Calderdale MBC

Wards Affected ALL

Cabinet 19<sup>th</sup> March 2018

13

West Yorkshire Plus Transport Fund A629 Corridor – Side Road Order and Compulsory Purchase of Working Space land as necessary for the West Yorkshire Plus Transport Fund A629 Phase 2 – Halifax Town Centre Transformation

# Report of the Director, Regeneration and Strategy

# 1. Purpose of Report

- 1.1 Members are asked to approve the making of a Side Roads Order in accordance with the plans at Appendix A required for the implementation of the West Yorkshire Plus Transport Fund (WY+TF) Halifax Town Centre Phase 2 scheme.
- 1.2 There is an associated need to request approval for additional rights for use as working space to deliver WY+TF A629 Phase 2, further to Cabinet approvals 4<sup>th</sup> July 2016 and 2<sup>nd</sup> October 2017.
- 1.3 The report also seeks approval to include the use of powers under section 246 of the Highways Act 1980 which may be appropriate to enable the delivery of the scheme.

#### 2. Need for a Decision

- 2.1 A Side Roads Order is made under section 14 and section 125 of the Highways Act 1980 and requires Cabinet approval. The plans are found at Appendix A.
- 2.2 Further to approvals agreed by Cabinet in July 2016 and October 2017, the highway design has matured. Further land is necessary for use as working space to enable the proposed interventions on Church Street, Halifax. This requires approval from Cabinet. The additional land is shown in blue on the plan found at Appendix B
- 2.3 An extension of the use of statutory powers further to existing Cabinet approvals requires approval from Cabinet.

#### 3. Recommendation

It is recommended:

- 3.1 That Cabinet approve the making of a side roads order in accordance with the plans at Appendix A.
- 3.2 That the use of Compulsory Purchase Order powers provided in the Cabinet reports of 4<sup>th</sup> July 2016 and 2<sup>nd</sup> October 2017 be extended to enable the acquisition of new rights required over the land at Church Street, shown blue on Appendix B.

- 3.3 That the use of powers under section 246 of the Highways Act 1980 be approved in relation to land required for the delivery of the Scheme.
- 3.4 That the necessary powers are delegated to the Head of Legal and Democratic Services the power to:
  - a. Finalise the Compulsory Purchase Order and Side Roads Order, including the power to make any minor amendments to those orders so as to give effect to the scheme approved by Cabinet
  - b. Make the Compulsory Purchase Order and Side Roads Order and submit them to the Secretary of State for Transport for confirmation and thereafter to take all steps necessary to implement those orders
  - c. Negotiate, agree terms and enter into agreements with interested parties, including for payment of compensation and to settle claims in order to give effect to the scheme approved by Cabinet

# **Background**

- 4.1 Members will recall that Phase 2 of the West Yorkshire Plus Transport A629 Scheme involves a £40m investment to transform travel and investment in and around Halifax Town Centre which comprises three key elements, the delivery of which is targeted to be completed for 2021:
  - Upgrade of the eastern corridor (Church Street, Bank Bottom, Berry Lane, Charlestown Road) including developing an 'Eastern Gateway' through the creation of a public square and provision of improved and enhanced pedestrian, cycle and public transport access facilities from the Rail Station into Halifax Town Centre.
  - Upgrade of the Northern Gateway (Northbridge, Broad Street, Cross Hills) into Halifax Town Centre and extensive public realm improvements in Halifax Town Centre including improvements to Market Street and the reconfiguration of bus movements and improvements to the Bus Station.
  - Enhanced Southern and Western Gateways (Wards End, Bull Green, Cow Green, Commercial Street) in Halifax Town Centre to provide high quality pedestrian amenities and public realm alongside modernised traffic junctions to improve journey times and ease the flow of traffic around and into the town.

To enable formal delivery of the improvements a Side Roads Order is required.

- 4.2 A Side Roads Order is an order made under section 14 and 125 of the Highways Act 1980. It may authorise a highway authority for a classified road to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of a classified road. The power extends to works being carried out on highways with will be "otherwise affected" by the construction or improvement of the classified road. Section 14 also provides for the construction of new highways, or parts of, for purposes concerned with any such alternations or related purposes. An order can authorise the construction of a highway for temporary purposes and provision can be made in the order for such a highway to be closed after a specified period. Section 125 of the 1980 Act provides that a side roads order can authorise the stopping up of private means of access to premises and can provide new means of access to premises.
- 4.3 The changes to the existing highway, the creation of new highway rights and the amendments to private accesses are illustrated in the plans appended to this report.

## 5 Consultation

- 5.1 A wide ranging and detailed consultation has taken place since scheme inception in 2014. Stakeholder engagement is an essential on-going element of the WYTF programme and on-going public engagement is being planned as part of the overall programme.
- 5.2 Consultation on the Town Centre Phase 2 proposals has been characterised by ongoing dialogue and adjustments to the scheme in a spirit of Co-Design. This

- process has resulted in a high degree of stakeholder and consultee support for the scheme.
- 5.3 Significant engagement has already taken place with affected landowners. Landowners have been contacted in the Phase 2 area and presented with scheme proposals highlighting land acquisition implications for their property / holdings. Response has been mostly cordial with an indicative voluntary sale willingness indicated from the majority.
- 5.4 A website <a href="www.calderdalenextchapter.co.uk">www.calderdalenextchapter.co.uk</a> was created in May 2016 and contains the plans and information in relation to the Phase 2 scheme and contains details of the Halifax Town Centre Delivery Plan and all other West Yorkshire Plus Transport Fund proposals. It also offers a 'contact us' function which the team directly managing the Transport Fund proposals engage with.
- 5.5 A public consultation event was held on the 18<sup>th</sup> of July 2017. The event was extremely well attended by a variety of stakeholders and interested parties, with significant support for proposals.
- 5.6 The Phase 2 scheme will be submitted for planning permission in April 2018 and this will lead to a further statutory consultation process.

# 6 Earlier Approvals and Timeline

- 6.1 Cabinet approval was provided for initial land assembly to support the WY+TF Phase 2 scheme on the 4<sup>th</sup> of July 2016 and again on 2<sup>nd</sup> October 2017 following the completion of the preliminary design. The detailed design is now nearing completion.
- 6.2 Phase 2 gained Outline Business Case approval from the WYCA during March 2016, which released funding to take the scheme forward to the detailed design stage
- 6.4 The scheme is programmed for delivery in 2019-2021. Construction works are planned to start in 2019, meaning land acquisition is time critical and land needs to be acquired as soon as possible. The timescales mean that a compulsory purchase order is required. Negotiations with landowners will be continued in parallel with the Compulsory Purchase Order process.

