

**THE BOROUGH COUNCIL OF CALDERDALE (ELLAND STATION AND WEST VALE
ACCESS PACKAGE)
(WEST YORKSHIRE PLUS TRANSPORT FUND, TRANSFORMING CITIES FUND)
COMPULSORY PURCHASE ORDER 2022**

**THE BOROUGH COUNCIL OF CALDERDALE (ELLAND STATION AND WEST VALE
ACCESS PACKAGE)
(WEST YORKSHIRE PLUS TRANSPORT FUND, TRANSFORMING CITIES FUND) (SIDE
ROADS)
ORDER 2022**

**THE BOROUGH COUNCIL OF CALDERDALE (ELLAND STATION AND WEST VALE
ACCESS PACKAGE)
(WEST YORKSHIRE PLUS TRANSPORT FUND, TRANSFORMING CITIES FUND)
(CALDER AND
HEBBLE NAVIGATION BRIDGE) SCHEME 2022**

THE HIGHWAYS ACT 1980

THE ACQUISITION OF LAND ACT 1981

THE HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994

COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007

**STATEMENT OF CASE
OF THE
ACQUIRING AUTHORITY**

**Department for Transport Ref: NATTRAN/Y&H/HAO/267
PINS Ref: PINs Ref: DPI/A4710/25/3**

6 March 2025

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1 INTRODUCTION

1.1 This is the Statement of Case of The Borough Council of Calderdale (referred to in this Statement as “**the acquiring authority**” or “**the Council**”). It is produced to comply with Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and Rule 16 of the Highways (Inquiries Procedure) Rules 1994. It contains particulars of the case which the acquiring authority will put forward at the public inquiry which the Secretary of State for Transport has decided to convene into the following orders:

(a) The Borough Council of Calderdale (Elland Station and West Vale Access Package) (West Yorkshire Plus Transport Fund, Transforming Cities Fund) Compulsory Purchase Order 2022 (“**the CPO**”);

(b) The Borough Council of Calderdale (Elland Station and West Vale Access Package) (West Yorkshire Plus Transport Fund, Transforming Cities Fund) (Side Roads) Order 2022 (“**the SRO**”); and

(c) The Borough Council of Calderdale (Elland Station and West Vale Access Package) (West Yorkshire Plus Transport Fund, Transforming Cities Fund) (Calder and Hebble Navigation Bridge) Scheme 2022 (“**The Bridge Scheme**”)

which are collectively referred to in this Statement as “**the Orders**”.

1.2 The land to be acquired by compulsory purchase pursuant to the CPO is referred to in this Statement as “**the Order Land**” as described in the CPO Schedule and delineated in the Maps (numbered 1 to 3 respectively) attached to the Order.

1.3 A full summary of the improvements proposed as part of the Elland Access Package (referred to in this Statement as “**the scheme**” or “**the Access Package**”) is set out in the previously submitted Statement of Reasons (Section 5: Description of Scheme) and in Section 5 of this Statement.

1.4 Reference is also made in this Statement to the non-statutory Statement of Reasons served with the Orders and referred to in this Statement as “**the Statement of Reasons**”.

- 1.5 The purpose of this Statement is to set out the case which the acquiring authority proposes to put forward at the inquiry and to provide a list of the documents which the acquiring authority intends to refer to or put in evidence.
- 1.6 This Statement has been prepared in accordance with the guidance set out in:
- a) Ministry of Housing, Communities & Local Government: Guidance on Compulsory purchase process issued in October 2024;
 - b) Department of Transport Circular 1/97: Highways Act 1980: Orders Under Section 14 of the Highways Act 1980 and Opposed Orders Under Section 124 of that Act; and
 - c) Department of 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 for Transport is the Confirming Authority.

2 STATUTORY POWERS

- 2.1 The acquiring authority is the local highway authority for the area in which the Order Land is situated.
- 2.2 The CPO is made under the following provisions of the Highways Act 1980: sections 239 and 240 (general powers of highway authorities to acquire land for the construction and improvement of highways), Section 250 (land acquisition powers to extend to creation as well as acquisition of rights) and Section 260 (clearance of title to land acquired for statutory purposes).
- 2.3 The SRO is made under Section 14 (powers of highway authorities as respects roads that cross or join classified roads), Section 125 (further powers to stop up private access to premises) and Schedule 1 of the Highways Act 1980. The making and confirmation of the SRO will enable the acquiring authority to stop up a private means of access and create new means of access to premises adjoining or adjacent to land forming part of the scheme and create new highway (as set out in Section 5).
- 2.4 The Bridge Scheme is made under Section 106(3) of the Highways Act 1980. If confirmed, the Council are authorised to construct over the navigable waters of the

Calder and Hebble Navigation the bridge specified in the Bridge Scheme as part of the highway which they are proposing to construct from the A6025 Park Road to River Side Park (adjacent to Century Road), for the purpose of providing a pedestrian and cycle access to the proposed Elland Rail Station from north of the Calder Hebble Navigation and West Vale.

3 THE NEED FOR THE SCHEME AND OBJECTIVES

- 3.1 The context and background to the scheme is described in detail in Section 5 of the Statement of Reasons. Alternative options previously considered and the risks and constraints which led these not to be progressed as the preferred scheme option are described in Section 7 of the Statement of Reasons (along with a general narrative of the scheme's design refinement). These will be explained further through expert evidence.
- 3.2 To summarise, the Access Package accompanies the proposed Elland Rail Station (referred to in this Statement as **"the Rail Station"**) and is situated in the Elland ward (population 12,200). Additionally, it will directly serve and benefit the adjacent ward of Greetland and Stainland (population 11,400) as well as the rest of south and central Calderdale. The area of Elland in the immediate vicinity of the joint Rail Station and Access Package scheme is largely urbanised, with a mix of residential, retail and industrial land use. The Access Package comprises extensive accessibility improvements, developed to complement the Rail Station proposals and integrate it into the existing transport routes in Elland and West Vale particularly those for walking and cycling.
- 3.3 Elland is highlighted in the 2023 Calderdale Local Plan as an area for future growth in jobs, homes and services. As part of the plans for housing growth across the district, a total of sixteen (16) sites have been allocated for housing or mixed-use in Elland, with a total capacity of housing 1,556 units, including planned growth in West Vale and Greetland. To achieve these allocations, better strategic connections to these sites and the wider employment areas need to be achieved through the creation of new and improved transport infrastructure such as the planned Rail Station and Access Package scheme(s). In the immediate vicinity of both schemes, strategic growth planned at Lowfields Business Park and Exley Lane housing development will be directly enabled from the improvements proposed to be delivered.

- 3.4 Both areas suffer from poor public transport connectivity and significant congestion levels on the Strategic Road Network (“**SRN**”) that connects the town of Elland and village of West Vale to the regional economic centres of Leeds and Manchester. Low car ownership, poor strategic highway connectivity, local congestion at peak hours and declining bus services restricted to local destinations, combined with poor access to the rail network, limits the commuting opportunities for local residents and employees to a relatively restricted geography. Furthermore, the aforementioned increase in housing development will likely place further strain on the SRN unless alternative sustainable transport infrastructure is added to support existing highways and facilitate modal shift. There is a risk of further pushing the area into lower depravity, with Elland currently sitting in the lowest 20% of the Index of Multiple Deprivation in the country.
- 3.5 The Access Package, of which the Order Land forms part, aims to improve pedestrian and cycle access into and around the Elland town centre area by addressing severance, and capitalising on placemaking opportunities through pedestrianisation and better active travel infrastructure along the scheme’s routes.
- 3.6 The delivery of the Elland Access Package scheme will also play a role in addressing the climate emergency on a local scale for Elland, through increased quality and facilities for active mode users, as well as improving direct connections to the proposed Rail Station. To add to this, the improved sense of place and encouragement of modal shift will help users with choosing lower carbon travel options. Greater active travel resulting from the proposed new infrastructure will improve public health due to lower air pollution levels and improved individual health outcomes from increased physical activity.
- 3.7 The delivery of the Access Package scheme is an important factor for the successful delivery and benefits realisation of the interventions contained within the Elland Rail Station scheme and wider schemes in the local area, including the Elland Master Plan and Elland Future High Streets project.
- 3.8 The Borough Council of Calderdale’s Elland Transport Needs Assessment (30th July 2015) identified the following issues:
- a) Significant levels of congestion are apparent on the SRN that connects Elland to the regional economic centres of Leeds and Manchester;

- b) 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;
- c) 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;
- d) Rail mode share in Elland is very low, just 0.4% for inbound commuters and 1.6% for outbound commuters. Accessibility to the rail network is currently an issue for Elland residents, whose nearest station is Sowerby Bridge;
- e) Walking is the dominant mode for trips within Elland; and
- f) Elland exhibits a higher than average level of households without access to a car, evident in the high levels of walking locally and also the relatively low volume of outward commuting.¹ Therefore, there is a reliance on public transport network, particularly for longer distance journeys.

3.9 The scheme's Strategic Objectives (as set out in Paragraph 3.12 below) have been agreed in recognition of the above issues.

3.10 Furthermore, it is suggested that investment in public realm (better streets and places) has a positive impact on retail footfall, turnover, property values and rental yields.

3.11 The impact on rental values can also be significant with rises in commercial and retail rents. Improving rental values within Elland town centre and surrounding employment zones is also a benefit the scheme will look to contribute to.

