

**THE BOROUGH COUNCIL OF CALDERDALE (HALIFAX A629) (HIGHWAY
IMPROVEMENTS) (WEST YORKSHIRE PLUS TRANSPORT FUND, PHASE 1B)
COMPULSORY PURCHASE ORDER 2019**

and

**THE BOROUGH COUNCIL OF CALDERDALE (HALIFAX A629) (HIGHWAY
IMPROVEMENTS) (WEST YORKSHIRE PLUS TRANSPORT FUND, PHASE 1B)
SUPPLEMENT COMPULSORY PURCHASE ORDER 2020**

and

**THE BOROUGH COUNCIL OF CALDERDALE (A629, SOUTHERN SECTION, HALIFAX)
(HIGHWAY IMPROVEMENTS) (WEST YORKSHIRE PLUS TRANSPORT FUND,
PHASE 1B) (CALDER AND HEBBLE NAVIGATION BRIDGE) SCHEME 2020
THE HIGHWAYS ACT 1980**

THE ACQUISITION OF LAND ACT 1981

THE HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994

COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007

**STATEMENT OF CASE
OF THE
ACQUIRING AUTHORITY**

Department for Transport Ref: NATTRAN/Y&H/HAO/240

2 June 2021

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1 INTRODUCTION

1.1 This is the Statement of Case of the acquiring authority, The Borough Council of Calderdale (referred to in this Statement as “the Council”). It is produced to comply with Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and Rule 16 of the Highways (Inquiries Procedure) Rules 1994. It contains particulars of the case which the Council will put forward at the public inquiry which the Secretary of State for Transport has decided to convene into the following orders:

- (a) The Borough Council of Calderdale (Halifax A629) (Highway Improvements) (West Yorkshire Plus Transport Fund, Phase 1b) Compulsory Purchase Order 2019 (“2019 CPO”);
- (b) The Borough Council of Calderdale (Halifax A629) (Highway Improvements) (West Yorkshire Plus Transport Fund, Phase 1b) Supplement Compulsory Purchase Order 2020 (“2020 CPO”); and
- (c) The Borough Council of Calderdale (A629, Southern Section, Halifax) (Highway Improvements) (West Yorkshire Plus Transport Fund, Phase 1b) (Calder and Hebble Navigation Bridge) Scheme 2020 (“Bridge Scheme”),

which are collectively referred to in this Statement as “the Orders”.

1.2 The land to be acquired by compulsory purchase pursuant to the Orders is referred to in this Statement as “the Order Land”.

1.3 Reference is also made in this Statement to the non-statutory Statement of Reasons served with the Orders and referred to in this Statement as “the Statement of Reasons”.

1.4 The purpose of this Statement is to set out the case which the Council proposes to put forward at the inquiry and to provide a list of the documents which the Council intends to refer to or put in evidence.

1.5 This Statement and the Statement of Reasons have been prepared in accordance with the guidance set out in:

- 1.5.1 *Guidance on Compulsory purchase process and The Crichel Down Rules* issued in July 2019; and
- 1.5.2 Department of Transport Circular 2/97: *Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State for Transport is the Confirming Authority.*

2 STATUTORY POWERS

- 2.1 The Council is the local highway authority for the area in which the Order Land is situated.
- 2.2 The 2019 CPO and 2020 CPO were made under the following provisions of the Highways Act 1980: sections 239 and 240 (general powers of highway authorities to acquire land for the construction and improvement of highways), section 246 (power to acquire land for mitigating adverse effects of constructing or improving highways), section 250 (land acquisition powers to extend to creation as well as acquisition of rights) and section 260 (clearance of title to land acquired for statutory purposes).
- 2.3 The scheme also required the making of the Bridge Scheme, which was made by the Council on 18 March 2020 using its powers contained in section 106(3) of the Highways Act 1980. If confirmed, this will authorise the Council to construct a bridge over the navigable waters of the Calder and Hebble Navigation watercourse, as explained in section 8 of this Statement.
- 2.4 At the same that the 2019 CPO was made by the Council, a side roads order¹ (“the SRO”) was made by the Council under section 14 (powers of highway authorities as respects roads that cross or join classified roads), section 125 (further powers to stop up private access to premises) and Schedule 1 of the Highways Act 1980. However, at a meeting on 5 October 2020, the Council’s Cabinet resolved to seek the withdrawal of the SRO as it transpired that the provisions of the SRO were no longer required or could be carried out using the Council’s other powers contained in the Highways Act 1980. Following a request made by the Council, by a letter dated 8 December 2020

¹ The Borough Council of Calderdale (A629, Southern Section, Halifax) (Highway Improvements) (West Yorkshire Plus Transport Fund, Phase 1b) (Side Roads) Order 2019.

the Department for Transport confirmed the Secretary of State's decision not to confirm the SRO on that basis.

3 NEED FOR THE SCHEME AND OBJECTIVES

- 3.1 The context and background to the scheme, together with the existing problems encountered at present, are described in detail in section 5 of the Statement of Reasons.
- 3.2 The area of the scheme, of which the Order Land forms part, is located within the River Calder valley, extending between 2km and 3km to the south of Halifax town centre and incorporating approximately 80,000 square metres in total. The scheme is focussed around the existing Salterhebble Junction at the intersection of the A629 Huddersfield Road, the B6112 Stainland Road and the A6026 Wakefield Road. To the north the scheme extends along Wakefield Road to the C242 Salterhebble Canal Bridge, along Huddersfield Road to the existing Rookery Lane junction, and along Exley Bank, Jubilee Road and Bankhouse Lane for approximately 20m, 130m and 40m respectively. To the south the scheme extends along Huddersfield Road to approximately 50m south of the extent of the existing dual carriageway, and along Stainland Road to the existing C136 Stainland Bridge (River Calder), and includes the triangular area of scrubland bounded by Stainland Road on the west, the Calder and Hebble Navigation to the north and east and the River Calder to the south.
- 3.3 Halifax already has a strong identity as a sustainable and vibrant centre for Calderdale District, and has a distinctive urban core built upon its Victorian heritage in the old wool industry (Dean Clough was the largest carpet factory in the world when complete in 1860, only finally closing in 1983), the majority of which is easily accessible from the A629. Being the administrative centre for Calderdale, Halifax performs a range of civic functions, including containing the Calderdale Metropolitan Borough Council offices and public library. It also provides the focus of retail activity for the District with the main focus of retail located within the areas of the Wool Shops Shopping Centre, Cornmarket and Southgate, with the Borough Market connecting these areas to high quality shopping environments in Commercial St and the Piece Hall.
- 3.4 As a destination Halifax is heavily dependent upon its primary A629 travel corridor from Calderdale's southern border regional and national markets; the Phase 1B section of

the A629 corridor, which features the most significant pinch point at Salterhebble junction along the entire corridor, is therefore central to facilitating this ever increasing accessibility demand.

- 3.5 The Phase 1B scheme is the second phase of the A629 corridor programme that links Halifax and Huddersfield, which has been jointly developed in partnership between the Council and Kirklees Metropolitan Borough Council. The programme aims to reduce journey times along this congested principal route for goods and employment destinations in Calderdale and Kirklees, together with offering increased modal choice. The first phase of the overall programme, Phase 1A, was completed and operational from November 2018 and included highway improvement works to the A629 between Salterhebble Hill and Halifax town centre, ostensibly as an enabling component to the larger downstream Phase 1B project.
- 3.6 The current traffic conditions on the A629 result in poor air quality, where there can be 4,000-4,500 vehicles per hour in peak periods. The topography and vehicle types are also contributory factors to poor air quality. The corridor improvement programme includes highway capacity and operational improvements, investment in public transport, and improvements to strategic accessibility and public realm within Halifax town centre to deliver regeneration and growth aspirations. While Phase 1 is the enhanced journey quality component of the overall programme, the recipient of this investment is Halifax centre and surrounding districts, which also receive a step change in destination attractiveness via the strategic investment, supported by the wider Leeds City Region Powerhouse.
- 3.6 The current conditions along the Phase 1B section of the A629 corridor contribute to an increasingly inefficient highway network, which is a significant commercial route, particularly to regional and national routes via Junction 24 of the M62, resulting in unreliable travel opportunities, and presenting a barrier to economic growth and quality of life to residents of both Halifax and the wider district. Delivering Phase 1B will lead to a positive effect on congestion and journey times, especially in the vicinity of the Salterhebble junction at the end point of Elland Bypass.
- 3.7 This scheme will also play a role in addressing the climate emergency on a local scale for Halifax, through increased quality and facilities for active mode users. Combined with the enhanced active travel infrastructure and bus network, these changes and

interventions will encourage residents to choose lower carbon travel options. The Phase 1B's newly introduced network efficiency for all modes will help to support reducing greenhouse gas emissions and local air pollutants on a per capita journey basis while also incorporating longer term capacity to accommodate the electronic vehicle (EV) revolution, reducing the corridor's impact on climate change and meet mandated improvements to local air quality.