# 6.5 High level programme

Title	Programme
Cabinet to approve making of Side Roads Order / Working Area Land	19 <sup>th</sup> March 2018
Issue CPO documentation to Land owners	April 2018
Submit Planning Application	April 2018

Planning Application Decision	August 2018 (16 weeks)
Submit Full Business Case to WYCA	Autumn 2018* (assuming scheme is not called in for Public Inquiry)
Begin construction	August 2019

# 7 Financial implications

- 7.1 On 2nd October 2017 Cabinet agreed to underwrite the necessary land acquisition cost of £1.1m required to pay for the purchase of various sites. At this point one plot of land has been secured at a cost of £245k and it is still expected that the remaining budget of £855k will be sufficient to purchase the remaining plots of land.
- 7.2 The District Valuation Service has been appointed to lead on some of the necessary negotiations for land acquisition on behalf of the Council, and land owners are kept regularly up to date on the scheme progress.
- 7.3 A dedicated officer appointed by Calderdale has entered into negotiations with some land owners/occupiers. The final detailed design elements have resulted in an increased land requirement required for working space to allow the physical delivery of the scheme.
- 7.4 Although approval is sought in this report to implement a side roads order within the Town Centre as detailed in paragraph 4.2 of this report, it would not add any further cost to the overall project. The project budget is still as follows:

Total funding of £40.931m has been set aside for Phase 2 by WYCA, subject to the successful approval of Business case submissions for the following sub schemes:

Phase 2A Eastern Gateway & Station Access
 Phase 2B Northern Gateway & Bus Interchange
 Phase 2C Southern & Western Gateways
 £22.088m
 £10.149m

Total £40.931 m

West Yorkshire Plus Transport funding allocation made available by the Government is only secure until the portfolios performance is reviewed in the financial year 2021. Failure to deliver the project by this date may jeopardise the funding available for schemes programmed for implementation beyond this date.

7.5 The WYCA has previously released £2.6m to undertake detailed design for Phase 2. A successful Activity 5 'construction approval' submission to WYCA will release the delivery funding for the project. This will reimburse the Council for any land acquisition monies forward funded by the Authority. This is currently programmed for Autumn 2018. Additional monies may need to be set aside for legal costs or for potential public inquiry should it be required. It is anticipated that Officers will return to Cabinet for additional funding should this eventuality occur.

7.6 If the Council's schemes, or any relevant parts, do not receive the anticipated funding approval from WYCA the costs underwritten would need to be met from the Council's existing Capital Programme. Land acquired through CPO or the threat of CPO will be offered back for sale to the original landowners. Failing this it could, however, be sold on the open market or used for other purposes for the benefit of the residents of the Borough.

# 8 Legal Implications

- 8.1 The scheme will require alteration of accesses and the realignment and improvement of highway. A side roads order made under section 14 and 125 of the Highways Act 1980 would implement these alterations. Without this power, the Council cannot carry out the necessary alterations to the highway and private accesses that are needed.
- 8.2 A side roads order would be made immediately before the associated compulsory purchase order and submitted to the Secretary of State for confirmation at the same time as the compulsory purchase order. Side roads orders and compulsory purchase orders cannot be implemented until they have been confirmed
- 8.3 In terms of the additional land sought, the Secretary of State would require to be satisfied that the additional land can reasonably be regarded as required for the purposes of the acquisition, as stated in the Order. The additional land is required in connection with the improvement of a highway (e.g. as working space). Section 240(2) of the Highways Act 1980 authorises the acquisition of land adjoining or in the vicinity of existing highway in order to enable the carrying out works in connection with the construction or improvement of highways.

Section 246 of the Highways Act 1980 enables the Council to acquire land by order or agreement where it is necessary to mitigate the adverse effect of the existence or use of the highway or its surroundings.

## 9 Equality and Diversity

9.1 In considering this land acquisition and Side Roads Order action, a careful considered balance has to be struck between individual rights and the wider public interest. Any interference with European Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the redeveloped transport corridor will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions. It is therefore considered that there is a compelling case in the public interest for contemplation of any Compulsory Purchase Order and associated Side Roads Order and that the Orders, if confirmed, would strike an appropriate balance between public and private interests.

### 10 Summary and Recommendations

10.1 The West Yorkshire Transport Fund Phase 2 proposals for Halifax Town Centre represent a once in a lifetime opportunity to deploy a £40 million investment in improved access, improvement to townscape, and economic potential for the town.

10.2 Members are asked to consider whether the economic, social and environmental benefits derived from the remodelling of the A629 highway corridor under the WY+TF strategy validates the land acquisitions and associated Side Roads Order as being in the wider public interest. Whilst emphasis focuses on negotiated land purchase settlements, authority is sought to use compulsory purchase powers in parallel. Stakeholder engagement is an essential on-going element of the WYTF programme and on-going public engagement is being planned as part of the overall programme.

# For further information on this report, contact:

Jenny Marshall - WYTF Project Manager, 01422 392408 jenny.marshall@calderdale.gov.uk

Chris Hoesli – WYTF Programme Manager, 01422 392253 <a href="mailto:chris.hoesli@calderdale.gov.uk">chris.hoesli@calderdale.gov.uk</a>

Robert Summerfield – Lead for Corporate Projects, 07714922645 robert.summerfield@calderdale.gov.uk

## The documents used in the preparation of this report are:

# National and Local Planning Policies including:-

- a) National Planning Policy Framework
- b) CMBC Unitary Development Plan and emerging Local Plan

### **Main Legislative Powers:-**

The Acquisition of Land Act 1981
The Highways Act 1980
The Town and Country Planning Act 1990

### **Highway documents:-**

#### **Relevant National Circulars**

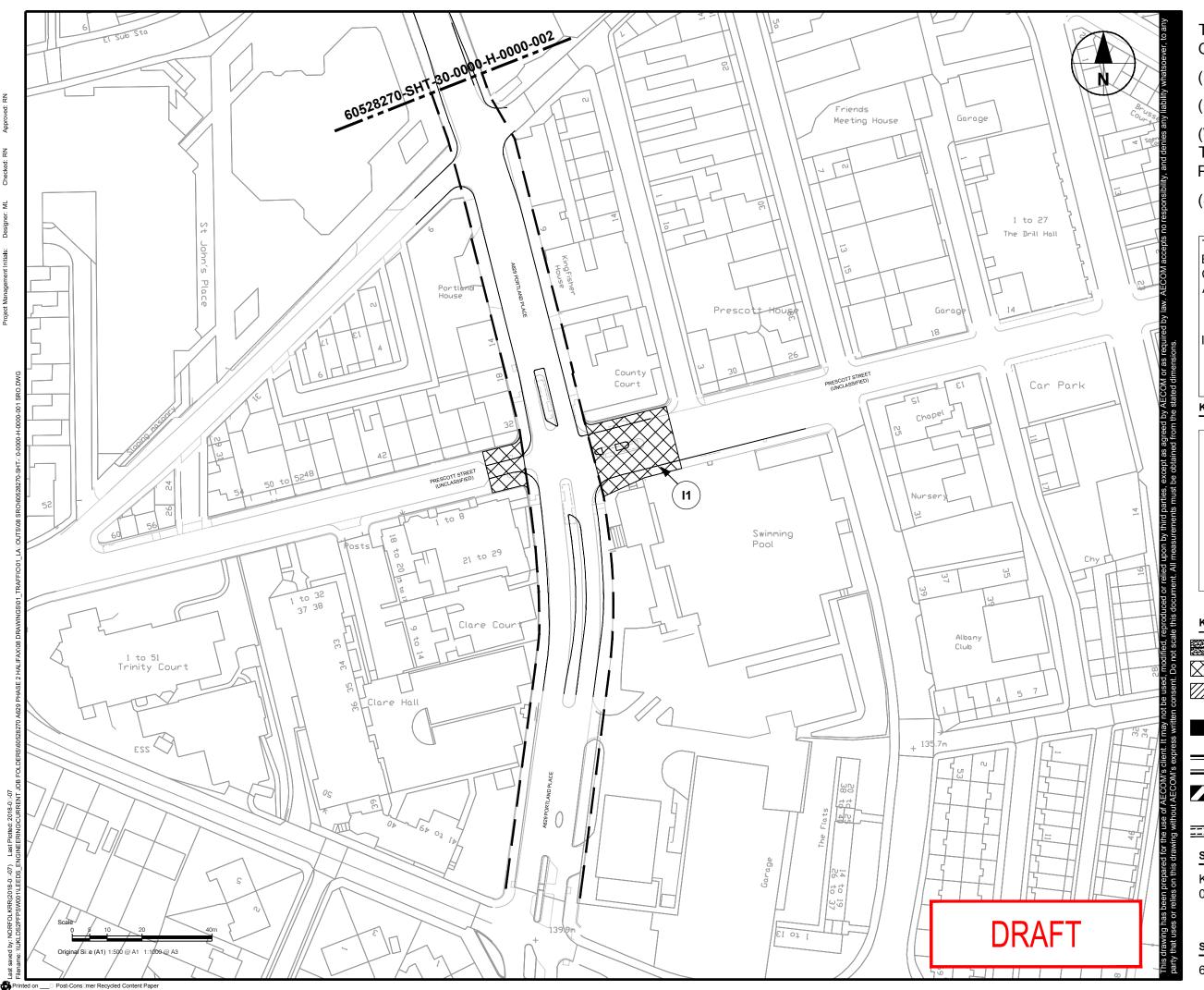
- a) DCLG Guidance on Compulsory purchase process and The Critchel Down Rules for disposal of surplus land acquired by, or under threat of, compulsion
- b) The Department for Transport's Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular No. 2/97 The 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

