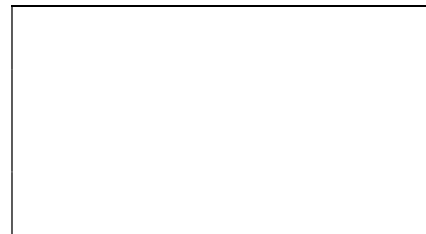


Calderdale MBC

Wards affected:

Town wards

Cabinet



West Yorkshire Plus Transport Fund (WY+TF) A629 Phase 2.

Land acquisition and use of Compulsory Purchase Powers. **Supplemental Compulsory Purchase Order.**

Report of Director Regeneration and Strategy

1. Purpose of Report

- 1.1 Further to Cabinet approval on 4th July 2016, 2nd October 2017, 19th March 2018 and 7th December 2020 for acquiring land re the A629 Phase 2 (WY+TF) project by Compulsory Purchase Order (CPO) officers have been working on developing the scheme design and progressing negotiations with the landowners.
- 1.2 As a result of localised changes in highway alignment required to deliver the scheme additional land acquisition to that previously expected is now required.
- 1.3 Authorisation is therefore sought to pursue the making of a Supplemental Compulsory Purchase Order (CPO) (2021) under the enabling powers of the Highways Act 1980, for the purpose of additional land acquisition.
- 1.4 The required Supplemental Land required is shown on the attached plans in Appendix A.

2. Need for a decision

- 2.1 Additional land to that previously authorised by Cabinet for acquisition has now been identified.
- 2.2 A decision is therefore required to provide authority to progress additional land purchase by negotiation and to also progress a Supplemental CPO.

3. Recommendation

- 3.1 Approve the additional land acquisition identified in Appendix A.
- 3.2 That approval is given to request that the Secretary of State (SoS) make modifications to the original CPO to remove plots identified in Appendix B
- 3.3 Grant approval to make a Compulsory Purchase Order under sections 239, 240, 246, 250 and 260 of the Highways Act 1980, including submission to the SoS 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 A629 Phase 2.

- 3.4 That approval is given to enter into any appropriate agreements with Government departments, agencies, and other relevant persons to secure necessary access rights and to undertake any associated works for A629 Phase 2, with delegation to the Head of Democratic & Partnership Services in conjunction with the relevant Portfolio Holder(s).
- 3.5 That approval is given to the Statement of Reasons for the Supplemental CPO.

4. Background and/or details

- 4.1 The A629 strategy is classified as a core project by West Yorkshire Combined Authority (WYCA) and has the status of being the largest individual project within the WY+TF programme.
- 4.2 The A629 upgrade is split into several phases for delivery, Southern Section (Phase 1a and 1b), Halifax Town Centre (Phase 2), Halifax to Huddersfield active Corridor (Phase 4) and Ainley to Huddersfield centre corridor (Phase 5) which is within Kirklees.
- 4.3 The proposals for Halifax centre comprise key built environment interventions designed to deliver a step change in quality within the Town Centre's historic heart and modal efficiency; enhancements focus upon environmental, accessibility, modal choice, safety, network efficiency and economic opportunity enhanced by delivery of: -
- Enhanced eastern corridor (Church Street, Bank Bottom, Berry Lane, Charlestown Road) and developing an 'Eastern Gateway' through the creation of a new public square, enhancing pedestrian, cycle, and bus connectivity with the Rail Station.
 - Enhanced northern approach (Northgate, Broad Street, Cross Hills) into Halifax Town Centre
 - Enhanced core public realm improvements in Halifax centre including Market Street and the reconfiguration of bus movements to the new bus station.
 - Enhanced Southern and Western corridor's (Wards End, Bull Green, Cow Green) in Halifax Town Centre.
- 4.4 Delivering upon this transformational vision requires land acquisition to capture the quality and standards necessary in establishing newly efficient and multimodal movement around the town centre; in total 20 land plots are required owned by 8 respective third-party landowners.
- 4.5 CPO related A629 Phase 2 Cabinet reports were previously approved in: -
- 4th July 16 - Original Outline Design based CPO approval.
 - 2nd Oct 17 - Land revision following Preliminary Design.
 - 19th Mar 18 - Side Roads Order plus working space land.
 - 7th Dec 20 - Land change arising from Hughes Building listing.

The CPO has been statutorily advertised, which received 2 objections from landowners and 1 from a business tenant; a subsequent Statement of Case has been forwarded to the SoS who has responded by offering a Public Inquiry date to be determined by the Councils readiness in early 2022.

- 4.6 During June 2021 the gable end unit of Deal St mill on western side of Church St was demolished by the owner, having gained approval from the Councils Planning Team and Historic England to annul the properties listed status due to structural condemning issues. From a highway geometry perspective, it is desirable to widen the highway in Church St along the full western side length incorporating the frontage of Deal Street, however the listed status of the mill inhibited previously.
- 4.7 The current design in Church St follows a widening to the west commencing from the intersection with New Road and land has already been purchased to facilitate, however at the midpoint of Church St's linear length, the widening switches to the eastern side seeking curtilage land from terrace property Heritage Mews. This introduces a mild chicane effect and implicates a complex structural design to the Mews cellars, plus significant utility diversions.
- 4.8 Opportunity to widen into the demolished footprint of Deal St mill is now to the fore which deliver a more satisfactory western focused highway design along the full length in Church St; also proffering a less complex engineering solution and enabling retraction of acquiring challenging Heritage Mews land to the eastern side. Albeit a late intervention given the project detail design milestone is approaching, this new opportunity is considered worthy of developing prior to release of the whole project construction tender in the Autumn period.
- 4.9 In engrossing all known outstanding land plots required for the project within this Supplemental CPO, a second small land strip is required adjacent to the demolished mill enabling full highway widening along the western side; a third land plot is also required adjacent Broad St Plaza / Northgate signal junction to enable introduction of a new pedestrian crossing and segregated cycle lane infrastructure. This latter plot has minimal impact on the wide paved forecourt area, which appears in single public highway ownership as there is no break in paving material but is divided into a private curtilage boundary via discrete brass studs set into the paving.

5. Options considered

- Option 1 – continue with current highway design incorporating land acquisition implicated widening to the eastern side of Church Street, facilitated by existing CPO and progress a Supplemental CPO to acquire the sole Plaza land identified.
- Option 2 – change current highway design to incorporate land acquisition implicated widening to the western side of Church Street in vicinity of Deal St and progress a Supplemental CPO to acquire, plus the Plaza land identified; remove land from existing CPO to east of Church St.

