

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

**Report of the Director, Regeneration and Strategy**

**1. Purpose of Report**

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

**2. Need for a Decision**

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

**3. Recommendation**

It is recommended:

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

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

## **Background**

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

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

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

## **5 Consultation**

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

process has resulted in a high degree of stakeholder and consultee support for the scheme.

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

## 6 Earlier Approvals and Timeline

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

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



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

## **8 Legal Implications**

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

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

## **9 Equality and Diversity**

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

## **10 Summary and Recommendations**

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

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

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**For further information on this report, contact:**

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[robert.summerfield@calderdale.gov.uk](mailto:robert.summerfield@calderdale.gov.uk)

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

**National and Local Planning Policies including:-**

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

**Main Legislative Powers:-**

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

**Highway documents:-**

**Relevant National Circulars**

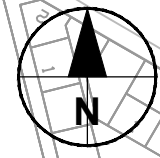
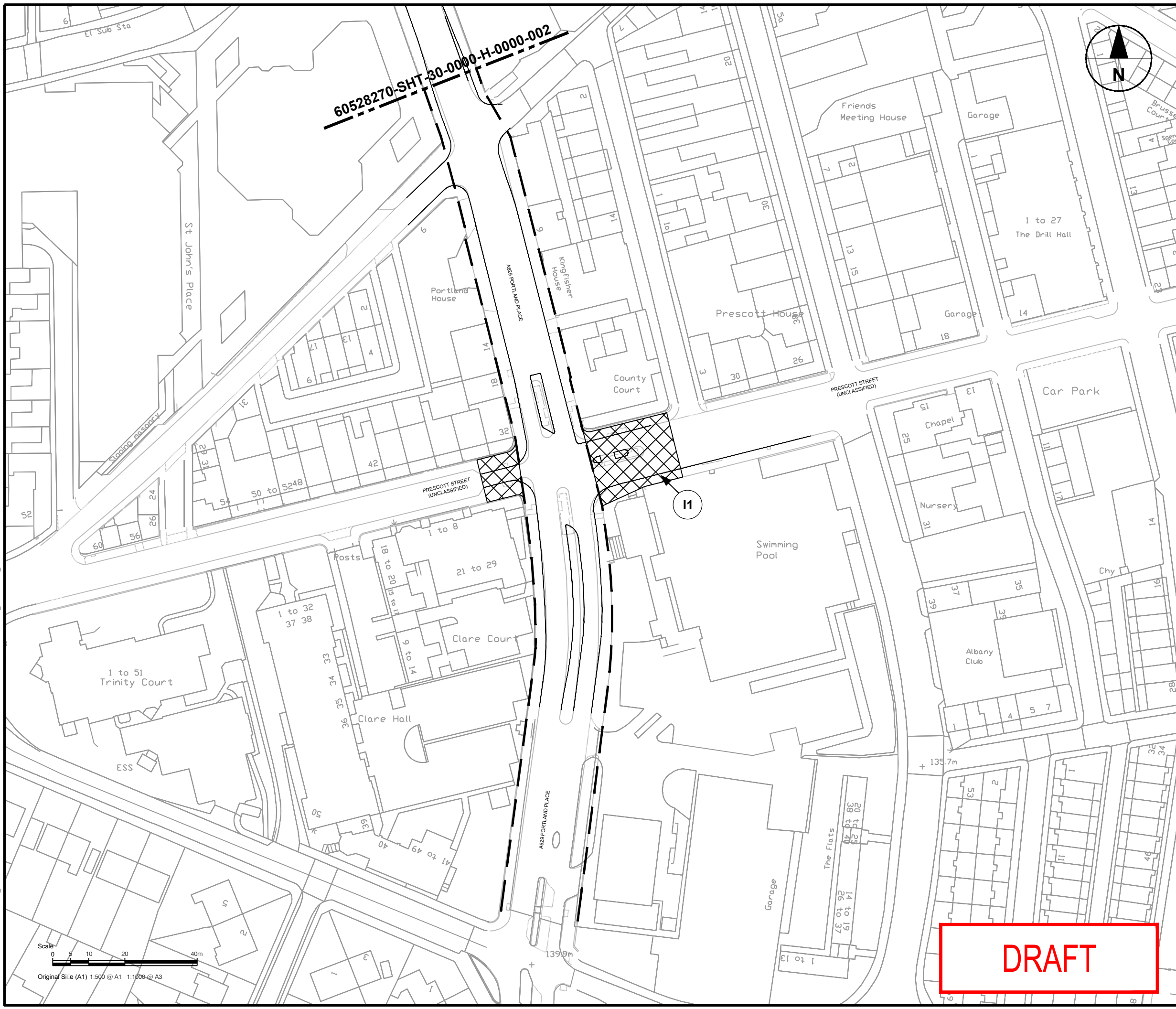
- a) DCLG Guidance on Compulsory purchase process and The Critchel Down Rules for disposal of surplus land acquired by, or under threat of, compulsion
- b) The Department for Transport's Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular No. 2/97  
The Department for Transport Circular 'Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act: Circular No. 1/97