- 3.8 The delivery of Phase 1B is an important component to the successful delivery of the wider strategic programme, under the marketing umbrella of 'Calderdale the Next Chapter'. Other dependant phases of this Capital A629 are Phase 2, Phase 4 and Station Rail Gateway scheme (circa £150M of investment) while the wider dependant Capital portfolio within the Borough under the branding represents upwards of £500M in legacy investment.
- 3.9 The Halifax Town Centre Delivery Plan commissioned by the Council in 2014 identified that an improved transport and public realm network would improve visibility, accessibility and identity throughout the town and serve as a catalyst for development opportunities by coordinating impacts and delivery timeframes. The Phase 1B scheme directly impacts upon these objectives by improving the journey quality component of the overall strategic corridor project.
- 3.10 Furthermore, clear evidence exists to suggest that investment in public realm (better streets and places) has a positive impact on retail footfall, turnover, property values and rental yields, particularly for well-designed projects. For example, improvements to public spaces can improve retail sales by as much as 30% and retail footfall by 10-25%. Local experience of public realm improvements in Hebden Bridge by the Council has seen a much larger increase in footfall of 100% on the upgraded streets and 25% for the town as a whole. Without the accompanying travel upgrade interventions presented by Phase 1b, these town focused outcomes will be less certain.
- 3.11 The impact on rental values can also be significant with rises in commercial and retail rents of as much as 24% and 22% respectively. Improving rental values within Halifax town centre is a key priority as commercial and retail developments are currently unviable/marginal based on current values, making developers reluctant to bring forward schemes.

- 3.12 The boost in accessibility and connectivity into Halifax resulting from the improvement of the A629 will expand access to labour markets and customers for existing employers and prospective commercial investors, which will in turn drive economic growth for the town and wider district. Better access to colleges and universities, including the new Trinity Academy, will provide and uplift in skills and qualifications, reduce levels of NEET, and enable access to higher paid jobs within and beyond the Leeds City Region.
- 3.13 Economic analysis has also indicated that the viability for development of many types, both private and public, is marginal. The topography of Halifax currently limits the number of large scale development sites that are available, and many of those that do offer development potential currently suffer from poor accessibility that undermines their commercial viability. Therefore, one area in which intervention can be made to influence this is the improvement of the A629 into the town centre.
- 3.14 The Halifax Town Centre Delivery Plan was commissioned by the Council with the aim of taking a more holistic view of transport and regeneration and to consider practical and realistic opportunities that aim to stimulate economic growth and performance underpinned by the Council's Strategic Vision (with specific reference to tackling connectivity issues).
- 3.14 The objectives of the scheme derive from the Town Centre Delivery Plan itself. These objectives, together with a brief overview of how the scheme can contribute to meeting each of these objectives, are set out below.

A Unlocking sites to attract investment

Halifax's ongoing economic health and sense of community must address the needs of those living in Halifax and working further afield and of those visiting the town from the wider area for work or leisure. Economic analysis has indicated that the viability for development of many building types, both private and public, is marginal at best. An improved transport and public realm network can improve visibility, accessibility and identity throughout the town. An enhanced transport network can improve access to specific development sites enhancing their viability and boosting investor confidence.

B Attracting people to spend more time in Halifax town centre, creating vibrancy and buzz

A thriving town centre will include a rich mix of uses, including commercial, retail, cultural, leisure, education and residential. The most successful and sustainable way for such a mix to evolve will be via a balance of entrepreneurial vision and risk taking and of provision of shared amenities. The improvement of the public realm will encourage footfall into the town centre from its periphery (including Dean Clough, the Rail Station, and western edges) and within the town centre creating a virtuous circle whereby increased footfall encourages increased investment in town centre businesses and in turn increased footfall. The linking of key attractors (such as Eureka!, Piece Hall, Borough Market, retail core and Dean Clough) is also of importance via a legible walking environment.

C Providing commercial accommodation to support existing business and support growth

Halifax town centre has a limited stock of quality commercial premises (offices and retail) and if it is to compete with other regional towns and cities and attract inward investment it will need to address the quality of its existing accommodation in the town centre. In turn, developments will require frontage and access to the highway network to increase their commercial viability.

D Giving greater recognition to Halifax's heritage status

Halifax's historic urban structure has remained largely intact and has resulted in a town centre that is compact and legible, with varied active frontage and a range of property, including highly distinctive and valuable community and architectural assets such as Borough Market and the Piece Hall. These assets need to be exploited through a combination of promotion and physical measures. The linking of the key attractors (such as Eureka!, Piece Hall, Borough Market, retail core and Dean Clough) via a legible walking environment is of particular importance.

E Broadening Halifax's social and cultural offer

The town has a distinct cultural offer (Square Chapel, Orange Box, Piece Hall, Theatre Royal/Victoria Theatre, Dean Clough) and enhancement of this provision must take into account the need to offer a wide range of attractions and good connectivity from areas of demand at a time and with a quality that match the social and cultural offer.

F Providing space to support skills and education

The provision of high quality education can support and enhance the economic activity across the District. The provision of education establishments within the town centre can add to and complement the mix of uses in Halifax, supporting the vibrancy of urban life, but they need effective connectivity to their intended catchment areas.

3.15 The Phase 1B scheme will contribute to the overall objectives for the whole A629 corridor programme, which comprise the following:

- Unlock development potential and the creation of 1740 jobs by 2026;
- Reduction in end to end town bus journey times by 50% via new express services;
- Reduction in local bus service journey times by 15%
- Increase in bus patronage by 10%
- Increase cycle and walking trips by 10%
- 25% reduction in corridor journey times for general traffic
- Reduction in casualties by 10% for all corridor users
- Accommodate an 18% increase in corridor vehicle use during the forecast growth period while delivering the journey benefits described
- In tandem with Government interventions regarding clean vehicle introduction, the removal of existing corridor Air Quality Action Zones during forecast growth period.

3.16 The proposed A629 Phase 1B Improvements will contribute towards meeting these objectives through the following:

- Reduction of journey times on the A629 for general traffic and public transport over the extent of the Phase 1 scheme.
- Reduced variability of journey times along the A629 for general traffic and public transport over the extent of the Phase 1 scheme.
- Provide a new traffic signal junction with additional capacity and signal controlled crossing facilities for both cyclists and pedestrians to replace mini roundabout.
- Provide approximately 2km of new combined pedestrian footway and cycle paths.
- Reduction of localised rat running traffic through adjacent residential / district centres.

3.17 The Council will expand upon this through expert evidence at the inquiry.

4 OPTIONS CONSIDERED AND SCHEME SELECTION

4.1 Evidence will be given as to the alternative options that were considered and assessed as to their ability to deliver the scheme's objectives, in addition to other considerations.

4.2 In October 2015 a detailed constraints and opportunities exercise was undertaken by the Council's appointed consultants, WSP, to identify the existing and predicted future operational issues associated with the Phase 1b study area. This process identified key targets for any proposed scheme to address, to not only achieve the overall scheme objectives, but to specifically address the issues identified.

4.3 As a result of this process, the following delivery options were identified:

- (a) Scheme Concept 1: Large roundabout configuration at existing junction location. Grade separation of northbound A629 movements. A629 southbound movements bypass new roundabout junction. New link between A629 and Stainland Road.
- (b) Scheme Concept 2: Grade separation of northbound and southbound A629 movements. Multiple junctions created to allow grade separation of movements. New link between A629 and Stainland Road.
- (c) Scheme Concept 3: Large gyratory junction with a cut through link for the A629.
- (d) Scheme Concept 4: All northbound A629 traffic pulled on to improved Stainland Road link to separate out Northbound and Southbound movements on the A629. Southbound traffic on the A629 would be free flow. Two roundabouts to manage conflicting vehicle movements at the junctions with Stainland Road.
- (e) Scheme Concept 5: New highway link incorporating bridge structure linking Elland Bottom with Stainland Road leading to new roundabout interchange on Stainland Road, highway widening on A629, removal of existing mini-roundabout and slip road to be replaced by 3 signal interchange.

- (f) Scheme Concept 6: as per Scheme Concept 5, but extending the interventions to include signalling Jubilee interchange with A629 to a 3 lane approach standard, continuing on a dual lane northbound to tie in with existing dual lanes on Salterhebble Hill.

4.4 The scheme concepts, identified through option sifting, were progressed to detailed modelling assessment making use of industry standard modelling software: LinSig, Junctions 8 and Paramics, with the primary aim of identifying the preferred option to take forward to the next phase of the study. Option 6 provided the greatest theoretical level of benefit of all scheme variations considered and was selected as the preferred option to develop into a preliminary design.

4.5 On balance, it was determined by the panel of Consultant and Council evaluating professionals that Option 6 offered a superior simplification of travel movement via a single new highway / bridge linkage, offered the best traffic flow modelled outcome, had the ability to incorporate Active / Bus modes and in a win/win outcome was also budget costed as cheapest option. Ironically, without prior reference, in a study around 20 years earlier by West Yorkshire HETS (Highways Evaluation Technical Section) in the County Council era, a near identical solution was optioned from a long list before the project floundered on funding opportunity grounds; in this respect the project has come full circle in its resurrection.

4.6 The decisions to approve the final land acquisition plans and proceed with the use of compulsory purchase powers were confirmed at Council Cabinet Meetings on 10 July 2017 and 23 April 2018 in respect of the 2019 CPO and the making of the Bridge Scheme and the SRO (since withdrawn) and 1 June 2020 in respect of the 2020 CPO.