6. Financial implications

- 6.1 A budget of £1.65m for A629 Phase 2 has been allocated for land acquisition, based upon a commissioned study undertaken by the District Valuation Service. This includes the total land and compensation estimate with legal costs.
- 6.2 Additional project development time will be required to engage upon a Supplemental CPO, circa 2 months, including outsourced legal support; approx. £30k
- 6.3 New Church St western land option will likely result in a works cost saving; the eastern intervention is a complex engineering challenge due to cellars which extend under the highway; allocated cost allowance is £200k and utility diversions are also required. The western side is a less complex highway widening deliverable into a site cleared area, circa £50k.
- 6.4 Land acquisition costs between respective Church St east / west side options are likely to be neutral, however an overall cost reduction outcome is forecast for option 2, when engineering savings are taken into consideration.

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 SoS for Confirmation. A CPO is only effective once it has been confirmed by the SoS.
- 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 enquiry. If this is the case, the SoS will appoint an inspector to hear evidence from the objector(s) and the Council, before determining whether or not to confirm the CPO. The SoS 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 The scheme is being undertaken by the Council as Local Highway Authority, empowered under Section 239 of the Highways Act 1980 to acquire land to undertake improvements to the highway.
- 7.5 The use of compulsory purchase powers should be considered as a matter of last resort and a compelling case in the public interest must be made. Members are advised that acquisition by negotiation should be pursued, but that the CPO should be made, if timescales for delivery of the scheme become critical. The Department for Communities and Local Government document 'Guidance on Compulsory Purchase and the Crichel Down Rules' allows for authorities to initiate the formal procedures in parallel with negotiations.

- 7.6 Before a CPO can be made the Council must be satisfied that there are no planning, financial, legal or physical impediments to the delivery of the scheme.
- 7.7 The Council will need to balance the above individual rights against the compelling case in the public interest test. The view of officers is that the balance is in favour of a Supplemental CPO being made given that the interference with individual rights is both necessary and proportionate in order to deliver the public benefits deriving from the scheme.
- 7.8 The relevant procedure is contained within the Acquisition of Land Act 1981 supplemented by the Department for Communities and Local Government documents 'Guidance on Compulsory purchase and the Cichel Down Rules'. All land owners and persons with a legal interest in the Order Land have the right to object to the making of the Supplemental CPO and to representation at any local public inquiry schedule by the SoS to consider objections.
- 7.9 Non delivery of A629 Phase 2, will compromise the economic and employment gains forecast within the Urban Dynamic Model and emerging Local Plan, plus Climate Emergency interventions represented by the projects modal switch, active modes, public transport focus and highway efficiency components.
- 7.10 Non delivery of this primary WY + TF strategy presents a reputational risk to Calderdale Council with WYCA and partners and within the wider public and business community arena.
- 7.11 Advice from appointed Legal Counsel suggests the Council has a greater prospect of gaining SoS confirmation for the CPO represented by Option 2, as it delivers the better highway engineering alignment and negates blight to occupied property.
- 7.12 Loss of a CPO Public Inquiry would result in reputational damage to the Council, along with project stall and significant financial loss; the Councils appointed Legal Counsel is therefore reluctant to progress with the existing CPO to Public Inquiry until full examination of the new land opportunity in Church St pertinent to a Supplemental CPO has been undertaken.

8. Human Resources and Organisation Development Implications

- 8.1 Consideration of the Human Rights Act 1998 and Article 1 of the First Protocol to the European Convention on Human Rights must be given prior to the making of a CPO. Although there are no domestic dwellings within the Order Land, Article 8 should also be considered.

9. Environment and Health

- 9.1 The towns transformation will deliver positive benefits for active travel modes such as cycling and walking. The whole town centre will be one of the first in the UK to be fully designed against new Government LTN1/20 cycle infrastructure standards. In addition, the improved highway efficiency measures, and vehicle redistribution away from the core will reduce harmful emissions from standing traffic improving local air quality. The reconfigured bus routing around the town, to serve the new bus station will provide an

opportunity for modal interchange with the rail station and presents an enhanced public transport alternative to the private car.

- 9.2 The A629 corridor strategy's highway efficiency measures will deliver reduced journey times along this congested principal route for goods and employment destinations in the Halifax area. Phase 2 supports economic site unlocking opportunities, particularly to the east of Halifax where brownfield development land resides in the Cripplegate / Bailey Hall areas.
- 9.3 The step change in urban realm quality will compliment Halifax centres identity as a desirable place to work, visit and reside, which in turn align with wellbeing benefits associated with pleasing built environment surroundings.

10. Consultation

Landowners, occupiers, and major stakeholders, including the West Yorkshire Combined Authority (WYCA), local authority partners and statutory undertakers, have been contacted individually and continue to support the scheme.

11. Equality and Diversity

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.

12. Summary and Recommendations

- 12.1 Cabinet are requested to authorise negotiated purchase of the additional land identified in Appendix A with consideration to the economic, social and environmental benefits derived from the transformational enhancement of Halifax town centre under the WY+TF strategy.
- 12.2 Cabinet are also requested to authorise the progression of the Supplemental CPO to ensure that this land can be acquired to meet the project milestones.

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
- c) Highways Act 1980

Highway documents: -

- a) WY+TF A629 Phase 2 Full Business Case submission

Relevant National Circulars: -

- a) DCLG Guidance on Compulsory Purchase and the Crichton Down Rules

Other relevant documents: -

- a) CPO 2020 Statement of Reasons in the public interest
- b) Cabinet Report – WY+TF Phase 2 land, 4th July 2016
- c) Cabinet Report – WY+TF Phase 2 land, 2nd Oct 2017
- d) Cabinet Report – WY+TF Phase 2 land, 19th Mar 2018
- e) Cabinet Report – WY+TF Phase 2 land, 7th Dec 20

The documents are available for inspection at:

Major Projects – 1st Floor, Princess Building, Halifax HX1 1TS

For further information on this report, contact:

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Regeneration and Strategy

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E-mail: Richard.Binks@calderdale.gov.uk