3.12 The objectives of the Access Package and Rail Station scheme derive from the West Yorkshire-plus Transport Fund ("**WY+TF**"), the Transforming Cities Fund ("**TCF**") & the Elland Transport Needs Assessment itself. These overall joint scheme objectives,

¹ According to the data from Census 2021, 26.1% of households in Elland have no car or vans compared to an average of 22% for England as a whole that same year (National Travel Survey 2021). The percentage for Elland is also higher than the overall average for Calderdale where 24.5% of households have no car or van.

together with a breakdown of the applicable Access Package individual objectives, are set out below:

- a) **Contribute towards reduced congestion on the A629 and improved journey times to/from Elland (and surrounding areas), improving the environmental conditions in the area and reducing carbon emissions through modal shift away from cars towards rail (25% reduction in journey times to Leeds and Bradford city centres by public transport by 2028).** This will be delivered by improving journey time reliability for strategic journeys to and from Elland by providing improved access to the proposed rail station, but also by increasing walking and cycling within and to, Elland and West Vale and the surrounding areas.
- b) **Increase rail mode share for journeys to/from Elland, West Vale and surrounding areas (increase no. rail trips from/to Elland by 100% by 2032).** Providing easy access via walking and cycling delivered by the Access Package scheme, will look to encourage and increase the number of rail users via the proposed Elland Rail Station.
- c) **Provide high quality infrastructure to increase the number of walking and cycling trips (by 26% by 2032) within Elland, West Vale and surrounding areas.** By increasing walking and cycling provisions and providing best practice accessibility by non-car users.
- d) **Improve accessibility to rail services for residents within Elland, West Vale and surrounding areas, including up to 900 new dwellings to the North of Elland town centre and those in the most deprived quintiles of the IMD (65% within 5km or 30mins coverage by 2028).** Provide improved access to the proposed rail station for populations within Elland that fall within the most deprived quantile.
- e) **Support local housing growth to the north of Elland town centre by reducing transport constraints to facilitate (900 no of dwellings by 2030) and enhancing sustainable travel provision to serve new and existing housing.** New housing development in the catchment area of the station have above Calderdale average use of active modes.

Increasing rail usage and active travel through improved walking and cycling connections to the station.

- f) **Improve accessibility to rail services for residents within Elland, West Vale and surrounding areas, including up to 900 new dwellings to the North of Elland town centre and those in the most deprived quintiles of the IMD (65% within 5km or 30mins coverage by 2028).** Provide sustainable walking and cycling connections between Elland rail station, residential and the wider labour market areas.
- g) **Reduce the number of incidents and casualties, particularly at identified collision cluster sites and for active mode users (25% reduction in pedestrian and cyclist KSIs by 2032).** Create safe off road, walking and cycling provisions to key areas within Elland and West Vale

3.15 The CPO is required to deliver the scheme, the details of which are described further in Section 5 but also referred to in Section 4 of this Statement.

4 OPTIONS CONSIDERED AND SCHEME SELECTION

4.1 Evidence will be given as to the alternative options that were considered and assessed as to their ability to deliver the scheme's objectives, in addition to other considerations.

4.2 West Vale Alternative Route Option 1 broadly comprised the same position as the final proposed bridge crossing over the River Calder and Calder and Hebble Navigation, however the route to access the bridge was proposed to run through the access of the Heath Rugby Club, as described in Section 7.1.2 of the Statement of Reasons. The reasons for ultimately rejecting this option comprise of:

- a) The severance of the Rugby Club's main building from the pitches themselves as well as creating a route that would have provided hidden or reduced visibility sections, fundamentally creating a potential safety issue for users; and

- b) The risk of this severance and safety issues were deemed sufficient to propose a more complicated design solution to reduce these issues.

4.3 Elland Alternative Bridge Concept 1 comprised of 2 separate bridge crossings over the River Calder and Calder and Hebble Navigation. A further description and break down of why we discounted this option can be seen in Section 7.1.1 and 7.2 in the Statement of Reasons. The reasons for rejecting this option broadly comprise the need for:

- a) Costly and complicated service diversions and implications for Gas Works Lane; and
- b) The adjacent landowner to erect the required ramp systems for 2 bridges.

4.4 Following Bridge Concept 1 being considered a further Option 2 was put forward, again this is described in 7.3 of the Statement of Reasons but broadly undertook the form of a longer bent bridge that hugged the Calderdale Way Embankment. Again, its rejection formed around a lower construction risk, simpler form and reduced abutment sizes in the final scheme, although a similar amount of land take would have been required.

4.5 A further alternative option for the route that passes from Eastgate to Jubilee Way, initially was proposed to pass through the scrubland North East of Morrisons Supermarket, however following discussions between the landowner and the applicant, the existing option was put forward to alleviate concerns the landowner had with future development potential.

4.6 A further summary of the appraisal undertaken of these options, which resulted in the decision to proceed with the preferred scheme, is set out in Sections 7.2, 7.3, 7.4 and 7.5 of the Statement of Reasons.

4.7 The decision to approve the final land acquisition plans and proceed with the use of compulsory purchase powers and the making of the side roads order was confirmed at a Cabinet Meeting of the Council on the 9th of November 2020. This was followed by a further Cabinet approval given for a more advanced iteration of the acquisition plans for the scheme on the 17th of January 2022. Copies of the relevant Cabinet Reports and Meeting Minutes are included in the Annex of Documents at the end of this Statement.

5 DESCRIPTION OF THE SCHEME

- 5.1 The Access Package scheme is split into two main areas, focusing in and around Elland and its direct links to the proposed new Railway Station, and a further connection to the area of West Vale.
- 5.2 The Access Package scheme combines existing route improvements and changes of use (for instance upgrading existing pavements to shared use for both pedestrians and cyclists), the creation of a new non-motorised bridged highway across the River Calder and the Calder & Hebble Navigation Canal, and public realm improvements in the form of landscaping and public artwork.
- 5.3 The overview General Arrangement drawing for the Elland proposals can be seen in Figure 1 below:

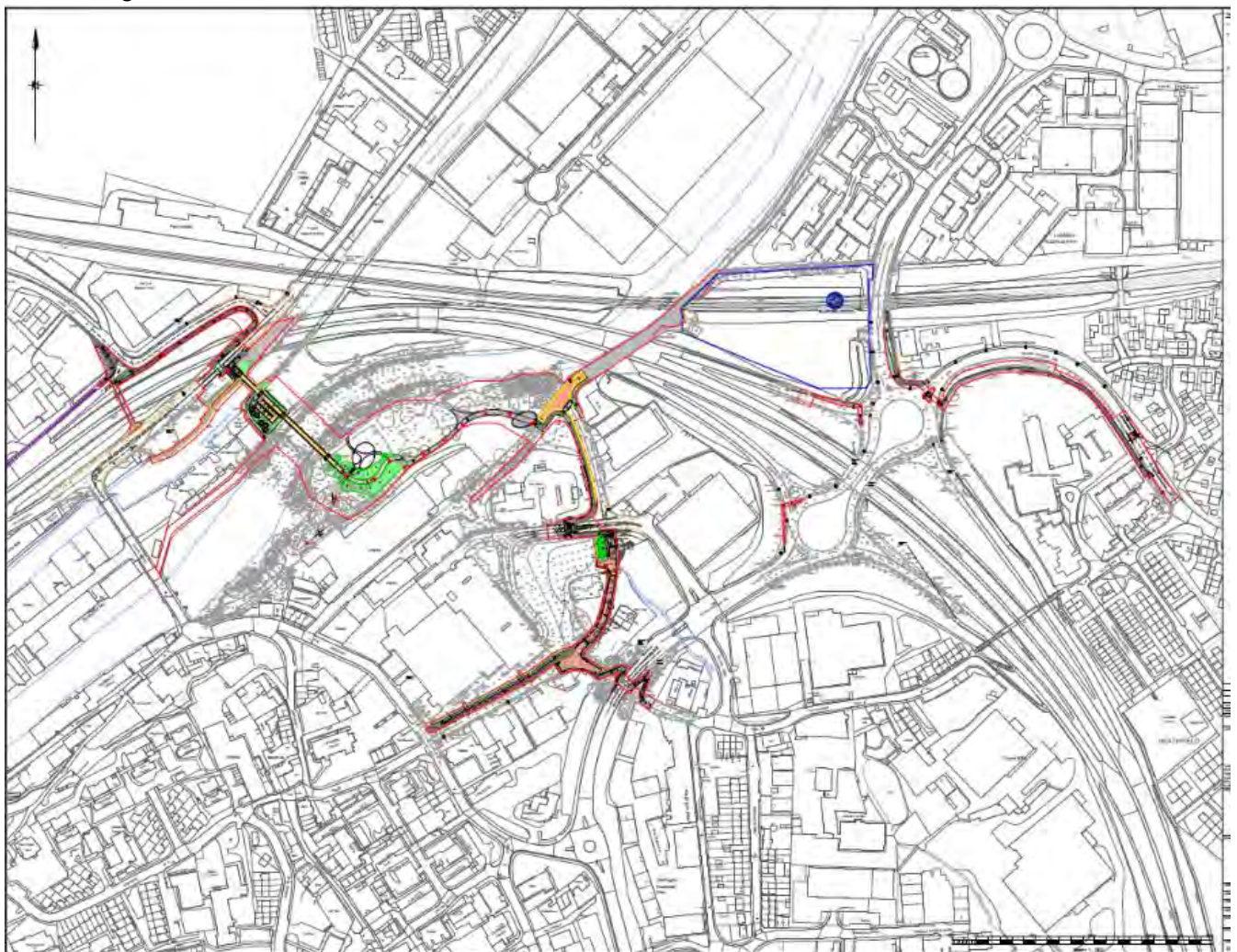


Figure 1. General Arrangement Drawing for Access Package proposals in Elland

5.4 The summary of these proposals is:

- a) The widening of the existing footway along Exley Lane to Park Road, connecting the Elland Wood Bottom cycleway in an off-highway route to a new pelican crossing and the new bridge crossing;
- b) The construction of a single high-level bridge from Park Road to Riverside Park. This bridge will also have a direct connection on to the Calder Valley Cycle Network, Route 66, which covers approximately 18 miles through the Valley of Calderdale, connecting the West and East of Calderdale, allowing a seamless off highway connection from one side of the canal bank to the other;
- c) Some widening and improvements to the canal tow path to facilitate safe access onto the new bridge;
- d) Improvements to the Riverside Park with the creation of connecting cycleways and further public realm work in the form of landscaping and upgraded play areas. Earth work embankments will be required for the bridge landing;
- e) Creation of a segregated cycle route along Eastgate adjacent to the Elland Morrisons supermarket;
- f) Upgrading of the Elland Riorge Crossing from a Toucan to a cycle friendly Pelican crossing;
- g) The creation of a quiet street from the turning head on Eastgate along Wistons Lane. The traffic calming measures will be in the form of surface alterations, narrowings, level changes and shared usage;
- h) The widening of Wistons Lane north of Jubilee Way to allow a shared use cycle way and the alteration to a more pedestrian friendly turning head;
- i) Public realm improvements to the Calderdale Way underpass and connection to the railway station, from a combination of public art and lighting, as well as CCTV for safety;

