

Calderdale MBC

Wards Affected **Elland**

Cabinet **2nd of November 2020**

West Yorkshire-plus Transport Fund (WY+TF) Elland Railway Station – Land acquisition and deployment of Compulsory Purchase Powers

Report of the Director, Regeneration and Strategy

1. Purpose of Report

- 1.1 Authorisation is sought to acquire land by agreement within the area of Elland to facilitate the development of Elland Railway station and the associated car park.
- 1.2 Members are asked to approve the commencements of negotiations by Officers in order to purchase all the necessary land specified in Appendix A, with a total estimated value of up to £300,000, required for the successful implementation of the scheme.
- 1.3 Members are asked to approve the use of Compulsory Purchase Powers under Section 226 of the Town and Country Planning Act 1990, in accordance with the plans in Appendix A required for the delivery of the proposed Elland Station.

2. Need for a decision

- 2.1 The making of a Compulsory Purchase Order requires Cabinet approval.
- 2.2 While the project team continues to progress the acquisition of land detailed in Appendix A through negotiation, the above schemes require the making of a Compulsory Purchase Order to minimise programme risk, provide an alternative route to the completion of the scheme in accordance with the funding proposal for the scheme, and to acquire land which is unregistered, where ownership is uncertain.
- 2.3 The temporary underwriting of costs associated with these land purchases, prior to them being reimbursed by West Yorkshire Combined Authority (WYCA), requires Cabinet approval.

3. Recommendation

It is recommended:

- 3.1 That the acquisition of land specified in Appendix A and any associated interests, is approved.
- 3.2 That the Council approves the purchase of the land specified in Appendix A through negotiation where possible.

- 3.3 That Cabinet approve the use of Compulsory Purchase Orders under section 226 of the Town and Country Planning Act 1990, as and if required, and that Delegated Authority be given to the Director of Regeneration and Strategy and the Head of Legal and Democratic Services, in consultation with the Portfolio Holder for Regeneration and Resources, to make any Compulsory Purchase submissions to the Secretary of State which are necessary to deliver the scheme.

4. Background

- 4.1 Combining Calderdale's ambition to be the Best Borough in the North and to deliver on its Vision 2024 with the West Yorkshire Transport Strategy 2040 and in light of the declared climate emergency, we propose significant infrastructure improvements for Elland. The change is significant and sustainable travel infrastructure must see a step-change in quality and coherence if non-car use is to become a viable alternative. We need to respond to our distinctive landscape in a way that is kind to our environment and fosters a less damaging and healthier means of travel. This report brings forward proposals that in combination with the proposed Elland Access Package, will increase use and improve public transport journey times into and from Halifax and the surrounding areas, reducing pollution and road collisions and increasing the uptake of walking and cycling, if delivered in full.
- 4.2 The proposal for the station is for a two-platformed, unstaffed railway station. The station platforms would be positioned on the existing embankment at an elevated level with lift and stepped access from car park level on both sides to ensure accessibility. No footbridge will be provided as part of the scheme, with cross platform access being provided by the existing highway underpass on Lowfields Way. Each platform will contain two sheltered waiting areas.
- 4.3 The rail station will be served by a 166-space (approx.) car park, including blue badge spaces, provision for electric vehicle charging, and cycle storage.

5. Elland Rail Station and Access Package programmes:

- 5.1 Elland is situated on the A629, providing a dual carriageway link to the M62 and hence access to Leeds (19 miles) and Manchester (28 miles). The A629 also forms the primary route for local bus services between Huddersfield and Halifax with six services per hour operating from Elland to Huddersfield and Halifax. However, these facilities do not necessarily serve to provide good quality strategic connectivity to and from Elland because;
- Significant levels of congestion are apparent on the strategic road network that connects Elland to the regional economic centres of Leeds and Manchester.
 - The local road network in Elland, at some key junctions, will start to act as a constraint to growth and development, with current levels of congestion expected to grow.
 - Bus is a more practical option for local journeys, particularly those to Huddersfield and Halifax, rather than for longer journeys to Leeds, Bradford or Manchester.