5 DESCRIPTION OF THE SCHEME

5.1 The Phase 1b scheme comprises highway improvements to the A629, the B6112 Stainland Road, the A6026 Wakefield Road, Jubilee Road, Exley Bank and Bankhouse Lane in Halifax, West Yorkshire. It forms part of the wider A629 Halifax to Huddersfield Corridor Improvements scheme, which comprises a series of multi-modal transport and accessibility infrastructure improvements between Halifax, Huddersfield and the M62.

The scheme specifically targets the current pinch point of the Calder & Hebble junction along the A629 corridor.

5.2 The scheme follows on from the Phase 1A scheme located to the immediate north, which includes highway improvement works to the A629 between Salterhebble Hill and Halifax town centre. The Phase 1A scheme was completed and operational from November 2018. The Phase 1B scheme has been developed in combination with the Phase 1A scheme to ensure both elements of the works package are complementary.

5.3 The main elements of the scheme can be summarised as follows:

- Provision of a new highway link between the B6112 Stainland Road and the A629 located across the existing parcel of scrub land to the north of the River Calder.
- Closure to traffic of the existing A6026 Wakefield Road link between the A629 Huddersfield Road and the B6112 Stainland Road.
- Enhancement of the capacity of the existing A629.
- Enhancement of the capacity of the existing B6112 Stainland Road.
- Enhancement of the Jubilee Rd junction and associated corridor section.
- Linking into the A629 Phase 1a corridor upgrade, already completed.

5.4 The specific works comprised in the scheme consist of the following:

- Removal of the existing link between the A629 and the current mini-roundabout at Stainland Road / Wakefield Road.
- Removal of the current A629 signal controlled junction at A6026 / A629 Elland Wood Bottom.
- A new highway link between the A629 and Stainland Road located across the parcel of land north of the River Calder, incorporating:
 - a new structure over the Calder & Hebble Navigation to facilitate access between the A629 and Stainland Road;
 - earthworks to achieve the level difference required between Stainland Road and the A629;
 - traffic signal junction at the new A629 junction to the eastern side of the new link – northbound movements from the A629 to Stainland Road / Wakefield

Road will use the new link, there is no southbound right turn permitted at this junction; the new link road only provides for southbound movements on the A629; and

- a new roundabout at the Stainland Road junction to the western side of the new link, with all movements permitted between the three approaches to the junction.
- Green Street infrastructure corridor planting on new link and improved Stainland Road.
- Widening to two traffic lanes northbound on the A629 to continue the existing two lane provision northbound on the A629 through to the Calder & Hebble junction.
- Widening to the east of the A629 to facilitate a segregated single lane southbound through the Calder & Hebble junction, with widening facilitating two full lanes southbound on the approach to the new junction on the A629 at the new link.
- A new signal controlled junction at Stainland Road / Wakefield Road / A629 to replace the existing mini roundabout – this junction bans the existing right turn movement from the A629 to Wakefield Road, with movements required to be completed via the new roundabout at the western end of the A629 / Stainland Road link.
- A new structure over the Calder & Hebble Navigation south of the existing mini-roundabout to facilitate widening to two full northbound lanes plus a flare on the approach to the new junction, and a single lane southbound.
- Widening to the east of the existing Stainland Road alignment to facilitate two northbound lanes and one southbound lane.
- Realignment and widening to two northbound and one southbound lanes on Stainland Road north of the existing River Calder bridge to connect to the new roundabout proposed at the western side of the new link between the A629 / Stainland Road.
- To tie in to the Phase 1A proposals, the highway between the Calder & Hebble junction and Jubilee Road will be two lanes in either direction immediately to the north of the Calder & Hebble junction,
- The northbound carriageway continuing in a dual lane approach to the Jubilee Road junction widening out to a 3 lane lane configuration incorporating a dedicated right turn lane into Jubilee Road.
- Jubilee Road junction to be converted to a full signal controlled installation incorporating pedestrian and cycle infrastructure.

- Northbound carriageway between Jubilee Road and Salterhebble Hill upgraded to dual lanes while maintaining a central turning lane into adjacent premises.
- 5.5 Details of the elements of the scheme contained within the Order Land can be seen in the General Arrangement drawings which accompany this Statement.
- 5.6 Evidence will be given to further describe the routes and design of the highways as improved together with the reasons for the extent of the land required.
- 5.7 The primary reason for the acquisition of each area of land comprising the Order Land is as follows:

2019 CPO

- Plot 1/1 – To provide the new alignment for the A629 at Salterhebble Hill.
- Plot 1/2 – To provide the new alignment for the A629 at Salterhebble Hill.
- Plot 1/2a – To provide the required working space, to form the new alignment of the A629 at Salterhebble Hill.
- Plot 1/3 – To extend the Hebble Brook Bridge to provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/3a – To provide the required working space to extend the bridge and form the new alignment of the A629 at Huddersfield Road.
- Plot 1/4 - To extend the Hebble Brook Bridge to provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/4a – To provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/4b – To provide the required working space to extend the bridge and form the new alignment of the A629 at Huddersfield Road.
- Plot 1/5 – To provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/6 – To provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/7 – To provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/7a – To provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/7b – To provide the required working space to form the new alignment of the A629.
- Plot 1/8 – To provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/8a – To provide the required working space to form the new alignment of the A629 at Huddersfield Road.
- Plot 1/8b – To provide the new alignment for the A629 at Huddersfield Road.

- Plot 1/8c – To provide the required working space to form the new alignment of the A629 at Huddersfield Road.
- Plot 1/8d – To provide the required working space to form the new alignment of the A629 at Elland Wood Bottom.
- Plot 1/8e – To provide the new alignment for the A629 at Elland Wood Bottom.
- Plot 1/8f – To provide the required working space to form the new alignment of the A629 at Elland Wood Bottom.
- Plot 1/9 – To provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/9a – To provide the required working space to form the new alignment of the A629 at Huddersfield Road.
- Plot 1/10 – To provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/10a – To provide the required working space to form the new alignment of the A629 at Huddersfield Road.
- Plot 1/11 – To provide public access to the Calder and Hebble canal towpath at the B6112 Stainland Road.
- Plot 1/11a – To provide the required working space to provide public access to the Calder and Hebble canal towpath at the B6112 Stainland Road.
- Plot 1/12 – To achieve the new highway link incorporating a bridge structure linking A629 Elland Wood Bottom with the B6112 Stainland Road.
- Plot 1/12a – To provide the required working space to achieve the new highway link and bridge structure at the B6112 Stainland Road.
- Plot 1/12b – To provide the required working space to achieve the new highway link and bridge structure at the B6112 Stainland Road.
- Plot 1/13 – To achieve the new highway link incorporating a bridge structure linking A629 Elland Wood Bottom with the B6112 Stainland Road.
- Plot 1/13a – To provide the required working space to achieve the new highway link and bridge structure at the A629 Elland Wood Bottom.
- Plot 13b – To provide the required working space to achieve the new highway link and bridge structure at the A629 Elland Wood Bottom.
- Plot 1/13c – To achieve the new highway link incorporating a bridge structure linking the A629 Elland Wood Bottom with the B6112 Stainland Road.
- Plot 1/13d – To provide the required working space to achieve the new highway link and bridge structure at the A629 Elland Wood Bottom.

2020 CPO

- Plot 1/1 – To provide off-street parking to the residents of Jubilee Road.

- Plot 1/1a – To provide the required working space to provide off-street parking to the residents of Jubilee Road.
- Plot 1/2 – To provide the new alignment to the A629 at Salterhebble Hill.
- Plot 1/2a – To provide the required working space to form the new alignment of the A629 at Salterhebble Hill.
- Plot 1/3 – To provide off-street parking to the residents of both Jubilee Road and Huddersfield Road at Exley Bank.
- Plot 1/3a – To provide the required working space to provide off-street parking to the residents of Jubilee Road and Huddersfield Road at Exley Bank.
- Plot 1/4 – To extend the Hebble Brook Bridge to provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/5 – To provide the new alignment to the A629 at Huddersfield Road.
- Plot 1/5a – To provide the new alignment to the A629 at Huddersfield Road.
- Plot 1/6 – To provide the new alignment to the A629 at Huddersfield Road.
- Plot 1/7 – To provide the new alignment to the A629 at Huddersfield Road.
- Plot 1/8 – To provide the new alignment to the A629 at Huddersfield Road.
- Plot 1/9 – To provide the required working space to reinstate the advertising hoardings which will be removed in order to achieve the new A629 Huddersfield Road alignment.
- Plot 1/10 – To extend the Hebble Brook Bridge to provide the new alignment for the A629 at Huddersfield Road.
- Plot 1/10a – To provide the required working space to extend the bridge and form the new alignment of the A629 at Huddersfield Road.

6 THE PLANNING POSITION

- 6.1 A planning application for the scheme was submitted in January 2019 (planning reference 18/01544/FUL). That application proposed the West Yorkshire Plus Transport Fund A629 Phase 1B highway corridor enhancement incorporating highway widening, junction alterations, new roundabout and new link road bridge spanning the Calder and Hebble Navigation plus associated SuDS basin and landscaping works. In July 2020, the Council's Planning Committee approved the application.
- 6.2 A second planning application, reference 19/01358/LAA submitted in November 2019, was approved in March 2020 to facilitate the construction of an off-highway parking facility derived from a project need to impose waiting and loading restrictions on the highway adjacent to residential properties in the area.