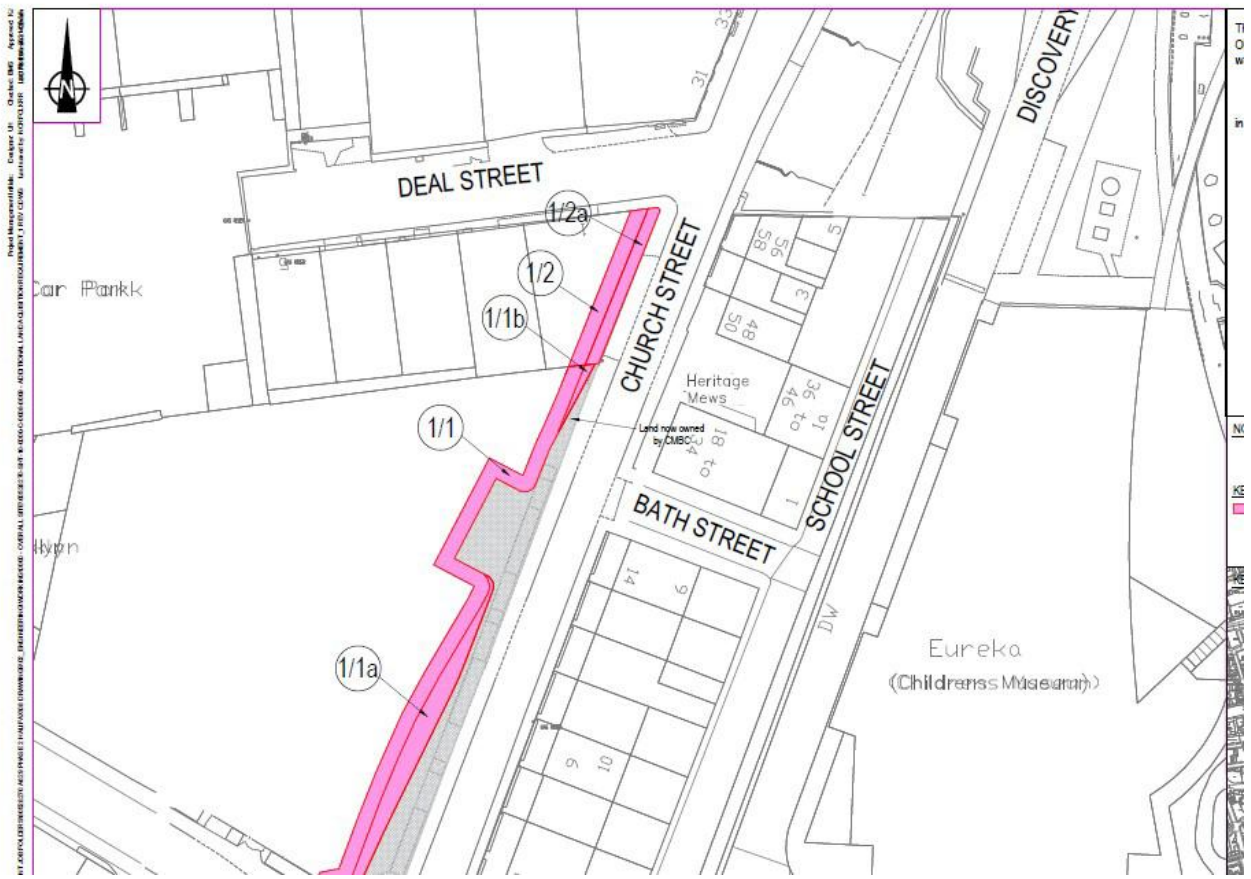
and

Robert Summerfield - Corporate Lead for Major Projects,

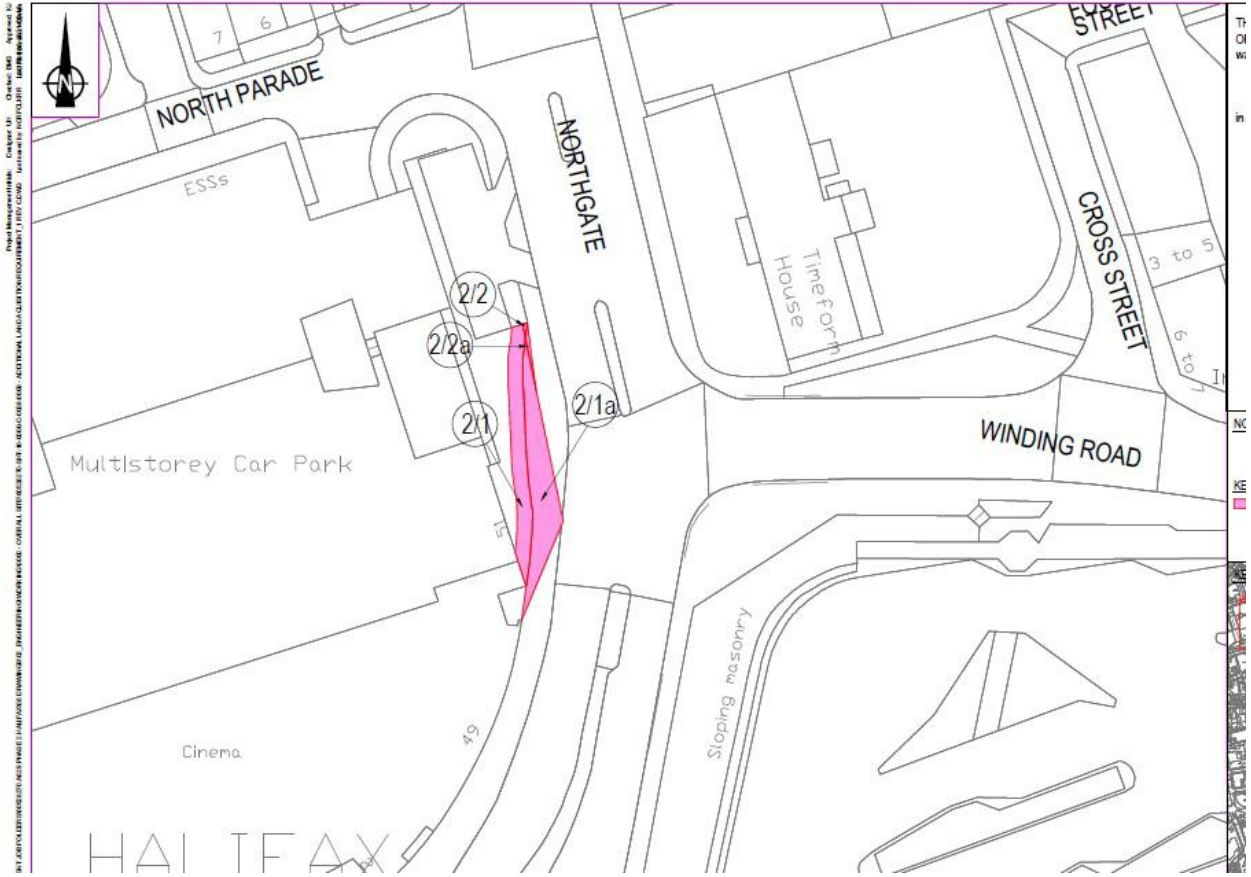
Telephone: 01422 393280

Email: Robert.Summerfield@calderdale.gov.uk

Appendix A - New A629 Phase 2 land acquisition proposed by Supplemental CPO.

