Optimisation Investments Limited	Land required to create new footway/ cycleway, and associated landscaping and improvement.
3/1c	Optimisation Investments Limited	Temporary access to land required to create temporary access and works areas to enable construction of new footway/cycleway, landscaping and improvements.
3/1d	Optimisation Investments Limited	Land required to create new footway/ cycleway, and associated landscaping and improvement.
3/1e	Optimisation Investments Limited	Land required to create new parallel crossing, footway/ cycleway, and associated landscaping and improvement.
3/1f	Optimisation Investments Limited	Land required to create new parallel crossing, footway/ cycleway, drainage basin, and associated landscaping and improvement.
3/2	GO ON SA	Land required to create new footway/ cycleway.

3/3	Unknown (Unregistered land)	Land required to create new footway/ cycleway, and associated landscaping and improvement.
3/4	Network Rail (Reputed Owner)	Land required to create new footway/ cycleway, and associated landscaping and improvement.

1.7 Photographs of the areas to be acquired are included in Appendix A.

1.8 A few small (<1.5m) retaining walls will require relocating to the new highway alignment boundary line.

1.9 The Order Land is in a number of different ownerships and details have been gathered through inspection of Land Registry title documents and through 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.

1.10 The Council is seeking the power to acquire all interests in the Order Land in order to deliver integrated sustainable transport improvements.

## 2 THE ORDER MAPS

2.1 The Order Maps identify the Order Land shown shaded in pink and blue. The pink land represents land where all interests in that land will be acquired. The blue land represents land where a new right is being 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, SRO and Bridge Scheme are made under current COVID-19 restrictions and are therefore to be available upon request to a relevant officer. The CPO and Order Maps, the SRO and the Bridge Scheme will also be available for viewing on the Council's website at [www.calderdalenextchapter.co.uk](http://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 239, 240, 250 and 260 of the Highways Act 1980 (the 1980 Act).

3.2 Section 239 (1) of the 1980 Act enables the compulsory acquisition of land required by a highway authority for the construction of a highway which is to be a highway maintainable at the public expense, other than a trunk road.

3.3 Under Section 239 (3) of the 1980 Act a highway authority may acquire land required for the improvement of a highway, being an improvement which they are authorised by the 1980 Act to carry out in relation to the highway.

3.4 Under Section 240 of the 1980 Act a highway authority may acquire land which is required for use by them in connection with the construction or improvement of a highway. This is required in relation to the new Elland Wood Bottom link road.

3.5 Section 250 of the 1980 Act enables new rights to be created over land for highway purposes. This is for the construction and maintenance of bridges over highways, the construction and maintenance of drains, the placing of apparatus in land and the construction of private accesses.

3.6 Section 260 of the 1980 Act enables the Council to include land in the CPO for the purpose of clearing the title.

3.7 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.

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

3.9 The DLUHC Guidance and the DfT 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 Access Package scheme.

3.10 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.

3.11 Landowners, tenants and occupiers were approached about the potential for the use of compulsory purchase powers during late summer 2016. 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. Whilst all persons with an interest in the Order Land have indicated their support for the scheme in principle, negotiations as to the value of compensation remains unresolved for the majority of interests. 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.

3.12 In summary, in exercising its powers of compulsory acquisition, the Council is satisfied that it may lawfully do so under the powers 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 Access Package 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 Plan (2014) 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 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), 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 and West Vale are 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. Both towns currently suffer 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 for Elland, with its town centre currently sitting 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. This initial scheme identified £7.5 million pounds of Access Package improvements were required to achieve objectives and create non-motorised links from the surrounding area to the new railway station. However, through a combination of increased railway station costs and reduced over all budgets, the Elland Access Package funding was reduced by over 50%. This funding pot, although able to create some improvements to existing routes was insufficient in helping achieve the schemes overall outcomes and objectives that are set out in the table below:

Inputs	Outputs	Outcomes	Impacts
<b>Capital Funding:</b> To cover all the associated development, design and construction costs. <b>Revenue funding:</b> To cover the maintenance and management costs of new infrastructure. <b>Knowledge/Expertise:</b> Embedded in officers, consultants and contractors. <b>Evidence:</b> Data and research to inform the design. <b>Decision making:</b> Senior officers and political instructions and approvals. <b>Stakeholder engagement:</b> Identifying opportunities and informing the design.	Provision of a new two-platform, unstaffed railway station in Elland  166 space car park serving the station (including 12 disabled bays, 8 electric charging spaces, 1 space for maintenance vehicles only, 40 cycle parking spaces and an area for motorcycle parking).  Access package comprising: <ul style="list-style-type: none"> <li>• Two pedestrian/cycle bridges over the river and canal</li> <li>• Widened towpath</li> <li>• Upgrading and adopting Century Road for direct, traffic free access</li> <li>• Upgrading Old Power Way to provide direct, traffic free access</li> <li>• Improving walking and cycling route to and from the Town Centre/station via Eastgate</li> </ul> Public realm enhancements at existing underbridge  Lifts and stepped access between car park and station  New and improved signage and wayfinding.  Trees, plants, grass and other landscape features.  1 train service per hour (connecting to Leeds and Halifax)	Increased rail patronage.  Reduced strategic traffic flows along the A629.  Reduced number of car trips  Increase in walking and cycling trips  Reduced congestion - quicker and more reliable journeys.  Reduced pollutants (GHG and particulates) associated with stop and start traffic  Improved journey ambience for pedestrians and cyclists.  Improved cycling connectivity (linked to NCN Route 66 along the Navigation)	Reduced congestion enabling more sustainable economic growth.  Improved accessibility to employment, education, leisure, social and health facilities enabling social mobility.  Reduced GHG emissions associated with motorised vehicles helping reduce global heating.  Increase in business growth and employment opportunities  Increased GVA  Increased walking and cycling levels and reduced particulates helping improve public health.  Enabling housing and employment growth.