- 6.3 The development to be carried outside of the planning red line boundary on the land adjoining the highway boundary – in the Jubilee area linking to the Phase 1A scheme – is to be carried out pursuant to the Council’s permitted development rights contained in Schedule 2, Part 9 of the Town and Country Planning (General Permitted Development) Order 2015 (“the GPDO”). Similarly, the demolition works proposed within Plot 1 of the 2019 CPO are to be carried out as permitted development pursuant to Schedule 2, Part 1 of the GPDO.
- 6.4 The scheme is in accordance with the adopted Local Plan which comprises the saved policies within the Replacement Calderdale Unitary Development Plan 2006 (“RCUDP”). The scheme is also in accordance with national planning policy and the emerging Local Plan currently undergoing examination. In terms of the emerging Local Plan, published in draft format in 2018 the vision statement paragraph 3.4 directly references infrastructure projects vis ‘The profound links between development and transport demand will be managed to ensure Calderdale has a balanced transport system, providing opportunities for travel within and between our 6 main towns and other parts of the regional and national networks with reduced car usage increased use of public transport, walking and cycling’ and in line with the West Yorkshire plus Transport Fund (WY+TF) infrastructure for growth strategic outcome vis ‘Calderdale will be a place that is economically healthy and diverse, providing jobs for its residents and recognising the economic opportunities deriving from our position between Leeds and Manchester, that is a good place to do business and has ensured that local people have the skills needed to work in the local economy and becoming more self-sufficient in terms of jobs’.
- 6.5 The RCUDP seeks to promote sustainable development in Calderdale district through a number of core principles, including improvements to employment opportunities, traffic reduction and enhancements to public transport, and through the effective protection and enhancement of the environment.
- 6.6 National planning policy in the form of the National Planning Policy Framework (“NPPF”) promotes a presumption in favour of sustainable development and recognises three overarching objectives to sustainability: economic, social and environmental. The strategic objectives of the NPPF include to support economic

growth, promote sustainable transport, achieve well-designed places, conserve and enhance the historic environment and ensure the vitality of town centres.

- 6.7 Part of the site is defined as Primary Employment Land in the RCUDP under Policy E1 and part is allocated as a new employment area under RCUDP Policy E3 (Sites Allocated for Employment Use - site EM47) (Stainland Road (north of river). Policy E3 is not considered to be NPPF Compliant because the viability and deliverability of the allocation is not proven.
- 6.8 Paragraph 190 of the NPPF requires Local Planning Authorities to assess the particular significance of any assets which might be affected by a proposal including by development affecting the setting of a heritage asset. Paragraph 197 of the NPPF requires the effect of the application on non-designated heritage assets to be taken into account when determining an application for planning permission. Whilst there would be harm to the landscape character and setting of non-designated heritage assets of the canal infrastructure in the vicinity of the new road bridge, Para 197 of NPPF states that a balanced judgement is required having regard to the scale of harm and the significance of the heritage asset. It is considered that the public benefits of the proposal, in conjunction with the mitigation measures proposed by the Cultural Heritage Assessment (CHA) and Landscape Visual Impact Assessment (LVIA) are such that any harm is clearly outweighed. The proposals are considered to be in accordance with Paragraph 197 of the NPPF and RCUDP Policy BE15
- 6.9 RCUDP Policy GT4 sets out a hierarchy of considerations to assist in the consideration of design of transport schemes to ensure that the needs and safety of each group of road users are sequentially considered and that each user group is given proper consideration so that new schemes will ideally improve existing conditions and would not make conditions worse for the more vulnerable transport users. RCUDP Policy EP15 requires development proposals alongside waterways to maintain and where practical, make a positive contribution to their recreational, tourist and environmental value. The Canal and River Trust welcome the two new pedestrian and cycle access points to the canal towpath which would help to promote the use of the canal towpath for leisure and sustainable travel. Despite the increased traffic predicted, the modelling indicates that there will be a significant reduction in journey times on the A629 corridor. It is therefore considered that the proposed development accords with RCUDP Policies GT4 and EP15.

- 6.10 RCUDP Policies EP14 and EP20 establish that ground and surface water will be protected and development will not be permitted if it would increase the risk of flooding due to the surface water run-off or obstruction. Sustainable Drainage Systems should be incorporated where appropriate in accordance with Policy EP22. The Environment Agency raised no objections provided that the balancing pond to the south of the development discharges at the greenfield run-off rate. The Lead Local Flood Authority raised no objections subject to conditions requiring details of surface water drainage, and such conditions were imposed on the planning permissions granted for the scheme.
- 6.11 RCUDP Policies EP9 and EP10 seek to protect development, its users and adjoining land from the risk of contamination. The area of the scheme appears to have been the subject of past industrial activity which poses a potential risk of pollution to controlled waters. Stainland Road Tip is located between the River Calder and the Calder & Hebble Navigation. A Detailed Quantitative Risk Assessment (DQRA) is required by planning condition to be undertaken to develop a site specific assessment criteria in accordance with the recommendations in the Phase 2 Geoenvironmental Report submitted with the planning application. Should remediation be required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works including an agreed scheme of validation works shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of any part of the scheme.
- 6.12 RCUDP Policy NE15 states that development in a Wildlife Corridor will not be permitted where it would damage the physical continuity, impair the functioning or harm the conservation value of the corridor. RCUDP Policy NE16 states that development will not be permitted if it would harm the habitat requirements of legally protected, rare or threatened wildlife species and the species themselves unless provision is made to protect those species and their habitats. RCUDP Policy NE17 seeks appropriate biodiversity enhancement. The proposed development is not considered to be of significant adverse effect to the designated sites, habitats, or protected species that are present providing detailed ecological mitigation and enhancement measures are specified and implemented. Subject to the planning conditions imposed, the proposals are considered to accord with RCUDP Policies NE16 and 17.
- 6.13 NPPF: Paragraph 175 applies regarding Trees and Landscaping irreplaceable habitat; Policy NE19: Protection of Ancient Woodland also applies. The advice contained within

the NPPF states that development resulting in the loss of irreplaceable habitats (ancient woodland) should be refused unless in the case of infrastructure projects, where public benefits would outweigh the loss or deterioration of habitat and suitable compensation strategy exists. The loss of a limited sliver of ancient woodland is unavoidable to achieve the documented aims of the scheme.

- 6.14 A ten year programme of enhancement and management works to an equivalent site; North Dean Woods is required by planning condition. North Dean Wood is an example of the type of woodland that used to cover much of the countryside in the North of England. The woods offer an extensive network of footpaths, including part of the Calderdale Way and is in Council ownership. The woods support a wide variety of plant and birdlife.
- 6.15 RCUDP Policy NE21: Trees and Development Sites sets out a number of considerations for developments where trees are located on or adjacent to the site. No objections were raised at planning application stage and it is noted that significant landscaping is proposed with areas of tree planting new planting being monitored and managed until established.
- 6.16 Paragraph 170 of the NPPF applies regarding Public Health, also RCUDP Policy EP1 seeks to ensure that development which might cause air pollution (including from modes of transport) would only be permitted where it would not harm the health and safety of users or harm the quality and enjoyment of the environment. The application included an air quality assessment (Report Reference: C93-P01-R01) incorporating modelled predictions of future air quality. The Assistant Director – Neighbourhoods (Environmental Health) confirmed that the modelling was conservative in its assumptions, but given the uncertainty in the predicted traffic flows and future vehicle emission factors it would appear difficult to meaningfully categorise any traffic model in this way.
- 6.17 The modelling approach was briefed to be as realistic as possible, therefore two data sets were produced, one benchmarking a precautionary approach and the other being less precautionary. The difference being, one measured against projected DEFRA annual mean N02 concentrations as published in national statistics and the other applying more stringent criteria. The less precautionary approach, i.e. benchmarking against published forecast concentrations showed only 1 receptor experiencing a slight adverse effect (less than 1%). The more stringent assessment, taking a less optimistic

view of annual forecasts determined less than 1.2% of receptors are identified at opening year as being affected by moderate to substantive adverse air quality (i.e. worsening by greater than 1% increase) due to the implementation of the scheme. Taking a balanced judgement there is no evidence to suggest that the proposals would prejudice the Council's attempts to address air quality through the Air Quality Action Plan. A balanced judgement is required having regard to the scale of harm and the public benefits of the proposal, in conjunction with the mitigation measures proposed. The interventions at a Government level encouraging the uptake of cleaner vehicle technology resulting in air quality reaching desirable standards are not interrupted by the project and the balance of this improvement will still have a positive effect from opening year plus 5 onwards and so the proposals generally accord with National and Local Policy.

- 6.18 In the report to the Council's Planning Committee for the application, the planning officer concluded:

Balance of considerations

Environmental Impact Assessment

It is considered that the proposals require an EIA, under Schedule 2 (10f) of the EIA Regulations, due to the scale of development i.e. construction of roads where the area of works exceeds 1 hectare.

The following is a summary of the conclusions of the assessments. The conclusion is based upon the implementation of all of the proposed measures to minimise or mitigate a particular impact.