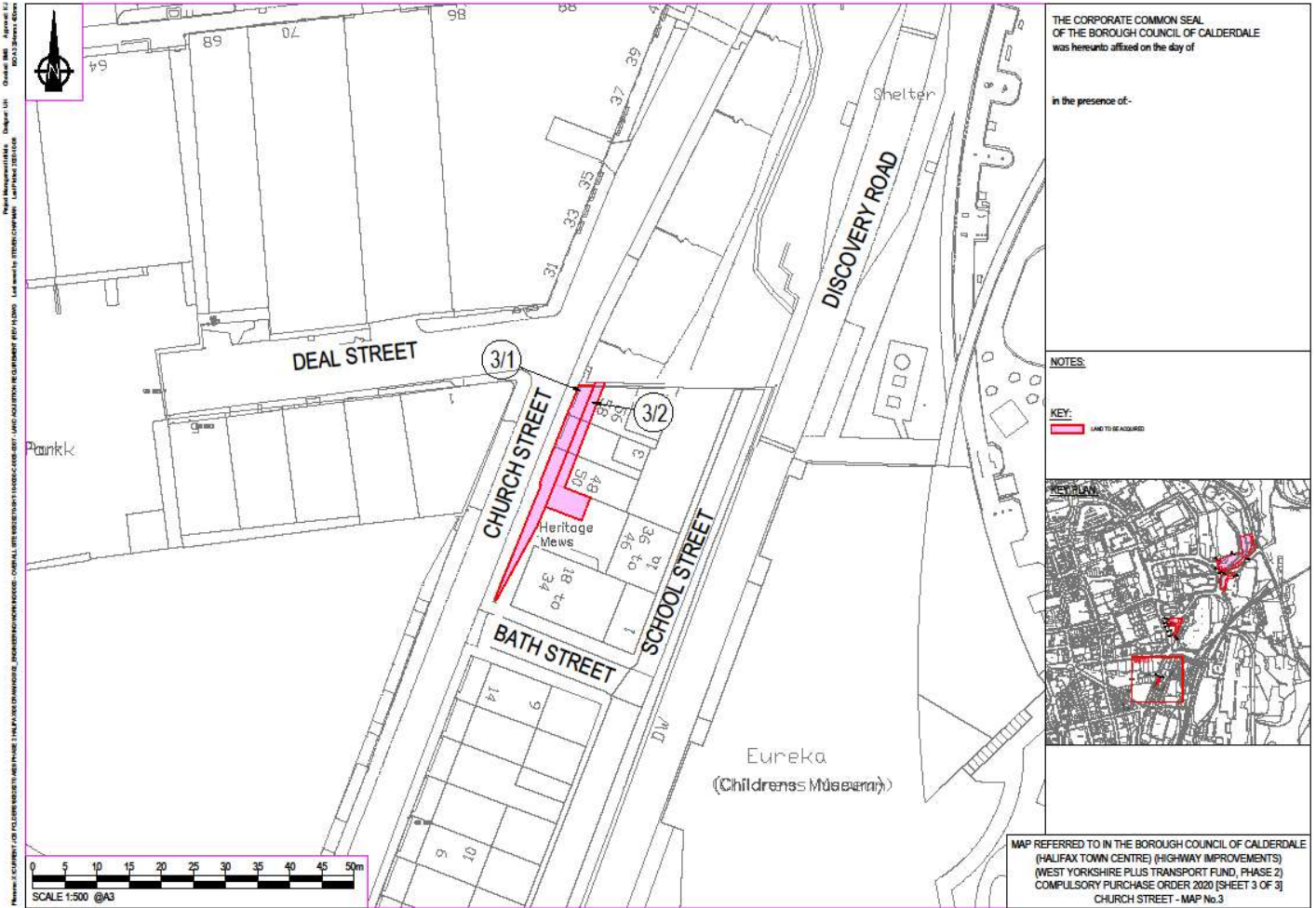


Dwg 1 - A629 Phase 2 Supplemental CPO Land plots ref 1/1 and 1/2 Church Street.



Dwg 2 - A629 Phase 2 Supplemental CPO Land plots ref 2/1 and 2/2 Northgate.

Appendix B - A629 Phase 2 land proposed to be removed from original CPO.



Dwg 3 - A629 Phase 2 original CPO Land plots ref 3/1, and 3/2 Church Street.



Supplemental Compulsory Order 2021 Statement of Reasons

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6. SCHEME INFORMATION
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11. SPECIAL CONSIDERATIONS
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INTRODUCTION

1.1 On 9th December 2020, the Borough Council of Calderdale (“**the Council**”) made the following Orders following the Cabinet’s agreement to the use of compulsory purchase powers on 2nd December 2020 (following earlier resolutions relating to the scheme dated 4th July 2016, 2nd October 2017 and 19th March 2018):

- The Borough Council of Calderdale (A629, Halifax Town Centre, Halifax) (Highway Improvements) (West Yorkshire Plus Transport Fund, Phase 2) Compulsory Order 2020 (“**the original CPO**”); and
- The Borough Council of Calderdale (A629 Phase 2, Halifax Town Centre, Halifax) (Highway Improvements) (West Yorkshire Plus Transport Fund, Phase 2) (Side Roads) Order 2020 (“**the Side Roads Order**”)

(together referred to in this Statement of Reasons as “**the Original Orders**”).

1.2 The original CPO was made under sections 239, 240, 250 and 260 of the Highways Act 1980. The Side Roads Order was made under the provisions of sections 14 (powers of highway authorities as respects roads that cross or join classified roads) and 125 (further

powers to stop private means of access to premises) of the Highways Act 1980 and in accordance with Schedule 1 of that Act.

- 1.3 The Original Orders were made as the Council is satisfied that there is a compelling case in the public interest and that the proposed acquisitions will facilitate the carrying out of various improvements within the A629 highway corridor and wider Halifax town centre. The improvements will comprise the reconfiguration of all major traffic junctions to the east and west of the town, realignment of highway boundaries to facilitate improved pedestrian and cyclist connectivity and the creation of new areas of public realm as part of a comprehensive scheme to provide multi-modal transport corridor improvements. These works combined will improve the economic, social and environmental well-being of the Borough of Calderdale.
- 1.4 The Original Orders were advertised in accordance with the statutory requirements, and statutory objections were received in respect of two properties from the owners and a business tenant of one of the properties. A Statement of Case was subsequently prepared and served on all parties and the National Transport Casework Team – this sets out the Council’s response to the grounds of objection raised by the objectors and explains the attempts made by the Council to resolve these to date.
- 1.5 For the reasons explained in section 5 below, on 4 October 2021 the Council’s Cabinet resolved to make the following supplemental compulsory purchase order:
 - The Borough Council of Calderdale (A629, Halifax Town Centre, Halifax) (Highway Improvements) (West Yorkshire Plus Transport Fund, Phase 2) Supplemental Compulsory Order 2021 (“**the Supplemental CPO**”).
- 1.6 As detailed below, the Supplemental CPO is required as a result of a design change to part of the scheme, and in another location to acquire an area of land which it had previously been thought fell within the boundary of the public adopted highway.
- 1.7 The Council prepared a Statement of Reasons (“**the Original Statement of Reasons**”) which accompanied the Original Orders and was served on all qualifying persons with the statutory notices of the making of the Original Orders. As explained below, the Original Statement of Reasons should be cross-referred to and read closely in conjunction with this Statement of Reasons which relates solely to the Supplemental CPO.
- 1.8 As with the Original Statement of Reasons, this Statement of Reasons is a non-statutory statement provided in in compliance with the guidance set out in the following:
 - Ministry of Housing Communities and Local Government Guidance on Compulsory purchase process and The Crichton Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion (‘the MHCLG Guidance’);
 - The Department for Transport’s Note on the Preparation, Drafting and Submission of Compulsory Purchase Orders for Highway Schemes and Car Parks for which the Secretary of State is the Confirming Authority, Circular No. 2/97 (‘the DfT Guidance’); and

- 1.9 If a public inquiry into the Orders is required, the Council will request that the Original Orders and the Supplemental CPO are considered concurrently.
- 1.10 If confirmed by the Secretary of State, the Original Orders and the Supplemental CPO will enable the Council to acquire compulsorily the land and rights over the land needed to facilitate the development described below and to implement the changes to side roads set out in the Site Roads Order.