#### Other relevant documents

- a) WYTF A629 Phase 2 Gateway 1 Outline Business Case
- b) Halifax Town Centre Delivery Plan
- c) WYTF A629 Phase2 Statement of Reasons
- d) WY+TF A629 Phase 2 Preliminary Design Report
- e) WY+TF A629 Phase 2 Engagement and Consultation Summary August 2017

## The documents are available for inspection at:

Major Projects, Princess Buildings, Princess Street Halifax, HX1 1TS



(HALIFAX TOWN CENTRE)

(HIGHWA□S IMPROVEMENT)

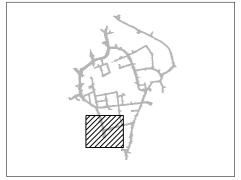
(WEST  $\square$ ORKSHIRE PLUS TRANSPORT FUND PHASE 2)

(SIDE ROADS) ORDER 2018

THE CORPORATE SEAL OF THE BOROUGH COUNCIL OF CALDERDALE WAS HEREUNTO AFFIXED ON THE DA OF:

IN THE PRESENCE OF:

#### **KEY PLAN**



NEW HIGHWA

HIGHWA TO BE IMPROVED

NEW PRIVATE MEANS OF ACCESS

> PRIVATE MEANS OF ACCESS TO BE STOPPED UP

ROUTE OF CLASSIFIED ROAD

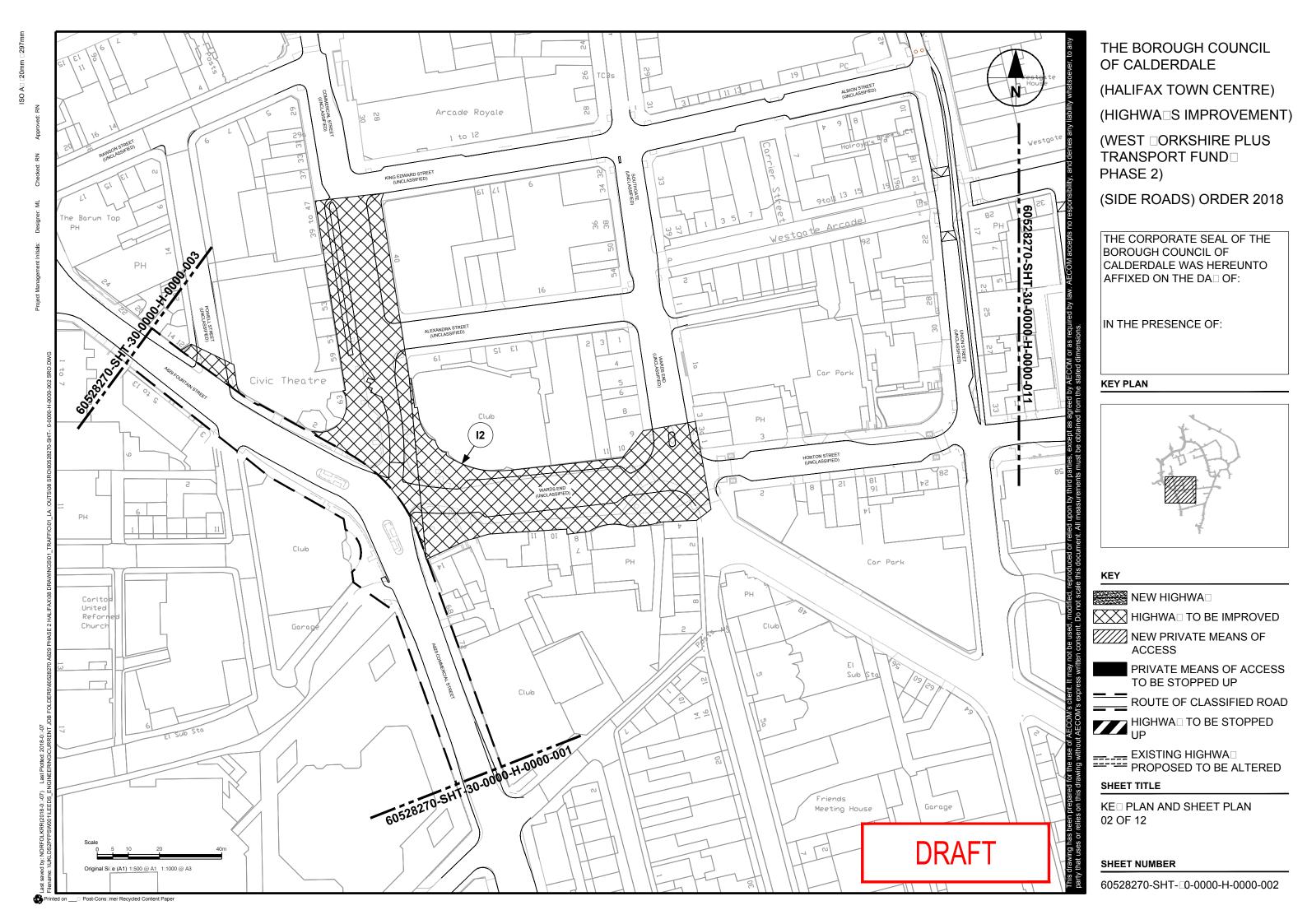
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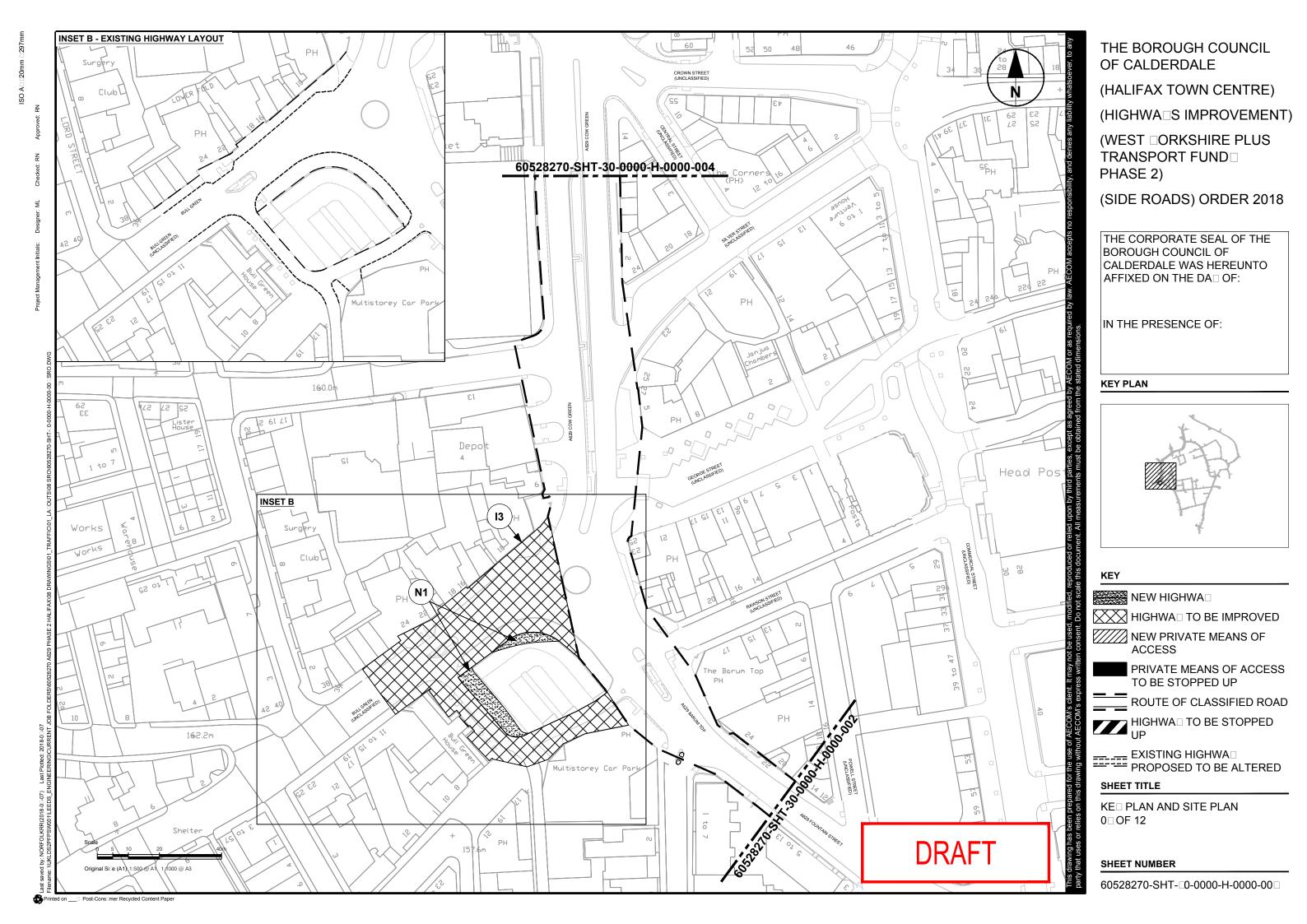
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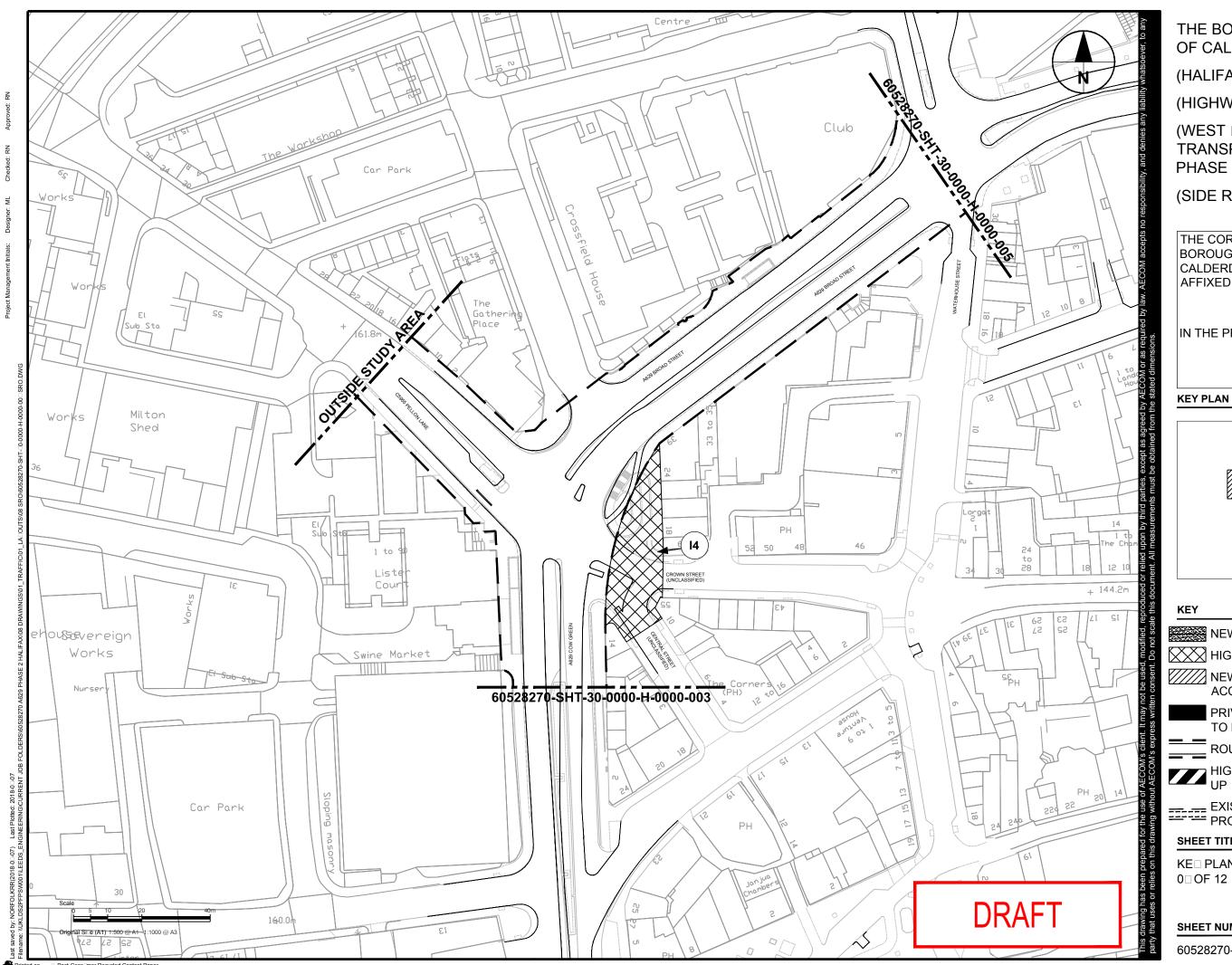