4.6 A further successful bid of was subsequently made to the West Yorkshire Combined Authorities (WYCA), Transforming Cities Fund '(TCF)', with a strategic outline case submitted in March 2020 and approved by WYCA in

July 2020. The overarching aim of the TCF is for a transformative package of interventions which will connect our communities of greatest economic need to employment centres and skills opportunities, through high quality sustainable transport infrastructure.

4.7 The Elland Access Package scheme also ties in to other proposed schemes. These include Phase 4 and the Elland Master Plan. Phase 4 is a package of interventions to create a sustainable travel link, mainly walking and cycling, from Halifax to Huddersfield. The Elland Master Plan commissioned by Calderdale is looking at the regeneration of Elland town centre.

The Elland Access Package scheme has been designed to intersect at key locations with Phase 4 which in turn connects with the Elland Master Plan. Phase 4 is also part of a greater package of works looking to drive economic growth between Calderdale and Kirklees, specifically along the A629 Calderdale Way route.

## 5 DESCRIPTION OF THE SCHEME

5.1 The Elland Access Package scheme is split into two main areas, focusing in and around Elland and its direct links to the Elland railway station, and a further connection to the area of West Vale.

5.2 The Elland Access Package scheme combines existing route improvements and changes of use, the creation of a new non-motorised bridged highway across the River Calder and the Calder & Hebble Navigation Canal and public realm improvements in the form of landscaping and public artwork.

5.3 A general arrangement drawing for the Elland proposals can be seen in fig 2:

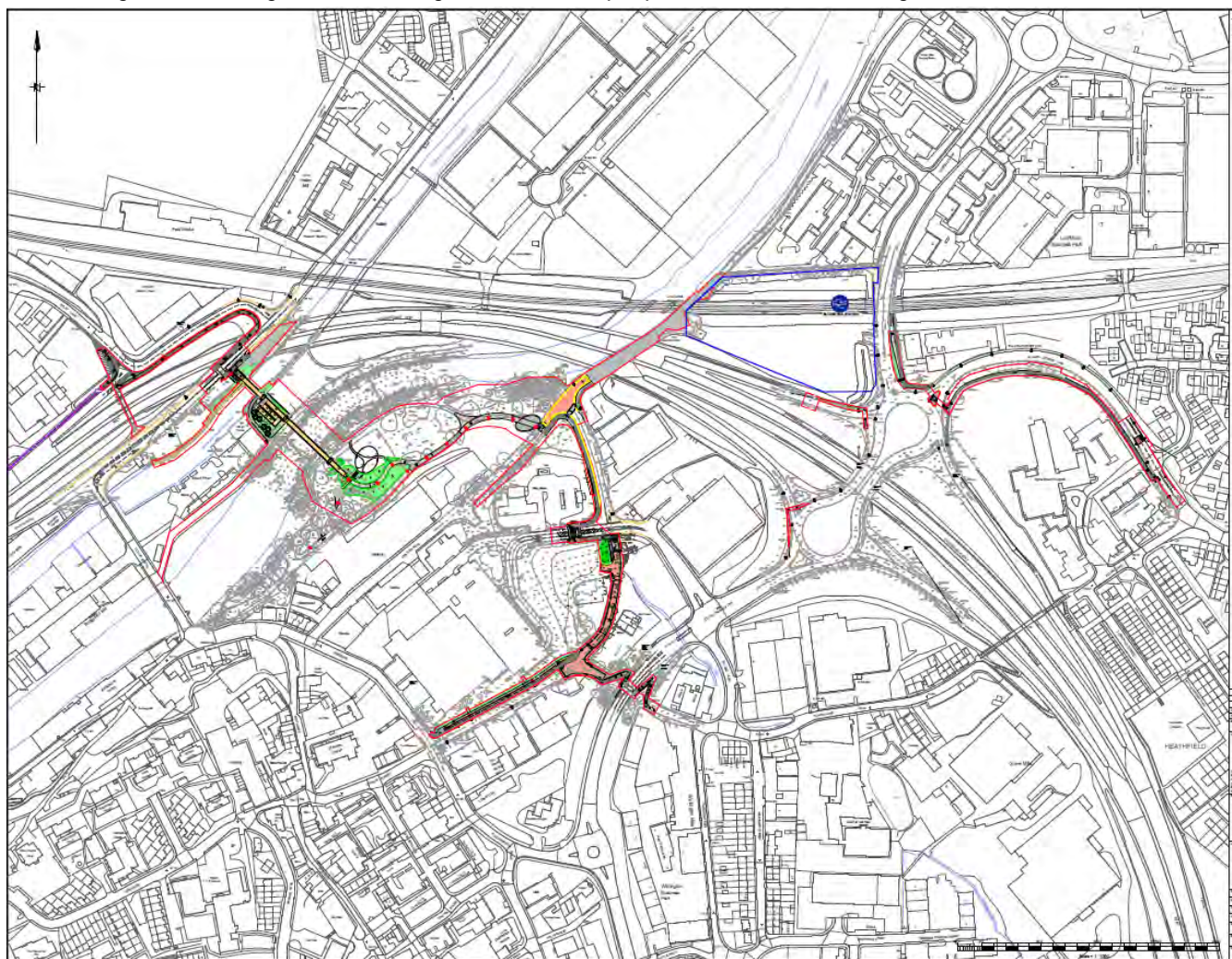


Fig 2.