- Rail mode share in Elland is very low, just 0.4% for inbound commuters and 1.6% for outbound commuters.
- Walking is the dominant mode for trips within Elland.
- Elland exhibits a high level of households without access to a car (28%), evident in the high levels of walking locally and also the relatively low volume of outward commuting

5.3 The Elland Railway station and Access Package is a major sustainable transport project within West Yorkshire Combined Authority's (WYCA) WY+TF and seeks to deliver increased access to public transport for those living and working within Elland, increasing sustainable journey-time along the rail network. The Calderdale scheme focuses on improved sustainable public access, combining this with the economic benefits the new rail station will bring to the area. As part of Calderdale's borough-wide Transport Strategy we are targeting 50% more trips by rail, 50% more walking trips and 100% more cycling trips. We are also seeking to reduce air pollution and reduce the number of road deaths. These are challenging objectives requiring a transformational approach. There are improvements along the network for walking, cycling and access to public transport to facilitate a modal shift. These improvements in addition to new public transport connections will assist in encouraging less car use whilst making walking and cycling more attractive. Journey times for employment and leisure opportunities to and from Elland and the surrounding area will also be reduced. These positive changes will support the Local Plan and wider economic growth (identified in the Leeds City Region Strategic Economic Framework). Officers have also taken consideration to the interfaces with other Council programmes and objectives for regeneration, namely Phase 1b, Phase 4 and Elland Master Plan

5.4 Public Consultation to date.

Table 2-7 Public Events

Engagement Venue	Date
Elland Southgate Methodist Church	28 June 2018
Brighouse Civic Centre	04 July 2018
Elland Southgate Methodist Church	07 July 2018
Halifax Town Hall	16 July 2018

5.5 There were a total of 1,400 individual visits to the Your Voice site (with a maximum daily total of 118) and 209 survey responses. Below are some of the key findings:

- 97% of respondents said they were either Very Happy (75%), Happy (19%) or Neutral (3%) about the proposals for the rail station.
- 88% of respondents said they were either Very Likely (66%) or Likely (22%) to use a rail station at Elland.
- 65% of respondents would use the station for work purposes and 16% for education, suggesting regular trip making with important economic purposes.

- 59%, 20% and 40% of respondents said they would use the station for leisure, nightlife and shopping purposes respectively, indicating that demand would not be limited to just peak commuter times.
- 85% and 67% said they were happy with the proposed improvements to walking and cycling facilities respectively, and 46% said they would be likely to walk to the proposed Elland station.
- 25% of respondents said they would be most likely to access station by car.

5.6 In summary, the public engagement demonstrated strong support for the new station and the Access Package and confirmed the view that while there is strong demand for park and ride at the station, and a great opportunity to maximise the benefits of the station through improved walking and cycling access.

5.7 A second phase of public engagement was undertaken in July and August 2020. This engagement was run using the Combined Authority's Your Voice portal to ensure the engagement could continue whilst following social distancing requirements as public events weren't possible. Response to this engagement was also positive.

- 94% of respondents said they were either Very Happy (75%) or Happy (19%) with the proposals for a rail station at Elland
- 90% of people were either Very Likely (70%) or Likely (20%) to use a rail station at Elland
- 74%, 55% and 49% said they would use the rail station for Leisure, Shopping and work/work related reasons respectively
- 67% of respondents said they would walk to access the station and 16% would use a Bicycle.
- 80% of respondents said they were Very Happy (56%) or Happy (24%) with the proposals to improve car-free travel to the proposed station from across Elland.

5.8 Nationally and locally, air quality is an extremely important topic. This scheme along with the aforementioned schemes have been designed to produce beneficial results for air quality between Halifax and Huddersfield. This will be achieved through the promotion of public transport and active modes of travel, and addressing congestion areas by improving the flow of vehicles.

5.9 A number of small parcels of land are now required to deliver Elland rail station and contribute to our objectives as set out in the Calderdale Transport Strategy 2016. Failure to secure these parcels of land will greatly compromise the delivery of Elland rail station, and subsequently the outputs from the schemes.

Elland rail station has the potential to deliver the following benefits:

- Improve journey time reliability for strategic journeys to and from Elland.
- Increase the rail mode share for journeys to and from Elland to achieve sustainable growth, and to relieve congestion on A629.

- Increase the labour market catchment of Elland, attract new investment and retain existing employers.
- Increase accessibility of Elland from within and beyond the City Region in order to increase competitiveness and improve productivity.
- Facilitate future housing growth in Elland and western parts of Brighouse by reducing transport constraints to development.

5.10 The Calderdale Local Plan (Publication Draft 2018) provides the planning framework for the justification for the Compulsory Purchase Order. The Local Plan Spatial Portrait highlights the importance of investment on the Calder Valley Line and the delivery of a new railway station at Elland (Paragraph 2.37).

5.11 Policy IM1 Strategic Transport Interventions identifies Elland Station as one of the strategic transport infrastructure interventions to be delivered in the plan period (the associated Elland Access Package is also identified in this policy).