**Other relevant documents**

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

**The documents are available for inspection at:**

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



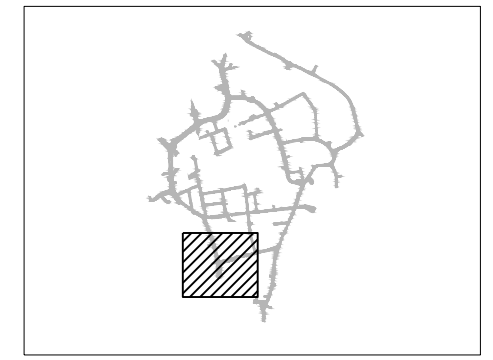
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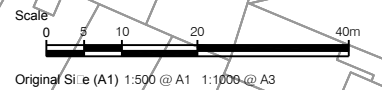
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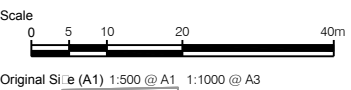
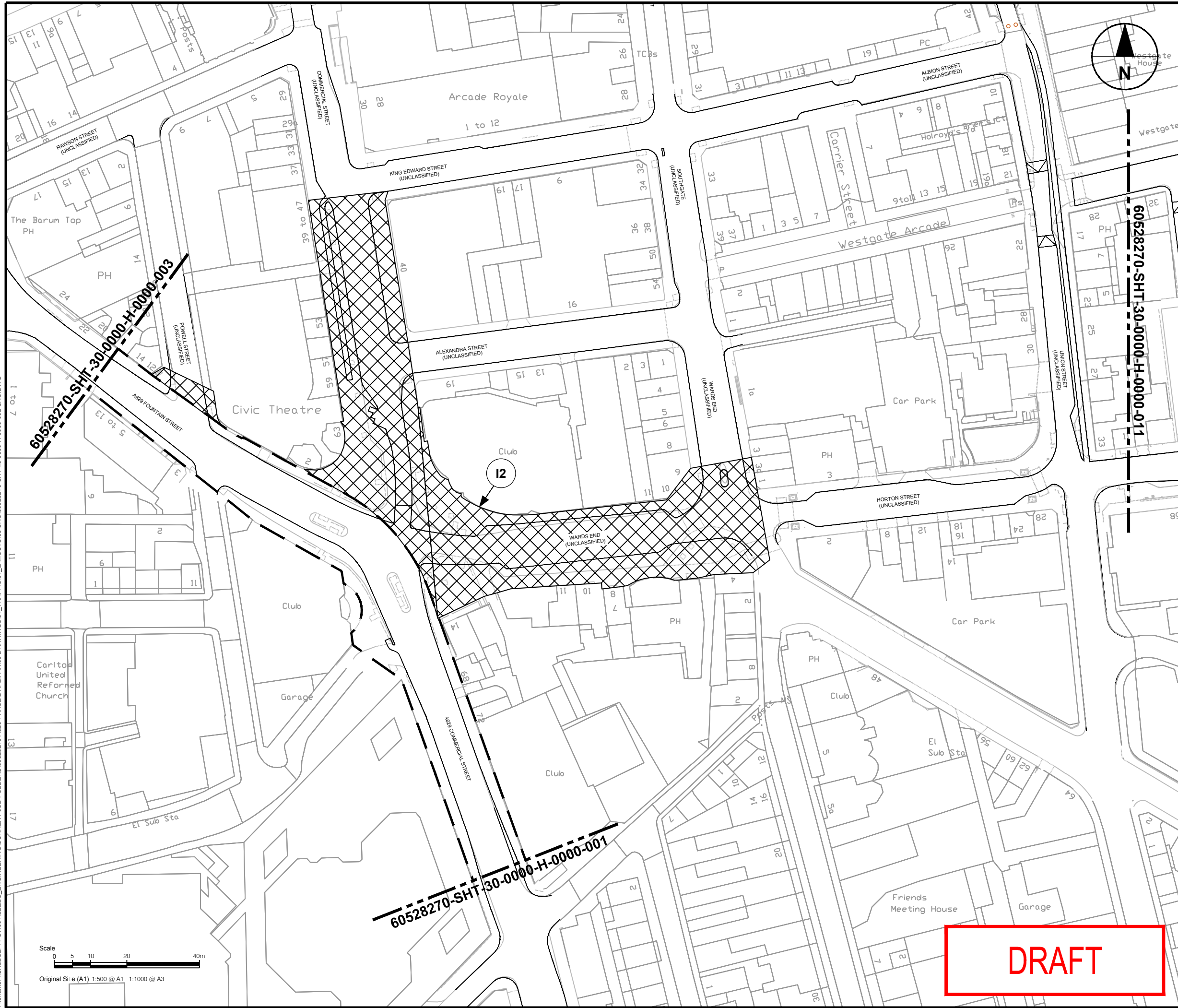
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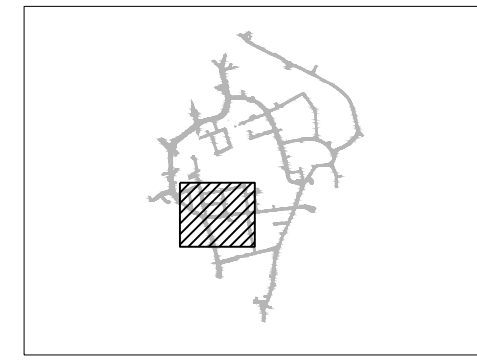
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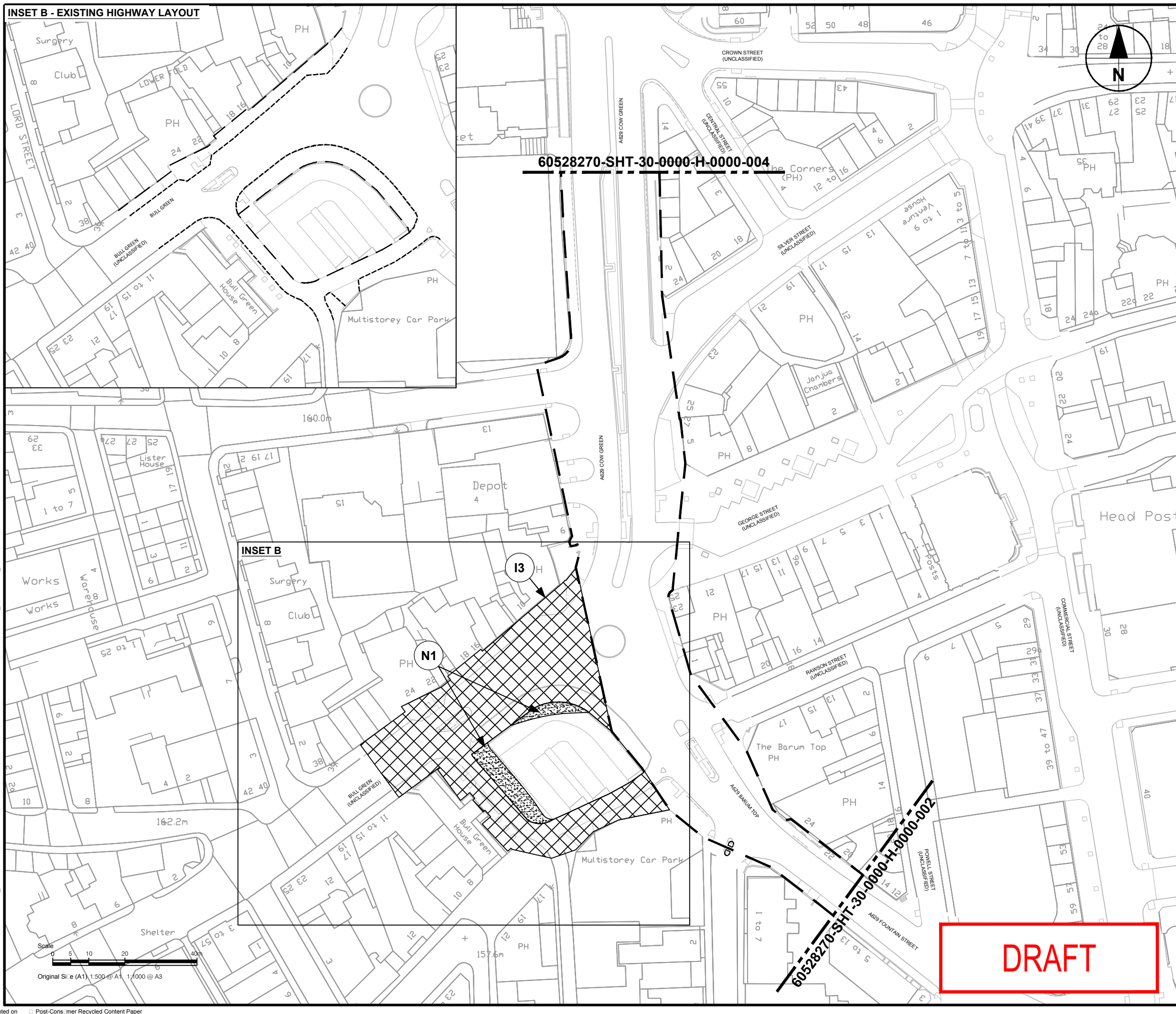
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**INSET B - EXISTING HIGHWAY LAYOUT**