5.4 The outline of these proposals are:

- The widening of the existing footway along Exley Lane to Park Rd, connecting the Elland Wood Bottom cycleway in an off highway route to a new pelican crossing and the new bridge crossing.
- The construction of a single high level bridge from Pard Rd to Riverside Park. This bridge will also have a direct connection on to the Calder Valley Cycle Network, Route 66, which covers approximately 18 miles through the Valley of Calderdale, connecting the West and East of Calderdale, allowing a seamless off highway connection from one side of the canal bank to the other.
- Some widening and improvements to the canal tow path to facilitate safe access onto the new bridge.
- Improvements to the Riverside Park with the creation of connecting cycleways and further public realm work in the form of landscaping and upgraded play areas. Earth work embankments will be required for the bridge landing.
- Creation of a segregated cycle route along Eastgate adjacent to the Elland Morrisons.
- Upgrading of the Elland Riorge Crossing from a Toucan to a cycle friendly Pelican crossing.
- The creation of a quiet street from the turning head on Eastgate along Wistons Lane. The traffic calming measures will be in the form of surface alterations, narrowings, level changes and shared usage.
- The widening of Wistons Lane north of Jubilee Way to allow a shared use cycle way and the alteration to a more pedestrian friendly turning head.
- Public realm improvements to the Calderdale Way underpass and connection to the railway station, from a combination of public art and lighting, as well as CCTV for safety.
- Elland Riorge's link east will include widening of the footways to allow off highway cycling and also improvements to the existing crossings towards the station
- Minor improvements to existing crossings will also aid the railway station users who may also use the local bus service.
- A signage scheme throughout the route system will also be provided for users.

5.5 Ellands neighbouring town West Vale also lacks any public transport or safe pedestrian connections to Elland or surrounding cycle networks.

The West Vales proposals can be seen in fig 3 general arrangement drawing:

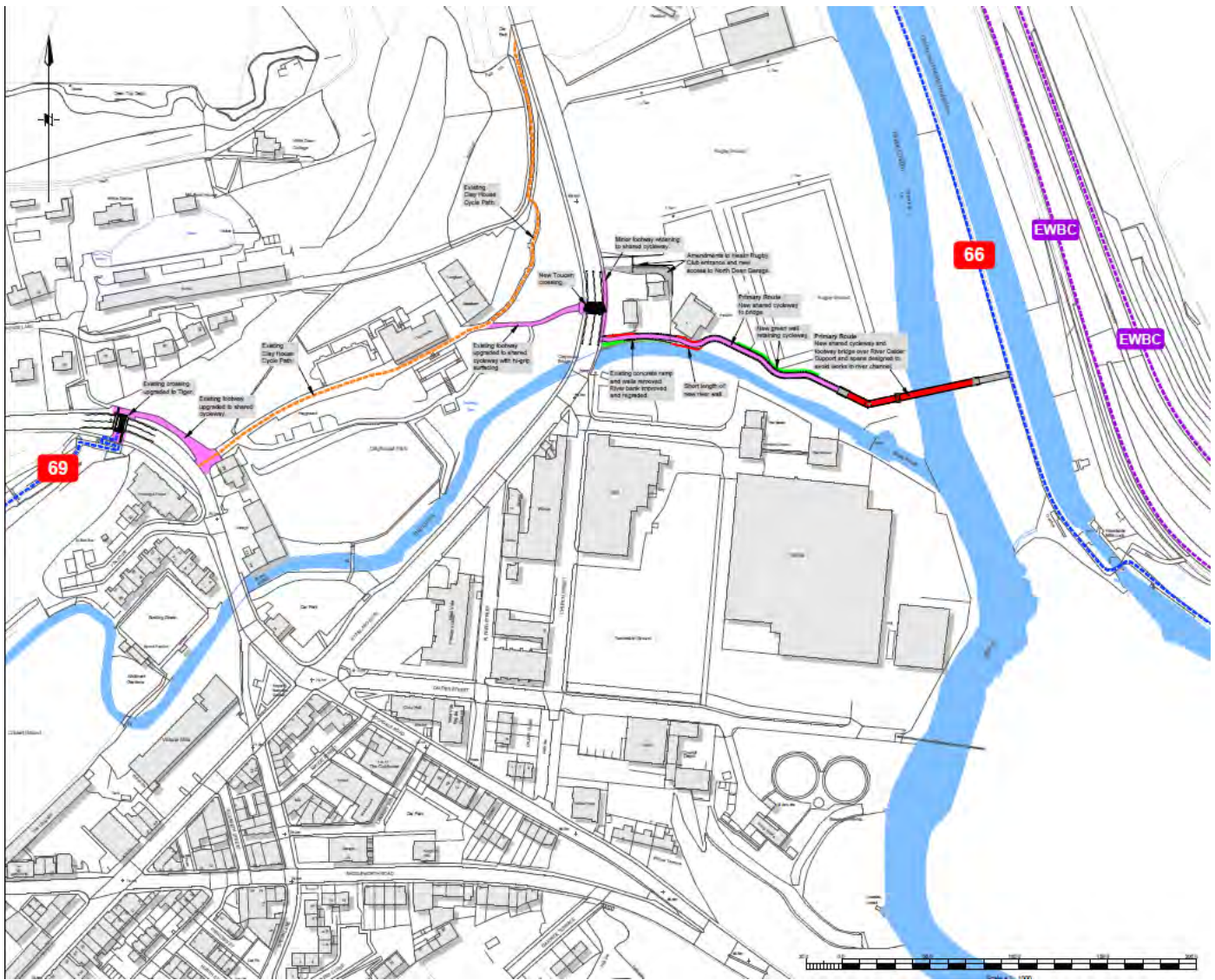


Fig 3

5.6 The outline of these proposals are:

- Upgrade of existing zebra crossing to a tiger/parallel crossing to create a connection between Route 69 and Clay House cycle route.
- Creation of a new pelican crossing on Saddle Worth road, allowing for safe access to the Black Brook route.
- Creation of a new non-motorised route along the side of Black Brook to gain access to the bridge crossing.
- New single span bridge to cross the River Calder and access the Calder Valley Route 66 cycleway, providing access towards Brighouse and Halifax and to the new bridge at Elland, giving traffic free access to the Elland Rail Station.