Air Quality

A range of potential effects upon Air Quality are predicted during scheme opening year and the initial live operational period. To the majority of circa 13,000 identified receptors, some 98.8%, the predicted effects are within the range of Negligible or Beneficial, however a small number of properties (8) within the current Salterhebble AQMA immediately north of the proposed scheme have potential for Major Adverse effect (these effects are assessed without consideration towards mitigation measures) .

Mitigation measures are proposed to reduce potentially negative air quality impacts. These measures include smart corridor management, by introduction of co-ordinated signal infrastructure at component junctions along the network, which will work with the highway congestion reduction efficiencies gained by scheme introduction, to

control vehicle through put at a level suited to address the varying air quality junctures during the day.

Biodiversity

With appropriate mitigation, the effects upon biodiversity arising from the proposed scheme are not considered to be significantly adverse. The majority of key effects identified would be temporary with a comprehensive mitigation scheme proposed as part of the intended Phase 1b scheme. The mitigation measures include delivery of a comprehensive ecology mitigation plan to mitigate impact upon flora, fauna and bird / bat habitats and delivery of compensatory habitats within the immediate areas. Further measures include entering into a Woodland Management plan for Elland Wood, which despite its ancient status has received little attention for several decades.

Cultural Heritage

The scheme as currently proposed would not directly impact on any Designated Assets (Listed Buildings and Conservation Areas). There are also unlikely to be any increased visual or other indirect impacts on any of the Designated Assets. There will however, be negative impacts on two non-designated assets.

The most significant direct negative impact would be on the walls, steps and various ruined structures existing along the east side of the A629 associated with the former Halifax Zoo due to the widening of the carriageway. Potentially, there would be a substantial impact on a 19th century milestone on the east side of Stainland Road, due to the creation of a new cycle lane. This feature could not be identified at the time of the site visit, although it could well be hidden by roadside vegetation

It is considered that these impacts could be mitigated through an appropriate level of archaeological recording in advance of any scheme construction.

Geology and Soils

The level of contamination present within the Stainland Road is not such that it would preclude construction or require wholesale remediation of the site. It is considered that the scheme proposals could be undertaken in such a way that they do not worsen the conditions on the Stainland Road site or negatively impact the surrounding environment.

Landscape and Visual

The local landscape resource is assessed to be of medium sensitivity, and it is considered that the proposed highway improvements works would result in a low magnitude of change. The overall significance of effect upon the landscape resource is therefore considered to be Minor Adverse.

Materials and Waste

With the implementation of mitigation measures, there is the potential for the scheme to have a Minor Adverse impact in terms of materials use and waste generation which are not considered to be significant.

Operation and maintenance is likely to produce little waste and require minimal materials. Not considered significant.

Noise and Vibration

The effects of the proposed scheme are not assessed to be significant enough for Noise Insulation Regulations criteria to be triggered.

Whilst construction details are not fully formulated, the qualitative construction assessment indicates that, with suitable mitigation measures and good construction practice, impacts would be minimised and significant effects are considered unlikely.

Traffic and Transportation

The likely effects assessed for the A629 Phase 1b Improvement Scheme demonstrate that although short-term congestion impacts would occur during construction, the long-term impact of the proposed scheme upon traffic and transportation would be to significantly transform the A629 travel corridor, delivering journey time reductions and reliability, improved modal choice, network future proofing and infrastructure to support economic and housing growth. Conversely the air quality model improves as the scheme settles into new travel pattern dynamics across the district, together with the uptake of cleaner vehicle technology at a strategic holistic level.

Water Environment and Highway Drainage

The potential effects of the proposed Phase 1b scheme upon the water environment have been assessed using appropriate methodology which considers the potential impact, mitigation and enhancement and resulting residual impact, and concludes that the proposed improvements to the A629 would not significantly impact the water environment, drainage and flood risk of the site.

- 6.19 On 28 July 2020, the Council's Planning Committee resolved to grant full planning permission, pursuant to application reference 18/01544/FUL, for the following development.

“Proposed improvement works to A629 Huddersfield Road/B6112 Stainland Road corridor and A6026 Wakefield Road junction comprising construction of

new road bridge over Calder and Hebble Navigation; new roundabout on B6112; new link road between A629 and B6112 and associated works including earthworks, realignment and widening of carriageways, new signal-controlled junctions, footways, cycleways, bus stops, retaining wall and suds basin and associated landscaping”

- 6.20 Planning permission for the scheme was issued on 4 August 2020.
- 6.21 The planning permission granted does not extend to the option of constructing a car park and retaining walls at Exley Bank. A separate permission was applied for (reference 19/01358) and this was granted on 12 March 2020.
- 6.22 The Council’s evidence will confirm that it will be able to discharge the necessary planning conditions that are attached to the planning permissions for the scheme, including all pre-commencement conditions and that accordingly there are no planning impediments to the scheme proceeding if the Orders are confirmed.

7 ENVIRONMENTAL EFFECTS AND MITIGATION

- 7.1 As part of the planning application process, the Council’s appointed consultants on this scheme, Pell Frischmann, prepared an Environmental Statement for the scheme.
- 7.2 The following effects and mitigations were identified and assessed in respect of the area of the scheme (of which the Order Land forms part).
- Greenhouse Gases
 - CO₂ emissions are identified by the TUBA analysis of the CSTM model results and show a slight increase (disbenefit) by virtue of net traffic volume increases on the A629 by absorbing current rat running flow from adjacent residential / district centres; in essence, a redistribution effect. This situation tips into a clean air scenario at 5 years post scheme completion as clean vehicles become more common place on the network.
 - Air Quality
 - Within the extent of the study area there will be a net increase in exposure (disbenefit) to both NO₂ and PM_{2.5} in less than 1% of receptors from 13,000 modelled along the corridor. Improvements will be seen along the road between Brighouse and Halifax passing through Southowram and Bank Top. Only 1 exceedance has been predicted with the scheme for NO₂ in 2021 with the scheme for a receptor near the A629 at Salter Hebble Hill. This situation

tips into a clean air scenario at 5 years post scheme completion as clean vehicles become more common place on the network.

- Noise

- The majority of properties within the study area will experience an increase in noise as a result of the scheme in both the opening year and forecast year (disbenefit). Increases (disbenefit) are predominantly due to increase in vehicle flows, with contributions from increased traffic speed along some links.

- Landscape

- Landscape Resource is considered to be of medium sensitivity. There would be a small loss of woodland at Elland Wood and to the margins of the A629 (including street trees). Extensive mitigation planting with wildflower meadows and a variety of habitats, coppice and new wetland habitat are proposed. The scheme would result in a minor adverse impact in part along Elland Wood Bottom, while enhancing the local environmental quality adjacent to Stainland Road / Canal.
- For the majority of visual receptors there would be little or no change to visual amenity; landform, vegetation and built form create a high degree of visual enclosure from the wider landscape. The new bridge over the canal would result in visual impacts at the canal towpath and Calder Valley Greenway, a major adverse effect over a short distance. Extensive mitigation planting is proposed which will mature to reduce visual effects and enhance the setting of the scheme.

- Townscape

- The scheme essentially follows the existing highway layout, with the exception of a new bridge across the Calder and Hebble Navigation and would have neutral effect upon the local townscape. There are potential benefits for pedestrians and cyclists as a result of new infrastructure and accessibility to the canal towpath.

- Historic Environment

- Six low value, non-designated, assets will be affected, largely due to demolition and alteration, resulting in moderate and slight adverse impacts. Survival and condition of four affected assets not yet determined. Four Historic Landscape Character Units will also be affected, one of Medium value, resulting in slight and neutral adverse impacts. In all cases, adverse impacts can be mitigated through pre-development recording.

- Biodiversity
 - The site consists of habitats ranging from site only value to regional/county value. Elland Wood has been assessed as ancient and irreplaceable. Locally designated sites of importance to nature conservation (SINC) are present.
 - Protected species surveys have been undertaken and have identified the presence of foraging and roosting bats, and breeding birds. Otter and badger are also likely present within the Site and ecological zone of influence.
 - The TAG appraisal has been undertaken prior to preparation of the Construction and Environment Management Plan (“CEMP”) and final mitigation. Provisional mitigation measures have been outlined which will fully protect these species and will be amended following receipt of detailed design plans and the completion of the CEMP.
 - The scheme has therefore been assessed as having a neutral to slight adverse impact overall; with the exception of ancient woodland, semi-natural broadleaf woodland and roosting bats which are all large adverse prior to mitigation. Following detailed mitigation in the CEMP it is anticipated the scheme will create positive net gains for biodiversity.
- Water Environment
 - The scheme is not anticipated to significantly affect any aspects of the water environment in the long term. Potential impacts will be minimised through mitigation detailed in the drainage strategy and Flood Risk Assessment. Impact to water quality in the Hebble Brook, River Calder and Calder and Hebble Navigation is considered negligible based upon the Highways Agency Water Risk Assessment Tool (HAWRAT). There is potential for short term impacts on the Calder and Hebble Navigation as the towpath maybe closed during bridge construction. A Code of Construction Practice and CEMP should minimise impact to the water environment during construction.

