

The Borough Council of Calderdale

Wards Affected SKIRCOAT AND TOWN WARDS

Cabinet 23rd April 2018

West Yorkshire Plus Transport Fund (WY+TF) A629 Phase 1b – Land acquisition and use of Compulsory Purchase Powers

Report of the Director, Regeneration and Strategy

1 Purpose of Report

- 1.1 Request for approval of additional land acquisition to deliver WY+TF A629 Phase 1b, further to the Cabinet approval of 10th July 2017. More detailed design work has developed an optimum highway alignment in the vicinity of Jubilee Road. This alignment requires Cabinet support as it alters the previously proposed land acquisition.
- 1.2 Authorisation is sought to pursue the making of a Compulsory Purchase Order (CPO) under the enabling powers of the Highways Act 1980 in respect of the additional land required in the vicinity of Jubilee Road as a result of the change of highway alignment.
- 1.3 The temporary underwriting of costs associated with this land purchase, prior to them being reimbursed by West Yorkshire Combined Authority (WYCA) requires Cabinet approval.
- 1.4 Members are asked to approve the Side Roads Order required for the implementation of the West Yorkshire Plus Transport Fund (WY+TF) A629 Phase 1b scheme.
- 1.5 Members are asked to approve the making of an order for the associated required bridge scheme carrying the new link road over the Calder and Hebble Navigation between the A629 and the B6112

2 Need for a Decision

- 2.1 Further to previous approvals agreed by Cabinet, additional land is required to be included in the compulsory purchase order and the funds to support this require Cabinet approval.
- 2.2 A Side Roads Order is made under section 14 and 125 of the Highways Act 1980 and requires Cabinet approval. The Side Roads Order plans are found at Appendix E.
- 2.3 A bridge scheme is made under section 106 of the Highways Act 1980 and as an associated legal order to the compulsory purchase order and side roads order, requires Cabinet approval. The plan for the bridge scheme is found at Appendix D.

3 Recommendation

- 3.1 Further, and in addition to the Cabinet approvals of 4th July 2016 and 10th July 2017, it is recommended that Cabinet:

- Approve the additional land acquisition plans within Appendix A and Appendix B and extend the existing delegations to these revised plans.
- Approve the making of a Side Roads Order in accordance with the plans at Appendix E.
- Approve the making of a bridge scheme in accordance with the plan at Appendix D.
- Approve the highway alignment through the Jubilee Rd / A629 interchange within Appendix C, which aligns the carriageway towards the eastern side of the A629 corridor.
- The Council underwrite the costs of land acquisition, enabling works and compensation payments for Phase 1b, pending these being reclaimed from WYCA. Additionally, that delegation is given to the Director for Regeneration and Strategy and Head of Finance in conjunction with the relevant Portfolio Holder(s) the necessary powers to progress the works.
- Approve Officers to enter into the necessary funding agreement(s) with WYCA to release funding and progress the A629 projects, and to delegate to the Director for Regeneration and Strategy and Head of Legal & Democratic Services in conjunction with the relevant Portfolio Holder(s) the necessary powers to complete the relevant legal documentation and where appropriate, submit the documents to the Secretary of State for making, approval or confirmation.
- Grant approval for the use of a Compulsory Purchase Order under sections 239, 240, 246, 250 and 260 of the Highways Act 1980, including submission to the Secretary of State for Confirmation, with delegation to the Head of Legal & Democratic Services in conjunction with the relevant Portfolio Holder(s) the necessary powers to complete the purchase of land and all relevant interests for Phase 1b.

4 Background

- 4.1 Further to Cabinet approval of Phase 1b land acquisition on 4th July 2016 and 10th July 2017 (report appended in Appendix F) officers have been working on the scheme design and progressing negotiations with the landowners. As a result, increased land is now required for the scheme to deliver a new highway alignment.
- 4.2 Completion of the current design phase has largely fixed the highway alignment after reviewing a number of options. The optimised A629 design in the vicinity of the Jubilee Road junction, increases land acquisition on the eastern side of the road, whilst reducing impact upon the western side. Primarily this includes the derelict (since 2013) former Punch Bowl public house (389 Huddersfield Road) to the East. A reduction to the West from the Yorkshire Water (YW) operational sewage works, where significant retaining structures and accommodation works would have been required. This preferred option delivers further cost savings by reducing the widening to a bridge over the Hebble Beck. See Appendix C.
- 4.3 The new alignment allows the inclusion of a full width footway and southbound cycle path through a previously width constrained segment of corridor, thus enabling a cycle amenity to be delivered between Jubilee junction to adjoin the existing path along Elland Wood Bottom; this provision compliments the already planned cycle infrastructure travelling northbound towards Halifax.

- 4.4 The new alignment removes the need to fell mature tree on the western side of the A629 in footpath adjacent Yorkshire Water filter beds and does not implicate additional encroachment into the ancient woodland along Elland Wood Bottom beyond the previously approved scheme layout, which implicated trees in the vicinity of new highway link / bridge structure. In mitigation of this tree loss the scheme will deliver significant areas of new planting adjacent the new link and to the redundant highway slip road in Wakefield Rd to provide an improved aesthetic and ecology habitat.
- 4.5 The eastern alignment would move the new carriageway into an area of public highway adjacent to 381-387 Huddersfield Rd; which is currently used for residents parking. To mitigate this loss of parking, it is proposed to create a new 5 space off highway parking area on Council owned land to the side of no.387, at the base of Exley Bank.
- 4.6 Due to a proposed parking ban on the lower section of Jubilee Road, permission is sought to purchase an area of land to the south east side of Jubilee Road to provide additional off highway parking for residents occupying properties no.135-151. This land currently forms part of the grounds of a residential property. Removal of parking from the lower section of Jubilee Road to its merge with the A629 will improve safety and efficiency of this proposed signalised junction.
- 4.7 The estimated combined value of these additional land purchases is £300,000; there is also an additional cost to demolish the Punchbowl structure following its purchase. There is a cost saving from the reduction in land required, and the removal of a new retaining wall within Yorkshire Water’s operational site to the western side. Reduced construction durations, costs and risk are anticipated by removing the complex modifications to a very old structure over the Hebble Brook. Fully detailed works costs cannot be quantified until a contractor has been appointed to undertake detailed comparison. Table 1 below presents the advantages and disadvantages between the eastern and western alignment options.