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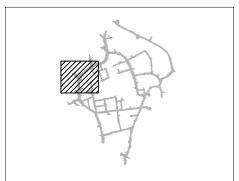
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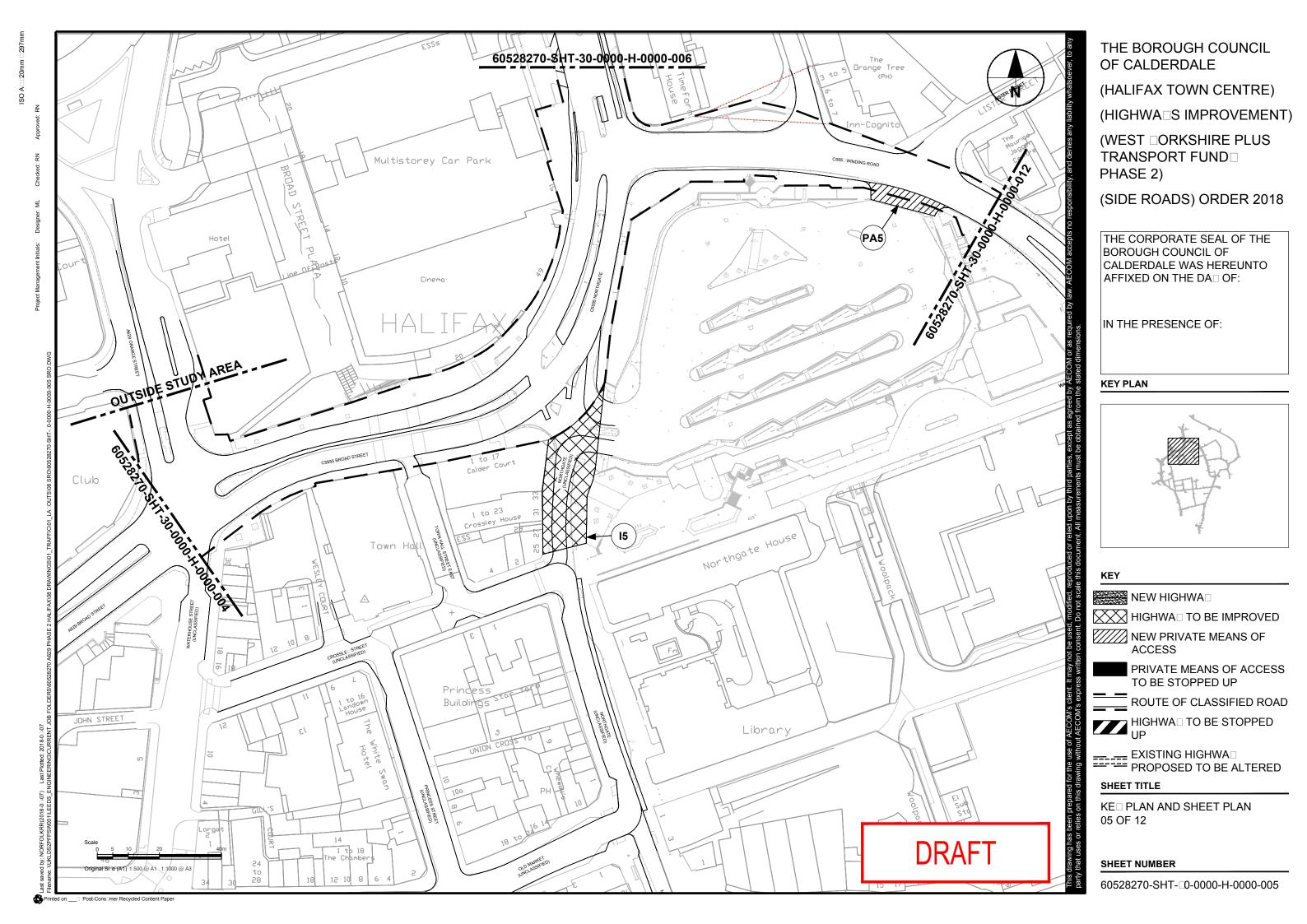
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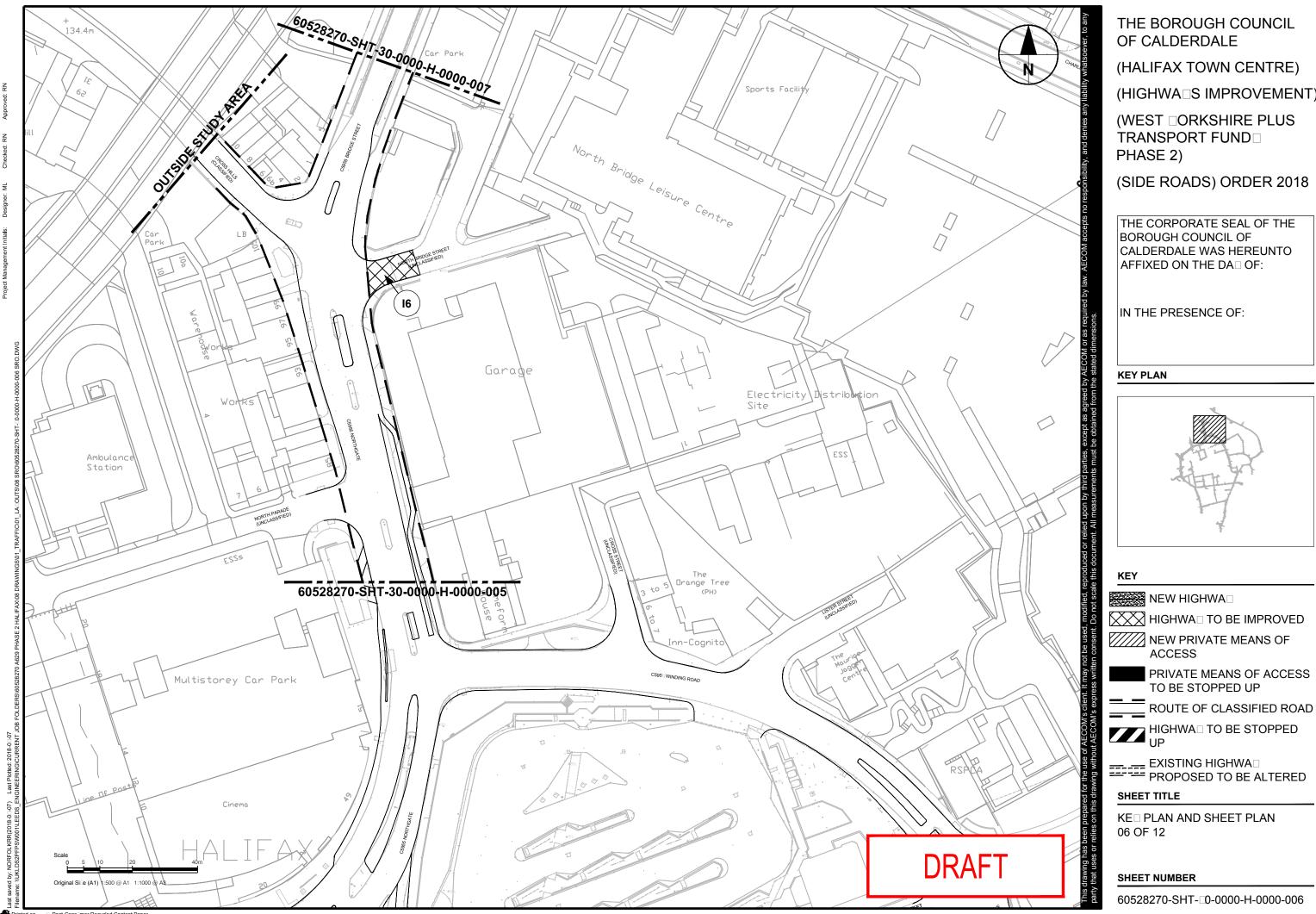
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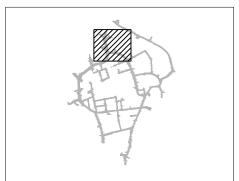
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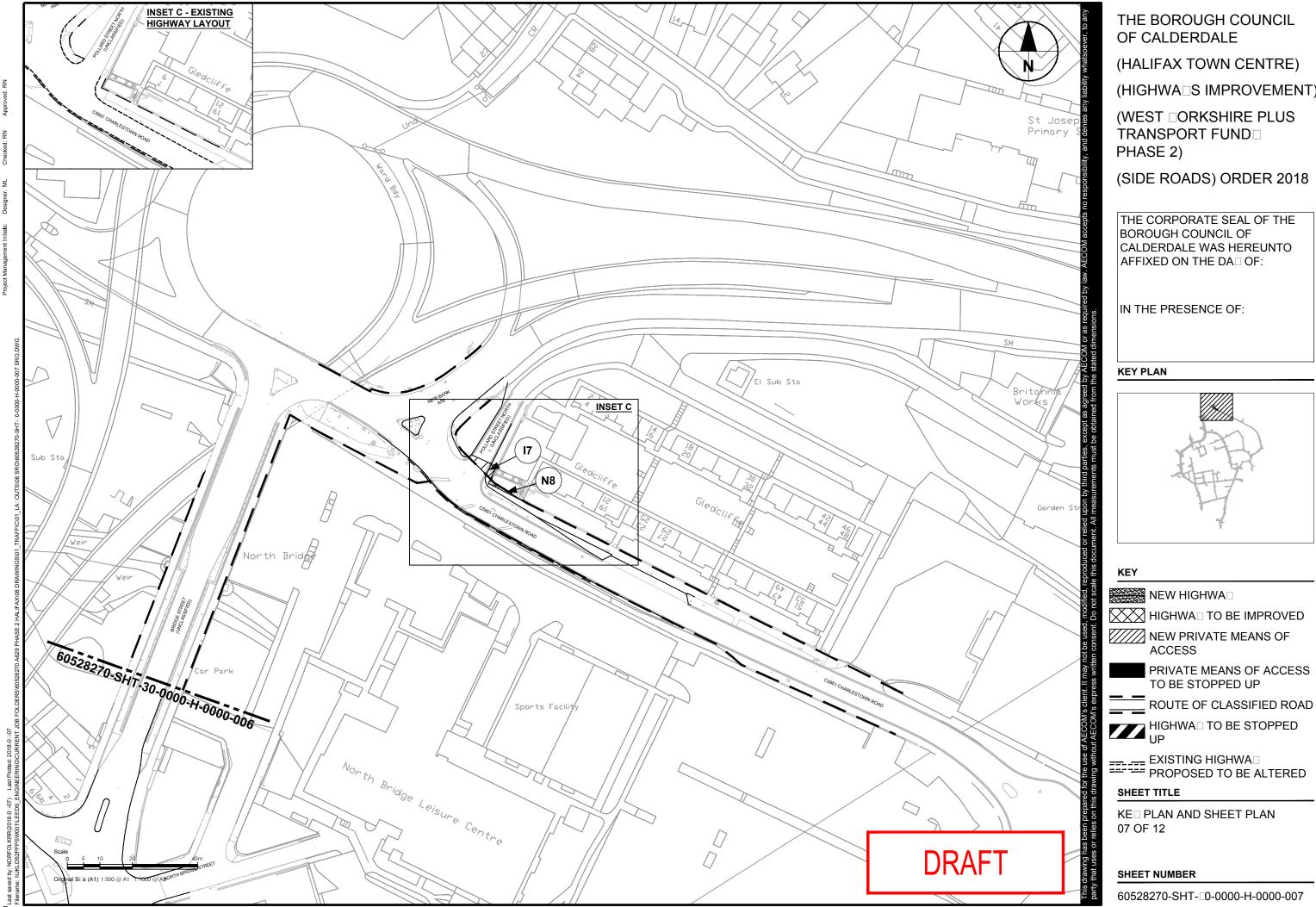