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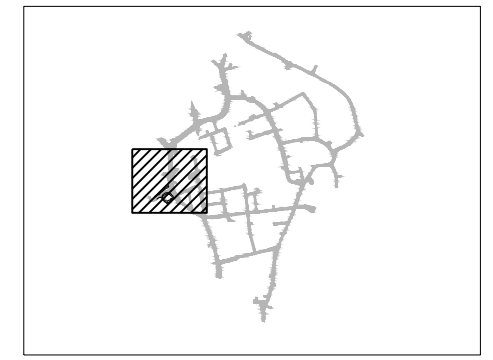
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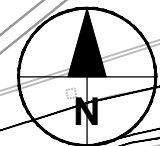
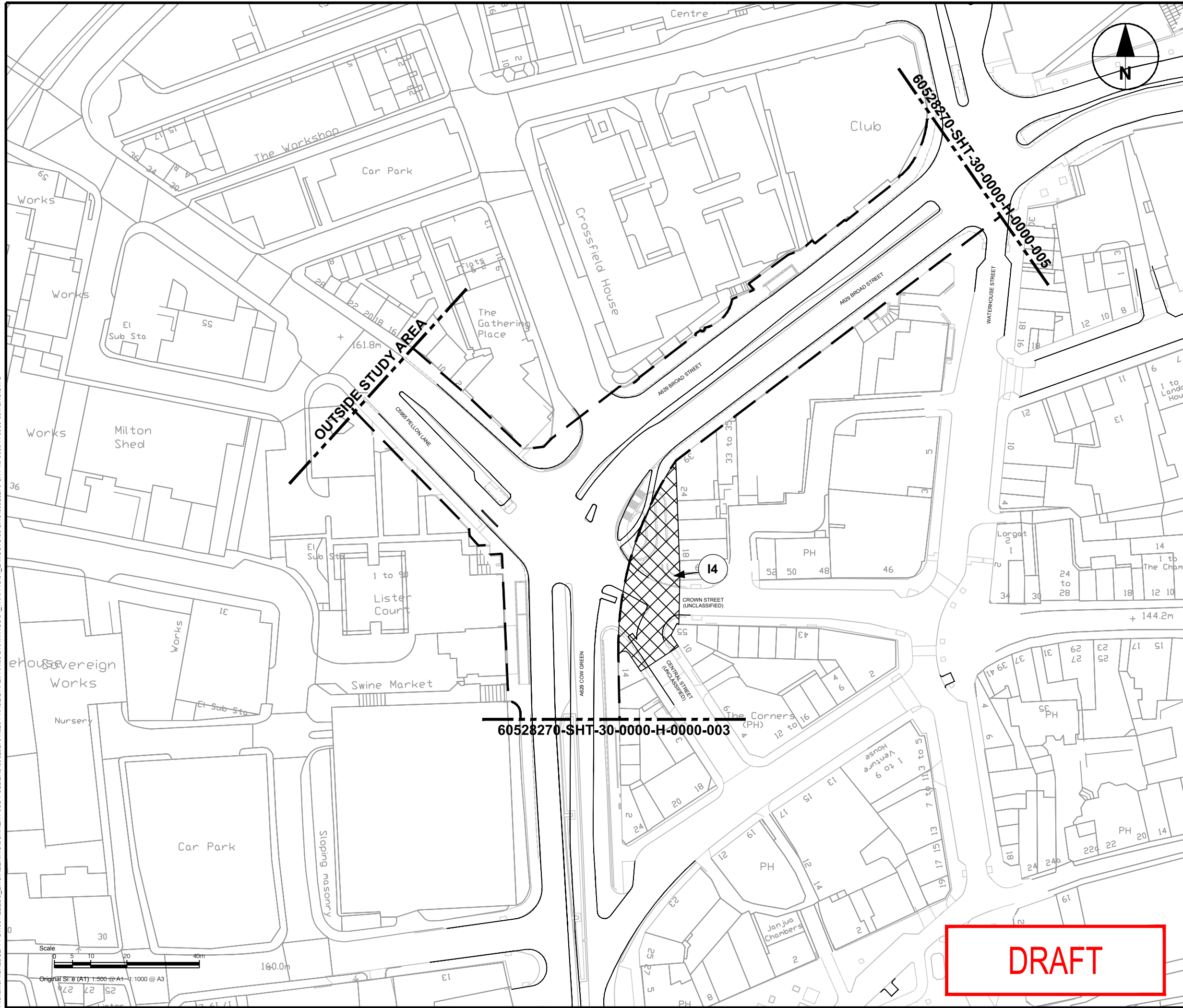
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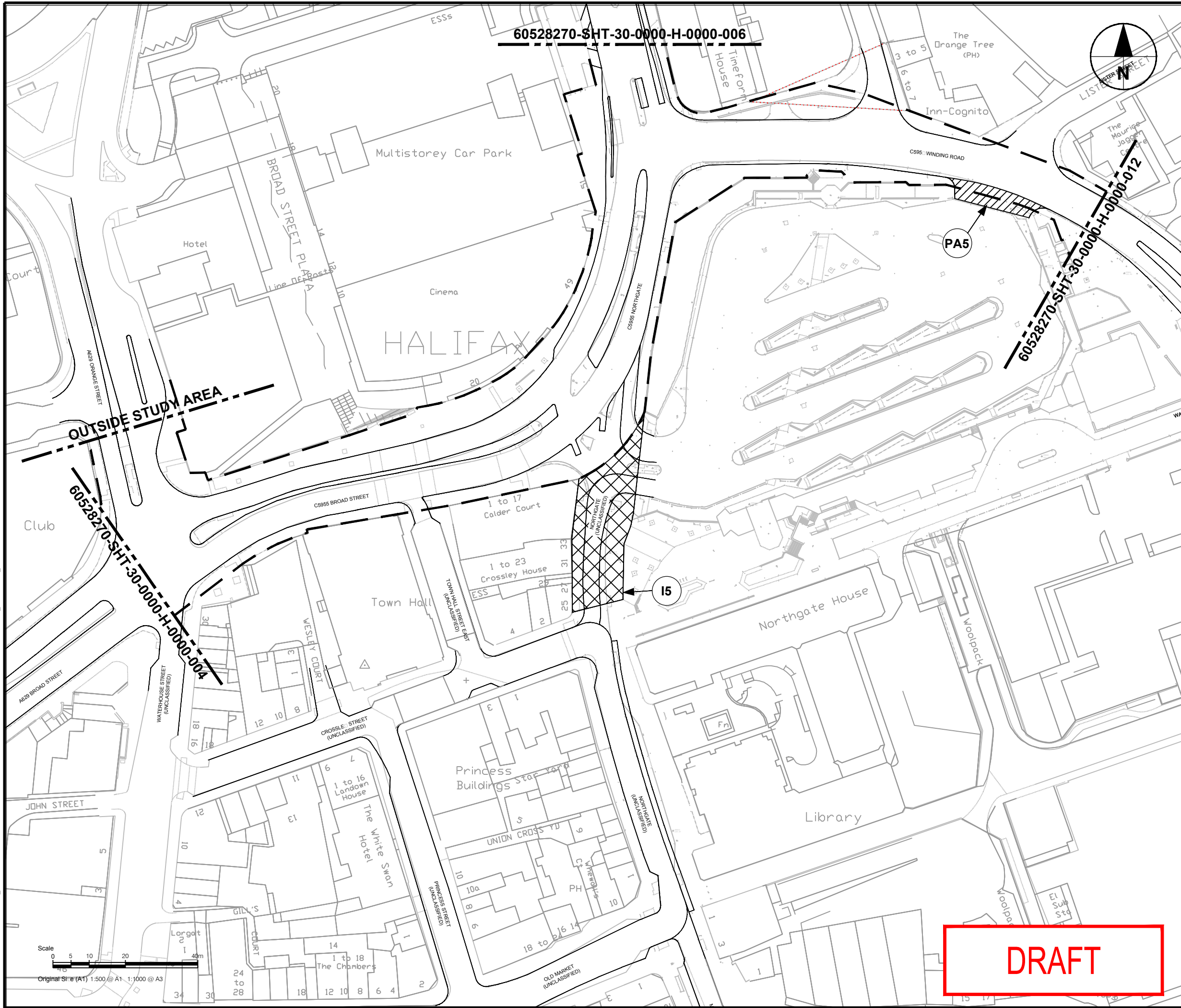
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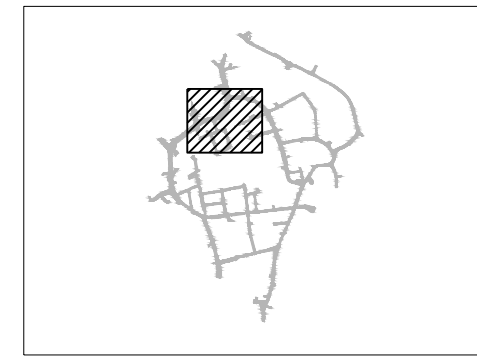