Eastern Highway Alignment		Western Highway Alignment	
Advantage	Disadvantage	Advantage	Disadvantage
‘Smoother’ highway alignment	-	-	‘Sinuous’ highway alignment
Widen Hebble Brook structure 4.5m	-	-	Widen Hebble Brook structure 7.0m
Land acquisition required from YW reduced to nominal non-operational plot only	-	-	Land acquisition required from YW impacting on operational site
No structural retaining wall required within YW site	-	-	Structural retaining wall required within YW site
No accommodation works to YW site	-	-	Relocation of access and off-network parking within YW site
Allows inclusion of a Southbound cycle lane	-	-	Insufficient space for Southbound cycle lane
No existing tree loss	-	-	Removal of 10no. existing mature trees
-	Acquisition and complexity of acquiring Punch Bowl pub	No additional land acquisition costs	-
-	Additional demolition cost for	No additional demolition costs	-

	Punch Bowl pub		
Increased 'green space' in front of 381–387 Huddersfield Road	Loss of parking immediately in front of properties	-	-
Dedicated off-highway parking provided for 381–387 Huddersfield Road	Loss of green space adjacent to 381 Huddersfield Road/Exley Bank	381–387 Huddersfield Road retain existing kerbside parking.	-
-	Carriageway moved closer to 381–387 Huddersfield Rd properties	Carriageway adjacent to 381–387 Huddersfield Road remains as existing	-
Increased Land acquisition to facilitate off-road parking on Jubilee Road			
Dedicated off highway parking amenity provided to residential properties 135 - 151 Jubilee Rd.	-	-	Residential properties 135 - 151 Jubilee Rd reliant upon kerbside parking, placing vehicles in vulnerable position on a narrow highway and constraining passage.
-	Land acquisition / construction cost of new parking bays to serve 135 - 151 Jubilee Rd	No land acquisition / construction cost of new parking bays to serve 135 - 151 Jubilee Rd	-
Proposed A629 / Jubilee signal junction operates efficiently following removal of vehicle conflict due to kerbside parking within Jubilee Rd	-	-	Proposed A629 / Jubilee signal junction fails to operate efficiently due to constrained vehicular access within Jubilee Rd due to kerbside parking.
-	Additional land acquisition cost of Mills and Allen Ltd site	No additional land acquisition of Mills and Allen Ltd green field site.	-

Table 1 – A629 Phase 1b Eastern and Western alignment comparison

4.8 A Side Roads Order is an order made under sections 14 and 125 of the Highways Act 1980. It may authorise a highway authority for a classified road to stop up, divert, improve, raise, lower or otherwise alter a highway that crosses or enters the route of a classified road. The power extends to works being carried out on highways 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. 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.

4.9 The changes to the existing highway and the creation of new highway are illustrated in the Side Roads Order plans appended to this report.

5 Options considered

5.1 Option 1 - The council approves and funds the updated land acquisitions at its own financial risk in advance of WYCA quarterly repayments and approves the eastern highway

alignment option detailed in Appendix A and B respectively. The Council approves the use of CPO powers for the aforementioned.

- 5.2 Option 2 – The Council does not approve the updated land acquisition for the eastern alignment, deferring to the previous western design alignment and land acquisitions presented at July 2017 Cabinet. There is a risk that if negotiations do not result in a voluntary sale / CPO acquisition that not all required land can be acquired to deliver the optimised scheme, hence compromising WY+TF deliverability, funding and outcome benefits.
- 5.3 Option 3 – The Council only approves the increased land acquisition to facilitate off-road parking for Jubilee Road properties no.135-151 which is required regardless of Option 1 or 2 choices. The Council approves the use of CPO powers for the aforementioned.

6 Financial implications

- 6.1 The additional land budget allocation requested is £300,000, in addition to the £1.4m approved in the report to Cabinet on 10th July 2017. WYCA will now accept land acquisition spend can be reclaimed as soon as it is spent. The worst case, is that the council carries this financial risk for up to three months before the next Quarterly Claim cycle.
- 6.2 Notwithstanding the opportunity to reclaim at risk monies at the quartile grant claim periods, there is a further opportunity to claim all final outturn land acquisition monies back from WYCA following a successful submission of the Activity 5 under new PMO governance process.
- 6.3 At risk expenditure incurred upon A629 Phase 1a has now been claimed back from WYCA following a successful submission of the Activity 5 Full Business case.
- 6.4 If the full acquisition is approved, the total amount of financial risk exposure on Transport Fund schemes would be £1.7m for Phase 1 and £873,000 for Phase 2, totalling £2,573,000. Land purchases will take place over a prolonged period, and given the (worst case) 3 monthly claim cycle, it is highly unlikely the Council will ever be exposed to this maximum figure.
- 6.5 Approval of a side roads order within the A629 Phase 1b as detailed in paragraph 4.6 of this report, it will not add any further cost to the overall project.
- 6.6 Approval of a bridge scheme will not add any further cost to the overall project.

7 Legal Implications

- 7.1 In parallel with continued landowner negotiations, a Compulsory Purchase Order ('CPO') may be made under sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and submitted to the Secretary of State for Confirmation. A CPO is only effective once it has been confirmed by the Secretary of State.
- 7.2 If after making the CPO, any qualifying objections are received within the statutory timescales and not resolved, it is likely that the matter will proceed to a local public inquiry. If this is the case, the Secretary of State will appoint an inspector to hear evidence from the objector(s) and the Council, before determining whether or not to confirm the CPO. The Secretary of State has limited power to modify the CPO before confirmation.

- 7.3 Once the CPO is confirmed and notices have been served, all persons with a compensation interest in the order land and who make a claim will be entitled to compensation in accordance with the provisions of the Compulsory Purchase Act 1965. Any dispute with regards compensation will be referred to the Upper Tribunal (Lands Chamber) to determine.
- 7.4 If the CPO is not confirmed, it will not be effective to enable the Council to compulsorily acquire the land within it. In this situation, the Council will need to assess whether or not to amend the scheme and restart the process.
- 7.5 Negotiations with landowners will continue throughout the CPO process.
- 7.6 The scheme will require alteration of accesses and the realignment and improvement of highway. A side roads order made under sections 14 and 125 of the Highways Act 1980 will implement these alterations. Without this power, the Council cannot carry out the necessary alterations to the highway that is needed.
- 7.7 A side roads order will 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.
- 7.8 The construction of the new road bridge will be required over the Calder and Hebble Navigation, which is navigable watercourse. Any unauthorised interference with the navigation on the waterway may constitute a public nuisance and may be actionable at such. It is therefore important that the necessary statutory authority is sought for the new bridge under section 106(3) of the Highways Act 1980. This authority is given by way of a Scheme made by the Council as local highway authority and confirmed by the Secretary of State.

8 Consultation

- 8.1 Landowners, occupiers and major stakeholders, including the West Yorkshire Combined Authority (WYCA), local authority partners and statutory undertakers, have been contacted individually. Consultees continue to support the scheme in principle and their views have been taken into consideration within the designs.

9 Environment, Health and Economic Implications

- 9.1 The corridor remodelling will deliver positive benefits for active travel modes such as cycling and walking. In addition, the anticipated reduction in congestion will reduce harmful emissions from standing traffic improving local air quality. The reduction of bus journey times will provide an opportunity to reduce single car occupancy, and associated carbon dioxide emissions, on this major route. A new bus lane on Stainland Road will further improve bus reliability and journey times. The Jubilee Road junction will benefit from full signal control, enabling the introduction of bus priority measures and a potential gating point along the corridor to improve air quality
- 9.2 The A629 projects corridor strategy will reduce journey times along this congested principal route for goods and employment destinations in the Halifax area. Phase 1 of the West Yorkshire Plus Transport Fund is an enabling component to unlock new development and job creation opportunities in the Town Centre under Phase 2.