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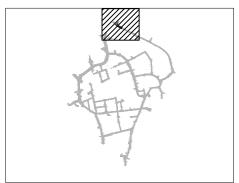
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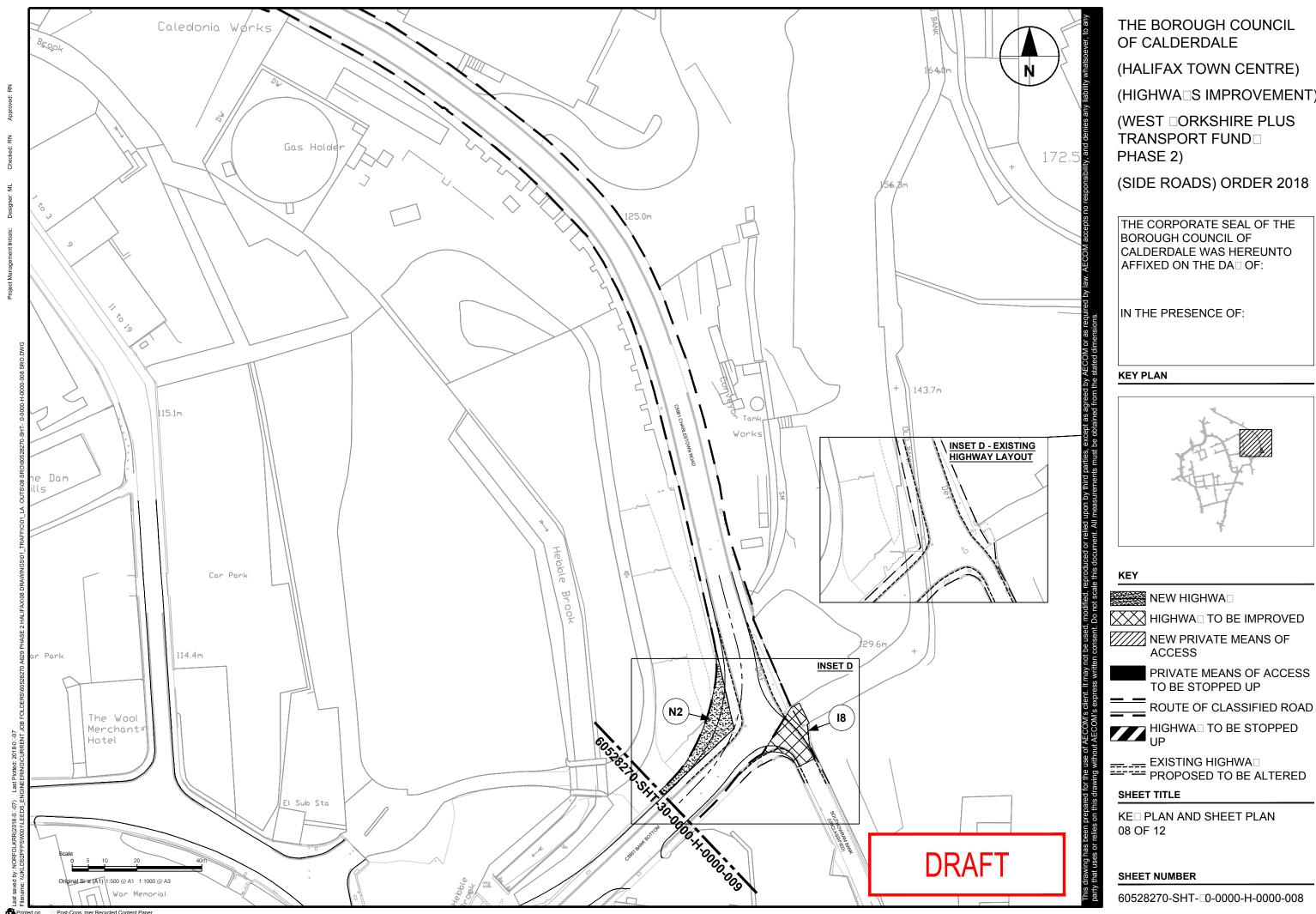