## 6 FINANCIAL VIABILITY

6.1. The Elland Access Package scheme is fully funded, with 33% of the funding provided from the West Yorkshire Combined Authority (WYCA) under the remit of the West Yorkshire Plus Transport Fund and the other 67% from the WYCA Transforming Cities Fund. The advance land acquisition cost is underwritten by the Council, to be reclaimed at WYCA Activity 5 business case governance stage.

6.2 Mandated budget allocation within the Transport Fund for the Elland Access Package is £2.6m, In addition £5.3m is to be provided by the Transforming Cities Fund.

6.4 Preliminary design, transportation modelling and business case compilation is currently being undertaken. For this development of the scheme, £700k of West Yorkshire-plus Transport Fund and £334K from the Transforming Cities Fund has already been fully approved, with a further increase of £436k requested from the Transforming Cities Fund to take the scheme to delivery.

6.5 A break down of the current budgets can be seen below-

Funding Programme	Indicative Funding Approval	Funding Approved
West Yorkshire-plus Transport Fund	£2,638,197 (03/09/2019)	£700,153 (03/09/2019)
Transforming Cities Fund	£5,276,350 (04/09/2020)	£334K (23/08/21)

6.6 Confirmation of the CPO will allow for the unlocking and release of the remaining West Yorkshire-plus Transport Fund and Transforming Cities Fund required to deliver the scheme, subject to full business case and approval to proceed process. The CPO would not be exercised until approval to proceed has been forthcoming. At present, there is no reason to think that future funding decision points will not be the subject of favourable decisions and that funding will not be available to cover all reasonable project development and delivery costs associated with this scheme.

## 7 ALTERNATIVE OPTIONS / DESIGN REFINEMENT

7.1 Initial feasibility work was undertaken by WYG Consulting Ltd who looked at key connecting routes around Elland and West Vale and how these could connect to the Elland railway station, with key work undertaken on the bridge locations as this had the greatest impact on third party landowners.

### 7.1.1 Elland Routes and Bridge Crossing Concept 1:

Most routes were aimed to be upgrading of the existing network so a limited amount of impact was foreseen to landowners.

- Small areas of land take would be required however where widening of the footways was proposed. Other options here included:
  - Making users travel in the highway.
  - Use longer more undesirable routes.
- The canal crossing was identified to be the only realistic position to allow a bridge crossing due to other near-by structures and space.
- The river crossing position was proposed to be positioned further east along gas works lane.
- Both structures required extensive ramps 20+ meters long, to allow the bridges to cross at levels allowed by the EA for flood risk and Canal and River Trust for canal users.

### 7.1.2 West Vale Route and Crossing Concept 1:

- The location of the bridge crossing was again identified as being the only realistic location due to the River width, bank make up and least impact on local landowners.
- The route proposed was to enter through Heath Rugby Clubs highway entrance and cut through their car park towards the south east corner where the bridge was located.

7.2 Following this initial work by WYG, JBA Consulting Ltd further investigated these concepts. Fundamentally JBA identified serious risks and constraints with the previous Concept 1 bridge options. This was due to a combination of:

- Large numbers of statutory undertakers services within Gas Works Lane including a pumping main and a 6 inch main gas pipe. This had the effect of restricting space for the placement of ramps or bridge abutments without expensive service diversions, easements around the services would have also meant that any proposed development of the neighbouring land would have been difficult.
  - Varying locations along Gas Works Lane were looked at to reduce service interference however the only suitable location was a substantial distance down Gas Works Lane. This had advantages in that there would have been less impact on statutory undertakers easements however, Gas Works Lane is a dark and uninviting environment and without substantial investment would not be a desirable or safe place to walk outside of daylight hours.
  - The river bank walls are in a dilapidated state and would require strengthening to allow the construction of bridge abutment and ramp structures, construction traffic working close to the walls would also put additional strain on the structures.
  - Further flood modelling of the area was carried out. During flooding events Gas Works Lane and the adjacent land titles, including Riverside and Wharf House are currently in a flood zone 2&3 category. The free board required by the Environmental Agency, taking into consideration future climate change, created a further increase in the bridge height over the river. This subsequently meant an increase was required to the ramps to ensure they were DDA compliant which further increased service diversion costs, construction costs and risk associated with the river bank walls.
- The nature of the flood zone also means that during such flooding events the route would not be safe to use with large parts of it submerged by flood water.

7.3 JBA therefore provided a further option of a single high-level span bridge across the river and canal. The location of this design was then looked at further, with 2 options provided.

- Option 1 – Straight high-level structure from existing bridge abutment into riverside park. This is located to the West of Plot 2/8a
- Option 2- Single bent high-level structure, keeping tight to the A629 Calderdale Way embankment. This is located to the East of Plot 2/8a

7.4 The option finally chosen was less complicated to construct, had lower risks due to its simpler form, required less structure length, reduced abutment sizes and was overall circa 50% cheaper.