10 Equality and diversity

10.1 In considering the land acquisition plans, careful consideration has been given to the balance between individual rights and the wider public interest. Any interference with Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the redeveloped corridor will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

11 Summary and Recommendations

11.1 Members are asked to select the most appropriate option from section 5 of this report.

11.2 Officers would recommend either Option 1 or 3 are selected. These options offer the greatest benefits and minimise the risk to project delivery.

11.3 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.

Date: 12 April 2018

Mark Thompson
Director, Regeneration and Strategy

For further information on this report, contact:

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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

Highway documents:-

- a) WY+TF A629 Phase 1b Gateway 1 submission

Relevant National Circulars

- a) DCLG Guidance on Compulsory Purchase and the Critehel Down Rules
- b) Department for Transport Circular 2/97: Notes on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority
- c) Department for Transport Circular 1/97: Orders Under Section 14 of the Highways Act 1980 and opposed Orders Under Section 124 of that Act

- d) Department for Transport Guidance: Preparation and Making Bridge/ Tunnel Schemes Under s106 of the Highways Act 1980 and Orders under s108 for the Diversion of Navigable Waters

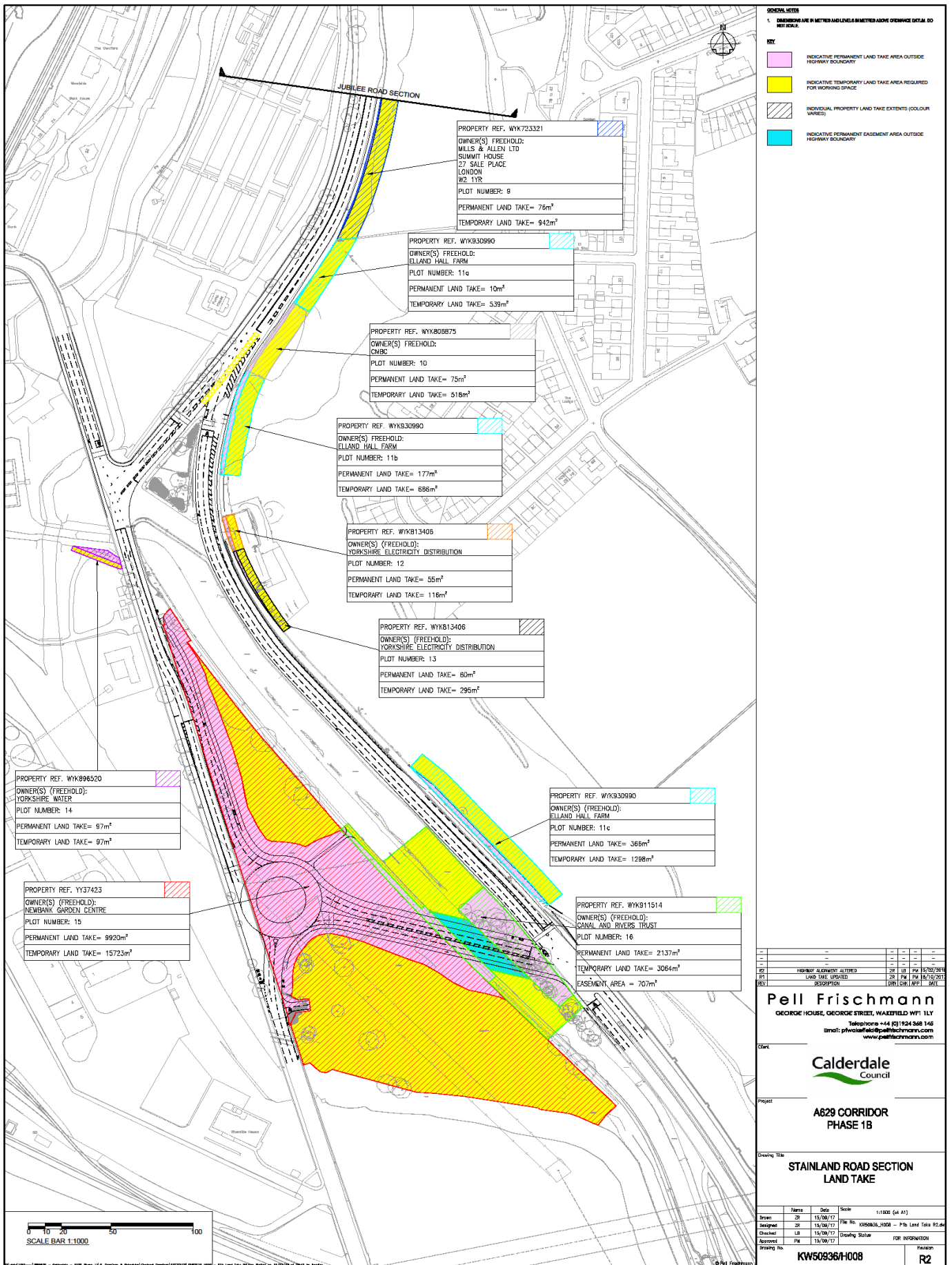
Other relevant documents

- a) CPO 2015 Statement of Reasons in the public interest
- b) Cabinet Report – WY+TF Phase 1b land, 10th July 2017