7.3 To mitigate the loss of the woodland at Elland Wood the Council will improve the Council owned North Dean Woods – this has been secured by way of a condition imposed on the planning permission for the scheme. This work will be subject to a 30-35% thin of beech over the 5 year period, allowing more light to the bare woodland floor. The beech will be dismantled to retain as standing wood; these substantial trunks will decay to provide a valuable dead wood habitat. This thinning work/opening of the canopy will be accompanied by the underplanting of 800 native species (oak/birch mix). A small patch of invasive balsam will also be removed in the 5 year period, giving a quantifiable delivery which will realise an improving habitat condition. Access

improvements will provide better surface/drainage and way marking to encourage access and enhance the visitor's experience.

- 7.4 Therefore, as indicated above, the proposals will result in a net biodiversity gain across the scheme as a whole.

8 BRIDGE SCHEME

- 8.1 Evidence will be presented to demonstrate that the Bridge Scheme is required to enable the Council to deliver key elements of the scheme, namely the construction of a bridge over the navigable waters of the Calder and Hebble Navigation in Salterhebble.
- 8.2 The proposed bridge would span from a point on the west bank of the Calder and Hebble Navigation approximately 325 metres south-east of the C132 Stainland Road Canal Bridge to a point on the east bank of the Calder and Hebble Navigation approximately 350 metres south-east of the C132 Stainland Road Canal Bridge. The location and general design of the proposed bridge are shown on the plan numbered D/W50936/S01/02 which forms part of the Bridge Scheme.
- 8.3 The bridge would be 18.10 metres wide and would comprise two 0.6 metre parapets, a 0.6 metre verge on the southern side, a 13.3 metre carriageway and a 3 metre shared footway/cycleway on the northern side. It would have a skewed clear span of 35.8 metres with a headway of no less than 2.7 metres above the towpath.
- 8.4 The existing minimum clear navigable waterway is to be maintained, meaning that there will be no adverse impact upon the vessels able to use the existing Calder and Hebble Navigation at present.
- 8.5 A holding objection from the Canal and Rivers Trust has been resolved by agreement with them and there are no other objections to the Bridge Scheme.

9 NEED FOR COMPULSORY PURCHASE and COMMUNICATIONS WITH OBJECTORS TO DATE

- 9.1 The need for compulsory purchase, and the existence of a compelling case in the public interest, will be demonstrated in evidence. In particular, it will be shown why each plot included within the Order Land is required for the improvement of the classified roads or to carry out ancillary works which form part of the scheme.
- 9.2 Parts of the land required to deliver the scheme are existing adopted highway. In addition, the area of unregistered land comprised in Plot 7 of the 2020 Order is now deemed to be highway maintainable at the public expense highway following the issuing of a notice dated 6 February 2021 by the Council under the provisions of section 228 of the Highways Act 1980 (no objections to this were received from the owners of the street).
- 9.3 Since 2017/2018, the Council has entered into negotiations with all landowners affected by the Orders, or has offered to do so with a view to understanding and addressing any issues of concern and agreeing voluntary terms of acquisition in accordance with UK Government guidance.
- 9.4 The Council has already acquired the following areas of land by voluntary agreement:
- 2019 CPO, Plot 1 (340 Salterhebble Hill) – the long leasehold interest (999 years) was acquired from R. M. Pearsons in September 2018.
 - 2019 CPO, Plots 3 & 13 (part of the Calder & Hebble Navigation, canal towpath and Hebble Brook) and 2020 CPO, Plot 4 (part of the Hebble Brook watercourse, adjoining land and part of a retaining wall) – acquired from Canal & and River Trust in September 2020.
 - 2019 CPO, Plot 6 (land forming part of The Punchbowl Inn premises) – acquired from Mr Dilawar Singh Ral in September 2020.
 - 2019 CPO, Plot 8 (part of agricultural woodland) and 2020 CPO, Plot 8 (part of ancient woodland, grassed embankment and part of a retaining wall) – acquired from Mr Christopher John Morton in December 2020.
 - 2019 CPO, Plot 12 (land on the east side of Stainland Road (B6112)) – acquired from Newbank Garden Centre Limited in May 2020

- 9.5 The Council will be requesting that modifications are made to the Orders if confirmed, to reflect these voluntary acquisitions.
- 9.6 With regards negotiations with the remaining statutory objectors to the Orders (whose grounds of objection are set out in section 15 below):
- 9.6.1 **Premier Inn Hotels Limited** – 2019 CPO Plots 2 & 2A, 2020 CPO Plots 2 & 2A.
Negotiations with the landowner commenced during 2018 and Heads of Terms were agreed during October/November 2020. Completion of a settlement agreement, which will result in the withdrawal of this party's objection, is imminent.
- 9.6.2 **Northern Powergrid (Yorkshire) Plc (“NPG”)** – 2019 CPO Plots 5, 9, 9A, 10 & 10A.
Discussions with NPG commenced in 2017 and active engagement has continued. Heads of Terms were agreed in November 2020 and a legal agreement is currently the subject of negotiation between the parties.
- 9.6.3 **JCDecaux Limited / Shahid Kayani and Rehana Kiani** – 2019 CPO Plots 7, 7A & 7B, 2020 CPO Plot 9.
Engagement with JCDecaux commenced in 2018 and continued during 2019, although JCDecaux provided only limited responses. Further to the 2019 CPO, no objection was received. In early 2020, JCDecaux offered their land (Plots 7, 7A & 7B) for sale and this was acquired by the Kayani family in September 2020; this date coincided with the making of the 2020 CPO, which included Plot 9. Engagement with the Kayani's commenced in September 2020 and Heads of Terms were agreed in May 2021. A legal agreement is currently the subject of negotiation between the parties.
- 9.7 The Council will expand further on the attempts made to date to acquire the Order Land by agreement, and will show that it is necessary to seek powers of compulsory purchase to ensure that all of the land required for the scheme can be available at the appropriate time to enable the scheme to proceed.

10 ASSESSMENT OF HUMAN RIGHTS AND PUBLIC INTEREST

- 10.1 The Council will show that it has considered the provisions of the Human Rights Act 1998 when deciding whether to make the Orders.
- 10.2 The Council will show in evidence that the use of compulsory purchase powers will not constitute an unlawful interference either with property rights protected under Article 1 of the First Protocol of the European Convention on Human Rights, or the respect for private and family life and the home protected under Article 8 of the Convention, because:
- (a) National legislation provides the opportunity through the development plan process to make representations on the planning policies which support the development and, through the planning application process, to make representations on the specific development proposals.
 - (b) Those directly affected by the Orders are entitled to make objections and representations in respect of the Orders and will be given the opportunity to appear at a public inquiry and, if the Orders are confirmed and the scheme constructed, will be entitled to compensation as provided for under national law. Compensation is also available under national law in respect of the adverse effect on the value of properties arising from the use of the scheme, once opened to traffic.
 - (c) National legislation provides for independent and impartial judicial oversight of the decision-making in respect of the Orders through the statutory challenge and judicial review procedures.
- 10.3 The objectives of the A629 programme (as set out in paragraph 3.15 of this Statement), of which the Phase 1B scheme forms part, are consistent with the public interest. The Council will show that the Order Land is the minimum amount of land necessary to achieve those objectives.
- 10.4 The Council will demonstrate in evidence that overall, the making of the Orders is a proportionate action when the compelling public benefits of the scheme and the process whereby the routes were selected and approved are balanced against the

scheme's effects on private interests. There is accordingly a compelling case in the public interest for the Orders to be confirmed.

11 EFFECTS ON LAND USE

11.1 The Order Land comprises the following:

- (a) Part of the land alongside Huddersfield Road belonging to JCDecaux Limited / Kayani Family previously housing advertising boards (2019 CPO Plot 7 and 2020 CPO Plot 9)
- (b) Part of garden land belonging to Mr Guest at Jubilee Road (2020 CPO Plot 1)
- (c) Part of land adjacent to both the Calder Hebble Brook and the Calder and Hebble Navigation belonging to the Canals and Rivers Trust (2019 CPO Plots 3 & 13 and 2020 CPO Plot 4)
- (d) Part of woodland alongside both Huddersfield Road and Elland Wood Bottom belonging to Mr Morton at Elland Hall Farm (2019 CPO Plot 8 and 2020 CPO Plot 8)
- (e) Part of woodland at the bottom of Exley Bank currently held Bona Vacantia (2020 CPO Plot 3)
- (f) Informal pathway access to the Calder Hebble Navigation currently owned by MJB – Excavations & Plant Hire (2019 CPO Plot 11)
- (g) Land alongside Stainland Road belonging to Newbank Garden Centre (2019 CPO Plot 4)
- (h) Part of former Electrical Substations owned by Northern Power Grid (2019 CPO Plots 5, 9 & 10 and 2020 CPO Plot 6)
- (i) Former office buildings situated at the bottom of Bankhouse Lane/Salterhebble Hill belonging to the Pearsons Bros (2019 CPO Plot 1)
- (j) Part of car park and small patio area belonging to Premier Travel Inn Ltd (2019 CPO Plot 2 and 2020 CPO Plot 2)
- (k) Former public house situated on Huddersfield Road (2019 CPO Plot 6)
- (l) Part of woodland alongside Huddersfield Road belonging to Yorkshire Water (2019 CPO Plot 4 and 2020 CPO Plot 5)

11.2 The scheme will directly affect 11 landowners as a result of permanent land take.

11.3 With regard to any potential effects on land belonging to the remaining 3 statutory objectors:

Premier Inn Hotels Limited

11.3.1 Part of the car park to the Brewers Fayre Water Mill Public House and Premier Inn, located within Plots 2 & 2A of the 2019 CPO and Plots 2 & 2A of the 2020 CPO, is to be acquired in order to deliver the scheme. This amounts to two car parking spaces, out of a total of 90 existing car parking spaces at these premises. The landowner has confirmed in discussions that this will not materially affect the business and the acquisition is acceptable in principle subject to payment of an appropriate level of compensation. An agreement dealing with payment of such compensation, among other matters, is in the process of being concluded.