7.5 During discussions with Calderdale planning and the affected landowner it was identified that due to the flood zone, future development of the land at and surrounding the proposed location of the bridge landings is extremely limited with no ability to provide dry access and egress from a development for residents. The single high-level structure would have an ancillary benefit in helping to provide this, should the land owner be able to design a sufficient connecting proposal, therefore improving the potential development of the currently derelict site, albeit this is not the primary driver for the design choice.

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

### National Planning Policy Framework (NPPF)

8.1 The NPPF is the Government's overarching planning policy guidance. Its overriding principle is the presumption in favour of sustainable development which is set out at Paragraph 11. This provides guidance on what applying a presumption in favour of sustainable development means for plan-making and decision-taking.

8.2 The NPPF sets out the Government's planning policies for England and how these should be applied, and this was updated in February 2019. 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 scheme:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- Deliver a sufficient supply of homes: To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 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.
- Ensuring the vitality of town centres: Planning policies and decision should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 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.

8.3 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.

8.4 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.

8.5 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*”.

8.6 The Elland Access Package scheme envisages the use of acquired land to improve sustainable modes of transport along the corridor, 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

8.7 The scheme lies within the jurisdiction of the local planning authority of the Council. The Local Plan will replace the Replacement Calderdale Unitary Development Plan (RCUDP) once approved and adopted. However, until then all planning decisions are based on the RCUDP which was adopted on 25th August 2006 and amended in August 2009. The policies that are relevant to the proposed development are described below:

Policy GP1: Encouraging sustainable development will promote sustainable development by making Calderdale a place where people want to live, work and visit through:

- The improvement of employment opportunities, mixed use development, traffic reduction measures and better public transport links;
  - The effective protection and enhancement of the environment;
  - The conservation and efficient use of resources; and
  - The promotion of development which recognises the needs of everyone including safety and security issues.
- Policy GP2: Location of development will site new developments with regard to a sequence of locational preferences. All sites refer to accessibility by good quality public transport.

Policy GBE1: The contribution of design to the quality of the built environment requires all new development will be required to achieve high standards of design that makes a positive contribution to the quality of the local environment. This includes the creation of roads, footpaths and public spaces that are attractive and safe, that promote sustainable forms of transport, in particular walking, cycling and public transport, before other motor vehicles.

Policy GT3: Strategic road network designates roads according to their function and helps to define the transport corridors within Policy GP2. The A629 which BDX-JBAU-XX-00-DS-PL-0001-Planning\_D&A\_Statement 26 runs through the proposed development is classified as a Category 2 road. This includes roads which link major centres within Calderdale, and which connect these centres to the Category 1 network and to major centres within West Yorkshire and other adjacent areas. Park Road is a Category 3 road, which includes roads that link secondary centres within Calderdale to major centres within the District and in adjacent areas and to the Category 1 and 2 networks.



Policy GT4: Hierarchy of consideration will ensure the needs and safety of each group of road users are sequentially considered so that new schemes will ideally improve existing conditions and, in any event, will not worsen conditions. It defines the Hierarchy of Consideration as:

1 Pedestrians, people with disabilities and emergency services;

2 Cyclists and horse riders;

3 Public transport users;

4 Taxis and motorcyclists;

5 Deliveries to local areas;

6 Shoppers travelling by car;

7 Other freight movements;

8 Other high occupancy vehicles; and

9 Other private cars.

Policy GT5: Transport assessments outlines that where a transport assessment is required to be submitted alongside a planning application, taking account of the Hierarchy of Consideration (Policy GT4).

Policy GCF1: Infrastructure and other needs arising from development seeks to provide all education, highways, sewerage, drainage, flood prevention, landscaping, open space, nature conservation, public transport or other identified needs generated directly by any development within a local area.

Policy GCF2: Development enabling statutory undertakers to meet their statutory obligations and to comply with the relevant environmental standards enacted in Government and European Union legislation will be permitted provided that:

- Mitigation measures are put in place to alleviate significant adverse impacts from the development;
- The design of the development respects the character of the area; and
- The development is consistent with other relevant UDP Policies.

Policy GNE1: Containment of the urban area will maintain a Green Belt around the main built-up areas. The Plan will seek to restrain development outside the urban areas through the general extent of the Green Belt.

Policy GNE2: Protection of the environment outlines that development should protect, conserve and enhance the character, quality and diversity of the natural, historic and cultural environment (whether in urban or outlying areas) within the district in order to improve the quality of life for all and to maintain the natural heritage of the district for use by future generations and for its own sake.

Policy BE1: General design criteria seeks to ensure development makes a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

Policy BE2: Privacy, daylighting and amenity space states that development should not significantly affect the privacy, daylighting and private amenity space of BDX-JBAU-XX-00-DS-PL-0001-Planning\_D&A\_Statement 27 adjacent residents or other occupants and should provide adequate privacy, daylighting and private amenity space for existing and prospective residents and other occupants.

Policy BE3: Landscaping requires development proposals, where appropriate, to be accompanied by landscaping schemes that include good quality hard and soft landscaping. They should be designed as an integral part of the development proposal and should contribute to the character and amenity of the area and, where possible, enhance local biodiversity.

Policy BE4: Safety and security considerations states that the design and layout of new development should address the safety and security of people, property, and reduce the opportunities for crime.

Policy BE5: The design and layout of highways and accesses should:

- Ensure the safe and free flow of traffic (including provision for cyclists) in the interest of highway safety;
- Allow access by public transport where appropriate;
- Provide convenient pedestrian routes and connectivity within the site and with its surroundings;
- Incorporate traffic calming, and speed management and reduction measures where appropriate;
- Provide an attractive environment which respects the local character of the area;
- Take account of the Hierarchy of Consideration of Policy GT4; and
- Help to reduce opportunities for crime.