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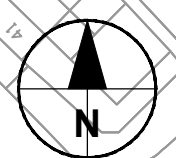
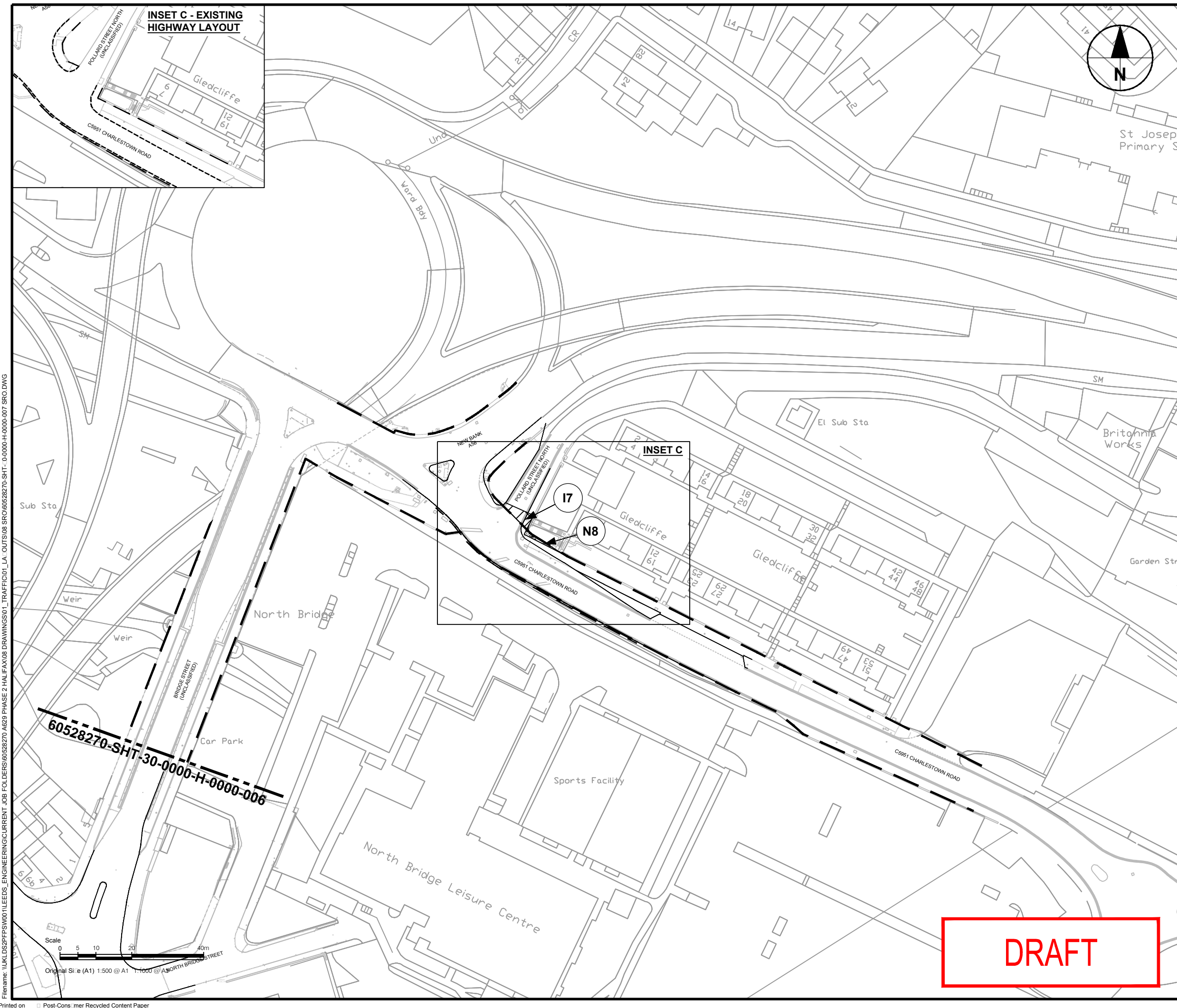
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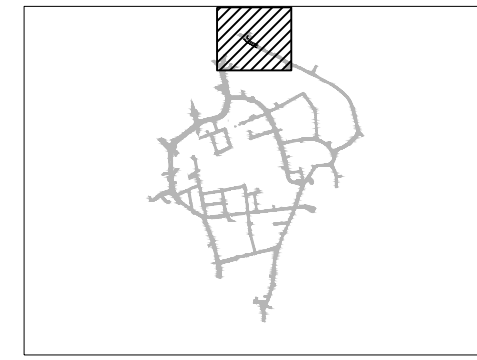
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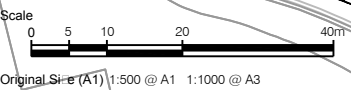
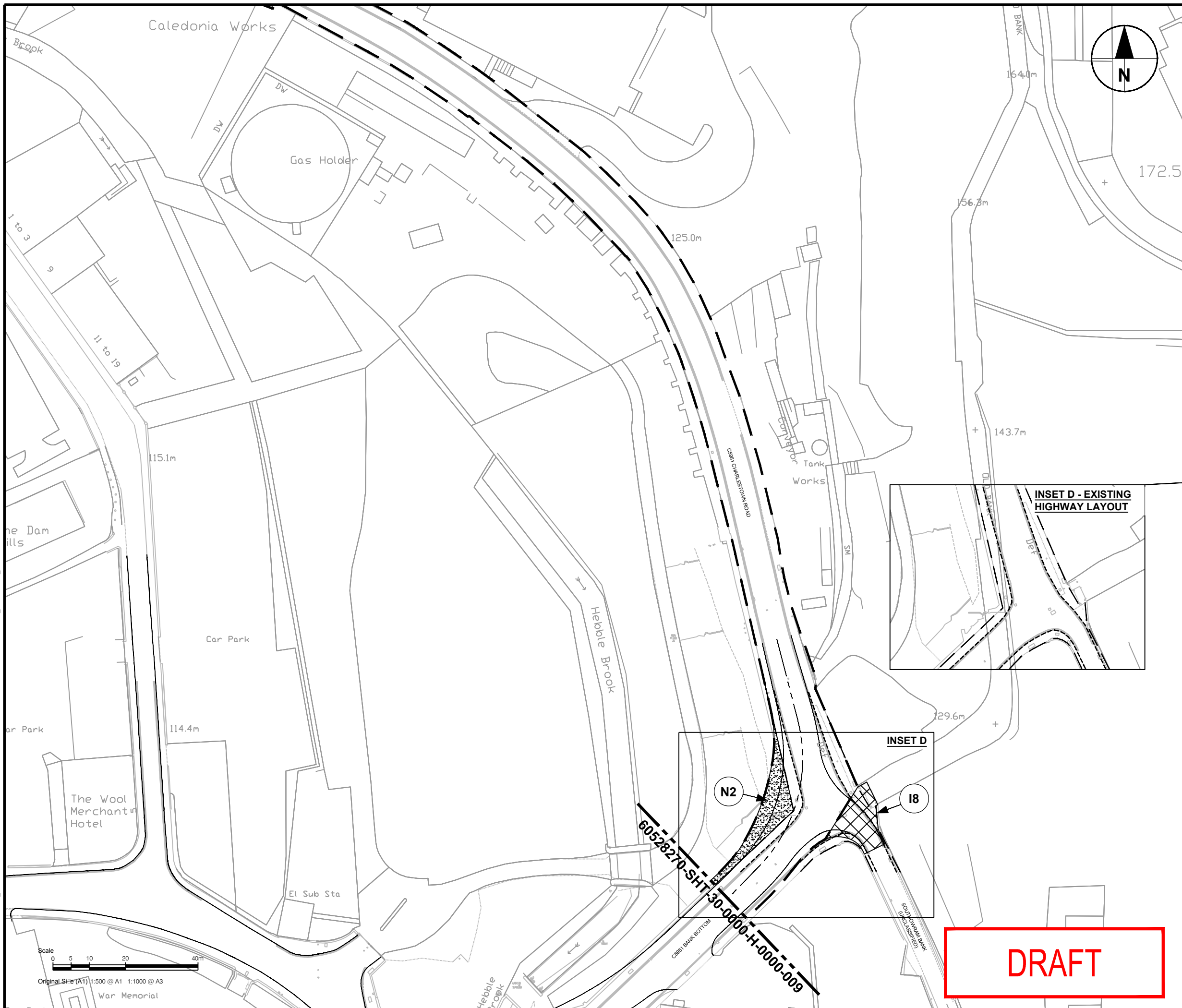