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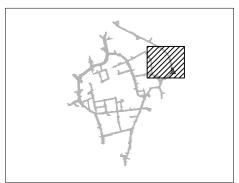
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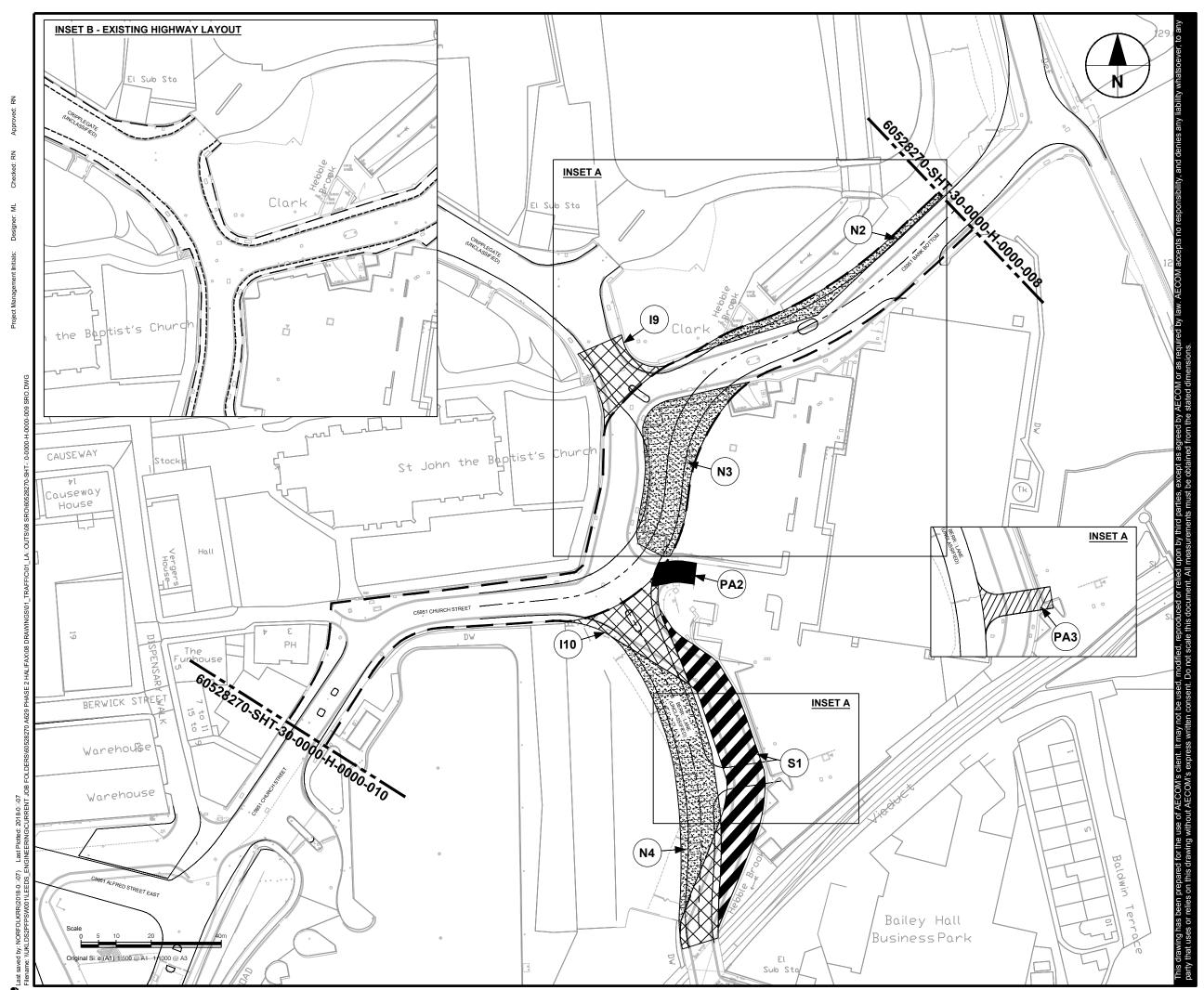