- j) Elland Riorges link east will include widening of the footways to allow off highway cycling and also improvements to the existing crossings towards the station;
- k) Minor improvements to existing crossings will also aid the railway station users who may also use the local bus service; and
- l) A signage scheme throughout the route system will also be provided for users, making clear the route-finding to and from the new station.

5.5 The individual General Arrangement Drawings for all of the above proposed interventions are included in the Annex of Documents attached to this Statement.

5.6 Elland's neighbouring town West Vale also lacks direct public transport or safe pedestrian connections to Elland or surrounding cycle networks. The West Vale proposals can be seen in Figure 2 general arrangement drawing:

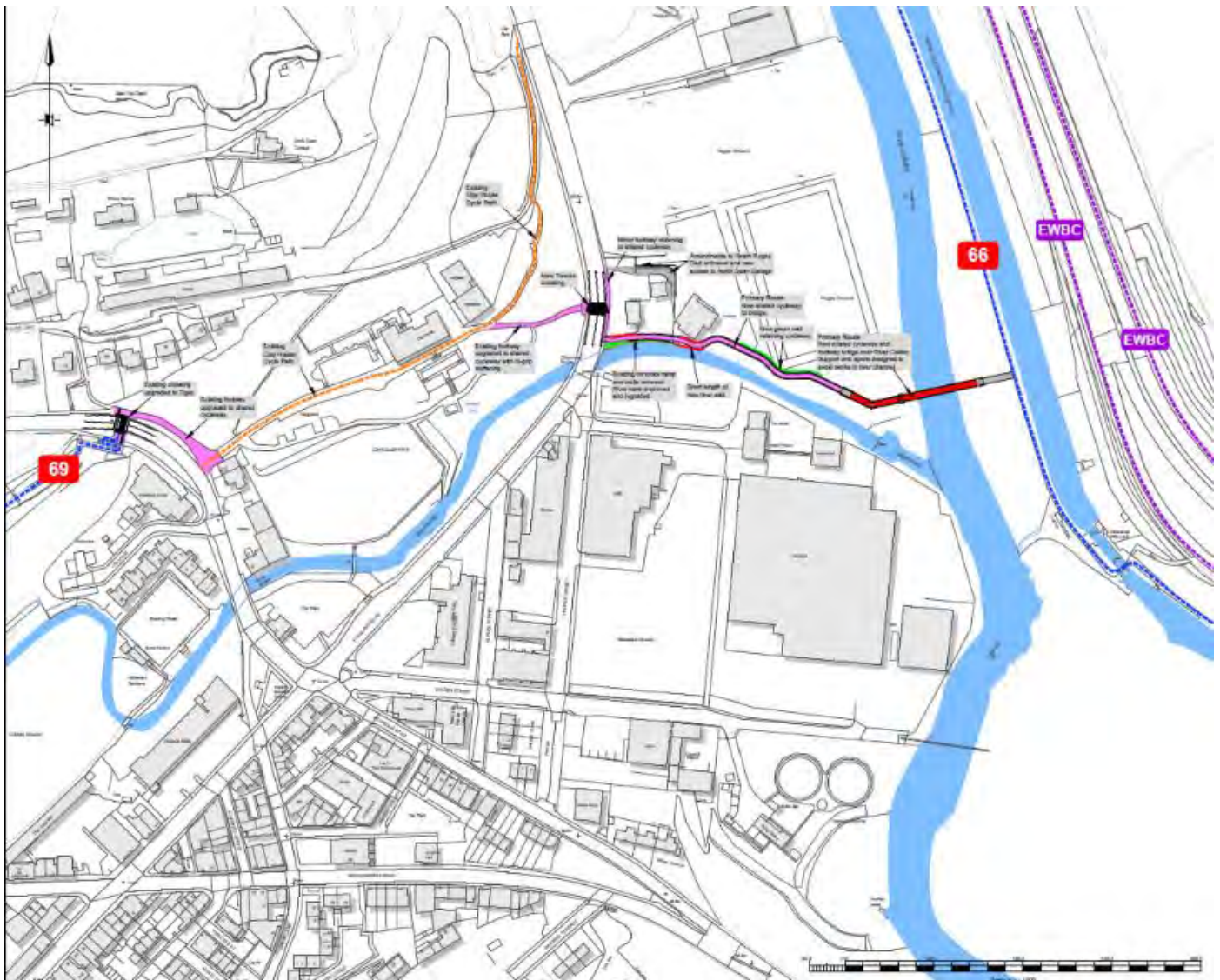


Figure 2 General Arrangement Drawing for Access Package proposals in West Vale

5.7 The outline of these proposals are:

- a) Upgrade of existing zebra crossing to a tiger/parallel crossing to create a connection between Route 69 and Clay House cycle route;
- b) Creation of a new pelican crossing on Saddle Worth road, allowing for safe access to the Black Brook route;
- c) Creation of a new non-motorised route along the side of Black Brook to gain access to the bridge crossing; and

- d) New single span bridge to cross the River Calder and access the Calder Valley Route 66 cycleway, providing access towards Brighouse and Halifax and to the new bridge at Elland, giving traffic free access to the Elland Rail Station.

5.8 Again, the detailed General Arrangement Drawings for the above are included in the Annex of Documents for this Statement.

5.9 The primary reason for the acquisition of the areas of land comprising the Order Land is as follows:

Plot Number	Freehold Title Holder/Reputed Owner	Requirements
1/1	North Dean Automotive Limited	Land to construct cycleway and new structures, replace improve existing structures and drainage systems.
1/1a	North Dean Automotive Limited	Temporary access to land to allow for the construct cycleway and new structures, replace/improve existing structures and drainage systems.
1/1b	North Dean Automotive Limited (Reputed Owner)	Temporary access to land required to create new access to North Dean Automotive and adjust boundaries and ground levels.
1/1c	North Dean Automotive Limited	Temporary access to land required to construct new access into North Dean Automotive lower yard.
1/2	North Dean Automotive Limited & Heath Rugby Union Football Club Limited (Reputed Owners)	Unregistered land with reputed title owners. Part permanent land required to construct cycleway. Part temporary to provide reputed landowners with Freehold on existing boundary fence.
1/2a	Heath Rugby Union Football Club Limited (Registered Owner). North Dean Automotive Limited (Reputed Owner and Occupier of part)	Temporary access to land required to create new shared access and access to North Dean Automotive and adjust freeholder boundaries and ground levels.
2/1	Canal & River Trust	Temporary access to land required to construct bridge

		and maintain permanent oversail.
2/1a	Canal & River Trust	Right of access for all purposes connected with the construction, use and maintenance of a pedestrian and cycle bridge crossing the River Calder.
2/1b	Canal & River Trust	Land required for temporary access to construct the works.
2/1c	Canal & River Trust	Land required for new cycleway and bridge and associated drainage, and landscaping.
2/1d	Canal & River Trust	Temporary access to land required to construct the works.
2/1e	Canal & River Trust	Temporary access to land required to create new towpath cycleway and retaining wall.
2/1f	Canal & River Trust	Right of access for all purposes connected with the construction, use and maintenance of the Canal and River Calder pedestrian and cycle bridge crossing.
2/2	Christopher John Morton and Daryl Scott Morton	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle access for new bridge construction.
2/3	Unknown (Unregistered land)	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle access for new bridge construction.
2/4	Unknown (Unregistered land)	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle access for new bridge construction.
2/5	Unknown (Unregistered land)	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle

		access for new bridge construction.
2/6	Unknown (Unregistered land)	Temporary access to land required to create temporary access and works areas to enable construction and provide emergency vehicle access for new bridge construction.
2/7	Unknown (Unregistered land)	Land required to create new bridge, footway/ cycleway, and associated landscaping and improvement.
2/8	John Christopher Holton & Carol Ann Holton	Land required to create new bridge, footway/ cycleway, and associated landscaping and improvements.
2/8a	John Christopher Holton & Carol Ann Holton	Land required to create new bridge, footway/ cycleway, and associated landscaping and improvement.
2/8b	John Christopher Holton & Carol Ann Holton	Temporary access to land required to create temporary access and works areas to enable construction of new cycleway, towpath, retaining walls, and bridge.
2/8c	John Christopher Holton & Carol Ann Holton	Temporary access to land required to create temporary access and works areas to enable construction of new cycleway, towpath, retaining walls, and bridge.
2/8d	John Christopher Holton & Carol Ann Holton	Right of access for all purposes connected with the construction, use and maintenance of the Canal and River Calder pedestrian and cycle bridge crossing.
2/8e	John Christopher Holton & Carol Ann Holton	Temporary access to land required to create temporary access and works areas to enable construction of new cycleway, towpath, retaining walls, and bridge.
2/9	Dr Mark Spencer	Temporary access to land required to create temporary access and works areas to enable construction of new cycleway, towpath, retaining walls, and bridge.