2 DESCRIPTION OF THE ORDER LAND AND PRESENT USE

- 2.1 The land proposed to be compulsorily acquired pursuant to the Supplemental CPO is shown on the map which accompanies the Supplemental CPO (“**the Supplemental CPO Map**”) and is located within Halifax town centre. All of the land is located adjacent to the public adopted highway.
- 2.2. Full details of the ownership of each interest in the Compulsory Purchase Order land are contained in the Schedule to the Supplemental CPO, but in summary the land included comprises the following:
- Plot 1/1, 1/1a and 1/1b comprise part of an area of open land which is used for public car parking.
 - Plots 1/2 and 1/2a comprise vacant land which was formerly occupied by part of Deal Street Mill which has been partially demolished since the Original Orders were made.
 - Plots 2/1, 2/1a, 2/2 and 2/2a comprise an area of flag-paving located east of Broad Street Plaza and immediately adjacent to the western footway of Northgate. The whole area in front of the building comprises the same paving material but only a strip parallel to the kerbline, nominally 2m wide, has previously been adopted as highway. This is delineated by a row of small brass studs fixed into the paving. The scheme provides for the carrying out of works on part of the land located outside of the adopted highway boundary, so the Council has included this land in the Supplemental CPO.
- 2.3 The land is in different ownerships as noted in the Schedule to the Supplemental CPO.
- 2.4 The Council is seeking the power to acquire all interests in the Supplemental CPO land unless expressly stated, as part of the land required to facilitate the comprehensive redevelopment of the land (including the Supplemental CPO land) to deliver integrated transport corridor improvements.

3 THE SUPPLEMENTAL CPO MAP

- 3.1 The Supplemental CPO Map comprises two plans which identify the land subject to compulsory purchase powers, shown shaded in pink. The pink land represents land where all interests in that land are being acquired (the Council is not intending to create new rights over any of the land). Individual plot boundaries and numbers on the Supplemental CPO Map correspond with the Schedule to the Supplemental CPO. In addition, the Schedule lists other parties who may have a qualifying interest in the Supplemental CPO land where known after diligent enquiry.
- 3.2 The Schedule has been based on information gathered through site inspections and enquiries and inspection of Land Registry documents. Whilst it represents an extensive schedule of known interests it is acknowledged that currently unknown interests may emerge in the course of proceeding with the Supplemental CPO.
- 3.3 The Supplemental CPO and accompanying Map will be deposited at the Halifax Town Hall at Crossley Street, Halifax, HX1 1UJ and can be viewed between the hours of 9.00am – 5pm, Mon - Fri. They can also be viewed on the Council's website at www.calderdalenextchapter.co.uk.

4 ENABLING POWERS FOR THE SUPPLEMENTAL CPO

- 4.1 The Supplemental CPO had been made by the Council pursuant to its powers under sections 239, 240 and 260 of the Highways Act 1980 (“**the 1980 Act**”).
- 4.2 Section 239(1) of the 1980 Act enables the compulsory acquisition of land where land is required for the construction of a trunk road, and any highway authority may acquire land required for the construction of a highway which is to be a highway maintainable at the public expense, other than a trunk road.
- 4.3 Under Section 239(3) of the 1980 Act a highway authority may acquire land required for the improvement of a highway, being an improvement which they are authorised by this Act to carry out in relation to the highway.
- 4.4 Under Section 240 of the 1980 Act a highway authority may acquire land which is required for use by them in connection with the construction or improvement of a highway.

- 4.5 The Council is satisfied that for the reasons set out below, the purpose of the Supplemental CPO falls within the powers set out above and that the Supplemental CPO may lawfully be made.
- 4.6 The Council is exercising its compulsory purchase powers because it has not been possible to acquire by agreement all land and interests that are required and it is not certain it will be able to acquire the remaining land by agreement.
- 4.7 The MHCLG Guidance and the DfT Guidance provide guidance to acquiring authorities on the use of compulsory purchase powers and sets out the overarching consideration that there must be a compelling case in the public interest for making a compulsory purchase order. The Council has taken full account of this overarching consideration in making this Order. Section 12 of the Original Statement of Reasons set out why the Council considers that there is a compelling case in the public interest to make the Supplemental CPO and proceed with the scheme of highway improvements. The Council considers there to be a public interest for making the Supplemental CPO for the same reasons.
- 4.8 The MHCLG Guidance states that undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect. Whilst the acquiring authority must make all reasonable efforts to acquire the land by negotiation, it is no longer the case that the making of a compulsory purchase order has to be a last resort. Acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted.
- 4.9 Landowners have been made aware of the desire to acquire the land and the potential for the use of compulsory purchase powers. Negotiations have been ongoing with respect to the purchase of the land required and compensation. Where relevant, dialogue has also taken place and will continue to take place in relation to mitigation and remedial works or relocation. The Council's Land Portfolio Officer has initiated negotiations with all landowners. The Council will continue to make meaningful attempts to reach agreement on a voluntary basis. Where mitigation measures or remedial works is appropriate, the Council is taking a proactive and sensitive approach to work with businesses to minimise adverse impact.
- 4.10 In summary, in exercising its powers to make the Supplemental CPO the Council is satisfied that it may lawfully do so under the powers set out above and that there is a compelling case in the public interest for such exercise and that the public interest is sufficiently important to justify the interference with private rights in making improvements to the highway.

5. NEED FOR ACQUISITION

The A629 strategy is classified as a core project by West Yorkshire Combined Authority (“WYCA”) and has the status of being the largest individual project within the WY+TF programme.