Policy BE6: The provision of safe pedestrian environments states that all new developments should provide a safe and attractive environment at all times for pedestrians accessing or traversing the site. In particular, routes should be reasonably direct, well lit, overlooked, have acceptable surfacing, be attractively landscaped, and provide an environment where opportunities for crime are minimised.

Policy BE7: CCTV and area lighting schemes will be provided in a manner which:

- Does not significantly harm amenity;
- Does not have a detrimental impact on the environment; and
- Preserves or enhances Conservation Areas and does not adversely affect Listed Buildings, Historic Parks and Gardens or their settings, where these are material considerations.

Policy BE8: Access for all outlines development proposals within buildings or sites that provide goods, facilities or services to the public should incorporate design features that facilitate easy access for all including those with disabilities.

Policy BE10: Art in public spaces will support the creation and display of works of art in public areas, including appropriate locations within the street scene, provided that the work of art is of high design quality, appropriate or complementary to its location and does not create unacceptable environmental, amenity, traffic or other problems.

Policy BE14: Sets out requirements for proposals impacting listed buildings.

Policy BE15: Setting of a Listed Building will not permit development, where through its siting, scale, design, or nature, it would harm the setting of a Listed Building. BDX-JBAU-XX-00-DS-PL-0001-Planning\_D&A\_Statement 28

Policy BE17: Demolition of a Listed Building sets out circumstances where the total or substantial demolition of a Listed Building will only be permitted.

Policy BE18: Development within Conservation Areas seeks to preserve or enhance the character or appearance of Conservation Areas, and sets out criteria where development in conservations areas will be permitted.

Policy BE22: Archaeological Site of National Significance states that development has an adverse impact upon Class I archaeological sites and Class II Sites of unscheduled national importance and their settings will not be permitted.

Policy BE23: Archaeological Sites of Regional Importance requires Class II Sites of regional importance will be preserved where possible.

Policy BE24: Protection of Sites of Archaeological Value requires the preservation of Class III archaeological sites to be preserved where possible.

Policy T3: Public Transport Provision at New Development for development over 1ha, located immediately adjacent to public transport services, convenient pedestrian connections or links should be provided to and within the development site to facilitate easy access to nearby public transport access points such as a railway station or bus stop.

Policy T4: Bus Station and Passenger Facilities at Brighouse, Elland and Other Locations states that improvements to bus and rail passenger facilities and their environs throughout the District will be undertaken as necessary, and in light of priorities within the West Yorkshire Local Transport Plan.

Policy T13: Cycleways designates the following routes as cycleways:

- Calder Valley Cycleway (National Cycle Network);
- Hebble Trail/ Elland Wood Bottom Lane Link;
- Western Halifax;
- Ovenden Cycle Route;
- Triangle to Sowerby Bridge; and
- Old Lane, Halifax.

Policy T16: New and extended pedestrian priority schemes seeks to bring forward schemes within shopping centres, along with appropriate traffic management to assist in improvements to the vitality, viability, safety, sustainability and environment of centres throughout Calderdale, where considered appropriate and where resources allow.

Policy T19: Bicycle Parking Guidance sets out guidelines for bicycle parking.

Policy NE14: Protection of Locally Important Sites states that development likely to have an adverse effect on a Site of Ecological or Geological Interest, Local Nature Reserve or Priority Habitat will not be permitted unless it can be clearly demonstrated that there are reasons for the proposals that outweigh the need to safeguard the nature conservation value of the site.

Policy NE15: Development in Wildlife Corridors states that development will not be permitted in a Wildlife Corridor if it would:

- damage the physical continuity of the Corridor; or
- impair the functioning of the Corridor by preventing movement of species; or iii. harm the nature conservation value of the Corridor.

Policy NE16: Protection of Protected Species states that development will not be permitted if it would harm the habitat requirements of legally protected, rare or BDX-JBAU-XX-00-DS-PL-0001-Planning\_D&A\_Statement 29 threatened wildlife species and the species themselves unless provision is made to protect those species and their habitats.

Policy NE 17: Biodiversity Enhancement requires development where possible to enhance biodiversity.

Policy NE18: Ecological Protection of Water Areas sets out to ensure development on or adjacent to areas of flowing or standing water does not harm the ecological value of the area. Where development is permitted the developer will be expected to incorporate:

Policy NE21: Trees and Development Sites sets out development criteria for proposals in proximity to trees. This includes the preparation of a Tree Survey.

Policy NE22: Protection of Hedgerows states that measures to achieve the protection, conservation and enhancement of hedgerows and the adoption of sensitive management practices based on sound ecological principles by all landowners will be supported by the council.

Policy EP5: Control of External Lighting states that urban-type lighting in non-urban, countryside areas will not be supported unless there is exceptional circumstances.

Policy EP9: Development of Contaminated Sites will require a site contamination survey and prepare and supply to the Council, a report outlining the results of the survey and identifying any remediation measures that are required.

Policy EP10: Development of Sites with Potential Contamination sets out conditions by which development will be permitted on sites where there is minor contamination or a slight.

Policy EP12: Protection of Water Resources states that development will not be permitted if:

- i) it would adversely affect the quality of water resources by means of pollution; or
- ii) it would delay or prevent schemes to improve river quality; or
- iii) it would adversely affect habitats and species dependent on the aquatic environment.

Policy EP14: Protection of Groundwater states that development will not be permitted if the drainage from it poses an unacceptable risk to the quality or use of surface or ground water resources.

Policy EP15: Development Alongside Waterways requires development proposals alongside canals and rivers should maintain or, where practical, make a positive contribution to recreation, tourists and environmental value.