2/9a	Dr Mark Spencer	Land required to create new towpath/cycleway and retaining walls.
2/9b	Dr Mark Spencer	Land required to create new footway/ cycleway.
2/9c	Dr Mark Spencer	Land required to create new bridge and footway/ cycleway and towpath.
2/10	Unknown (Unregistered land)	Land required to create new bridge, footway/ cycleway, and associated landscaping and improvement.
3/1	Optimisation Investments Limited	Temporary access to land required to create temporary access and works areas to enable construction of new footway/cycleway, landscaping and improvements.
3/1a	Optimisation Investments Limited	Land required to create new footway/ cycleway, and associated landscaping and improvement.
3/1b	Optimisation Investments Limited	Land required to create new footway/ cycleway, and associated landscaping and improvement.
3/1c	Optimisation Investments Limited	Temporary access to land required to create temporary access and works areas to enable construction of new footway/cycleway, landscaping and improvements.
3/1d	Optimisation Investments Limited	Land required to create new footway/ cycleway, and associated landscaping and improvement.
3/1e	Optimisation Investments Limited	Land required to create new parallel crossing, footway/ cycleway, and associated landscaping and improvement.
3/1f	Motor Fuel Group	Land required to create new parallel crossing, footway/ cycleway, drainage basin, and associated landscaping and improvement.
3/2	GO ON SA	Land required to create new footway/ cycleway.
3/3	Unknown (Unregistered land)	Land required to create new footway/ cycleway, and associated landscaping and improvement.

3/4	Network Rail (Reputed Owner)	Land required to create new footway/ cycleway, and associated landscaping and improvement.
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6 THE PLANNING POSITION

- 6.1 On 7th November 2024, full planning permission was granted (planning reference 23/00670/FUL) for the following development: *“Elland Rail Station Access Package - construction of X2 pedestrian and cycleway bridges in Elland and West Vale, cycleway and pedestrian improvements. Landscaping and public realm improvements.”*
- 6.2 On 22nd March 2023, the Council adopted the Calderdale Local Plan. This replaced the Replacement Calderdale Unitary Development Plan that was adopted in August 2006. The Local Plan provides a framework for guiding planning decisions. It establishes where new jobs, homes and services will be located. Its policies:
- a) guide investment and development while safeguarding the natural/historic environment;
 - b) enable adaptation to climate change; and
 - c) help secure high quality design.
- 6.3 The scheme has been developed in accordance with the Local Plan, specifically policies IM1 to IM5. Relevant excerpts of these policies are summarised as follows:
- a) IM1: Strategic Transport Interventions – Lists Elland Access Package as a strategic infrastructure intervention expected to be delivered through the Plan period to improve accessibility and journey times to services and facilities.
 - b) IM2: Transport Investment Decisions – Investment decisions across the local highway network, Calder Valley Line, and canal towpath networks should have a positive impact on economic growth, safety, and air quality.
 - c) IM3: Safeguarding Transport Investment - Land will be safeguarded to ensure transport schemes can be successfully implemented. Planning permission will not

be granted for development that would prejudice the construction of the Elland Access Package scheme.

- d) IM4: Sustainable Travel – Reduce reliance upon the private car and improve public transport provision, through inclusion of mechanisms to promote sustainable travel in development proposals.
- e) IM5: Ensuring Development Supports Sustainable Travel – All development proposals will take account of the hierarchy of road users and consider how the proposed development will support modal choice and facilitate reductions in carbon emissions. The hierarchy of users is as follows:
 - i. Pedestrians, people with disabilities and emergency services;
 - ii. Cyclists and horse riders;
 - iii. Public transport passengers including taxis and private hire;
 - iv. Motorcyclists;
 - v. Freight movements including deliveries to local areas;
 - vi. Private cars.

6.4 An updated Local Development Scheme (“**LDS**”) for Calderdale was approved by a full Council Meeting on 29th November 2023 as required under the Planning and Compulsory Purchase Act 2024.

6.5 National planning policy in the form of the National Planning Policy Framework (“**NPPF**”) promotes a presumption in favour of sustainable development and recognises three overarching objectives to sustainability: economic, social and environmental. The strategic objectives of the NPPF include to support economic growth, promote sustainable transport, achieve well-designed places, conserve and enhance the historic environment and ensure the vitality of town centres.

6.6 Similarly, the NPPF affirms that development should prioritise sustainable transport modes including walking, cycling and public transport ahead of other forms of travel. The framework encourages solutions that minimise the scope for conflict between pedestrians, cyclists and vehicles and which support the reduction of emissions and congestion (paragraphs: 109-110).

- 6.7 The scheme seeks to improve accessibility and movement through a series of improvements to cycle and pedestrian infrastructure. Improvements to the public realm and wayfinding, helping to reduce private car priority within areas of the town and enhanced pedestrian permeability of the built environment will prioritise pedestrians ahead of all other road users, in accordance with local and national policy. Other changes including new cycle and pedestrian infrastructure, defined cycle lanes, parking and crossing facilities, all of which will prioritise sustainable transport modes and minimise scope for conflicts between road users. The scheme will also improve traffic conditions by reducing congestion and improving journey times, in full compliance with the aspirations of the Local Plan Policy IM5 to improve existing conditions for road users.
- 6.8 Another policy of particular relevance in the Local Plan is BT1, which seeks to preserve and enhance the character and appearance of conservation areas and restrict development where through its siting, scale, design or nature it would harm the setting of a listed building. Similarly, paragraph 202 of the NPPF seeks to conserve heritage assets in a manner appropriate to their significance.
- 6.9 The scheme will improve the appearance of the public realm, particularly within Elland, where certain areas are designated as a conservation area, by providing a high-quality material palette with a sensitive choice of materials, street furniture and planting that complements the historic character of the area. Improvements to the public realm and careful bridge design choices would also enhance the settings of listed buildings and structures, including the Grade II Elland Bridge and the Wharf House building. The scheme therefore accords with local and national planning policy as it seeks to enhance the character and setting of the Elland conservation area and listed buildings and structures.
- 6.10 Holistically, the scheme aims to increase the vitality of the Elland and West Vale and foster economic growth, which accords closely with the economic sustainability aspirations of the NPPF and its support in paragraph 128 for development to promote the long-term vitality and viability of town centres. This also accords with local policy objectives in respect of the development of the Elland as a future growth area.
- 6.11 In the report to the Council's Planning Committee for the planning application for the scheme, the planning officer concluded:

a) **Recommendations:** *The Elland Rail Station Access Package scheme is considered to constitute a policy compliant proposal. It is therefore considered to be in accordance with the Development Plan as a whole. Any initial consultee objections have been satisfactorily overcome to provide a scheme that would not result in detrimental impacts on the site, its surroundings, or the wider built and natural environments. Officers have also identified myriad substantial economic, social, health and other public benefits arising from the proposal which weigh substantially in favour of the granting of planning permission”.*

b) **Conclusion:** *“The proposal is considered to be acceptable subject to the conditions specified below. The recommendation to GRANT planning permission has been made because the development is in accordance with the policies and proposals in the Calderdale Local Plan and National Planning Policy Framework set out in the ‘Key Policy Context’ section above and there are no material considerations to outweigh the presumption in favour of such development.”*

6.12 The Council’s evidence will confirm that it will be able to discharge the planning conditions that are attached to the planning permission for the scheme (including all pre-commencement conditions).

7 SIDE ROADS ORDER AND BRIDGE SCHEME

7.1 Evidence will be presented to demonstrate that the SRO is required to enable the Council to stop up private means of access affected by the proposed scheme and to create new highway and private means of access adjacent to Stainland Road (B6112), required as a consequence of the works to the classified roads. These are detailed in Schedule 1 of the SRO and the SRO Plans, and justification further summarised in Section 9 of the Statement of Reasons.

7.2 As will be demonstrated in evidence, the new means of access which are to be provided as part of the scheme are considered to be as convenient as the existing accesses which they are intended to replace.

- 7.3 Evidence will be presented to demonstrate that the Bridge Scheme is required to enable the construction of a highway bridge over the navigable water of the Calder and Hebble Navigation canal. This is detailed in the Schedule of the Bridge Scheme and the Bridge Scheme Plans.

8 NEED FOR COMPULSORY PURCHASE

- 8.1 The need for compulsory purchase, and the existence of a compelling case in the public interest, will be demonstrated in evidence. In particular, it will be shown why each plot included within the Order Land is required for the purposes of:

- a) the improvement of the following highways in the area of the acquiring authority:
 - i. the B6112 Stainland Road classified road;
 - ii. the A6025 Park Road classified road;
 - iii. the unclassified road known as Eastgate;
 - iv. the unclassified road known as Wistons Lane; and
 - v. the unclassified road known as Gas Works Lane
- b) the construction of a new cycle track, with a right of way on foot, to connect the B6112 Stainland Road classified road in West Vale to the towpath on the western side of the Calder and Hebble Navigation via a new bridge to be constructed over the River Calder; and
- c) the provision of new means of access to premises from the B6112 Stainland Road,

- 8.2 The majority of the land required to deliver the Elland Access Package Improvements scheme is already within the ownership of the Council.