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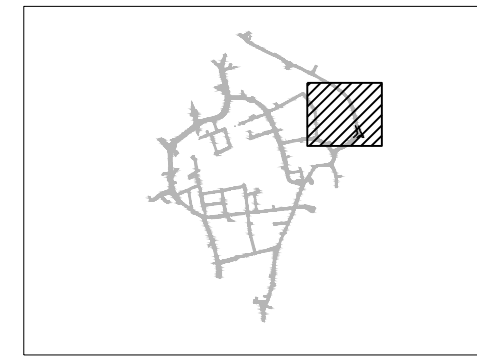
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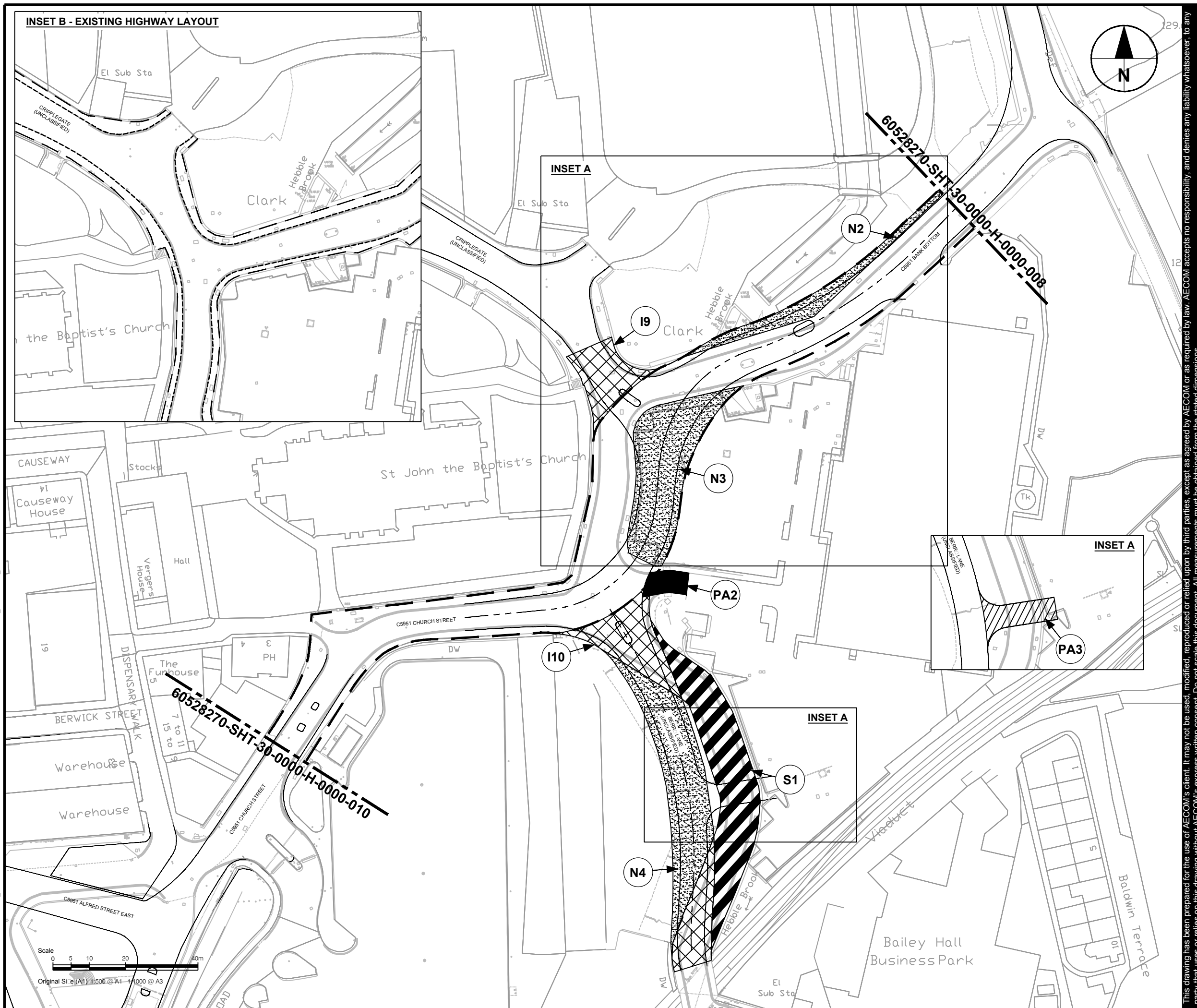
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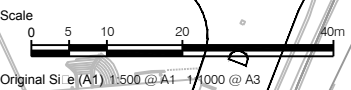
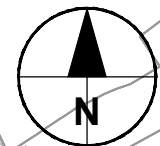
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INSET A