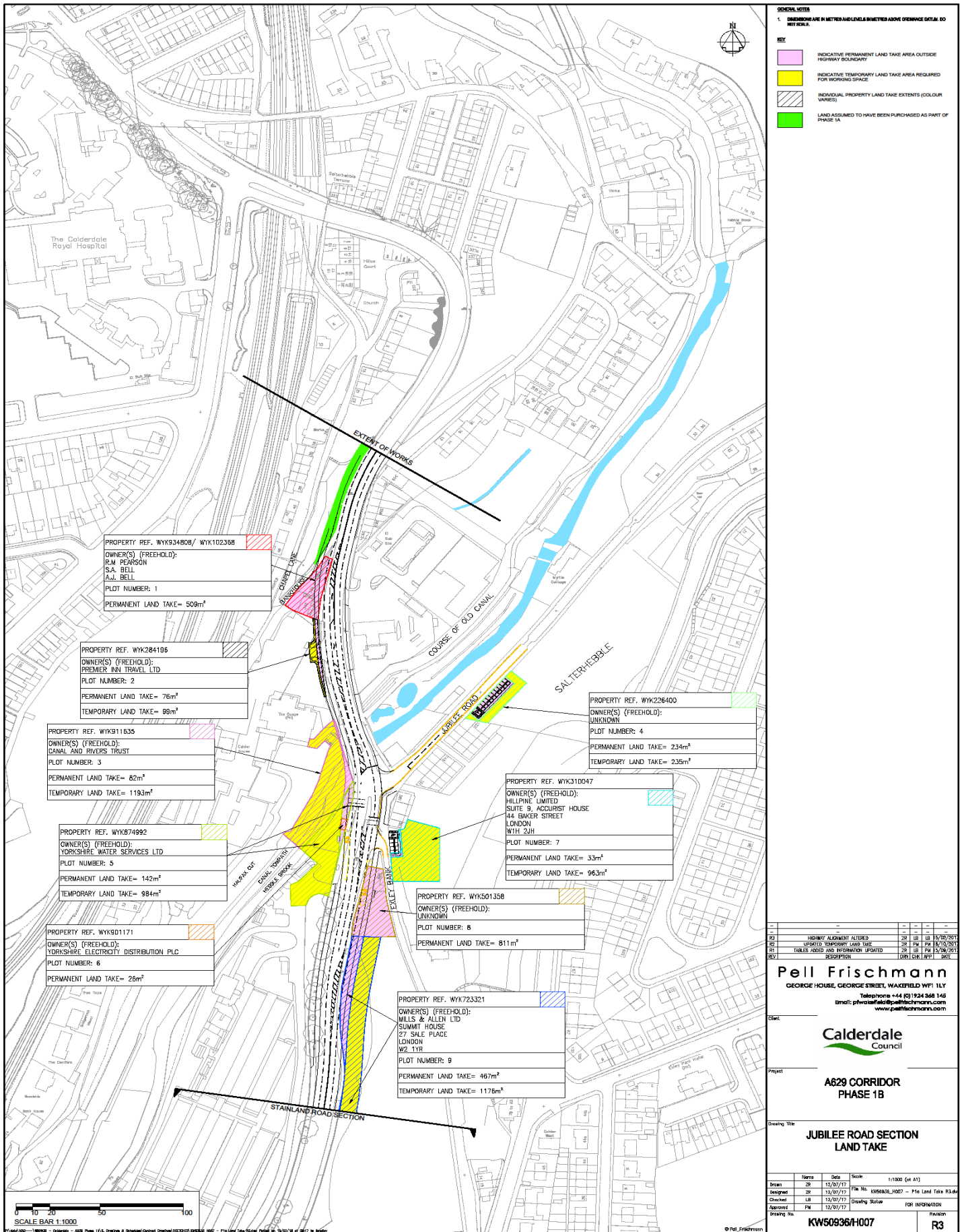
The documents are available for inspection at:

Major Projects, 3rd Floor, Princess Buildings, Halifax, HX1 1UN

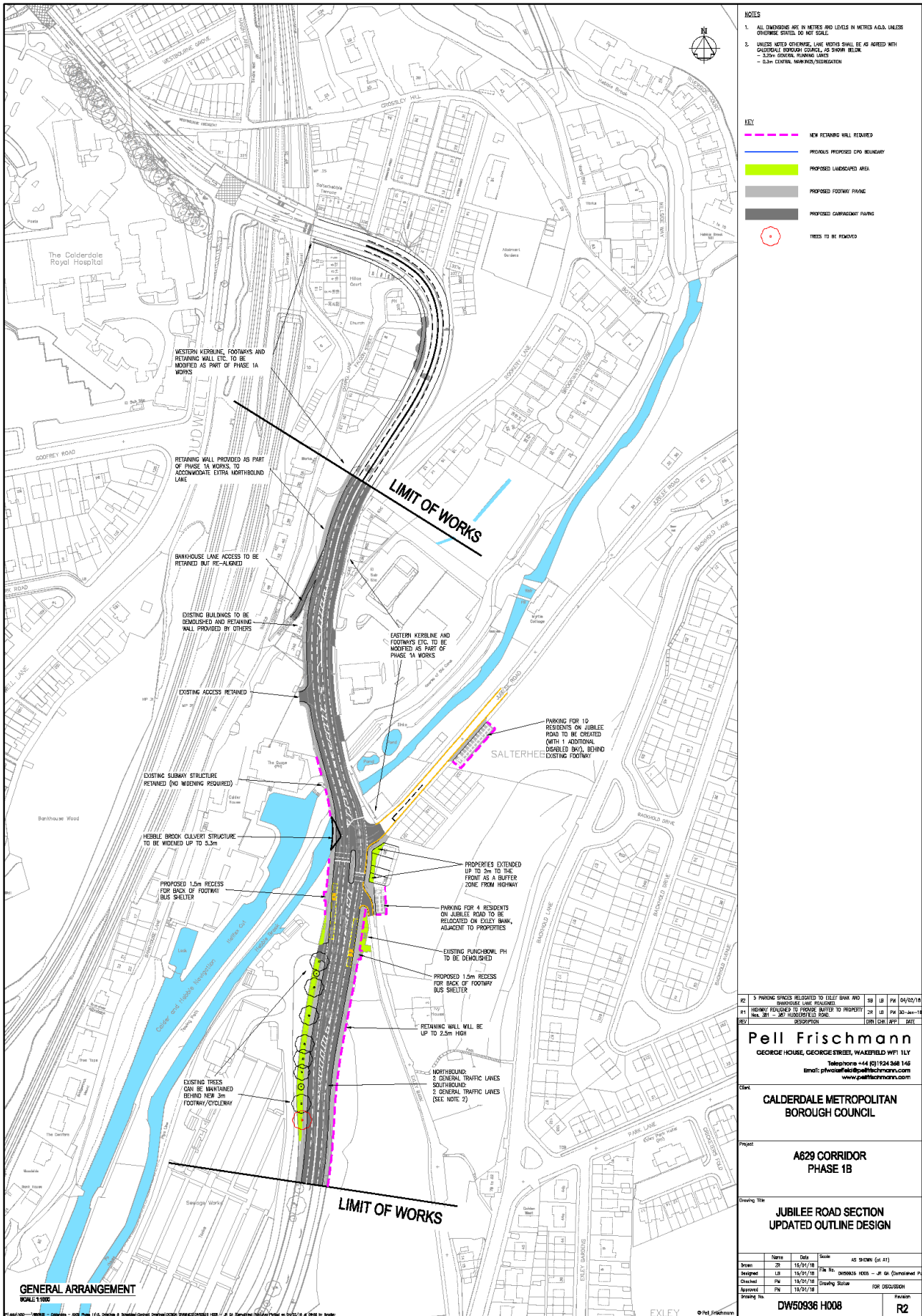
APPENDIX A – Stainland Road Revised alignment with land acquisition plans



Appendix B – Jubilee Road Revised alignment with land acquisition plans



APPENDIX C – Optimised A629 highway alignment through Jubilee interchange.