- 8.3 Since 2018, the acquiring authority has entered into negotiations with landowners and business tenants affected by the Orders or has offered to do so with a view to understanding and addressing any issues of concern and agreeing voluntary terms of acquisition in accordance with UK Government guidance.

- 8.4 Details of negotiations with statutory objectors are summarised in Section 15. Clearly, despite its endeavours to acquire land voluntarily, the Council is unable to guarantee it could progress the scheme without the CPO.

9 ASSESSMENT OF HUMAN RIGHTS AND PUBLIC INTEREST

- 9.1 The acquiring authority will show that it has considered the provisions of the Human Rights Act 1998 when deciding whether to make the Orders.

- 9.2 The acquiring authority will show in evidence that the use of compulsory purchase powers will not constitute an unlawful interference either with property rights protected under Article 1 of the First Protocol of the European Convention on Human Rights, or the respect for private and family life and the home protected under Article 8 of the Convention, because:

- a) National legislation provides the opportunity through the development plan process to make representations on the planning policies which support the development and, through the planning application process, to make representations on the specific development proposals.
- b) Those directly affected by the Orders are entitled to make objections and representations in respect of the Orders and will be given the opportunity to appear at a public inquiry and, if the Orders are confirmed and the scheme constructed, will be entitled to compensation as provided for under national law. Compensation is also available under national law in respect of the adverse effect on the value of properties arising from the use of the scheme, once opened to traffic, including the provision of any noise insulation to qualifying residential properties which may be required.
- c) National legislation provides for independent and impartial judicial oversight of the decision-making in respect of the Orders through the statutory challenge and judicial review procedures.

- 9.3 The objectives of the scheme (as set out in paragraph 3.12 of this Statement) are consistent with the public interest. The acquiring authority will show that the Order Land is the minimum amount of land necessary to achieve those objectives.

- 9.4 The acquiring authority will demonstrate in evidence that overall, the making of the Orders is a proportionate action when the compelling public benefits of the scheme and the process whereby the routes were selected and approved are balanced against the scheme's effects on private interests. There is accordingly a compelling case in the public interest for the Orders to be confirmed.

10 ENVIRONMENTAL EFFECTS AND MITIGATION

- 10.1 As part of the planning application process, the Acquiring Authority provided evidence of the environmental impacts of the scheme and the mitigation measures that will be used.
- 10.2 The scheme will directly contribute towards the district's climate emergency targets and help improve local air quality through encouraging a sustainable mode shift, making walking, cycling and rail the preferred modes of transport, reducing the need to travel by private car.
- 10.3 Public realm enhancements will also encourage a modal shift from private car use thus reducing transport related emissions and helping to address the climate emergency in line with Calderdale's Climate Action Plan (Calderdale Council, 2023).
- 10.4 As part of the noted planning application and approval, the Council's Biodiversity Officer reviewed the submitted information and raised no objections to the proposal in terms of its potential impacts on habitats and notable/protected species. A condition of the planning approval is there shall be no commencement of the scheme onsite until a Habitat Management and Monitoring Plan ("**HMMP**") has first been submitted to and approved in writing by the Local Planning Authority ("**LPA**"). A Monitoring Programme and subsequent Monitoring Report will be submitted to the LPA at the intervals set out in the listed conditions of the planning approval.
- 10.5 Landscape proposals were used to calculate the post-works habitats which has resulted in a predicted 23.01% net gain for habitat units, 10.98% net gain for hedge units and 7.22% net gain for watercourse units. This is through a combination of habitat creation and enhancements. The updated Biodiversity Net Gain ("**BNG**") report now outlines a net gain in all of the habitats present within the red-line boundary which includes area, hedgerow and watercourse. Although the watercourse units only achieve a 7.22% net gain on this occasion, the LPA confirmed that as this application

was submitted prior to the 12th February 2024 (when the previous draft national BNG guidance was made mandatory), the significant net gain achieved across area and hedgerow units and the lack of impacts to the watercourse units on-site resulted in the proposed net gain being considered sufficient.

- 10.6 The scheme also demonstrated a negligible effect on river flows and flood storage capacities within the River Calder and surrounding flood zone areas. The Environment Agency were consulted as part of the planning application and confirmed their satisfaction with the submitted designs and Flood Risk Assessment (“**FRA**”) subject to their suggested mitigation measures being included in the final approval conditions set by the LPA (which was accordingly done in the planning decision issued on 7th November 2024)..
- 10.7 The approval of the planning application following consultation with statutory and non-statutory bodies further demonstrated the scheme having an acceptable or positive impact on the environment.

11 EFFECTS ON LAND USE

- 11.1 The Order Land comprises the following:

Plot Number	Freehold Title Holder/Reputed Owner	Land Description
1/1 1/1a 1/1b 1/1c	North Dean Automotive Limited	Comprises of land around existing garage business including, concrete hard standing areas and access tracks to lower yards.
1/2	North Dean Automotive Limited & Heath Rugby Union Football Club Limited (Reputed Owners)	Area at rear of rugby club inside their boundary line.
1/2a	Heath Rugby Union Football Club Limited (Registered Owner). North Dean Automotive Limited (Reputed Owner and Occupier of part)	Area of scrub land at the side of the garage.
2/1 2/1a 2/1b 2/1c 2/1d 2/1e	Canal & River Trust	Locations including, sections of the tow path, half of the River Calder width, and overgrown scrub and vegetation.

2/1f		
2/2	Christopher John Morton and Daryl Scott Morton	Grazing and hay making agricultural land.
2/3 2/4	Unknown (Unregistered land)	Private access track to businesses and agricultural land.
2/5 2/6 2/7	Unknown (Unregistered land)	Un-adopted highway.
2/8 2/8a 2/8b 2/8c 2/8d 2/8e	John Christopher Holton & Carol Ann Holton	Land compromising of unadopted highway, half of the River Calder and an area being used for demolition storage and sorting lay down.
2/9 2/9a 2/9b 2/9c	Dr Mark Spencer	Land compromising of a car park, hard stand area and overgrown vegetated area.
2/10	Unknown (Unregistered land)	Area of sparse compacted ground with overgrown vegetation.
3/1 3/1a 3/1b 3/1c	Optimisation Investments Limited	Land compromising of grassland, private access and overgrown banking.
3/1d 3/1e 3/1f	Motor Fuel Group	Land compromising of grassland, private access and overgrown banking.
3/2	GO ON SA	Area of hard compacted land at the rear of existing footway.
3/3	Unknown (Unregistered land)	Area of hard standing in front of railway abutment.
3/4	Network Rail (Reputed Owner)	Area of hard standing in front of railway abutment.

11.2 The scheme will directly affect 10 landowners and 1 business tenant where land is required on a permanent basis. The individual effects of the scheme are detailed below.

11.3 North Dean Automotive Ltd (Freeholder) – Plots 1/1, 1/1a, 1/1b and 1/1c

- a) The scheme requires 636 square metres of land which includes part of the existing lower yard access, car park, boundary wall of the business premises, part of the retaining wall, part of the northern embankment of the watercourse known as Black Brook and a stone wall and vegetation located to the east of Stainland Road (B6112) and west of Heath Union Rugby Football Club.

- b) These areas are required for the new cycleway and new access to the business premises; this design provides for this on the northern side of the site to the lower yard. This new access also requires land owned by Heath Rugby Union Football Club Limited (Plot 1/2a) to facilitate a suitable new access for North Dean Automotive.
- c) In addition to the new access, the Council has offered financial compensation for the permanent land acquisition from North Dean Automotive.

11.4 Heath Rugby Football Union Club Ltd (Freeholder) – Plots 1/2 and 1/2a

- a) The land required comprises 44 square metres (Plot 1/2) of part of hard standing, boundary fencing and vegetation and 332 square metres (Plot 1/2a) of part of the existing vehicular access to Heath Rugby Club, boundary fencing and vegetation.
- b) Plot 1/2 is required to construct the new cycleway and Plot 1/2a is required to provide land to construct a realigned access to the Rugby Club and the lower yard area of North Dean Automotive Ltd.

11.5 Canal & River Trust (Freeholder) – Plots 2/1, 2/1a, 2/1b, 2/1c, 2/1d, 2/1e and 2/1f

- a) The scheme requires land for the construction of a pedestrian and cycle bridge crossing over the River Calder and rights to access the towpath and associated 'oversail' rights over the River Calder – these requirements extend over 5,763 square metres of land owned by the Canal & River Trust.

11.6 Christopher John and Daryl Scott Morton (Freeholders) – Plot 2/2

- a) The land requirement is 2,670 square meters of agricultural land and field access which will enable access between Plots 2/3 and 2/1d and will enable the construction of the footbridge (as per paragraph 11.8).

11.7 John Christopher and Carol Ann Holton (Freeholders) – Plots 2/8, 2/8a, 2/8b, 2/8c, 2/8d and 2/8e.

- a) The scheme requires 720 square metres of the former site of the property known as Riverdale House to construct the pedestrian and cycle bridge crossing over the River Calder, including 138 square metres of 'oversail' rights on the River Calder. In addition, 1,378 square metres is also required to enable construction of the above.

11.8 NewRiver Community Pubs Limited (now Dr Mark Spencer) (Freeholder) – Plots 2/9, 2/9a, 2/9b and 2/9c.

- a) The land requirement includes 172 square metres comprising part of a retaining wall adjoining the canal towpath, vegetation at the rear of the former Barge and Barrel Public House, part of a highway wall and part of the Barge and Barrel Public House Car Park.
- b) A further 374 square metres is required to enable construction of the scheme.