JCDecaux Limited / Shahid Kayani and Rehana Kiani

11.3.2 Part of the land being acquired at the East side of Huddersfield Road – Plots 7, 7A & 7B of the 2019 CPO – previously had advertising boards erected on it. This land is to be acquired in order to facilitate the highway widening on the A629, Huddersfield Road. In January 2021, the landowner submitted a planning application (application reference 21/10005/ADV) for the erection of electronic advertising boards on land that forms part of the Order Land. The Heads of Terms which have been negotiated and agreed in principle between the Council and the landowner provide for the withdrawal of this application as part of the agreement to purchase this part of the Order Land required for the Phase 1B scheme.

Northern Power Grid

11.3.3 Land forming part of the former electricity substation on the west side of the A629, Huddersfield Road – Plot 5 of the 2019 CPO. Also, part of the land on the eastern side of the A629, Huddersfield Road in the vicinity of the junction of the A6026, Wakefield Road – Plots 9, 9A, 10 & 10A of the 2019 CPO. All plots are to facilitate highway widening of the A629, Huddersfield Road. The Council have confirmed within the prepared transfer documents that there will be a transfer of Council owned land to Northern Power Grid to compensate for the loss of land in respect of Plot 5 of the 2019 CPO. The Council has also confirmed that they will be responsible for all costs associated with any required diversion of any Northern Power Grid assets. Northern Power Grid have confirmed in principle the acceptance of the terms subject to the

payment of an appropriate level of compensation. An agreement dealing with payment of such compensation, among other matters, is in the process of being negotiated.

- 11.4 Although further businesses located adjacent to the scheme works will be disturbed on a temporary basis during the construction phase and be subject to uni-directional entry access permanently, the Council will demonstrate how those businesses will benefit from the scheme once completed.
- 11.5 In addition to the information provided above, evidence will be presented to show that the Council has fully considered the effects that the scheme will have upon each landowner and business interest. This includes the provision of new or modified accesses to the various premises located adjacent to the classified roads to be improved as well as further accommodation works which may be agreed with landowners, if required to mitigate any effects of the scheme.
- 11.6 The Council's evidence will show that it has set out to minimise the impacts on all of the interests affected by the scheme set against the limitations and constraints present to deliver the scheme. It will show that the limited effects on some landowners, generally on a temporary basis, are significantly outweighed overall by the benefits of the scheme.

12 SPECIAL CATEGORIES OF LAND AND DESIGNATIONS

- 12.1 The Order Land does not contain any common land, open space, allotments or field gardens; land held inalienably by the National Trust; consecrated ground; land in a general improvement area; land in a housing action area; or any ecclesiastical property.
- 12.2 The Order Land does not contain any listed buildings or buildings located within a conservation area designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 12.3 The Order land does include bona vacantia land at Exley Bank in case the Council wishes to proceed with the option of constructing a car park with retaining walls at this location. The land that would be required to achieve this is Crown land. By exchange of correspondence it has been agreed with The Bona Vacantia Division of the

Government Legal Department that, pursuant to section 327 of the Highways Act 1980, compulsory purchase powers may be applied to the land.

- 12.4 The order land also includes statutory undertakers land, including land belonging to Yorkshire Water Plc and Northern Powergrid (Yorkshire) Plc. The Council will work with these organisations to ensure that there is no disruption to their statutory undertakings and to ensure that they are able to continue to deliver their services in accordance with their statutory undertakings. The position with Northern Powergrid is set out above but an agreement with Yorkshire Water Plc is imminent.
- 12.5 As explained in section 8 of this Statement, the Calder and Hebble Navigation in Salterhebble is a navigable watercourse, and as such the Council has made the Bridge Scheme to obtain powers enabling the construction of a bridge over that navigable watercourse.

13 SCHEME FUNDING

- 13.1 Evidence will be given of the intended funding for the scheme in accordance with arrangements outlined in section 7 of the Statement of Reasons.
- 13.2 Evidence will be given on the current position in relation to securing the allocated funding for the scheme from the West Yorkshire Combined Authority (“WYCA”) as part of the West Yorkshire Plus Transport Fund. In particular, evidence will be given as to the up-to-date position concerning the obtaining of scheme funding following Full Business Case with indicative costs approval which was achieved in November 2020. The next stage in the process is the submission of the Full Business Case with confirmed costs – it is anticipated that this will be submitted in August 2021.
- 13.3 The estimated total cost of the scheme, including the compensation element, currently stands at £26.8M, which is less than the baseline funding allocation by WYCA of £27.83M. A funding allowance of £5.81M was approved by WYCA in November 2020 following the successful appraisal of the Full Business Case with indicative costs to cover the continuing development, land acquisition and enabling works of the scheme. That took the total expenditure approval on the scheme to £11.48M. At the time of writing this Statement, the submission of the Full Business Case with confirmed costs

is being prepared; once submitted and confirmed this will release the outstanding funds of £15.3M.

- 13.4 If the scheme costs, benefits and outputs are within set tolerances upon submission of the submission of the Full Business Case with confirmed costs, the current Funding Agreement will be updated and schedules amended to reflect the full delivery costs required and the funds will be available to draw down on an incurred costs basis via quarterly claims. If at the point of the submission of the Full Business Case with confirmed costs, total costs were to exceed the West Yorkshire Plus Transport Fund programme budget allocation for the scheme, the Council will seek an approval revision for the scheme by demonstrating that the scheme delivers the required benefits and can still be considered as Value for Money in terms of the Benefits Cost Ratio calculated. If approved, this revised figure would then form the basis of a future Funding Agreement between the Council and WYCA.

14 RELATED WORKS, ORDERS AND PROCEDURES

Evidence will be given regarding the following procedures and consents related to the Orders:

- Traffic Regulation Order(s).
- Environment Agency works permit(s).
- Discharge of all pre-commencement planning conditions.

15 OBJECTIONS RECEIVED AND RESPONSES

- 15.1 A total of 4 statutory objections (within the meaning of the Highways (Inquiries Procedure) Rules 1994) and 1 non-statutory objection were originally lodged in respect of the Orders.
- 15.2 The statutory objection (and representation under section 16 of the Acquisition of Land Act 1981) submitted by Canal and River Trust have been formally withdrawn following the completion of a settlement agreement, leaving a total of 3 remaining statutory objections.

15.3 The remaining objections are summarised below, together with the Council's responses, which will be amplified in evidence in respect of any objections that have not been withdrawn as at the date of the public inquiry.

15.4 **Premier Inn Hotels Limited ("Premier")** – 2019 CPO Plots 2 & 2A, 2020 CPO Plots 2 & 2A. Objection to 2019 CPO and 2020 CPO.

15.4.1 Summary of Objection

- (a) The land proposed to be acquired comprises part of the main vehicle entrance to Premier's property, and extends across the full width of the entrance, and also includes part of the car park area itself. This entrance is the sole means of access to both the Brewers Fayre restaurant and the Premier Inn.
- (b) Premier is concerned that the proposed acquisition of part of its land will result in its having no right of access to its remaining land as the Order contains no provision for Premier to be granted rights of access across the land to be acquired.
- (c) Even if such grants were to be granted, the carrying out of works in connection with the proposed scheme will potentially obstruct the access leaving Premier, its customers and other visitors unable to gain access to the remaining land.
- (d) Further, the proposed acquisition of part of Premier's land will require the removal of the existing boundary wall and will also result in the loss of a number of parking spaces with the consequent need for the car park to be reconfigured. No assurance has been given to Premier that any work is proposed to be carried out by way of reinstatement of the wall or the reconfiguration of the car park.
- (e) If access to Premier's remaining land were to be provided there would be a need for additional signage to be provided during the period of the works in connection with the scheme so that potential customers and other visitors to Brewers Faure and the Premier Inn would be clearly aware of the fact that both businesses were open and trading and of the location of the vehicle entrance.
- (f) There is potential for noise, dust and other disruption due to the carrying out of works in connection with the proposed scheme to impact adversely on the Brewers Fayre and Premier Inn businesses.

- (g) Premier requests that the Orders should not be confirmed unless and until satisfactory means of addressing the problems outlined above have been discussed and agreed with the Council and a formal undertaking received from the Council that such agreement will be adhered to.

15.4.1 Response to Objection

- (a) & (b) The landowner's legal right to access its retained land will not be impeded and the existing rights to access will be maintained and unaffected by the proposed acquisition under the Orders.
- (c) Access to the premises during the construction phase of the scheme will be maintained at all times. Arrangements to maintain access will form an integral part of the construction contract which the Council will award.
- (d) It has been established that the scheme will result in a net loss of two car parking spaces. Through discussions, the landowner has indicated its agreement in principle to this position, conditional upon the carrying out of works to reconfigure the car park and compensation for the loss of car parking.
- (e) The Council accepts the need for additional signage and has agreed to provide the same as part of the settlement discussions.
- (f) The Council acknowledges that any issues which give rise to a loss, which can be readily identifiable as arising as a result of the scheme, will be compensatable in accordance with the Compensation Code.
- (g) Extensive negotiations have taken place between the Council and the landowner with regards a settlement agreement which addresses each of the landowner's grounds of objection, where appropriate. It is anticipated that such agreement will be completed shortly, which will result in the withdrawal of the landowner's objection.