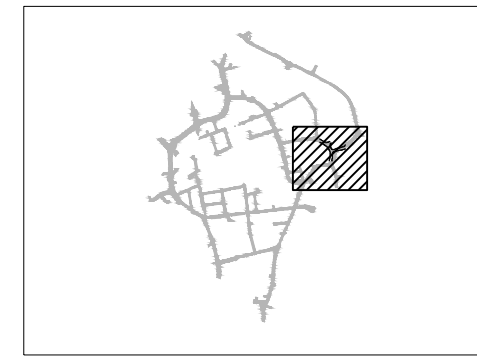


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**SHEET TITLE**

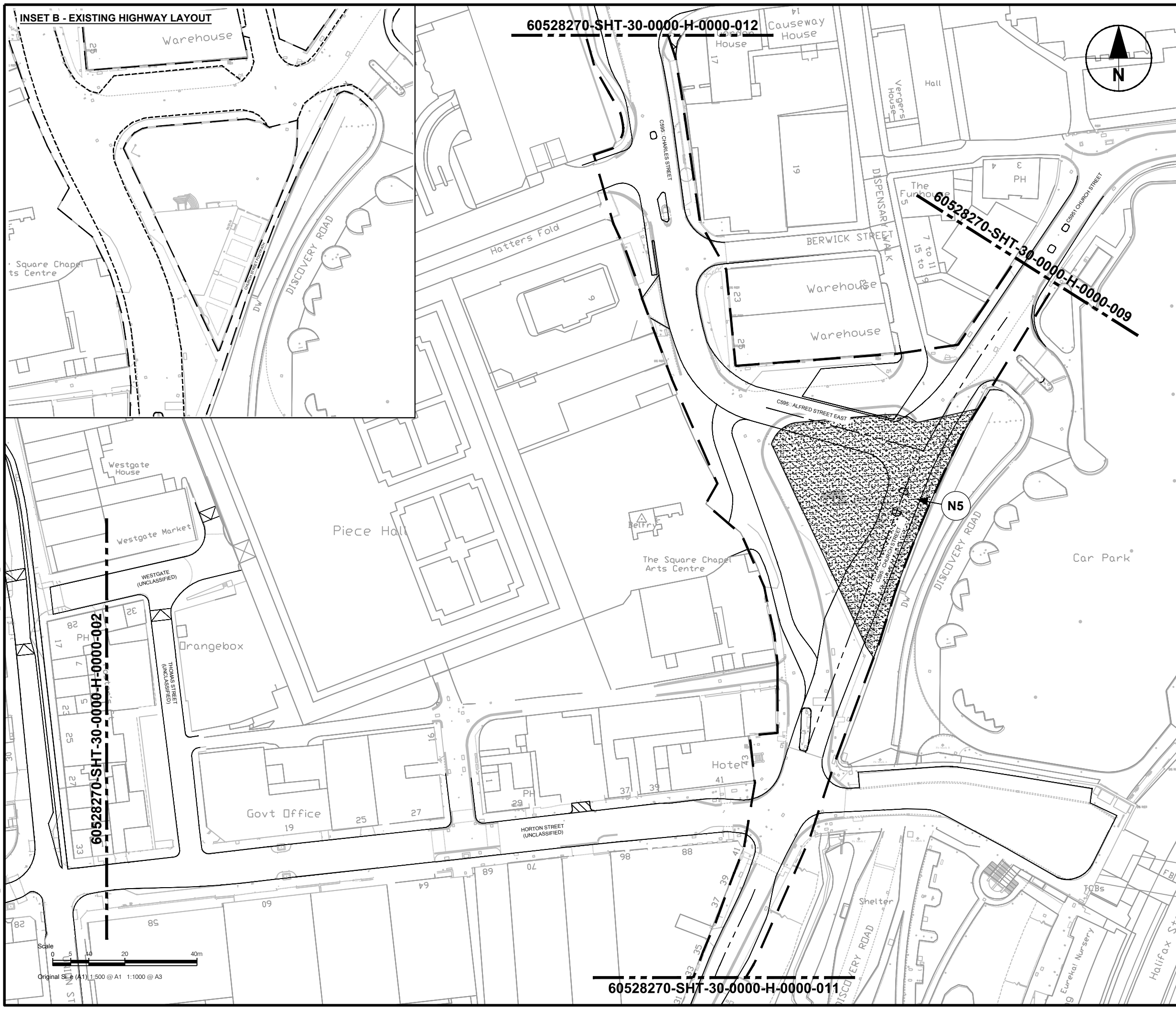
KEY PLAN AND SHEET PLAN  
9 OF 12

**SHEET NUMBER**

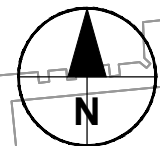
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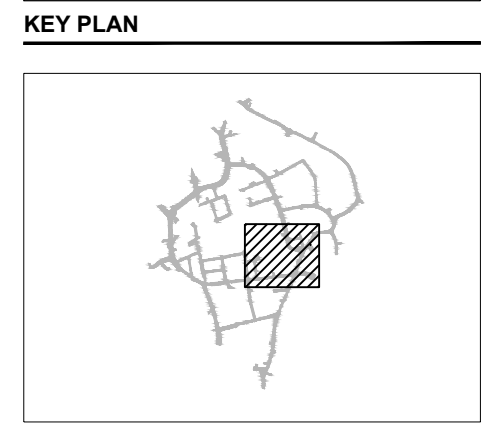
**INSET B - EXISTING HIGHWAY LAYOUT**



THE BOROUGH COUNCIL  
OF CALDERDALE  
(HALIFAX TOWN CENTRE)  
(HIGHWAYS IMPROVEMENT)  
(WEST YORKSHIRE PLUS  
TRANSPORT FUND  
PHASE 2)  
(SIDE ROADS) ORDER 2018

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

IN THE PRESENCE OF:



- KEY**
- NEW HIGHWAY
  - HIGHWAY TO BE IMPROVED
  - NEW PRIVATE MEANS OF ACCESS
  - PRIVATE MEANS OF ACCESS TO BE STOPPED UP
  - ROUTE OF CLASSIFIED ROAD
  - HIGHWAY TO BE STOPPED UP
  - EXISTING HIGHWAY
  - PROPOSED TO BE ALTERED