- NOTES**
1. ALL DIMENSIONS ARE IN METRES AND LEVELS IN METRES AGLD UNLESS OTHERWISE STATED, DO NOT SCALE.
 2. UNLESS NOTED OTHERWISE, LINE WIDTHS SHALL BE AS AGREED WITH CALDERDALE METROPOLITAN COUNCIL, AS SHOWN BELOW:
 - 3.25m GENERAL PAVING LINES
 - 0.2m CURB, NEWARK/SUBSTITUTION
- KEY**
- NEW RETAINING WALL REQUIRED
 - PREVIOUS PROPOSED CPO BOUNDARY
 - PROPOSED LANDSCAPED AREA
 - PROPOSED FOOTWAY FRAME
 - PROPOSED GARAGEWAY PAVING
 - TREES TO BE REMOVED

WESTERN VERGULE, FOOTWAYS AND RETAINING WALL ETC. TO BE MODIFIED AS PART OF PHASE 1A WORKS

RETAINING WALL PROVIDED AS PART OF PHASE 1A WORKS TO ACCOMMODATE 5.75m NORTHBOUND LANE

BANKHOUSE LANE ACCESS TO BE RETAINED BUT RE-ALIGNED

EXISTING BUILDINGS TO BE DEMOLISHED AND RETAINING WALL PROVIDED BY OTHERS

EXISTING ACCESS RETAINED

EXISTING SUBWAY STRUCTURE RETAINED (NO WORKING REQUIRED)

HEBBLE BROOK CULVERT STRUCTURE TO BE WIDENED UP TO 5.3m

PROPOSED 1.5m RECESS FOR BACK OF FOOTWAY BUS SHELTER

PROPERTIES EXTENDED UP TO 2m TO THE FRONT AS A BUFFER ZONE FROM HIGHWAY

PARKING FOR 4 RESIDENTS ON JUBILEE ROAD TO BE RELOCATED ON EXLEY BANK, ADJACENT TO PROPERTIES

EXISTING PUNCHBOWL PH TO BE DEMOLISHED

PROPOSED 1.5m RECESS FOR BACK OF FOOTWAY BUS SHELTER

RETAINING WALL WILL BE UP TO 2.5m HIGH

EXISTING TREES CAN BE MAINTAINED BEHIND NEW 3m FOOTWAY/CYCLESWAY

EASTERN VERGULE AND FOOTWAYS ETC. TO BE MODIFIED AS PART OF PHASE 1A WORKS

PARKING FOR 10 RESIDENTS ON JUBILEE ROAD TO BE CREATED (WITH 1 ADDITIONAL DISABLED TO BAY), BEHIND EXISTING FOOTWAY

LIMIT OF WORKS

LIMIT OF WORKS

R2	5	PARKING SPACES RELOCATED TO EXLEY BANK AND BANKHOUSE LANE RELOCATED	SB	LB	PA	04/02/18
R1	1	HIGHWAY REALIGNED TO PROVIDE BUFFER TO PROPERTY	28	LB	PA	20-Jan-18
REV		DESCRIPTION	DRN	CHK	APP	DATE

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CALDERDALE METROPOLITAN BOROUGH COUNCIL

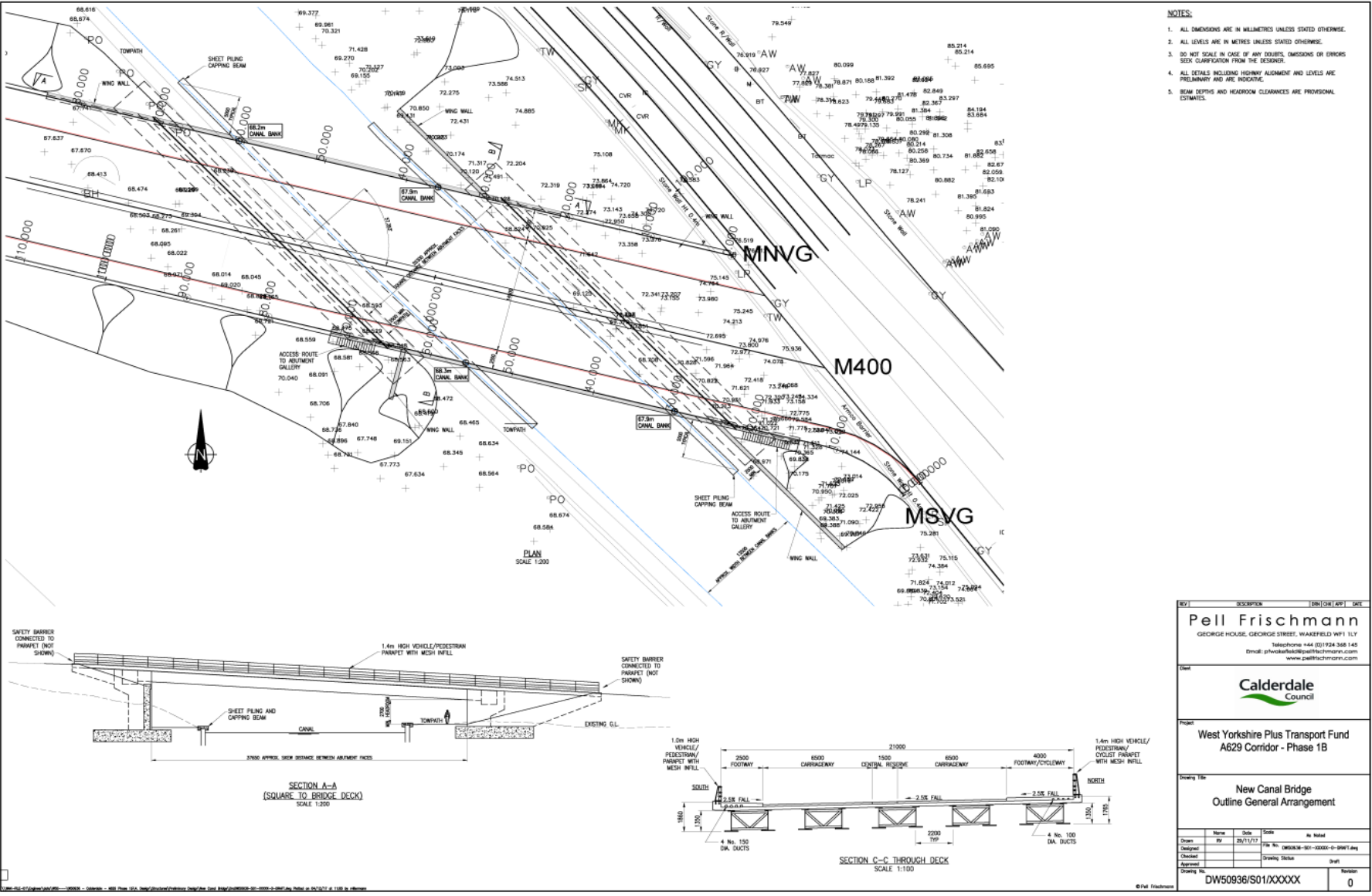
A629 CORRIDOR PHASE 1B

JUBILEE ROAD SECTION UPDATED OUTLINE DESIGN

Drawn	Checkd	Apprvd	Scale	Date	Drawn	Scale	Date
28	16/01/18	16/01/18	AS SHOWN (at A1)	16/01/18	16/01/18	16/01/18	16/01/18
28	16/01/18	16/01/18	AS SHOWN (at A1)	16/01/18	16/01/18	16/01/18	16/01/18
28	16/01/18	16/01/18	AS SHOWN (at A1)	16/01/18	16/01/18	16/01/18	16/01/18
28	16/01/18	16/01/18	AS SHOWN (at A1)	16/01/18	16/01/18	16/01/18	16/01/18