11.9 Optimisation Investments Limited (Freeholder) and WM Morrison Supermarkets Plc (Leaseholder) – Plots 3/1, 3/1a, 3/1b, 3/1c, 3/1d, 3/1e and 3/1f.

- a) A total of 1,704 square metres is included within the CPO – this comprises 313 square metres of grassed area and tarmac path, 541 square metres of grassed area and stone wall located north-west of the unclassified road known as Eastgate and 850 square metres of part of Jubilee Way road, footway, grassed/overgrown land, part of an embankment and small gabion retaining wall located west of the unclassified road known as Wistons Lane, north of Jubilee Way and east and north-east of Morrisons petrol station and car wash.

11.10 GO ON SA (incorporated in Switzerland) (Freeholder) – Plot 3/2.

- a) An area of 5 square metres of footway of the unclassified road known as Eastgate is required for the scheme.

11.11 Network Rail (Freeholder) – Plot 3/4

- a) 9 square metres of overgrown land located south-east of the unclassified road known as Wistons Lane and the River Calder and north of the Calder Valley railway line and Calderdale Way (A629) is required.

11.12 There will be some minor disturbance of other businesses located adjacent to the scheme works on a temporary basis during the construction phase, the Council is able to demonstrate how the disturbance to these businesses will be managed to ensure that any disturbance is kept to a minimum and that the scheme will provide a benefit from the scheme with greater and improved connectivity once completed.

11.13 In addition to the information provided above, evidence will be presented to show that the acquiring authority has fully considered the effects that the scheme will have upon each landowner and business interest. This includes the provision of new or modified accesses to the various premises located adjacent to the classified roads to be improved as well as further accommodation works which may be agreed with landowners, if required to mitigate any effects of the scheme.

11.14 The Council's evidence will show that it has set out to minimise the impacts on all of the interests affected by the scheme set against the limitations and constraints present to deliver the scheme. It will show that the limited effects on some landowners, generally on a temporary basis, are significantly outweighed overall by the benefits of the scheme.

12 SPECIAL CATEGORIES OF LAND AND DESIGNATIONS

12.1 The Order Land does not contain any common land, open space, allotments or field gardens; land held inalienably by the National Trust; consecrated ground; land in a general improvement area; land in a housing action area; or any ecclesiastical property.

12.2 The River Calder, part of which is included in the CPO (Plot 1/2), is a non-navigable watercourse.

12.3 The Order Land (Plots 2/1, 2/1a, 2/1b, 2/1c, 2/1d, 2/1e and 2/1f) is currently owned by the Canal & River Trust ("CRT") who are a Statutory Undertaker. As detailed in Section 15 below, negotiations with the Trust are underway and the Council's position is that

the scheme can be delivered without serious detriment to the carrying on of CRT's undertaking.

13 SCHEME FUNDING

- 13.1 Evidence will be given of the intended funding for the scheme, updating the arrangements previously outlined in section 12 of the Statement of Reasons.
- 13.2 Evidence will be given of the current position in relation to securing the funding for the scheme from the West Yorkshire Combined Authority (WYCA) as part of the West Yorkshire-plus Transport Fund (WY+TF) and Transforming Cities Fund (TCF). The next stage in the process under WYCA's Assurance Framework is Decision Point 5, the submission of a Full Business Case (FBC) which is anticipated for September 2025. Following formal appraisal, and subject to final approval of the FBC, the Council will then be invited to submit an Approval to Proceed (AtP) (Decision Point 6) once it is ready to proceed to construction on site, and having completed any additional approval conditions requested by WYCA as part of the FBC approval process.
- 13.3 Appreciating the scheme envisages submitting the FBC for appraisal after the date of the Public Inquiry, WYCA has confirmed it will submit a formal commitment letter which has been accordingly listed in the Annexed List of Documents. In this, WYCA will confirm the precise funding position of the scheme and its awareness of the latest total envisaged costs that will need to be approved following submission of the scheme's FBC subject to the Council submitting a compliant business case to be formally appraised under WYCA's Assurance Framework (as set out in 13.2 above).
- 13.4 The estimated total cost of the scheme, including the compensation element, currently stands at £13,377,039. Development funding totalling £1,689,554 has been approved by WYCA to date, for the purposes of progressing the scheme's development, including land purchases, progressing the CPO (and SRO and Bridge Scheme) and carrying out any enabling works required prior to the main construction phase. All funding approved to date has been secured by way of a Grant Funding Agreement (and/or Deed of Variation to a previous grant) between the Council and WYCA.
- 13.5 At the time of writing this Statement, a further £530,000 in development funding is shortly due to be approved taking the total WYCA investment in the scheme to

£2,219,554. As part of the request for this additional funding, WYCA has also been updated on the latest estimate total cost of the scheme (per 13.4 above) and confirmed these costs have been noted with regard to managing their overall financial commitments with regards to the WY+TF and TCF funding portfolios. The request for additional funding has been reviewed and recommended for approval at both WYCA's Scheme Appraisal Meeting ("SAM") and Project Director Approval Meeting ("PADM") and will receive its final approval at WYCA's Capital Programme Board scheduled for 6th March 2025. Once approved an updated Grant Funding Agreement will be put in place for the purposes of making these funds available to the Council.

13.6 Similarly, following final approval of the FBC and subsequent AtP, a new Grant Funding Agreement (or Deed of Variation to the existing funding agreement) will again need to be put in place to provide the funding for the Council to carry out the works and delivery of the scheme (including subsequent Monitoring & Evaluation post-delivery).

13.7 The Council confirms that it does not envisage that funding will be an impediment to the scheme proceeding.

14 RELATED WORKS, ORDERS AND PROCEDURES

14.1 Evidence will be given regarding the following procedures and consents related to the Orders:

a) Traffic Regulation Order(s).

b) Environment Agency works permit / consent to work in close proximity to a watercourse.

c) Discharge of all pre-commencement planning conditions.

14.2 All of these statutory approvals will be in place prior to the scheme commencing construction (currently envisaged to take place in early 2026 based on the scheme's current programme).

15 OBJECTIONS RECEIVED AND RESPONSES

- 15.1 A total of nine (9) statutory objections (within the meaning of the Highways (Inquiries Procedure) Rules 1994) have been received to the Orders.
- 15.2 The objections are summarised below, together with the acquiring authority's responses, which will be amplified in evidence in respect of any objections that have not been withdrawn as at the date of the public inquiry.
- 15.3 The information presented in each of the "Summary of Objection" headings reflects the points made by the objector at the time of formally submitting their objection to DfT. The latest position is reflected under the "Response to Objection" heading for each objector.
- 15.4 **North Dean Automotive Ltd – Owner/Reputed Owner of Plots 1/1, 1/1a, 1/1b, 1/1c, 1/2, 1/2a**

Summary of Objection

- a) North Dean believe the scale of the works to construct the scheme will cause significant disruption and loss to their business.
- b) The scheme will prevent North Dean from using their current access.
- c) The owners are concerned given the proposed cycleway will pass through a flood plain, that the earth bankings which have been built up at the edge of the Heath Rugby Football Club's land where it borders the River Calder for reasons of flood defence could give way.
- d) North Dean Automotive cite an earlier plan proposed by the Council which would use the entrance to the rugby club for the purposes of the new cycle track. The owner believes that if this design had to be disregarded due to concerns over blind spots and lines of sight then the same would apply to the objector and its business users if they receive a new entrance in the same approximate location.

Response to Objection

- e) The Council have engaged with North Dean Automotive Ltd both before and since the CPO was made and attempted to negotiate an agreement which addresses the issues raised in their objection.
- f) A number of meetings have been held on site for this purpose although no agreement has been reached to date. The Council have made an offer of compensation on 12th January 2023 and continued to attempt to promote a discussion regarding the objection and negotiated settlement with both the appointed agent and solicitors representing the objector. The objector has consistently referred to advice that they were seeking from a CPO specialist, however, no response from such a specialist has been received by the Council. The Council have now arranged a further meeting with North Dean Automotive, scheduled for 12th March 2025 and once again asked that the details of their new legal counsel be provided once appointed. The Council understand from North Dean Automotive that Jayne Brearley & Co Solicitors, who registered the objection to the CPO on North Dean's behalf are no longer instructed to negotiate on their behalf.

15.5 **Canal and River Trust – Owner of Plots 2/1, 2/1a, 2/1b, 2/1c, 2/1d, 2/1e, 2/1f**

Summary of Objection

- a) The Canal and River Trust (“**CRT**”) have stated their objections to the making of the Orders on the following grounds:
 - i. CRT believes meaningful attempts at negotiation have not been pursued or genuinely attempted by the Acquiring Authority in breach of paragraph 17 of the Compulsory Purchase Process Guidance as published by the Department for Levelling Up, Housing, Communities.
 - ii. The Trust have also stated their belief the acquiring authority has failed to take reasonable steps to acquire all of the land and rights included in

the Orders by agreement, in breach of paragraph 2 of the Compulsory Purchase Process Guidance as published by the Ministry for Levelling Up, Housing & Communities².