Policy EP20: Protection from Flood Risk states that development will not be permitted if it would increase the risk of flooding due to surface water run-off or obstruction, unless agreements are in place which allow the carrying out and completion of necessary works before the development is brought into use.

8.8 Emerging Local Planning Policy – Calderdale Local Plan Calderdale Local Plan Publication Draft 2018 is currently under Examination. The plan covers a period up to 2023, once adopted it will replace the RCUDP, until then planning decisions will remain to be based on the RCUDP and the NPPF, however inline with paragraph 48 of the NPPF, weight can be to relevant emerging Local Plan policies depending on:

- a) The stage of preparation of the emerging plan (the more advanced, the greater the weight; BDX-JBAU-XX-00-DS-PL-0001-Planning\_D&A\_Statement 30

b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) The degree of consistency of the relevant policies in the emerging plan to this Framework Emerging planning policies contained with Local Plan Publication Draft 2018, relevant to the Access Package improvements and not necessary covered within the RCUDP include:

Policy CC1: Climate Change requires development proposals should contribute to mitigating and adapting to the predicted impacts of climate change by Supporting Sustainable Transport Networks through a reduction in travel demand, traffic growth and congestion.

Policy HW1: Health Impacts of Development states that development should contribute to reducing the causes of ill health, improving health, and reducing health inequalities. This can be achieved by providing a healthy living environment, promoting and enabling healthy lifestyles as the normal, easy choice and providing good access to health facilities and services.

Policy HW3: Wellbeing requires the Council and its partners to work together to create and safeguard opportunities for safe, healthy, fulfilling and active lifestyles by:

- Ensuring new developments provide opportunities for healthy living and improve physical and mental health and well-being through the encouragement of walking and cycling, good design (including the minimisation of social isolation and creation of inclusive communities), sound safety standards, access to services, sufficient open space and other green infrastructure, sports facilities and opportunity for recreation;

Policy IM1: Strategic Transport Interventions - Elland Station and Elland Access package are listed as strategic transport Interventions expected to be delivered through the plan period.

Policy IM2: Transport Investment Decisions states that across the local highway network, Calder Valley Line and canal towpath networks should consider the following objectives:

- Unlocking economic development potential;
- Minimising congestion and improving journey times;
- Improving opportunities for walking/cycling and use of public transport;
- Managing travel demand;
- Reducing casualties;
- Improving air quality;
- Contribution to reducing carbon emissions;
- Improving social inclusion.
- Applications for transport investment will be considered favourably where a balanced approach to meeting this list of important yet potentially competing objectives is struck.

Policy IM3: Safeguarding Transport Investment - Elland Access Package Scheme as land safeguarded to ensure the transport schemes can be successfully implemented.

Policy IM4: Sustainable Travel - Decision makers will aim to reduce travel demand, traffic growth and congestion through the promotion of sustainable development and BDX-JBAU-XX-00-DS-PL-0001-Planning\_D&A\_Statement 31

travel modes. This will be achieved by a range of mechanisms that encourage the use of other forms of transport, relevant to the Access Package Scheme:

- Enhancement and expansion of footpath, bridleway and cycle networks within Calderdale and the continued creation of links with neighbouring authorities

Policy IM5: Ensuring Development Supports Sustainable Travel aims to encourage people to make greater use of more sustainable modes of travel. New development will need to consider linking with cycling and walking routes wherever practicable possible.

8.9 Various Supplementary Planning Documents (SPD's) are relevant as follows:-

8.9.1 The Central Elland SPD was prepared as part of the emerging Calderdale Local Development Framework (LDF) and in accordance with the Local Development Scheme (LDS). As the LDF's Core Strategy has not yet been prepared, the SPD is linked to policies contained in the RCUDP. The primary objective of the SPD is to encourage regeneration and sustainable development of central Elland. It sets out key principles for the future development of Central Elland which includes 'creating a cohesive place in which people can move safely between the various areas, by sustainable means'. The SPD outlines key issues that are of detriment to its regeneration, key to the proposals are:

- Urban Design (including Rigg Road link)
- Public Realm
- Segmentation, Connectivity and Cohesion
- Highways Issues

The preferred option for highways issues is prioritising sustainable modes of travel. 8.9.2 The Central Elland Sustainability SPD promotes the redevelopment, including improvements to the infrastructure of Central Elland in a manner that encourages its social, economic, and environmental suitability. The object of the SPD is to encourage a Central Elland where people want to live, work and play, providing the facilities where people need locally, in a pleasant environment, easily accessible by sustainable means. Reducing the need for car travel, and the need to travel per se, can contribute to the wider goal of creating sustainable communities.

8.9.3 The scheme is being promoted by the Council as Local Highway Authority and forms the majority of the proposals. The scheme is mandated by the West Yorkshire Combined Authority and promoted by the West Yorkshire Plus Transport Fund and Transforming Cities Fund.

8.10 A planning application was submitted in January 2021. There will be areas within the submission that fall under permitted development however for continuity and potential third party rights risk, it was agreed with the local planning authority that a comprehensive application would be submitted, ensuring that any land to be acquired compulsorily fall within the overall approved planning boundaries.

8.11 The Elland Access Package fits within various planning policies both nationally and locally and is demonstrated further by the Access Packages Planning submission being accepted on the 2<sup>nd</sup> of September 2021. There is no reason to think that planning permission will not be granted in due course.

## 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 Access Package scheme but also to allow for interfaces with the Elland railway station, the Phase 4 and the Elland Master plan schemes.