Church Street / Deal Street

- 5.1 The original CPO provides for the acquisition of part of the forecourts and basements of residential terrace properties known as Heritage Mews on the eastern side of Church Street and north of Bath Street. The Council intended to acquire this land to facilitate the widening of Church Street – the current design follows a widening to the west commencing from the intersection with New Road (land has already been purchased to facilitate these works), however at the midpoint of Church Street’s linear length, the widening switches to the eastern side, which gives rise to the need to acquire land within the curtilage of the Heritage Mews properties. This introduces a mild chicane effect and implicates a complex structural design to the Heritage Mews cellars, in addition to significant utility diversions.
- 5.2 From a highway geometry perspective, it had been considered desirable to widen the Church Street highway along its western side by incorporating the frontage of Deal Street, which forms a junction with the western side of Church Street. However, the listed status of the Deal Street Mill building at the junction prevented this option being explored previously.
- 5.3 During June 2021, the gable end unit of the Deal Street Mill was demolished by the owner, having gained approval from the Council’s Planning Team and Historic England to annul the properties listed status due to significant structural issues. This provides an opportunity to widen Church Street into the demolished footprint of Deal Street Mill, which it is considered would deliver a more satisfactory western focused highway design along Church Street. This would also provide a less complex engineering solution and remove the need to acquire the Heritage Mews land on the eastern side.
- 5.4 In addition to the footprint of part of the former Deal Street Mill, a further small land strip is required adjacent to the demolished mill to enable full highway widening along the western side of Church Street.
- 5.5 The land to be acquired to enable the proposed revised design of the Church Street widening is shown on Supplemental CPO Map No. 1.

Broad Street Plaza / Northgate

- 5.6 It has also been identified that a further area of land adjacent to the Broad St Plaza / Northgate signal junction is required to enable the introduction of a new pedestrian crossing and segregated cycle lane infrastructure. At the time that the original CPO was made, it had been thought that this land formed part of the adopted highway as it forms part of a wide paved forecourt area (with no break in paving material), however it has since been established that this paved area is divided into a private curtilage boundary via discrete brass studs set into the paving.
- 5.7 The Council intends to acquire the remaining section of the paved area in this location to facilitate the delivery of the new pedestrian crossing and segregated cycle lane, and to enable this area to become part of the public adopted highway upon completion of the works.
- 5.8 The land to be acquired to enable these works is shown on Supplemental CPO Map No. 2.

6. SCHEME INFORMATION

- 6.1 The following sections of the Original Statement of Reasons, which provide detailed information about the scheme and the Original Orders, apply equally to the making of the Supplemental CPO and should be read accordingly:
- Sections 5 & 12 – explanation of the West Yorkshire Plus Transport Fund (the source of funding for the scheme) and a Funding Statement.
 - Section 6 – the scheme context and the current economic and development situation and transport needs.
 - Section 7 – alignment with national, regional and local policy.
 - Section 8 – the existing problems and issues – in terms of transport, connectivity, economic issues and public health – which the scheme seeks to address.
 - Section 9 – the scheme objectives and measures for success.
 - Section 13 – options considered.
 - Section 14 – benefits and justification for the scheme.

7. REVISED SCHEME

- 7.1 Details of the proposed design changes to the scheme can be found in the revised General Arrangement drawing provided at Appendix A of this Statement of Reasons.

7.2 The Council will be requesting that, if the Secretary of State decides to confirm the Orders, modifications are made to the original CPO as follows:

- (a) Plots 3/1 and 3/1 (part of the forecourts and basements of the the residential properties at Heritage Mews to the east of Church Street) are deleted from the original CPO Schedule;
- (b) The original CPO Map No. 3 is deleted.

8. SIDE ROADS ORDER

8.1 ***The Side Roads Order was made to enable the Council to stop up existing side roads and private means of access affected by the proposed scheme; to improve, raise, lower, divert or otherwise alter existing side roads; and to create new side roads and private means of access required as a consequence of the scheme. These are summarised in the Original Statement of Reasons.***

8.2 ***The modifictaions referred to above will result in changes to the proposed classified road boundaries along Church Street (part of the C5954) and Northgate (part of the C5955). These changes will be reflected in revised Side Roads Order plans.***

9. APPRAISAL OF OPTIONS

9.1 Widening Church Street on its western side would have been the preferred option at the beginning of the scheme had it not been for Deal Street Mill being listed. Widening on either the western or eastern side forms a slight chicane in the layout but to a lesser extent on the western side. Widening on the eastern side would affect residential properties. There are utilities connections into the properties via the cellars which currently extend beneath the existing highway. The cellars would need to be reconstructed and the utilities altered which would be complex and costly. Widening to the west negates the need to take land to the east of Church Street and therefore, those alterations would no longer be necessary. The western side is vacant land and very little additional diversion work is required from the statutory undertakers, if any. Bearing in mind, the extensive statutory undertakers works required plus cellars mitigation on the eastern side, it is considered that the revised design now being taken forward will also take a lot less time to construct and therefore create much less disruption.

10. HUMAN RIGHTS ACT

10.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("**the Convention**"). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

- 10.2 Section 6 of the Human Rights Act prohibits public authorities from acting in a way which is incompatible with the Convention. Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably Article 1 protects the right of everyone to the peaceful enjoyment of possessions. No-one can be deprived of possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. In addition Article 8 protects the right to respect for your private and family life.
- 10.3 The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole. Similarly any interference with Article 8 rights must be necessary for the reasons set out. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local highway authority. Any interference with Convention Rights must be necessary and proportionate.
- 10.4 In considering this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Any interference with Convention rights is considered to be justified in order to secure the economic, social, physical and environmental regeneration that the redevelopment will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the relevant statutory provisions.
- 10.5 The Council considers that there is a compelling case in the public interest for contemplation of the Orders and that the Orders, if confirmed, would strike an appropriate balance between public and private interests. In addition, having regard to the legislative provisions and the guidance set out in Crichel Down Rules, the Council considers that the land included in the Supplemental CPO (and the original CPO) is both suitable for and necessary for the improvement to Halifax town centre in order to deliver the public benefits described above. Furthermore the Council considers that interference with individual rights is necessary and proportionate in the context of the delivery of the scheme.
- 10.6 Consultation has and will continue to be undertaken during the acquisition process, with the opportunity being given for interested parties to make representations regarding the proposal. If qualifying objections to the Supplemental CPO are received, further representations can be made when the Secretary of State decides to hold a public inquiry in connection with the Orders. Those directly affected by the Supplemental CPO and/or Orders who have legally compensatable interests will be entitled to statutory compensation. Compensation claims can be referred to the Upper Tribunal (Lands Chamber) for determination if the appropriate level of compensation is in dispute.
- 10.7 In assessing human rights considerations, the Council has had particular regard to the fact that the proposed acquisition will affect land currently owned and occupied by the owners, lessees, occupiers and other legal interests in the land included in the Supplemental CPO.

11 SPECIAL CONSIDERATIONS

- 11.1 The Deal Street Mill located on the corner between Church Street and Deal Street was a vacant grade 1 listed building dating from 19th Century, formally a wool warehouse. The gable end unit of the Deal Street Mill was demolished by the owner, having gained approval from the Council's Planning Team and Historic England to annul the properties listed status, due to significant structural issues implicating imminent collapse. The Council has been working with the owner to find a long term restoration solution, but following work carried out two years ago by the owner to stabilise the property, further significant deterioration occurred leading to the decision to demolish. The Local Planning Authority and conservation officers have confirmed that listed building consent is not required for the proposed works in this location.
- 11.3 The land included in the Supplemental CPO falls within a conservation area, but the Supplemental CPO does not provide for the compulsory acquisition of any buildings which fall within the conservation area.
- 11.4 There are no other issues concerning special category land, consecrated land or other protected land arising from the Supplemental CPO, and the Supplemental CPO does not include any Crown land.