DW50936 H008 R2

APPENDIX D – Draft Plans of Bridge Scheme



- NOTES:**
1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE.
 2. ALL LEVELS ARE IN METRES UNLESS STATED OTHERWISE.
 3. DO NOT SCALE IN CASE OF ANY DOUBTS, DIMENSIONS OR ERRORS SEEK CLARIFICATION FROM THE DESIGNER.
 4. ALL DETAILS INCLUDING HIGHWAY ALIGNMENT AND LEVELS ARE PRELIMINARY AND ARE INDICATIVE.
 5. BEAM DEPTHS AND HEADROOM CLEARANCES ARE PROFESSIONAL ESTIMATES.

REV	DESCRIPTION	DRAWN	CHECKED	DATE
<p>Pell Frischmann GEORGE HOUSE, GEORGE STREET, WAKEFIELD WF1 1JY Telephone +44 (0)1924 368 145 Email: pfrischmann@pellfrischmann.com www.pellfrischmann.com</p>				
<p>Calderdale Council</p>				
<p>West Yorkshire Plus Transport Fund A629 Corridor - Phase 1B</p>				
<p>Drawing Title New Canal Bridge Outline General Arrangement</p>				
Drawn	Name	Date	Scale	As Issued
Checked	By	26/11/17	File No	WY03M-S01-00001-0-0007.dwg
Approved			Drawing Status	Draft
Drawing No				Revision
DW50936/S01/XXXXX				0

APPENDIX E – Side Road Orders

Dated

22/03/2018

HIGHWAYS ACT 1980

THE BOROUGH COUNCIL OF CALDERDALE

(A629, SOUTHERN SECTION, HALIFAX) (HIGHWAY IMPROVEMENTS)

(WEST YORKSHIRE PLUS TRANSPORT FUND, PHASE 1B)

(SIDE ROADS) ORDER 2018

THE BOROUGH COUNCIL OF CALDERDALE
(A629, SOUTHERN SECTION, HALIFAX) (HIGHWAY IMPROVEMENTS)
(WEST YORKSHIRE PLUS TRANSPORT FUND, PHASE 1B)
(SIDE ROADS) ORDER 2018

The Borough Council of Calderdale (“the Council”) make this Order in exercise of their powers under sections 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf:-

1. (1) The Council are authorised in relation to the classified roads in Halifax in the County of West Yorkshire to:
 - (a) improve the lengths of highway named in the Schedules and shown on the corresponding Site Plan by cross hatching;
 - (b) stop up each length of highway described in the Schedules and shown on the corresponding Site Plan by zebra hatching;
 - (c) construct new highway along each/ the route whose centre line is shown on a Site Plan by an unbroken black line surrounded by stipple;
 - (d) stop up each private means of access to premises described in the Schedules and shown on the corresponding Site Plan by a solid black band; and
 - (e) provide new means of access to premises at each location shown on a Site Plan by thin diagonal hatching.

- (2) Where a new highway is to be constructed wholly or partly along the same route as a new access or part of one, that new highway shall be created subject to the private rights over that new access.

- (3) Each new highway is given a reference letter on a Site Plan, which is also placed in the respective Schedule, and will be a road unless the word “footpath”, “bridleway” or “cycle track” appears beneath its reference letter in that Schedule, in which case it will be a footpath, bridleway or cycle track as the case may be. Each new access is given a number on a Site Plan, which is also placed in the respective Schedule.

- (4) Where new highway is to be constructed or a new access is to be provided in connection with the stopping up of a length of highway or private means of access described in a Schedule, its reference letter or number (as the case may be) is placed in that Schedule opposite the description of that length.
- (5) Each Site Plan shows the works indicated in the respective Schedule and has the same number as that Schedule, and the route of the classified road in relation to those works.

2. Where immediately before the length of highway is stopped up in pursuance of this Order there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or any telecommunications code system operator, then, subject to section 21 of the Highways Act 1980, those undertakers, or that operator as the case may be, shall have the same rights as respect that apparatus as they had immediately before the stopping up took place.

3. In this Order:

- (a) distances are measured along the route of the relevant highway or private means of access to premises, as the case may be;
- (b) a reference to the Schedule or Site Plan number is a reference to the Schedule, or to the Site Plan, so numbered;

(c)

“the classified roads” - means the classified A629, A6026, and B6112 roads and which the Council propose improve to and which is a highway which is a classified road in accordance with section 12 of the Highways Act 1980;

“the Council” - means the Borough Council of Calderdale;

“improvement” - in relation to a highway includes the raising, lowering or otherwise altering that highway, and “improved” shall be construed accordingly;

- “new access” - means a means of access to premises authorised by this Order to be provided;
- “new highway” - means a highway authorised by this Order to be constructed and “new highways” shall be construed accordingly;
- “Site Plan” - means one of the plans numbered 1 to 3 contained in the Plan Folio numbered marked “The Borough Council of Calderdale (A629, Southern Section, Halifax) (Highway Improvements) (West Yorkshire Plus Transport Fund, Phase 1b) (Side Roads) Order 2018”, sealed with the Common Seal of the Council and deposited at the offices of the Council at Customer First, 19 Horton Street, Halifax, HX1 1QE; a duplicate has been deposited in the Offices of the Secretary of State for Transport, and may be viewed online at [insert]

Given under the Common Seal of the Council on the day of
2018

THE CORPORATE COMMON SEAL of)
THE BOROUGH COUNCIL OF)
CALDERDALE)

Was hereunto affixed in the presence of:-

SCHEDULE 1

Site Plan Title - **Side Roads Order - Stainland Road Section**
KW50936 H019/001

Highways to be improved

A629 Huddersfield Road

The A629 improvements begin approximately 20m south of the end of the dual carriageway section at Elland Wood Bottom and extend approximately 200m north of the junction with the B6112 link, adjacent to the sewage works to the west.

- The southern section of widening (to the east) occurs over a length of approximately 200m, located between 170m and 370m south of the junction between the A629 and the A6026.
- The northern section of widening (to the east) occurs over a length of approximately 180m, located between 80m south of the junction with the A6026 and approximately 200m north of the junction with the B6112 link.

A6026 Wakefield Road

The A6026 link between the B6112 and A629 junctions is to be closed (approximately 46m in length), but the area will be retained as highway land and landscaped. This section of highway will be replaced with a new 'A6026 Elland Wood Bottom Link' between the B6112 and A629 to the south, described below.