5.12 Policy IM3 Safeguarding Transport Investment states that where necessary, land will be safeguarded to ensure the transport schemes can be successfully implemented, in particular:

5.12.1 Safeguarding Rail Development Schemes:

There are a number of rail related schemes at various stages of development and proximity to Local Plan decision making. These scheme types and their relationship to the necessities of safeguarding within this Policy IM3 are set out in their approximate order of importance and relation to the Local Plan below:

1. New Station Development - where an entirely new station is planned for development and the land it and related facilities will occupy is required to be safeguarded;

2. Station Redevelopment - where land relating to the improvement of station facilities (e.g. station buildings, parking, access arrangements, platforms) is required to be safeguarded;

3. Rail Infrastructure Improvements - relating to route

improvements. 5.12.2 Safeguarding the Elland Access Package Scheme:

In association with other transport improvements planned for the Elland area a number of walking and cycling specific improvements are in development. Planning permission will not be granted for development that would prejudice the construction of the Elland Access Package scheme.

5.13 The National Planning Policy Framework (NPPF) 2019 also attaches importance to sustainable travel. NPPF Section 9. Promoting sustainable transport paragraph 104. states that Planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.

6. Options considered

6.1 Three possible station locations were considered as part of the development work undertaken to date for Elland Railway Station (see appendix B). These were:

- The site of the former Elland Railway Station (Option 1)
- A site between Lowfields Way and Wistons Lane (Option 2), and
- A site off Elland Rioges Link, east of an existing business and associated car park, and west of housing at Oliver's Meadow (Option 3).

6.2 The site between Lowfields Way and Wistons Lane (Option 2) was selected as the preferred option following a sifting exercise involving key stakeholders including Calderdale Council officers, Network Rail, train operating companies, and Transport for the North. Reasons for excluding the other two sites include, but are not limited to:

- Option 1 would have resulted in the project having to relocate existing businesses operating on the site,
- Option 1 was found to have poor accessibility from the highway network,
- Option 3 is a smaller site which would have impacted upon the amount of land available for car parking provision,
- Option 3 was found to be at risk of greater impact from future flood events.

7. Financial implications

7.1 In terms of the Elland Railway Station, at decision point 3 (outline business case), the following amounts were sought by the Council from the West Yorkshire Combined Authority (WYCA);

Project Development costs to decision point 5 (full business case with finalised costs): £1,434,595.

7.2 If the full acquisition is approved, land purchases will take place over a prolonged period during the delivery phase, and given the above it is unlikely the Council will be exposed to anything near the total value of the identified land; a total estimated value of up to [£300,000]. [The total amount is well within the projected project funding threshold.]

8. Legal Implications

8.1 In parallel with continued landowner negotiations, a Compulsory Purchase Order ('CPO') may be made under section 226 of the Town and Country Planning Act 1990 and submitted to the Secretary of State for Confirmation. A CPO is only effective once it has been confirmed by the Secretary of State.

- 8.2 The power to make a CPO under section 226(1)(a) may be exercised where Council think that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land but under section 226(1A) the Council must not exercise the power unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—
- (a) the promotion or improvement of the economic well-being of their area;
 - (b) the promotion or improvement of the social well-being of their area;
 - (c) the promotion or improvement of the environmental well-being of their area
- 8.3 Under section 226(3) where the Council exercise their power under subsection (1) in relation to any land, they shall have power to acquire compulsorily any land adjoining that land which is required for the purpose of executing works for facilitating its development or use
- 8.4 The CPO order will not be confirmed until any relevant Planning Permissions are obtained for the project.
- 8.5 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.
- 8.6 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 a variety of statutory provisions which together form the statutory compensation code. . Any dispute with regards compensation can be referred to the Upper Tribunal (Lands Chamber) to determine.
- 8.7 Negotiations with landowners will continue throughout the CPO process.

9. Consultation

- 9.1 Landowners, occupiers and major stakeholders, including the West Yorkshire Combined Authority (WYCA), local authority partners and statutory undertakers, have been contacted.
- 9.2 Previous Public Consultation on the proposals within the Station and Access Package have received wide approval, with a well-received recent Elland town board presentation, Further engagement in line with the development of the Full Business Case took place between 13 July 2020, and 16 August 2020.

10. Environment, Health and Economic Implications

- 10.1 The draft Local Housing Plan has identified large housing potential in and around Elland. Future housing, employment and productivity growth will rely on greatly improved strategic connectivity, giving local businesses access to a much deeper pool of labour, local residents access to a wider range of employment opportunities and attracting new investment, businesses, skills and residents to the town.
- 10.2 Highway access is not going to provide a long-term sustainable solution because of the limited capacity available on strategic routes, the levels of traffic growth forecast and the environmental consequences of increased road traffic. Furthermore, the bus network in and around Elland can only support more localised trips between Halifax and Huddersfield.
- 10.3 The Calder Valley Line presents a major opportunity for Elland. It is recognised as an important driver of growth for Calderdale and Elland is the largest settlement on the line without direct access. A new station at Elland would help to anchor existing employers at Lowfields Business Park and increase the commercial viability of development in the town, bringing new investment and generating more opportunities for local residents and the wider city region. Furthermore, promoting public transport use also increases physical activity, improves health and wellbeing, and is increasingly being recognised as investment which improves quality of life through improvements to the physical environment stimulates local economies.