9.2 The CPO and SRO are intended to enable the remodelling and creation of the highway network to a standard 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 is to bring the Order Land into beneficial use as an enabling component of the wider West Yorkshire Plus Transport Fund and Transforming Cities strategies.

9.3 The Order Land is adjacent to or links to the publicly maintained highway and presents an opportunity to widen or create connections at the strategic pinch points identified. Without the creation and remodelling of the highway, which is dependent upon the land acquisition strategy, the WY+TF and TCF aspirations will flounder in the area.

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 Council meet delivery timescales to deliver the wider public benefits of the Elland Access Package scheme. A timely confirmed CPO and SRO will also provide certainty for programming and the realisation of the Council's policy objectives.

9.5 The current economic assessment of the Elland railway 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. Including wider economic benefits, the Benefit Cost Ratio and can be seen within the table 4 below:

Preferred Option Economic Appraisal Results

PVB	14.5
PVC	14.5
NPV	0
BCR	1.0
Adjusted BCR	1.3

9.6 An active mode appraisal was also undertaken as part of the economic case from which the below approach was undertaken:

Comparative Study' from TAG Unit A5.1 is the basis for estimating the impact of the walking and cycling measures delivered by the Access Package, essentially using demand uplifts derived from case studies for similar schemes to infer the potential impact of the Access Package.

TAG Unit A5.1 suggests that:

*Larger proposals are likely to have greater demand changes and afford better potential for comparison with existing schemes. Examples could include river crossings or the creation of other significant links in a network that reduce time and distance, or comprehensive urban centre networks that significantly change the balance between motor traffic and walking and cycling generalised costs.*

*It is considered that the Access Package, with its new river crossing and an area-wide network of walking and cycling enhancements might generate substantial demand changes.*

9.8 As part of the above, 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.

9.9 Other anticipated wider benefits of the scheme that are not quantifiable at this stage 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 Access Package 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 via the proposed Elland Rail Station 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 of walking, cycling and 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 by active modes and encouraging active travel. It therefore provides a better quality of life for those without access to a car and those on low incomes.

9.10 The Elland Access Package will contribute to the core objectives of enabling inclusive growth, boosting productivity, supporting clean growth and creating a 21st century transport system. The package will contribute to our target to become a zero-carbon economy by 2036 by creating an attractive alternative to the private car through bus quality improvements and a step change in walking and cycling infrastructure.

9.11 Further anticipated benefits from the scheme are:

- Increased uptake of active and sustainable modes (walking and cycling);
- Increased uptake of rail travel;
- Improved safety for cyclists and pedestrians;
- Improved journey times for cyclists and pedestrians;
- Improved health for cyclists and pedestrians;
- Improved journey quality and travel experience;
- Improved access to education;
- 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).



9.12 Delivery of the Elland Access Package scheme also facilitates (and ultimately augments) the economic and wider benefits attributable to WYCA's Elland railway station scheme and the Council's Phase 4, Elland Master Plan and wider Leeds City Region schemes. When these schemes are considered alongside the Elland Access Package scheme, a greater cumulative economic impact is predicted, due to the greater multi modal journey time savings and more extensive quality improvements that will result.

9.13 The Council consider 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 part 8 of this 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 The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole. Similarly any interference with Article 8 rights must be necessary for the reasons set out. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local highway authority. Any interference with Convention Rights must be necessary and proportionate.

10.4 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.

10.5 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 Highways Act 1980 and the DLUHC guidance, the Council considers that the Order Land is both suitable for and necessary for the Elland Access Package 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.

10.6 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 and SRO 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 compensable interests will be entitled to statutory compensation.

10.7 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 Highways Agency offers no objection to this proposal and is working in partnership with the Council and the West Yorkshire Combined Authority on complementary Transport Fund projects in close proximity.

## 13 VIEWS OF STATUTORY BODIES

13.1 Utility companies have highlighted vulnerable plant in the affected areas and indicated localised diversion or protection works will be necessary. The Canal and Rivers Trust and Network Rail have no objection in principle to this proposal. The Environment Agency has no objections to this proposal. Natural England has raised no objections to this proposal. 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 Access Package 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 Access Package 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](mailto: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:-

Calderdale Planning Application – Ref 21/00017/LAA

National Planning Policy Framework (NPPF)

Replacement Calderdale Unitary Development Plan

Calderdale Local Plan Calderdale Local Plan Publication Draft 2018

## Central Elland SPD

The Central Elland Sustainability SPD Secretary of State's Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 dated 7 September 2007

The Highways Act 1980

The Acquisition of Land Act 1981

Cycle Tracks Act 1984

## Relevant National Circulars

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

Department for Transport's Note 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, Circular No. 2/97

Department for Transport Circular Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act, Circular No. 1/97

Department of the Environment Transport and the Regions Preparing and making Bridge/Tunnel Schemes under s106 of the Highways Act 1980 and Orders under s108 for the Diversion of Navigable Waters, March 2000

## Other relevant documents

Cabinet reports and minutes dated 9<sup>th</sup> of November 2020 and 17<sup>th</sup> January 2022 authorising the making of the Compulsory Purchase Order, Side Roads Order and Bridge Scheme.



APPENDIX A – PHOTOGRAPHS OF LAND AQUISITIONS



Along Gas Works Lane, access and land required for bridge crossing



Canal Tow Path to be widened with land required



Bridge Crossing location land required



Park bridge landing location





Riverside Park entrance



Station approach underpass



Wistons Lane to turning head, land required for footway widening.



Wistons lane from Eastgate, "quiet street" and SUDs pond location





Eastgate widening, land required



West Vale bridge crossing location from the rugby club, land required



Route location along Black Brook, land and stopping up of access required