B6112 Stainland Road

There is a large section of widening between the Stainland Road canal bridge to the north and River Calder bridge to the south. The widening is on the Eastern side and includes a new roundabout junction to link the B6112 to the west and the new 'A6026 Elland Wood Bottom Link' to the east. In total the widening is approximately 280m in length.

Highways to be stopped up

No highways are to be stopped up as part of this section of the works.

Reference letters of new highways

A6026 Wood Bottom Link (Unofficial name)

A6026 Wood Bottom Link is the proposed new link road that will connect the A629 to the east and the B6112 Stainland Road to the west, via. a new roundabout junction. The link is approximately 150m in length and includes a new bridge over the canal, as detailed in drawing KW50936 H019/003.

New Footpath at Elland Wood Bottom (Unnamed public access)

The proposed footpath will link the existing canal towing path to the east with Stainland Road to the west. It will be approximately 35m in length and located at the northeast of the proposed roundabout, linking perpendicular with the canal tow path.

Private means of access to be stopped up

Existing Footpath at Stainland Road Canal Bridge (Unnamed public access)

Private means of access to be temporarily stopped up to allow improvement works, as described below.

Reference numbers of new access

New Footpath at Stainland Road Canal Bridge (Unnamed public access)

New footpath to be provided to link Stainland Road to the east with the canal tow path to the west, to replace existing access as described above. The footpath is approximately 30m in length and located approximately 10m south of Stainland Road canal bridge.

SCHEDULE 2

Site Plan Title - **Side Roads Order - Jubilee Road Section**
KW50936 H019/002

Highways to be improved

A629 Huddersfield Road & Salterhebble Hill

This section of A629 improvements extends for approximately 450m, from 10m south of Rookery Lane junction to the north, to approximately 175m south of Exley Bank to the south.

- The southern section of widening extends from Exley Bank to the north to 175m south. The widening is to the east and approximately 175m in length.
- The northern section of widening extends from Exley Bank to the south to approximately 10m south of Rookery Lane junction. The widening is to the west and approximately 285m in length, incorporating widening of the existing Hebble Brook bridge.

Bankhouse Lane

Bankhouse Lane is to be widened on the west side, from the A629 junction to the north to approximately 25m south.

Jubilee Road

Jubilee Road is to be widened on the east side to accommodate new parking spaces encompassing an area of 195m². The widening is approximately 35m in length and located between approximately 70m and 105m north of the A629 junction.

Exley Bank

Exley Bank is to be widened on the east side to accommodate new parking spaces encompassing an area of 103m². The widening is over approximately 20m, located opposite the junction with the A629.

Highways to be stopped up

A629 & Jubilee Road

A small section of footway on the east side of the A629 is to be stopped up between the Jubilee Road junction and the Exley Bank junction. This land is approximately 25m in length and ownership will revert to the adjacent landowners.

Reference letters of new highways

No new highways included as part of this section of works.

Private means of access to be stopped up

No private means of access to be stopped up as part of Jubilee Road section of works.

Reference numbers of new access

No new accesses included as part of Jubilee Road section works

APPENDIX F
The Borough Council of Calderdale

Wards Affected **SKIRCOAT AND TOWN WARDS**

Cabinet **10th July 2017**

West Yorkshire Plus Transport Fund (WY+TF) A629 Corridor - Land acquisition Update and use of Compulsory Purchase Powers as necessary for Phase 1b – Jubilee Rd

Report of the Acting Director, Economy and Environment

1 Purpose of Report

- 1.6 Request for approval for additional land acquisition to deliver WY+TF A629 Phase 1b, further to Cabinet approvals 4th July 2016. Increased highway remodelling content within the scheme, now incorporates corridor interventions in the vicinity of Jubilee Road through to the Phase 1a deliverables on Salterhebble Hill, which requires further land acquisitions.
- 1.7 Authorisation is sought to acquire additional land by negotiation to facilitate Phase 1b improvements to the A629 transport corridor. However, should purchase by negotiation be unsuccessful within a reasonable timeframe, authorisation is sought to pursue the making of statutory Compulsory Purchase Orders (CPO) under the enabling powers of the Highways Act 1980

3 Need for a Decision

- 2.1 Further to approvals previously agreed by Cabinet in July 2016, additional land acquisition plans require approval from Cabinet in anticipation of making voluntary sales; should voluntary acquisition fail, approval is also sought to, commence Compulsory Purchase Order (CPO) proceedings.
- 2.2 The underwriting of costs associated with land purchase and highway / transport enabling works in advance of West Yorkshire Combined Authority (WYCA) Project Management Office (PMO) Activity 5 (Full Business Case / finalised costs) approval requires Cabinet approval.
- 2.3 The Council entering into a funding agreement with the WYCA for release of funds at each activity stage likewise requires Cabinet approval.

3 Recommendation

- 3.1 Further to and in addition to the Cabinet approvals of 4th July 2016, it is recommended that Cabinet:
- Approve the additional land acquisition plans at Appendix A and Appendix B and extend the existing delegations in respect of the land included in the final plans.

- That the costs of land acquisition, enabling works and compensation for phase 1b, pending a Full Business Case award of funding by WYCA, are underwritten by the Council and delegation is given to the Director of Economy and Environment and Head of Finance in conjunction with the relevant Portfolio Holder(s) the necessary powers to progress the works.
- That approval is given to enter into the necessary funding agreement(s) with WYCA to release funding and progress the A629 highway improvements, and to delegate to the Director of Economy and Environment and Head of Democratic & Partnership Services in conjunction with the relevant Portfolio Holder(s) the necessary powers to complete the relevant legal documentation.
- That approval is given to the use of Compulsory Purchase Orders under sections 239 and 260 of the Highways Act 1980, *if required*, including submission to the Secretary of State for Confirmation, with delegation to the Head of Democratic & Partnership Services in conjunction with the relevant Portfolio Holder(s) the necessary powers to complete the purchase of land and all relevant interests for phase 1b.

4 Background

- 4.1 Further to Cabinet approval of land acquisitions to support Phase 1b of the A629 highways corridor improvements on 4th July 2016 (Cabinet report appended to this report in Appendix D) officers have been working on the preliminary design of the scheme and progressing negotiations with the landowners and occupiers. As a result of both, increased land is now required for the scheme to incorporate highway improvements in the vicinity of Jubilee Road, the intersection of A629 Phase 1a and 1b.
- 4.3 Under original WY+TF A629 design scoping the 300m length of A629 corridor between Exley Bank and Salterhebble Hill remained a single northbound carriageway and give way junction at Jubilee Rd. Development of the corridor strategy following extensive desk top modelling and analysis of design iterations has demonstrated full signalisation of the Jubilee interchange will deliver improved junction accessibility in a safe controlled environment without introducing undesirable delay upon the principal A629 highway corridor providing it contains a 3 lane northbound approach (2 forward on A629, 1 right turn into Jubilee Rd). Upgrading the northbound lane configuration to dual lanes over the length beyond the junction will complement existing dualing on Salterhebble Hill and increased lane capacities planned under the Calder and Hebble remodelling proposal downstream thus removing a network pinch point.
- 4.4 Signal control at the Jubilee junction will also provide a vehicle gating location being developed under a WY+TF Phase 4 corridor wide UTMC strategy which links area wide traffic signal installations to regulate vehicle flows, which could then be adjustable to suit air quality states throughout the day and public transport priorities. Further reasoning for a decision point at this time is planned Phase 1a structural walling works in the vicinity of Bankhouse Lane (base of Salterhebble Hill) can be averted if firm commitment to the Jubilee corridor widening is accepted, which will save up to £100k.
- 4.4 Concept designs will be available on enlarged (A0) paper for Members to consider the Jubilee corridor upgrade at the Cabinet meeting.