12 OTHER IMPEDIMENTS

- 12.1 The design changes at Church Street described above will require a variation to the existing planning permission for the scheme. This application is in the process of being progressed and, based on discussions with planning officers to date, the Council sees no reason why the variation will not be approved.
- 12.2 The Council is not aware of any financial, planning, physical, legal or any other impediments to the implementation of the scheme which the Original Orders and the Supplemental CPO are intended to facilitate.

13 ENQUIRIES

- 13.1 Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

The Borough Council of Calderdale, Corporate Projects Team, Town Hall, Halifax, HX11UJ

Email: Thenextchapter@calderdale.gov.uk

14 SUPPORTING DOCUMENTS

14.1 Section 21 of the Original Statement of Reasons contains a list of the documents which the Council may refer to or put in evidence should it be necessary to hold a public inquiry into the Original Orders and the Supplemental CPO.

**THE BOROUGH COUNCIL OF CALDERDALE (HALIFAX TOWN CENTRE)
(HIGHWAY IMPROVEMENTS)
(WEST YORKSHIRE PLUS TRANSPORT FUND, A629 PHASE 2)
SUPPLEMENTAL COMPULSORY PURCHASE ORDER 2021**

Ian Hughes
Head of Legal and Democratic Services
The Borough Council of Calderdale
Town Hall
Halifax
HX1 1UJ

**THE BOROUGH COUNCIL OF CALDERDALE
(HALIFAX TOWN CENTRE) (HIGHWAY IMPROVEMENTS)
(WEST YORKSHIRE PLUS TRANSPORT FUND, A629 PHASE 2)
SUPPLEMENTAL COMPULSORY PURCHASE ORDER 2021**

**The Highways Act 1980
and
The Acquisition of Land Act 1981**

The Borough Council of Calderdale (in this order called “the acquiring authority”) hereby makes the following order:

1. Subject to the provisions of this order, the acquiring authority is under sections [239, 240 and 250] of the Highways Act 1980 hereby authorised to purchase compulsorily the land described in paragraph 2 for the purpose of:
 - (1) the improvement of the following highways located in Halifax, West Yorkshire:
 - (a) the C5954 route (as proposed to be improved) from its junction with Northgate through Winding Road, Smithy Street, Charles Street, Square Road, Alfred Street East, Church Street and South Parade to Hunger Hill; and
 - (b) the C5955 route from its junction with New Bank through Bridge Street, Northgate and Broad Street to its junction with Orange Street,together referred to as “the classified roads”;
 - (2) the creation and/or improvement of highways intended to connect the classified roads to the existing road system or otherwise in the vicinity of the routes of the classified roads and the provision of new means of access to premises in pursuance of The Borough Council of Calderdale (Halifax Town Centre) (Highway Improvements) (West Yorkshire Plus Transport Fund, A629 Phase 2) (Side Roads) Order 2020.
 - (3) the construction of works for the drainage of the classified roads and the new or improved highways;

- (4) use by the acquiring authority in connection with the construction and/or improvement of highways and the provision of new means of access to premises and landscaping mentioned above.
2. The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown coloured pink on the map consisting of a folio of three sheets numbered 1 to 2 respectively, prepared in duplicate, sealed with the common seal of the acquiring authority and marked “Map referred to in The Borough Council of Calderdale (Halifax Town Centre) (Highway Improvements) (West Yorkshire Plus Transport Fund, A629 Phase 2) Supplemental; Compulsory Purchase Order 2021”.
3. Parts 2 and 3 of Schedule 2 of the Acquisition of Land Act 1981 are hereby incorporated with this order subject to the modifications that references in the said parts of the Schedule to the ‘undertaking’ shall be construed as referenced to the land and any building or work constructed or to be constructed on the land authorised to be purchased pursuant to the order.

THE CORPORATE COMMON SEAL)
of THE BOROUGH COUNCIL OF)
CALDERDALE was hereunto affixed)
on the day of)
in the presence of:

Authorised Officer

The Schedule

Table 1					
Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
1/1	<p>181.03 square metres of open land used for public car parking located west of Church Street, south of the junction between Deal Street and Church Street and north of the junction between New Road and Church Street, Halifax.</p> <p>Title Numbers: WYK940638, WYK385256 and WYK303173</p>	<p>Edward Hutley Investments Limited (Company No. 2389328) Slades Farm House, Thorncombe Street, Bramley, Guildford GU5 0LT (Registered Proprietor)</p> <p>Due West Limited (Company incorporated in Grand Cayman) 9 Harrison Road, Halifax,</p>	<p>Excel Parking Services Limited (Company No. 02878122) P1 Europa Link, Sheffield Business Park, Sheffield S9 1XU</p>		Lessee

		West Yorkshire HX1 2AF (Equitable Owner pursuant to a Transfer dated 26 August 2020)			
1/1a	85.55 square metres of open land used for public car parking located west of Church Street and north of the junction between New Road and Church Street, Halifax. Title Numbers: WYK385256 and 303173	As Plot 1/1			As Plot 1/1
1/1b	5.93 square metres of open land used for public car parking located west of Church Street and south of the junction between Deal Street and Church Street, Halifax. Title number: WYK940638 and WYK385256	As Plot 1/1			As Plot 1/1
1/2	44.51 square metres of vacant land (site of former Deal Street Mill) located west of Church Street and	Revista Property Limited (Company No.			Owner

	immediately south of the junction between Deal Street and Church Street, Halifax. Title Number: YY124526	12059010) Stoneygate House, 2 Greenfield Road, Holmfirth HD9 2JT			
1/2a	35.01 square metres of vacant land (site of former Deal Street Mill) located west of Church Street and immediately south of the junction between Deal Street and Church Street, Halifax. Title Number: YY124526	As Plot 1/2			As Plot 1/2
2/1	64.04 square metres of paving forming part of the forecourt of Broad Street Plaza building adjoining the western footway of Northgate, Halifax. Title Number: WYK894221	Palace Capital (Halifax) Limited (Company No. 5122315) 4 th Floor 25 Bury Street, St James's, London SW1Y 6AL			Owner
2/1a	83.55 square metres of paving forming part of the forecourt of Broad Street Plaza building	As Plot 2/1			As Plot 2/1

	<p>adjoining the western footway of Northgate, Halifax.</p> <p>Title Number: WYK894221</p>				
2/2	<p>0.64 square metres of publicly accessible paving forming part of the forecourt of Broad Street Plaza building adjoining the western footway of Northgate, Halifax.</p>	Unknown			
2/2a	<p>2.34 square metres of publicly accessible paving forming part of the forecourt of Broad Street Plaza building adjoining the western footway of Northgate, Halifax.</p>	Unknown			

Table 2

Number on map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 – not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
1/1	The Borough Council of Calderdale Town Hall, Halifax HX1 1UJ Unknown	Restriction preventing disposition without a certificate signed by the Borough Council that the provisions of clause 18.2 of a Contract dated 15 May 2020 have been complied with. Restrictive covenants as may have been imposed before 13 October 2011.		181.03 square metres of open land used for public car parking located west of Church Street, south of the junction between Deal Street and Church Street and north of the junction between New Road and Church Street, Halifax.
1/1a	As Plot 1/1	As Plot 1/1		85.55 square metres of open land used for public car parking located west of Church Street and north of the junction between New Road and Church Street, Halifax.

