

Cabinet Meeting: Monday, 17 March 2025

Question from: Councillor Hunt

Question to: Councillor Courtney, Cabinet Member with responsibility for Regeneration and Transport

QUESTION

The Compulsory Purchase Order (CPO) for the Elland Railway Station Project was confirmed by the Government on the 18th July 2024, and the West Yorkshire Combined Authority (WYCA) appointed a contractor for the final stage of development work on 9th September 2024. The Cabinet's Report confirms the development work is yet to finish but if the Council fails to transfer the land prior to the commencement of the works, this could delay the Project.

Therefore, please advise why the Cabinet is only just approving the process to start the acquisition of the required land, despite receiving confirmation from the Government 8 months ago. Last year, Calderdale Council and WYCA confirmed the Railway Station would be further delayed until late 2026. Please advise if residents in Elland should expect further delays. I would like to remind this Labour Cabinet that this project should have been completed in 2020.

Response

The CPO was confirmed by Secretary of State on 18th July 2024 and the Confirmation Notice duly advertised on 12th August 2024 in accordance with the statutory requirements and formal next step for progressing the acquisition of land.

Following Confirmation of a CPO, the acquiring authority (in this case the Council) has a maximum of three years from the publication date to exercise the newly authorised powers of compulsory purchase. Given land acquisition (especially in the case of exercising powers of compulsory purchase) is a significant undertaking with material consequences for landowners and other rights holders impacted, it is not unusual for an acquiring authority to finalise any outstanding details/areas of uncertainty prior to exercising these powers; either by the making of a General Vesting Declaration or service of Notices to Treat and Notices of Entry.

In the case of the Elland Rail Station and as outlined in the published Cabinet Paper, the process of land acquisition is further complicated as the initial acquisition of land by the Council is being progressed in tandem with planning for the subsequent transfer of land to Network Rail necessary for the construction, operation and maintenance of the new station. These discussions are ongoing between the Council, Network Rail and the Combined Authority (who are responsible for the development and delivery of the Rail Station) and have partly determined wider timings.

Additionally, and again as outlined in the Cabinet Paper, crucially it has been discovered that two of the companies with interests included in the CPO have become dissolved, meaning that the land registered to those companies has passed to the Crown (known as 'bona vacantia' land). The implications of this, and how the Council would accordingly still acquire all of the land necessary for the delivery of the Rail Station, had to be explored through discussions with external legal advisors and the Government Legal Department, and the Council is now progressing a voluntary purchase of that land from the Crown.

Following consideration of these issues and reflecting on the time elapsed since the previous Cabinet Approval to make the CPO on 17th January 2022, the Council received external legal advice it would be appropriate to return to Cabinet, to present an update on progress in general, seek specific authority to make a General Vesting Declaration, and commence negotiations with the Government Legal Department for the required bona vacantia land now falling outside of the approved compulsory purchase powers. On receipt of this advice, a Cabinet Report was duly completed and submitted in January and has accordingly been moving through the internal approval stages prior to agenda setting for the March Cabinet.

The West Yorkshire Combined Authority continue to progress with the development of the scheme, with further updates anticipated later this year.