5 Options considered

- 5.1 Option 1 - Approval of the additional land acquisition to the west of the A629 incorporating a Canal and Rivers Trust easement, a linear strip of land owned by the Watermill Public House and the property block 334 to 340 Salterhebble Hill (which will require demolition) as detailed in Appendix 1 and the Council funds land acquisitions at its own financial risk in advance of WYCA Activity 5 approval. This is the preferred option to proceed to make a compulsory purchase order and purchase plot areas of land to deliver the phase 1b scheme. Negotiations with landowners and occupiers for voluntary purchase will continue whilst the CPO process is ongoing and will be the preferred acquisition route. It is noteworthy that all land acquisition across 12 plots was achieved via voluntary sale under the A629 Phase 1a scheme so experience and success in this area of expertise can be demonstrated.
- 5.2 Option 2 – Do Nothing. There is a risk that if negotiations do not proceed to voluntary sale / CPO acquisition that not all required land can be acquired to deliver the scheme, hence compromising WY+TF deliverability and funding. Non delivery of the Jubilee interventions will compromise the strategic improvement gained along the whole A629 corridor from Huddersfield to Halifax by failing to address a linear corridor pinch point and leaving an important district centre access/egress junction uncontrolled, Ability to control air quality and bus priority along the corridor would also be compromised.

6 Financial implications

- 6.1 The additional land budget allocation is requested at £600k, in addition to the £800k approved in the report to Cabinet on 4th July 2016. It is noted from ongoing land negotiations that the original budget is unlikely to be required in full, leaving funding available for the additional land sought though until outturn settlements are reached this position is forecast only at this stage. Risk exposure is forecast to be 12 months leading up to a WYCA Activity 5 submission.
- 6.2 At Risk expenditure incurred upon A629 Phase 1a to date can now be claimed back from WYCA following a successful submission of the Gateway 3 (Activity 5 under new PMO governance process) Business Case; as noted in para 6.4 of the 6th July 16 Cabinet Report the 1a risk exposure re land acquisition and advance works at Shaw Hill was £1.43million which is now refundable. For information, the 1a GW3 case has successfully released a total of £8.15million enabling construction to commence.
- 6.3 The total amount of risk exposure on Transport Fund schemes at this stage is therefore the £1.4m referred to above for land acquisitions for the A629 phase 1b scheme plus £873k on phase 2a which is due to be submitted for gateway approval in spring 2018

7 Legal Implications

- 7.1 In parallel with continued landowner negotiations, a Compulsory Purchase Order will be made under sections 239 and 260 of the Highways Act 1980 and submitted to the Secretary of State for Confirmation. A CPO is only effective once it has been confirmed by the Secretary of State.

- 7.2 If after making the CPO, any qualifying objections are received within the statutory timescales and not resolved, it is likely that the matter will proceed to a local public inquiry. If this is the case, the Secretary of State will appoint an inspector to hear evidence from the objector(s) and the Council, before determining whether or not to confirm the CPO. The Secretary of State has limited power to modify the CPO before confirmation.
- 7.3 Once the CPO is confirmed and notices have been served, all persons with a compensation interest in the order land and who make a claim will be entitled to compensation in accordance with the provisions of the Compulsory Purchase Act 1965. Any dispute with regards compensation will be referred to the Upper Tribunal (Lands Chamber) to determine.
- 7.4 If the CPO is not confirmed, it will not be effective to enable the Council to compulsorily acquire the land within it. In this situation, the Council will need to assess whether or not to amend the scheme and restart the process.
- 7.5 Negotiations with landowners will continue throughout the CPO process. To date negotiations have been positive and officers remain optimistic that acquisition by agreement can be facilitated without the need to proceed to local public inquiry.

8 Consultation

- 8.1 Landowners, occupiers and major stakeholders, including the West Yorkshire Combined Authority (WYCA), local authority partners and statutory undertakers, have been consulted individually. Consultees continue to support the scheme in principle and their views have been taken into consideration within the designs, therefore voluntary sale for each plot is anticipated as the likely outcome.
- 8.2 Advance works on A629/Shaw Hill junction are now complete and operating well to following an extended delivery period during which several construction related issues had to be overcome. Phase 1a works are programmed to commence during mid July 17. A public open day event was held on 12th June 17 displaying the 1a final design and concept 1b design. Initial feedback from the community was generally positive.

9 Environment, Health and Economic Implications

- 9.1 The corridor remodelling will deliver positive benefits for active travel modes such as cycling and walking. In addition, the anticipated reduction in congestion will reduce harmful emissions from standing traffic improving local air quality. The reduction of bus journey times will provide an opportunity to reduce single car occupancy, and associated carbon dioxide emissions, on this major route. Jubilee junction in particular will benefit from full signal control by enabling introduction of bus priority measures and a potential gating point along the corridor for general traffic to assist with air quality improvements upstream.
- 9.2 The A629 corridor strategy's highway efficiency measures will deliver reduced journey times along this congested principal economic distribution route for goods and employment destinations in the Halifax area. Phase 1 of the West Yorkshire Plus Transport Fund is an enabling component to unlock new development and job creation opportunities forecast under Phase 2, which is concentrated upon Halifax town centre.

8 Equality and diversity

8.1 In considering the land acquisition plans, careful consideration has been given to the balance between individual rights and the wider public interest. Any interference with Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the redeveloped corridor will bring. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

9 Summary and Recommendations

9.1 Members are asked to consider the case for increasing the scope of the existing design of Phase 1b of the WYTF A629 highways scheme, and approve the additional land acquisition plans to ensure full corridor upgrade benefits now identified are achieved.

9.2 Members are asked to consider whether the economic, social and environmental benefits to be derived from remodelling of the highway corridor under the WY+TF strategy, validates the land acquisitions as being in the wider public interest. Whilst emphasis focuses on negotiated land purchase settlements, authority is sought to use compulsory purchase powers as a reserve option and underwrite costs prior to reimbursement via the West Yorkshire Combined Authority governance mechanisms.

Date: 10th July 2017

Mark Thompson
Acting Director, Economy and Environment