1/1b	As Plot 1/1	As Plot 1/1		5.93 square metres of open land used for public car parking located west of Church Street and south of the junction between Deal Street and Church Street, Halifax.
1/2	<p>David Neil Rawnsley 8 Copley Lane, Halifax, West Yorkshire HX3 0TT</p> <p>British Overseas Bank Nominees Limited (Company. No. 00220905) and WGTC Nominees Limited (Company No. 01255218) 250 Bishopsgate, London EC2M 4AA</p> <p>Unknown</p>	<p>Easements, being rights: of way, to service media, to enter for repairs, to overhang roofs, gutters etc., reserved by a Transfer dated 5 July 2019.</p> <p>Unilateral Notice in respect of an Option Agreement dated 25 August 2009</p> <p>Restrictive covenants contained in a Conveyance dated 1 August 1865</p>		44.51 square metres of vacant land (site of former Deal Street Mill) located west of Church Street and immediately south of the junction between Deal Street and Church Street, Halifax.

1/2a	As Plot 1/2	As Plot 1/2		35.01 square metres of vacant land (site of former Deal Street Mill) located west of Church Street and immediately south of the junction between Deal Street and Church Street, Halifax.
2/1	<p>W Investments Limited (incorporated in Jersey) c/o Ogier, Ogier House, The Esplanade, St Helier, Jersey JE4 9WG</p> <p>Guernsey Investments Limited (incorporated in Guernsey) PO Box 41, Floor 2, Le Marchant House, Le Truchet, St Peter Port, Guernsey GY1 3BE</p>	<p>Easements, being rights: of access, to service media, to use service/waste areas, of escape, to keep signs, to enter for repairs, to use common parts, etc, granted by a Transfer dated 28 January 2013 and the benefit of a restriction protecting covenants contained in that Transfer.</p> <p>Easements, being rights: of access, to service media, to tie into walls, of escape, to put up scaffolding, to enter for repairs, etc, granted by a Transfer dated 28 January 2013 and the benefit of a restriction protecting positive covenants contained in that Transfer</p>		64.04 square metres of paving forming part of the forecourt of Broad Street Plaza building adjoining the western footway of Northgate, Halifax.

	<p>The Borough Council of Calderdale Town Hall, Halifax HX1 1UJ</p> <p>Yorkshire Water Services Limited (Company No. 02366682) Western House, Halifax Road, Bradford BD6 2SZ</p> <p>Lloyds Bank Plc (Company No. 00002065) 25 Gresham Street, London EC2V 7HN</p> <p>Whitecross Dental Care Limited (Company No.00244415) Europa House, Europa Trading Estate, Stoneclough Road, Kearsley,</p>	<p>Restriction preventing disposition without a certificate signed by the Borough Council that the provisions of Schedule 4 of a Development Agreement dated 18 November 2005 have been complied with</p> <p>Restrictive covenants contained in a Deed dated 15 July 2010 relating to building over a sewer</p> <p>Registered Charge contained in a Debenture dated 6 July 2016</p> <p>Restrictive covenant not to allow other parts of the development to be used as a dental practice, and easements, being rights to service media, of access, etc. contained in a Lease dated 30 May 2019</p>		
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	<p>Manchester M26 1GG</p> <p>Vue Entertainment Limited (Company No. 04699504) 10 High Road, Chiswick Park, 566 Chiswick, London W4 5XS</p> <p>Calderdale and Huddersfield NHS Foundation Trust of Huddersfield Royal Infirmary Acre Street, Lindley, Huddersfield HD3 3EA</p> <p>Pure Gym Limited (Company No. 06690189) Town Centre House, Merrion Centre, Leeds LS2 8LY</p> <p>Apoca Parking (UK) Limited (Company No. 02572947) Wellington House,</p>	<p>Restrictive covenant not to allow other parts of the development to be used as a cinema and other associated restrictions, and easements, being rights to service media, of access, etc. contained in a Lease dated 13 December 2012</p> <p>Easements, being rights to service media, of access, etc. contained in a Lease dated 29 November 2012</p> <p>Easements, being rights to service media, of access, etc. contained in a Lease dated 31 July 2012</p> <p>Easements, being rights to service media, of access, etc. contained in a Lease dated 3 October 2012</p>		
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	<p>4-10 Cowley Road, Uxbridge, Middlesex UB8 2XW</p> <p>Mitchells & Butlers Retail (No. 2) Limited (Company No. 03959664) 27 Fleet Street, Birmingham B3 1JP</p> <p>J D Wetherspoon Plc (Company No. 01709784) Wetherspoon House, Central Park, Reeds Crescent, Watford, Hertfordshire WD24 4QL</p> <p>Nandos Chickenland Limited (Company No. 02580031) St. Marys House, 42 Vicarage Crescent, London SW11 3LD</p> <p>Thursdays (UK) Limited (Company No. 06034603)</p>	<p>Easements, being rights to service media, of access, etc. contained in a Lease dated 11 October 2012</p> <p>Easements, being rights to service media, of access, etc. contained in a Lease dated 19 October 2012</p> <p>Easements, being rights to service media, of access, etc. contained in a Lease dated 22 October 2012</p> <p>Easements, being rights to service media, of access, etc. contained in a Lease</p>		
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	<p>Grant House, 101 Bourges Boulevard, Peterborough PE1 1NG Whitbread Group Plc (Company No. 00029423) Whitbread Court, Porz Avenue, Houghton Hall Park, Houghton Regis, Dunstable LU5 5XE</p> <p>Unknown Tenant of Ground Floor, Unit 6b Northgate, Broad Street Plaza</p>	<p>dated 10 October 2012</p> <p>Easements, being rights to service media, of access, etc. contained in two Leases, both dated 12 October 2012, in relation to restaurant and hotel premises</p> <p>Interests that may be contained in an unregistered Lease dated 10 February 2021 in relation to Unit 6b Northgate, Broad Street Plaza (Ground Floor)</p>		
2/1a	As Plot 2/1	As Plot 2/1		83.55 square metres of paving forming part of the forecourt of Broad Street Plaza building adjoining the western footway of Northgate, Halifax.