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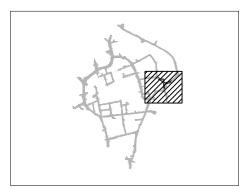
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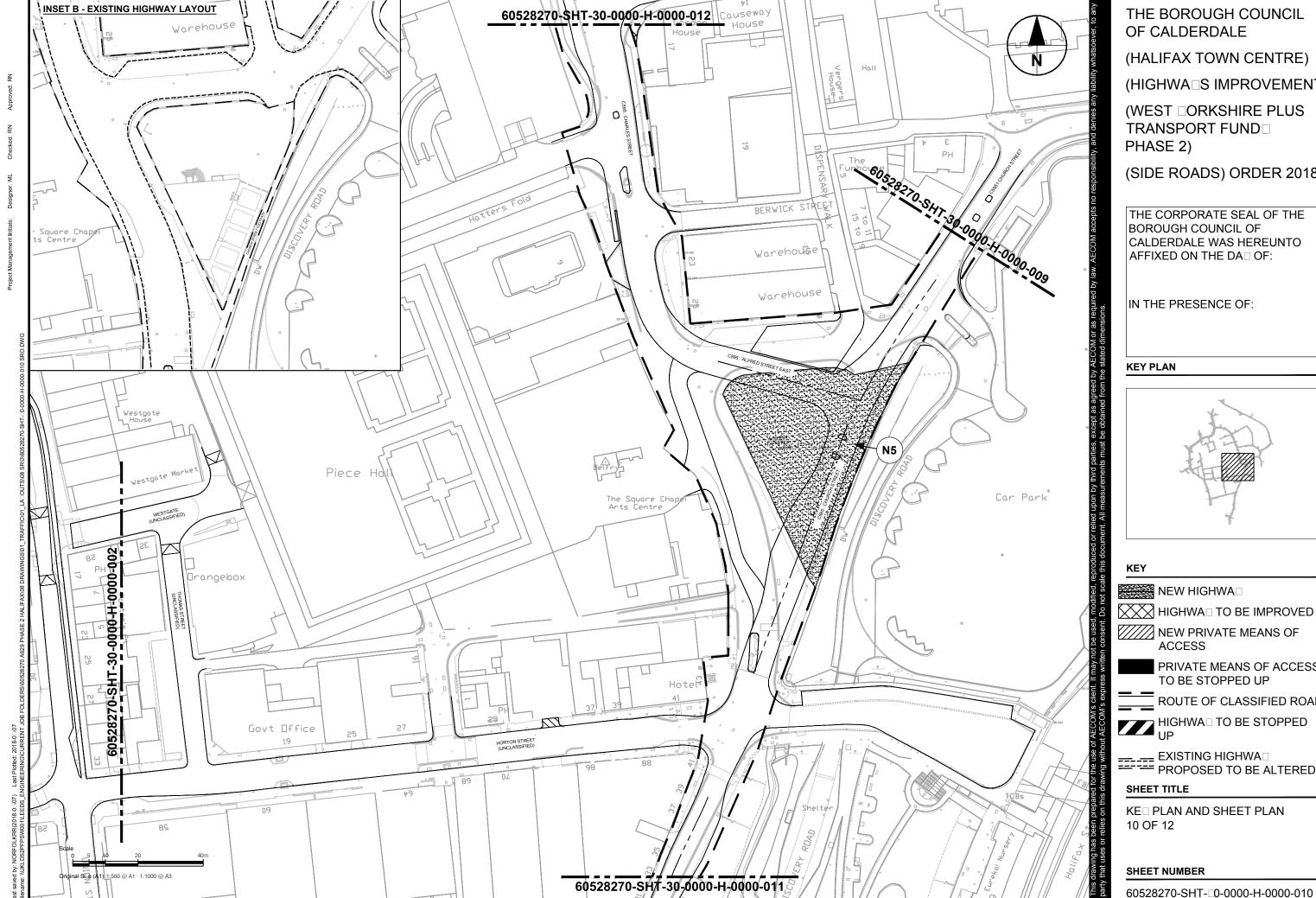
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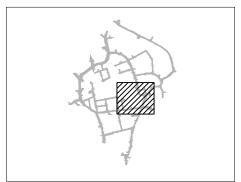
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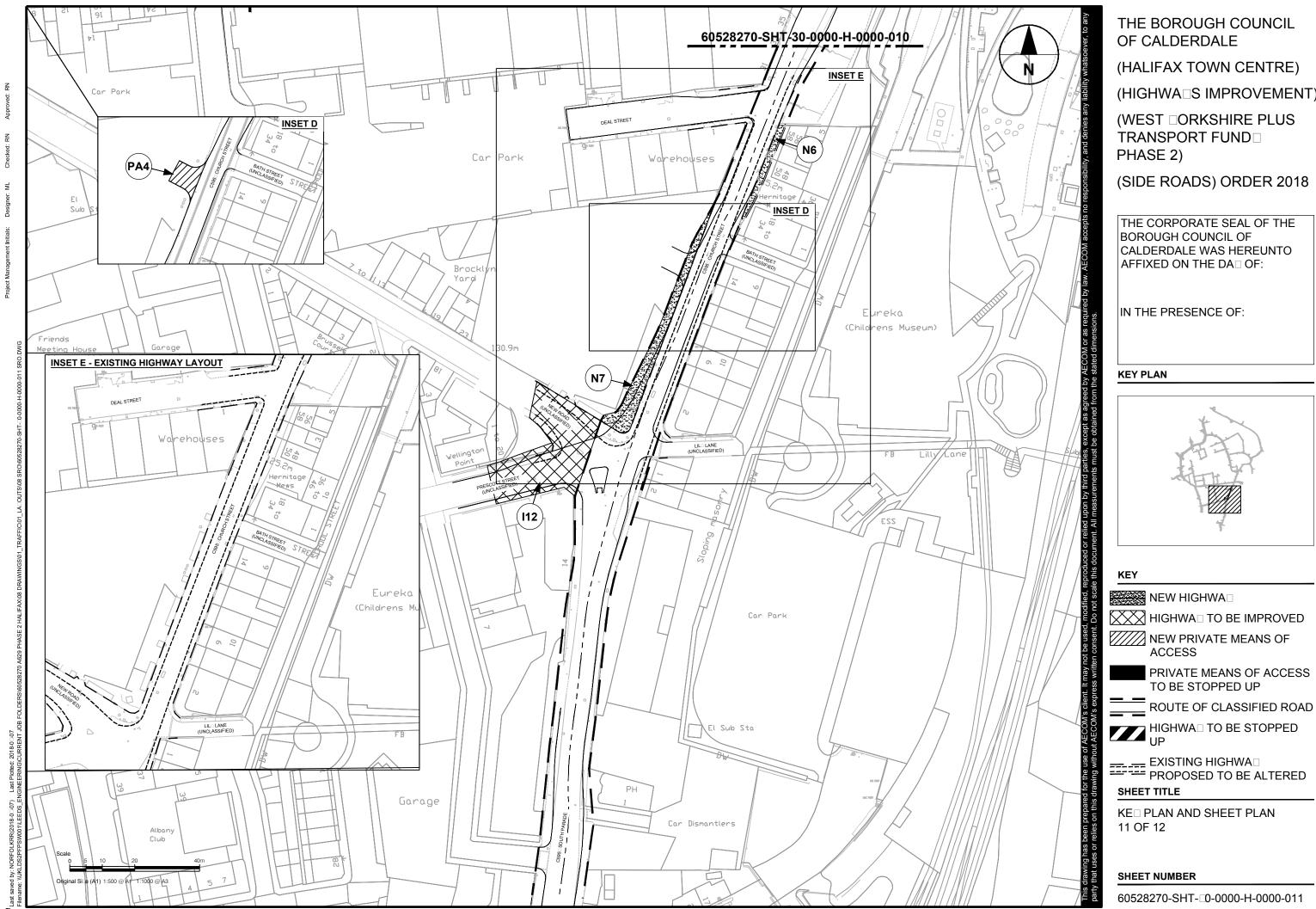
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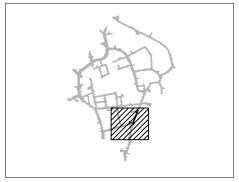
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