- b) In support of their objection, the Trust have stated their position as a statutory undertaker, which has a duty to make its waterways available for navigation and to maintain its waterways in a condition suitable for use for cruising under section 105 of the Transport Act 1968.
- c) Further, in order to implement the proposed scheme, CRT have requested the acquiring authority should satisfy the Trust that periods of construction and ongoing use of the scheme will have no long-term impact upon the waterways for navigation. It is unknown whether any substantial works will require the closure of the waterway and if they are, when this will occur. Such works which may affect the interests of the Trust as statutory undertaker for the waterways would ordinarily require the agreement of the Trust before they may be undertaken.
- d) The Acquiring Authority has been advised to have regard to the Trust's 'Code of Practice for Works Affecting the Canal & River Trust' ("**CoP**"). However, CRT believe there has been little engagement in such negotiation to date.
- e) As such, the Trust considers that it has not been adequately demonstrated that the Scheme and Order is "unlikely to be blocked by any physical or legal impediments", such as the need for works to comply with the CoP. At the time of submitting their objection to the CPO, CRT stated it is contrary to the requirements of paragraph 15 of the Compulsory Purchase Process Guidance as published by the Department for Levelling Up, Ministry of Housing, Communities & Local Government.
- f) The Property was acquired by the Trust for the purposes of the undertaking and is directly related to the Trust's statutory functions. It is, therefore, "special category land" for the purposes of section 16 of the Acquisition of Land Act

² As it existed at the time CRT submitted their written objection to the CPO. The Ministry for Levelling Up, Housing & Communities has since been renamed the Ministry of Housing, Communities and Local Government.

1981. It is considered that the acquisition of the interests in the Property sought by the Orders without an agreement would be incompatible with and would cause serious detriment to the use of the Property by the Trust. The Trust will therefore submit representations to the Secretary of State for Environment, Food and Rural Affairs that the Orders should not be confirmed to include the Trust's operational land, unless that Secretary of State can be satisfied that:

- i. The Property can be taken without serious detriment to the carrying on of the Trust's understanding; or
 - ii. The Property taken can be replaced by other land without serious detriment to the Trust's undertaking.
- g) It is the Trust's view that the Acquiring Authority has not demonstrated to the satisfaction of the Trust that either points 15.5 f) i. or 15.5 f) ii. above are achievable. The Trust therefore considers that the use of this operational land without the appropriate agreements in place could cause serious detriment to its undertaking.
- h) CRT summarised their position that for the protection of the Trust's undertaking and for the reasons detailed above, the Trust submits that the Secretary of State should refuse to confirm the Orders, pending the negotiation and agreement of appropriate documentation on terms satisfactory to the Trust, such negotiations to take into account:
 - i. The Trust's obligations under the terms of a Trust Settlement settling the Trust's operational land on the public and appointing the Trust as sole trustee of the Waterways Infrastructure Trust, dated 28th June 2012; and
 - ii. The Trust's charitable status and the resulting obligations to comply with the provisions of the Charities Act 2011 in relation to the disposal of interests in land.

Response to Objection

- i) The Council and CRT have engaged in constructive discussion further to the making of the CPO regarding the objection which CRT had made, which

culminated in agreeing Heads of Terms, in April 2024 for a private treaty agreement which included acquisition of the land and rights included within the CPO, having regard to the CoP in carrying out any works. Implementation of the Heads of Terms will ensure that the scheme proceeds without serious detriment to CRT's statutory undertaking and ensuring that CRT acts in conformance with its charitable status. Legal documents are in circulation between both parties.

15.6 **D. S. & C. J. Morton – Owner of Plot 2/2**

Summary of Objection

- a) The route that is proposed in the Order is mostly across productive agricultural land, which is cultivated for arable crops. Part of the land is low lying and is prone to water logging in winter weather conditions. The Morton family believe the elevated embankment along which runs a hard surfaced vehicular track could be used as an alternative route with less disturbance to crops.

Response to Objection

- b) The Council have engaged with the objectors which has culminated in a Heads of Terms for a private treaty agreement for voluntary acquisition being agreed in January 2025. The legal representatives of both parties are instructed to progress the legal documents to formalise this private treaty agreement.

15.7 **John & Carol Holton – Owner of Plots 2/8, 2/8a, 2/8b, 2/8c, 2/8d, 2/8e – NOW WITHDRAWN**

Summary of Objection

- a) An objection to the making of the order, was made on the following grounds:
 - i. The Holtons believed the scheme could result in blighting the remainder of the property owned by them; and.

- ii. That to their mind no suitable proposals have been forthcoming in connection with the acquisition of the whole of the property or the payment of reasonable compensation to cover the effect on the value of the their remaining land.

Response to Objection

- b) The Council have engaged with the landowners since May 2021 since which time various offers of compensation have been made by the Council. No agreement on the quantum of compensation has been agreed but negotiations on this matter are progressing. Further to these discussions, the objection was formally withdrawn on 7th February 2024 on the basis that compensation was not a matter for the Inquiry and that the objector would have an opportunity to request acquisition of the whole of their interest at the time of compulsory acquisition.
- c) The Council continues to negotiate with the Holtons to acquire the land identified in the CPO by voluntary settlement.

15.8 **Admiral Taverns – Former Owner of Plots 2/9, 2/9a, 2/9b, 2/9c – Current Owner Dr Mark Spencer**

Summary of Objection

- a) The owners detailed within the CPO at the time of making the same were NewRiver Community Pubs Limited. In the months following making the CPO, NewRiver Community Pubs were acquired by Admiral Taverns who objected to the scheme (owing to concerns regarding the impact of land take on their carpark). Subsequently, Admiral Taverns sold their interest to Dr Mark Spencer on the 6th Sept 2022. By letter dated 17th May 2023, Admiral Taverns Limited withdrew their objection.
- b) The new owner, Dr Mark Spencer was afforded the opportunity to submit an objection, if he so wished and the following objection was received: There is a

planning application about to be submitted to the LPA by Dr Spencer for conversion of this property, allowing it to be turned into houses and apartments, while also retaining part as a wine bar and an additional dentist surgery.

- c) Dr Spencer has also stated his concern the CPO will take away critical parking provision from his perspective. Although in principle the objector supports the bridge access, he has suggested that any permanent loss of car parking could jeopardise his (re)development of the site. Dr Spencer also requested that the bridge access be sited slightly further to the North East than the current design approved in the recent planning application.

Response to Objection

- d) The Council has engaged with the new owner, Dr Mark Spencer, since learning of his acquisition of the site, including notifying him of the existence of the CPO and the means by which he could register an objection if he wished to do so. Since this initial engagement there have been a number of onsite meetings to discuss the issues raised in Dr Spencer's written objection. The Council produced an alternative car park layout to the design produced by Dr Spencer's architect which resolved his concern as to a loss of viable car parking spaces as a result of the scheme. A negotiated settlement has been agreed and is documented in Heads of Terms; this private treaty agreement has been incorporated into legal documents which have been drafted and circulated between the respective legal representatives – the documents are in the process of being finalised and completed.

15.9 Optimisation Investments Ltd (Owner) and WM Morrison Supermarkets Ltd (Leaseholder) – Plots 3/1, 3/1a, 3/1b, 3/1c, 3/1d, 3/1e, 3/1f

Summary of Objection

- a) The objectors are the freehold and leasehold owner of Morrison's supermarket. The grounds of their objection as stated in this written submission were as follows:

- i. Morrison's believe there had been inadequate engagement by the Council with our clients in relation to the Order scheme.
- ii. Further, they considered there to have been a failure to give proper regard to the supermarkets ongoing use of their property and their future development proposals.
- iii. The objectors do not consider there to be a sound justification for the extent of the land included within the Order.
- iv. Finally, they believe there has been a lack of reasonable attempts to negotiate voluntary acquisition by the Council as the acquiring authority.

Response to Objection

- b) The Council engaged with the estates team for both of the objectors to discuss their objections (including preliminary discussions regarding the scheme's design development and the envisaged need for land acquisition prior to the making of the CPO). A primary focus was the location of a balancing pond and pedestrian crossing (Plots 3/1c and 3/1b respectively) and the Council were requested to amend these various elements of the scheme.
- c) Continued discussions between the parties have led to a negotiated position whereby the balancing pond is no longer to be located on the land owned by the objectors and the pedestrian crossing is to be relocated to a position considered more favourable by Morrisons. From the Council's perspective, all requests made by Optimisation Investments/Morrisons have been acceded to and the Council can demonstrate consistent and regular engagement has taken place both prior to and since the CPO was made. These engagements have been both to understand and find ways to mitigate Morrison's concerns and also progress the acquisition of the required land through voluntary negotiation.
- d) Heads of Terms reflecting voluntary arrangements to acquire have been sent to the objectors, having been agreed in January 2025. The legal

representatives of each side are instructed to prepare and execute the respective legal documents.

- e) During the negotiations, Plots 3/1d, 3/1e and 3/1f were sold to Motor Fuel Group (“**MFG**”) (as part of a wider national divestiture of Morrison’s petrol forecourt assets) who accordingly acquired the fuel station at this location.
- f) Discussions with MFG have not highlighted any further issues and have also progressed to production of Heads of Terms for voluntary acquisition at the time of submitting this Statement of Case. MFG have not submitted an objection to the CPO and were provided with copies of the Order and the means by which they could register an objection if they wished to do so as part of the Council’s first discussions with MFG.

15.10 **Northern Powergrid – NOW WITHDRAWN**

Summary of Objection

Northern Powergrid initially registered an objection in response to the making of the CPO on the basis apparatus owned by the utility company existed within the order boundary.

Response to Objection

At the time Northern Powergrid registered their objection, negotiations had already begun for the relocation of the apparatus in question, with the Council to meet the costs for agreeing an appropriate design and the subsequent work to undertake this. An agreement was subsequently reached and Northern Powergrid have formally withdrawn their objection.