15.5 **Northern Powergrid (Yorkshire) Plc – 2019 CPO Plots 5, 9, 9A, 10 & 10A. Objection to 2019 CPO.**

15.5.1 Summary of Objection

- (a) The main issue is with plots 12 and 13, in that this is a Primary Substation site and discussions must take place between the Company's Engineers and the Council as it is understood there are underground cables in this land.

- (b) Clearly we need to be given assurances that should we need to divert or carry out any works as a result of this CPO then we must be recompensed for such works. It is therefore imperative discussions are opened up as soon as possible.
- (c) The objection will stand until such time as we receive formal written consent that our engineers have agreement from the Council and their written undertaking that they will be responsible for all and any associated costs of any diversion works we need to carry out as a result of this CPO. Upon receipt of such an undertaking I will check with our engineers to make sure that they are completely satisfied that everything is in order and at that point I will formally lift the objection.

15.5.2 Response to Objection

- (a) & (b) The Council confirms that Northern Power Grid's ("NPG") existing supply network will not be disturbed during the works and, in any event, the Council will agree to indemnify NPG for any damage or disturbance which might be caused.
- (c) The Council has offered to give a legally binding undertaking to NPG to secure the indemnity referred to above. The Council will continue to engage with NPG on this in order to address its concerns and enable the withdrawal of its objection.

15.6 **JCDecaux Limited / Shahid Kayani and Rehana Kiani – 2019 CPO Plots 7, 7A & 7B, 2020 CPO Plot 9. Objection to 2020 CPO.**

15.6.1 Summary of Objection

- (a) Lack of information on the Council's proposals provided and how this would affect the use of his land, not limited to but including how this will affect future access arrangements to Mr Kayani's land.
- (b) Lack of information on financial compensation on loss of land and access to the land.
- (c) The Council's proposals will affect access to and future proposals for the land owned by Mr Kayani.
- (d) No consultation has been given to Mr Kayani with regard to how the scheme integrates with his proposals for his land which may allow for minor changes to the scheme.

15.6.2 Response to Objection

- (a) The landowner's legal right to access its retained land will not be impeded and the existing rights to access will be maintained and unaffected by the proposed acquisition under the Orders.
- (b) The Council acknowledges that financial compensation will be due and has had extensive negotiation with the landowner regarding this aspect.
- (c) The Council understands and supports the landowner exploring the possibility of erecting electronic advertising boards on the land that will be retained.
- (d) The Council was unable to consult with Mr Kayani at the time of the 2020 CPO submission as it was unaware that he had acquired the land. Subsequently extensive negotiations have taken place between the Council and the landowner regarding the A629 Phase 1B scheme and a settlement agreement which addresses each of the landowner's grounds of objection, where appropriate. It is anticipated that such agreement will be completed shortly, which will result in the withdrawal of the landowner's objection.

15.7 **William Reid Anderson** (Non-statutory objector). Objection to CPO's and SRO now withdrawn.

15.7.1 Summary of Objection

- (a) The Environment Act 1995 imposes a legal requirement on local authorities to take action in areas where nitrogen dioxide levels, usually as a result of emissions from motor vehicles, are regularly exceeded. In October 2005 Calderdale Council declared the Calderdale No. 1 Salterhebble Air Quality Management Area. The AQMA was declared because of air pollution caused by motor vehicles. The Council's published data records that the air quality has got worse since that time.
- (b) The vast expenditure associated with the project will do nothing to alleviate the current appalling levels of air pollution at Salerthebble, next to the Borough's main hospital and a popular primary school. The proposals would actually make things worse.
- (c) As part of the planning application process, comments on the proposals were sought from a variety of statutory consultees. This included Calderdale Council's Environmental Health Services staff, who stated in their comments that the headline conclusion was the predicted negative

impact on pollution levels at Huddersfield Road, Salterhebble Hill, within the Calderdale No. 1 Air Quality Management Area. This negative impact was predicted for the opening year of the scheme and for several years beyond that.

- (d) Nitrogen dioxide emissions from transport have been highlighted in the Government's Clean Air Strategy as the immediate air quality challenge in relation to transport.

15.7.2 Response to Objection

A comprehensive air quality study was commissioned by the Council and the outturn report contributed to the A629 Phase 1b Environmental Impact Assessment submitted with the planning application for the scheme.

This study determined air quality forecasts as a result of the scheme during opening year 2021 and the future design year of 2036 across 6 areas: Wakefield Road, Sowerby Bridge, Salterhebble, Jubilee Road, Elland and Ainley Top, including over 2600 commercial and 10,600 residential receptors.

The modelling approach was briefed to be as realistic as possible, therefore 2 data sets were produced, one benchmarking a precautionary approach and the other less precautionary. The difference being, one measured against projected DEFRA annual mean NO₂ concentrations as published in national statistics, and the other applied more stringent criteria. The less precautionary approach, i.e. against published forecast concentrations, showed only 1 receptor experiencing a slight adverse effect (less than 1%).

The more stringent assessment, taking a less optimistic view, determined less than 1.2% of receptors would be affected at opening year by moderate to substantive adverse air quality (i.e. worsening by greater than 1%) due to the scheme's implementation. This is due to the improved road being a more attractive route choice and therefore experiencing an increase in traffic volume, particularly in moving 'rat running' vehicles away from unsuitable parallel routes, for instance Siddal and Skircoat, an effect termed redistribution.

During following years it is generally recognised that interventions at a Government level that promote cleaner vehicle technology will result in air

quality reaching desirable standards from year 5 onwards, to a point within the next decade when the AQMA zone will be extinguished.

The A629 programme of works seek to speed up this process by introducing improved multimodal travel options, better bus services, new cycle and pedestrian infrastructure and creating more efficient travel corridors by reducing congestion and vehicle queuing. It is hoped that these wider improvements will make these alternative modes more attractive and lead to modal shift away from the private car along this corridor, which would further improve the situation.

16 DOCUMENTS

- 16.1 The Council intends to refer to or put in evidence the documents listed in the Annex to this Statement.
- 16.2 Further reports are in preparation and when finalised will be added to the list of documents and made available for inspection.
- 16.3 Copies of (or links to) these documents may be inspected online at <http://www.calderdalenextchapter.co.uk/projects/a629-calder-and-hebble-junction> or on the Council's planning portal <https://calderdale.gov.uk/v2/residents/environment-planning-and-building> If anyone is unable to access these documents online, they should contact Calderdale Customer First on 01422 288001.
- 16.4 Every statutory objector and interested party in this matter may inspect and make copies of these documents.

Geldards LLP

Solicitors to the Acquiring Authority

ANNEX – LIST OF DOCUMENTS

Legislation

- (1) Highways Act 1980
- (2) Acquisition of Land Act 1981
- (3) Human Rights Act 1998

National and Local Planning Policies

- (4) National Planning Policy Framework
- (5) Replacement Calderdale Unitary Development Plan 2006 Emerging Calderdale Local Plan (relevant extracts)
- (6) Emerging Calderdale Local Plan Proposals Map Inset 1
- (7) Secretary of State's Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 dated 7 September 2007

Economic Development Policies and Documents

- (8) Local Growth White Paper
- (9) Northern Powerhouse: One Agenda, One Economy, One North
- (10) No Stone Unturned / Investing in Britain's Future
- (11) Leeds City Region City Deal
- (12) Leeds City Region Strategic Economic Plan
- (13) Halifax Town Centre Delivery Plan

Highway Documents

- (14) WY+TF A629 Mandate
- (15) WY+TF A629 Southern Section Project Brief
- (16) WY+TF A629 Phase 1B Gateway 1 submission
- (17) Council's Strategic Bus Review 2013
- (18) WY+TF A629 Statement of Reasons Phase 1A
- (19) WY+TF A629 Full Business Case Phase 1A
- (20) West Yorkshire Local Transport Plan 3 (LTP3)
- (21) LCR Single Transport Plan (STP)
- (22) Calderdale Transport Strategy
- (23) Design Manual for Roads and Bridges (DMRB)
- (24) Specification for Highway Works

National Circulars

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

Planning Permissions

- (28) Report to Planning Committee and Minutes dated 28 July 2020
- (29) Reference 19/01358/LAA dated 12 March 2020
- (30) Reference 18/01544/FUL dated 4 August 2020
- (31) Environmental Statement accompanying the planning application (available on the Council's online planning portal)

Funding Documents

- (32) Full Business Case Plus Submission 12th October 2020
- (33) FBC Plus Decision Point Certificate issued on 20th November 2020

Other Relevant Documents

- (34) Cabinet Report and Minutes dated 4 July 2016,
- (35) Cabinet Report and Minutes dated 10th July 2017
- (36) Cabinet Report and Minutes dated 23rd April 2018
- (37) Cabinet Report and Minutes dated 1st June 2020
- (38) General Arrangement Drawings for the proposals contained in the Orders