11. Equality and Diversity

- 11.1 In considering the need for a Compulsory Purchase Order, careful consideration has been given to the balance between individual rights and the wider public interest. The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("Convention").
- 11.2 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. Article 8 provides a right to respect to one's private and family life and home.
- 11.3 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.
- 11.4 In considering the statutory orders sought, the Council has to carefully consider 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.

- 11.5 It is considered 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 provisions of the Highways Act 1980 and the MHCLG Guidance and DfT Guidance, it is considered that the land to be acquired is both suitable for and necessary to deliver the public benefits described above. Furthermore it is considered that interference with individual rights is necessary and proportionate in the context of the delivery of the scheme.
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- 11.6 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 Orders are received, further representations can be made if the Secretary of State decides to hold a public inquiry in connection with the Orders. Those directly affected by the Orders who have legally compensatable interests will be entitled to statutory compensation.
- 11.7 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 Order Land.

12. Summary and Recommendations

- 12.1 Members are asked to consider whether the economic, social and environmental benefits derived from Elland Railway Station 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 in parallel. Stakeholder engagement is an essential on-going element of the WYTF programme and on-going public engagement is being planned as part of the overall programme.

For further information on this report, contact:

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The documents used in the preparation of this report are:

- 1.National and Local Planning Policies including:-

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

2. Highway documents:-

- a) WY+TF Elland Station and Access Package OBC Summary Document

3. Relevant National Circulars:-

- a) DCLG Guidance on Compulsory Purchase and the Critical 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

4. Other relevant documents:-

- a) CPO 2015 Statement of Reasons in the public interest

The documents are available for inspection on request from:

Documents are available for inspection upon request from:

Mr. James Driver - james.driver@calderdale.gov.uk

Appendix A: Statements of Reason and Plan

Statements of Reason: Elland

Area	Plot	Deed Reference	Statement of Reason
Elland	1	WYK172787	To allow for the construction and operation of the car park to serve Elland rail station.
Elland	2	WYK261701	To allow for the construction and operation of the car park to serve Elland rail station.
Elland	3	WYK122631	To allow for the construction and operation of the car park to serve Elland rail station.
Elland	4	UNREGISTERED	To allow for the construction and operation of the car park to serve Elland rail station.
Elland	5	WYK105480	To allow for the construction and operation of the car park to serve Elland rail station.
Elland	6	WYK302495	To allow for the construction and operation of the car park to serve Elland rail station.
Elland	7	WYK829134	To allow for the construction and operation of the car park to serve Elland rail station.
Elland	8	WYK503749	To allow for the construction and operation of the car park to serve Elland rail station.
Elland	9	WYK503887	To allow for the construction and operation of Elland rail station.
Elland	10	WYK526319	To allow for the construction and operation of Elland rail station.
Elland	11	NR (UNREGISTERED)	To allow for the construction and operation of Elland rail station.
Elland	12	NR (UNREGISTERED)	To allow for the construction and operation of Elland rail station.



Parcel of land Reference Number	Deed Reference	Area (m²)
1	WYK172787	10.294
2	WYK261701	860.942
3	WYK122631	32.425
4	UNREGISTERED	517.146
5	WYK105480	764.272
6	WVK602495	2141.173
7	WYK826134	2445.068
8	WYK503749	258.906
9	WYK503887	1250.89
10	WYK526319	783.277
11	NR (UNREGISTERED)	5533.648
12	NR (UNREGISTERED)	111.698

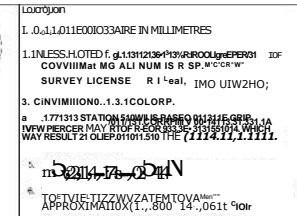
LEGEND

RED ..11. BOUNDARY

BACKGROUNDS WRING

ENSIVIRVERETASON

LAND OWNERSHIP EIONELGRY



101	JENNIFER KENNEDY	25	1.0	80
102	PAUL HARRINGTON	25	1.0	80
103	DAVID HARRINGTON	25	1.0	80
104	DOE	25	1.0	80

FOR INFORMATION



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WYCA NEW STATIONS
ELLAND

Drawing 110 ELLAND CPO MAP

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Directed	L. MALL	56 print	"00333N11
Approved	H. GAMBUTI	56 print	Date: 03/07/20
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Appendix B : Elland Station Alternative Site Options