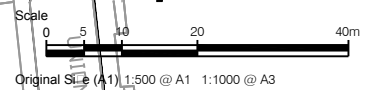
**SHEET TITLE**

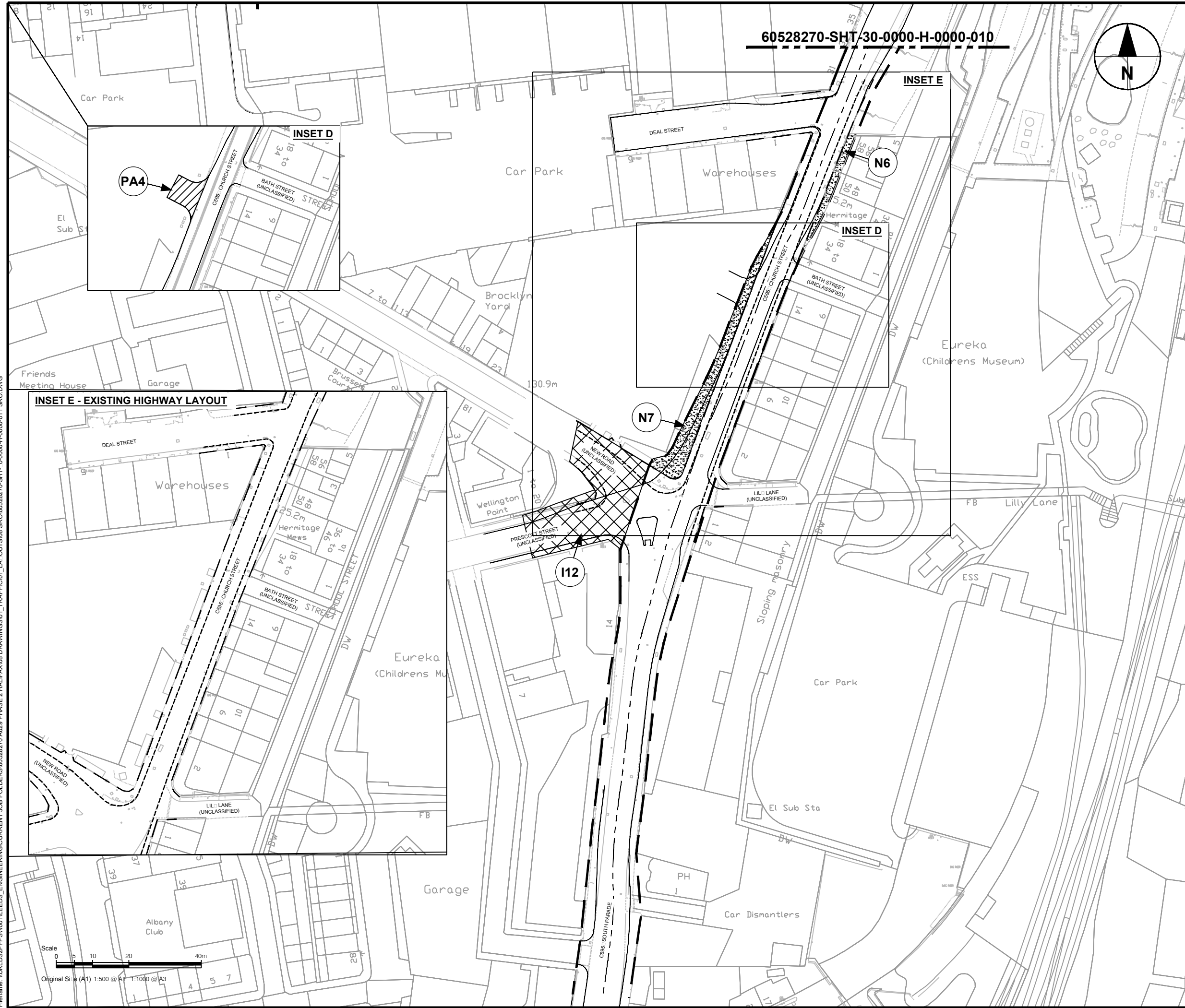
KEY PLAN AND SHEET PLAN  
10 OF 12

**SHEET NUMBER**

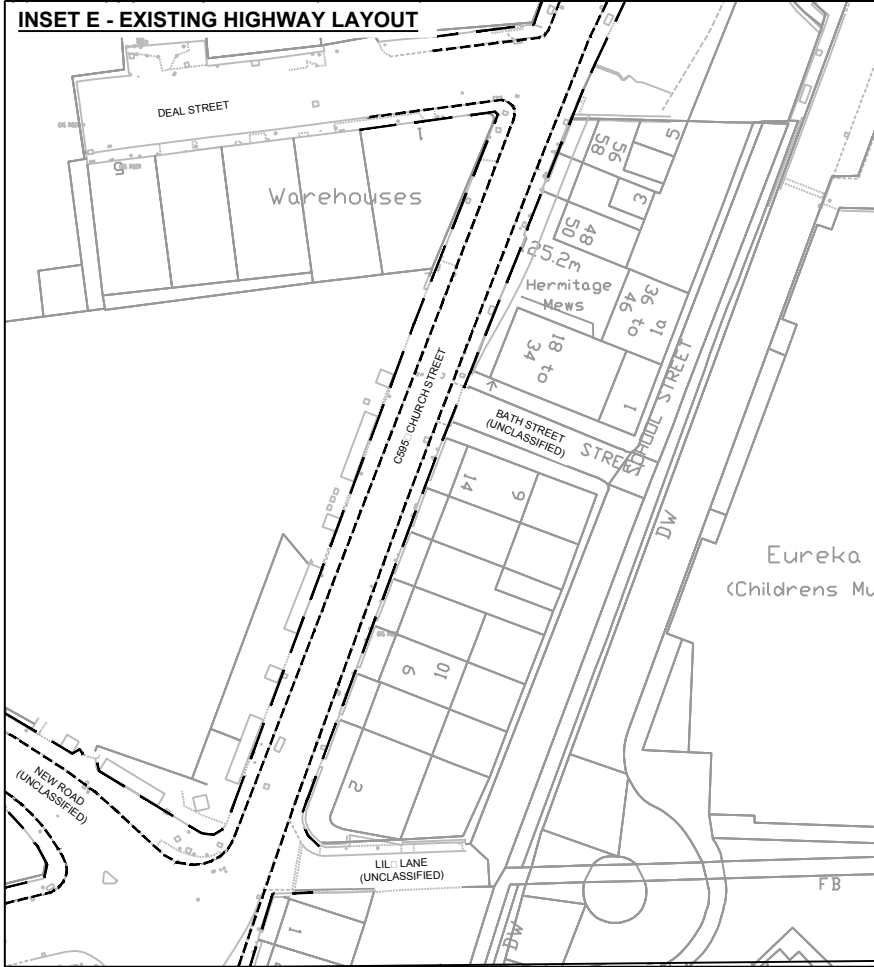
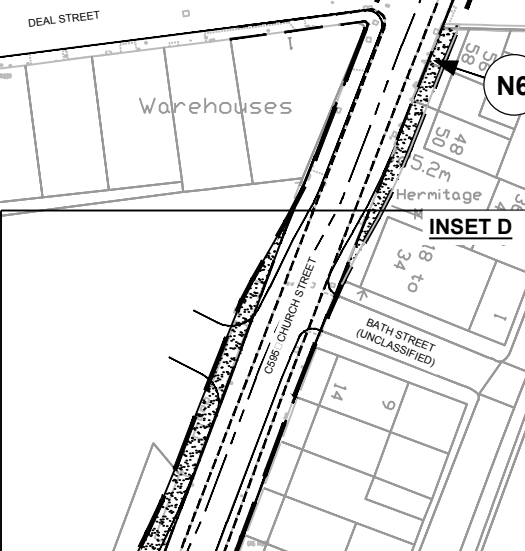
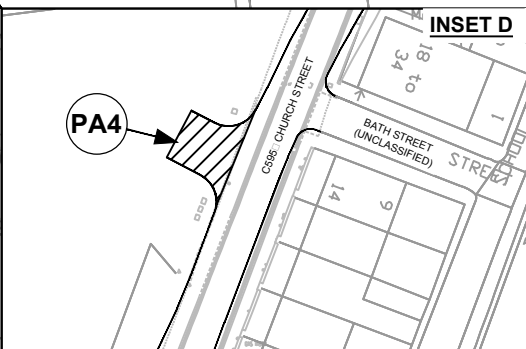
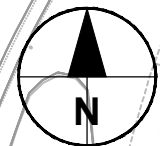
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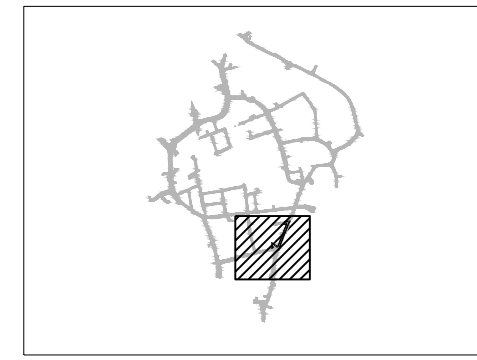


THE BOROUGH COUNCIL  
OF CALDERDALE  
(HALIFAX TOWN CENTRE)  
(HIGHWAYS IMPROVEMENT)  
(WEST YORKSHIRE PLUS  
TRANSPORT FUND  
PHASE 2)  
(SIDE ROADS) ORDER 2018

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

IN THE PRESENCE OF:

**KEY PLAN**



**KEY**

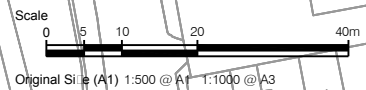
- NEW HIGHWAY
- HIGHWAY TO BE IMPROVED
- NEW PRIVATE MEANS OF ACCESS
- PRIVATE MEANS OF ACCESS TO BE STOPPED UP
- ROUTE OF CLASSIFIED ROAD
- HIGHWAY TO BE STOPPED UP
- EXISTING HIGHWAY
- PROPOSED TO BE ALTERED

**SHEET TITLE**

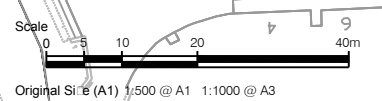
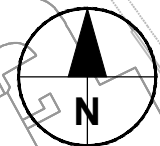
KEY PLAN AND SHEET PLAN  
11 OF 12

**SHEET NUMBER**

60528270-SHT-00-0000-H-0000-011



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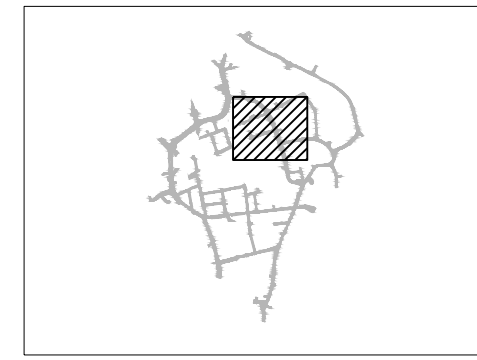


THE BOROUGH COUNCIL  
OF CALDERDALE  
(HALIFAX TOWN CENTRE)  
(HIGHWAYS IMPROVEMENT)  
(WEST YORKSHIRE PLUS  
TRANSPORT FUND  
PHASE 2)  
(SIDE ROADS) ORDER 2018

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

IN THE PRESENCE OF:

**KEY PLAN**



**KEY**

- NEW HIGHWAY
- HIGHWAY TO BE IMPROVED
- NEW PRIVATE MEANS OF ACCESS
- PRIVATE MEANS OF ACCESS TO BE STOPPED UP
- ROUTE OF CLASSIFIED ROAD
- HIGHWAY TO BE STOPPED UP
- EXISTING HIGHWAY
- PROPOSED TO BE ALTERED

**SHEET TITLE**

KEY PLAN AND SHEET PLAN  
12 OF 12

**SHEET NUMBER**

60528270-SHT-00-0000-H-0000-012

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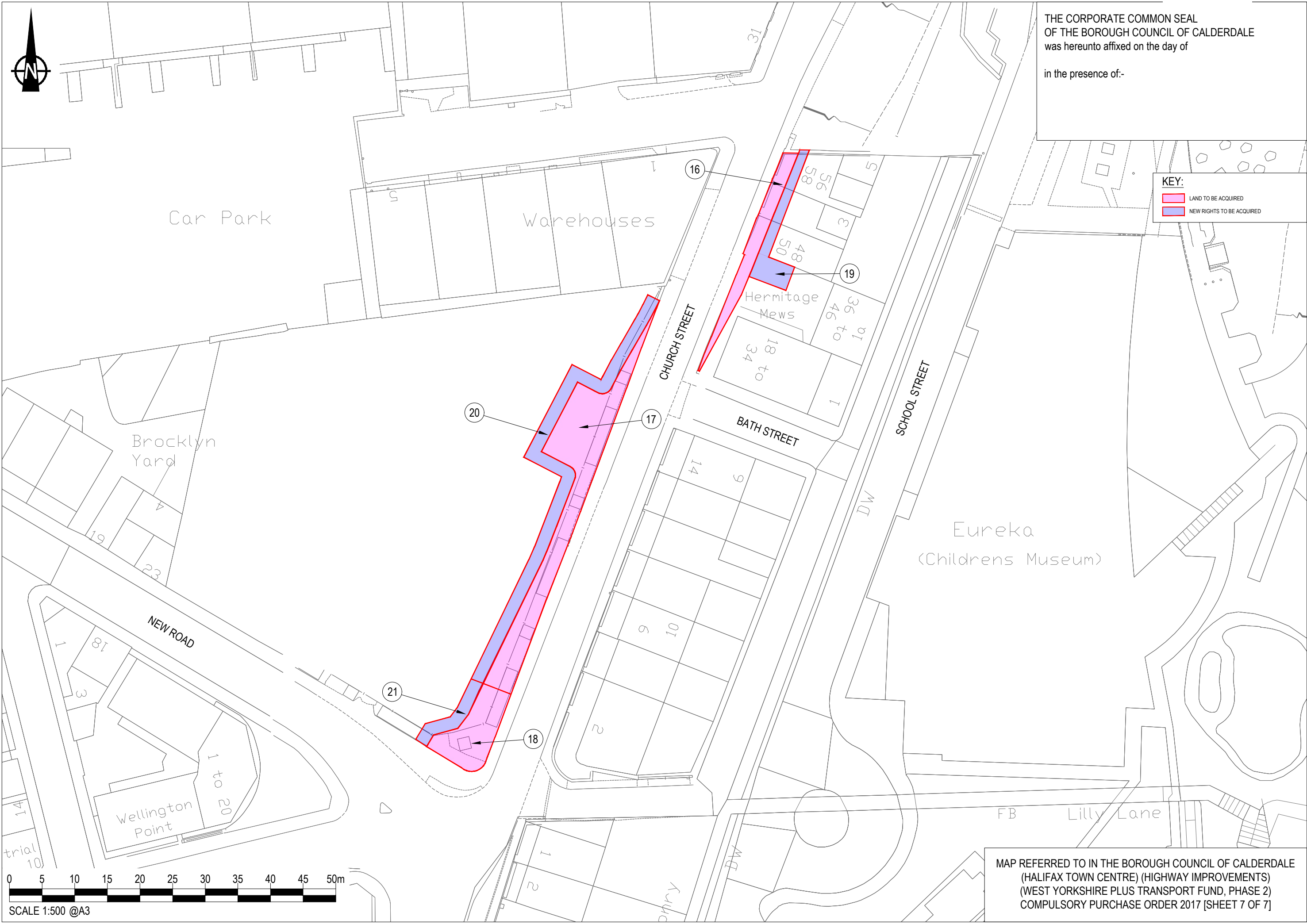
60528270-SHT-30-0000-H-0000-010

THE CORPORATE COMMON SEAL  
OF THE BOROUGH COUNCIL OF CALDERDALE  
was hereunto affixed on the day of

in the presence of:-

**KEY:**

- LAND TO BE ACQUIRED
- NEW RIGHTS TO BE ACQUIRED



MAP REFERRED TO IN THE BOROUGH COUNCIL OF CALDERDALE  
(HALIFAX TOWN CENTRE) (HIGHWAY IMPROVEMENTS)  
(WEST YORKSHIRE PLUS TRANSPORT FUND, PHASE 2)  
COMPULSORY PURCHASE ORDER 2017 [SHEET 7 OF 7]

Approved: KJ  
 File name: X:\CURRENT JOB FOLDERS\60528270 AC29 PHASE 2 HALIFAX08 DRAWINGS\02\_ENGINEERING\WORKING\0000 - OVERALL SITE\60528270-SHT-10-0000-C-0005-0007 - LAND ACQUISITION REQUIREMENT (REV E).DWG  
 Project Manager: J. B. [unreadable]