15.11 **Lockside Estates Ltd**

Summary of Objection

- a) The objector does not own land within the CPO but owns the site immediately to the south west of the proposed new Elland Bridge. The objector does

however have a claimed prescriptive easement in plot 2/5 and is identified in Table 2 of the CPO accordingly. The objectors site is situated between the River Calder on one side and the Calder & Hebble Navigation on the other and comprises a series of Grade H listed, former wharf buildings.

- b) The objector has expressed concern about continued access to his site (via Gas Works Lane) during construction of the scheme.
- c) The objector has expresses concerned about the potential loss of mooring rights that are held on license from CRT.
- d) The objector's site has now flooded on 4 occasions in the last 10 years. On all but the most extreme event (Storm Desmond on 26th December 2015), the waters that have overwhelmed the site have come from the Calder & Hebble Navigation. These are flood flows that enter the canal from the River Calder further upstream and overload the canal. The objector is concerned that the development will increase the flood risk to its site exponentially because the widening of the towpath entails the narrowing of the channel and will divert the flow of water towards the other side of the canal, resulting in increased water levels flowing directly towards the site.
- e) The objector believes that there are some fundamental omissions and/or discrepancies in the evidence that has been put forward by/on behalf of the Council in support of the planning application relating to this scheme. He has suggested that the proposed widening of the towpath has not been built into the modelling undertaken by the Council's retained consultants and that only the proposed new bridge structures have been included.
- f) The objector has also suggested they believe the mitigation measures required by the Local Flood Authority ("**LFA**") in the conditions of the planning approval issued by the LPA cannot be adhered to.
- g) Finally, the objector has sought to make clear he does not oppose the scheme itself and accepts that the regeneration of towns such as Elland (especially areas of historical importance) and investment in infrastructure is a positive thing. Rather, his concern is that the scheme could have a direct negative impact on his premises by increasing vulnerability to flooding and a desire that

all public infrastructure works place a greater emphasis on reducing flood risk than is currently required under national and local planning policy.

Response to Objection

- h) In response to the objector's concern regarding access during the duration of the works, the Council has confirmed that access to its site will be maintained throughout. The need to maintain access has been confirmed with the scheme's designers to ensure it is incorporated into the construction methodology.
- i) In response to the concern raised regarding a potential loss of mooring rights during the construction of the scheme, the plot in question is now proposed to be removed from the CPO on the basis of the expected settlement with Canal & River Trust which is currently being finalised
- j) Further to the above, the currently envisaged construction methodology for the proposed Elland bridge does not require the canal basin to be closed and drained during the works. At most, a single overnight closure is envisaged for the purposes of carrying out the bridge lifts. In the event this impacted on the objector's ability to exercise his mooring rights on the evening in question, then he would be able to seek compensation in accordance with the compensation code. The Council notes the proposed works have gone through the local authority planning process. This includes their confirmed compliance with all sections of the National Planning Policy Framework (NPPF) and Local Plan policy, including specifically those relating to Climate Change, Flood Risk and Listed Buildings.
- k) The information submitted during the planning application included comprehensive flood modelling review, which was in turn assessed by the Environment Agency ("EA"), as a statutory consultee, who accepted the modelling and did not believe the scheme needed to incorporate any additional flood resilience measures. It has no objection to the grant of planning permission for the scheme.

- l) Additionally on 7th April 2022, following the making of the Orders, the EA submitted a letter to direct to the Department of Transport's Casework Team to confirm they had no objection to the proposed Bridge Scheme, subject to it being implemented in accordance with conditions agreed by the LPA in response to the EA's separate comments submitted to the scheme's application for planning.
- m) As a result, additional flood alleviation measures would be outside the formal scope of the scheme.
- n) However, as alluded to above, that is not to say that flooding and its impacts have not been considered in detail throughout the design of the scheme including all necessary statutory approvals.
- o) The Council continue to negotiation with Mr McFarland-Davidson and have met with him to further discuss the concerns raised in his objection.

16 DOCUMENTS ACCOMPANYING THIS STATEMENT

16.1 The acquiring authority intends to refer to or put in evidence the documents listed in the Annex to this Statement.

16.2 Copies of (or links to) these documents may be inspected online at <https://new.calderdale.gov.uk/streets-and-transport/transport-initiatives/elland-rail-station-and-access-package> or on the Council's planning portal (<https://portal.calderdale.gov.uk/online-applications/applicationDetails.do?keyVal=RZ0R02DW0CF00&activeTab=summary>)

ANNEX – LIST OF DOCUMENTS

Economic Development Policies and Documents

Regional

- (1) [The West Yorkshire Plan](#) (WYCA, 2023)
- (2) [The West Yorkshire Investment Strategy](#) (2021)
- (3) [Strategic Economic Framework](#) (2020)
- (4) [Connectivity Infrastructure Plan](#) (WYCA, 2021)
- (5) [West Yorkshire Climate and Environment Plan](#) (WYCA, 2020)
- (6) [COVID-19 Economic Recovery Plan](#) (WYCA, 2020)
- (7) [West Yorkshire Transport Strategy 2040](#) (WYCA, 2017)
- (8) [Vision Zero Strategy 2024 - 2027](#) (WYCA, 2023)

Pan-Northern

- (9) [The Northern Powerhouse Independent Economic Review](#) (Transport for the North, 2023)
- (10) [Strategic Transport Plan](#) (Transport for the North, 2023)
- (11) [Northern Powerhouse: One Agenda, One Economy, One North](#) (Transport for the North, 2015)

National

- (12) [Network North: Transforming British Transport](#) (UK Government, 2023)
- (13) [Local Growth White Paper](#) (October 2010)
- (14) [The Growth Plan 2022](#) (HM Treasury, 2022)
- (15) [Transport Decarbonisation Strategy](#) (DfT, 2021)
- (16) [Build Back Better: Our Plan for Growth](#) (HM Treasury, 2021)
- (17) [National Infrastructure Strategy](#) (HM Treasury, 2020)
- (18) [Ten Point Plan for a Green Industrial Revolution](#) (UK Government, 2020)
- (19) [Decarbonising Transport: Setting the Challenge](#) (DfT, 2020)
- (20) [Transport Investment Strategy](#) (DfT, 2017)
- (21) [The Climate Change Act](#) (UK Government, 2008)
- (22) [Low Carbon Transport: A Greener Future strategy](#) (UK Government, 2009)
- (23) [Cycling and Walking Investment Strategy](#) (DfT, 2017)
- (24) [Gear Change: A Bold Vision for Cycling and Walking](#) (DfT, 2020)
- (25) [Levelling Up the United Kingdom](#) (UK Government, 2022)
- (26) [LTN 1/20](#) (DfT, 2020)

Local Planning Policies and Documents

- (27) [National Planning Policy Framework 2024](#).
- (28) [Calderdale Local Plan \(2018/19 to 2032/33\)](#).
- (29) [Calderdale Local Development Scheme 2023](#)
- (30) [Calderdale Draft Climate Action Plan 2023-26](#).
- (31) [Calderdale Transport Strategy](#) (2016, BCC)
- (32) [Calderdale Cycling Strategy](#) (BCC)
- (33) [Calderdale Supplementary Planning Documents](#) (SPD)
- (34) [Calderdale Local Cycling and Walking Infrastructure Plan – Phase 1](#)
- (35) [Calderdale Climate Emergency](#) (BCC)
- (36) [Inclusive Economy Strategy for Calderdale](#) (BCC, 2024)
- (37) [Secretary of State's Direction under paragraph 1 \(3\) of Schedule 8 to the Planning and Compulsory Purchase Act 2004](#) (7 September 2007)
- (38) [Report to Planning Committee and Minutes](#) (16 June 2020)
- (39) [Planning Permission 23/00670/FUL dated 7 November 2024 Officer's Report](#)

Highway Policies, Guidance and Documents

- (40) [Design Manual for Roads and Bridges \(DMRB\)](#)
- (41) [Specification for Highway Works](#)

Orders Guidance and Circulars

- (42) [The Ministry of Housing for Communities and Local Government's Guidance on Compulsory purchase process](#) and [The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion](#)
- (43) [Department of 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](#)
- (44) [Department of Transport Circular 1/97: Highways Act 1980: Orders under Section 14 of the Highways Act 1980 and Opposed Orders under Section 124 of that Act \(June 1997\)](#)
- (45) [Department of Transport, Environment and Regions: Preparing and Making Bridge/Tunnel Schemes under Section 106 of the Highways Act 1980 and Orders Under Section 108 for the Diversion of Navigable Waters](#)

Cabinet Reports and Minutes

- (46) [Cabinet Report and Minutes dated 2nd November and 9th November 2020](#)
- (47) [Cabinet Report and Minutes dated 17th January 2022](#) approving the final land acquisition plans and authorising the use of compulsory purchase powers and the making of the Side Roads Order and Bridge Scheme.

Funding and Approval Documents

- (48) [Outline Business Case \(OBC\) Approval](#)
- (49) [Transforming Access to Brighouse and Elland Railway Stations Strategic Outline Case \(SOC\) Approval](#)
- (50) [Elland Station \(Calder Valley Line\) - Decision Point 2 \(Case Paper\)](#)
- (51) [Change Request Approval \(May 2021\)](#)
- (52) [Change Request Approval \(November 2023\)](#)
- (53) [OBC Approval Written Record of Officer Decision Point \(29 March 2019\)](#)
- (54) Letter Confirming Latest Funding Position (WYCA, March 2025)
- (55) [West Yorkshire Combined Authority's Assurance Framework \(June 2023\)](#)

Other Relevant Documents

- (56) [General Arrangement Drawings for the proposals contained in the Orders \(All Available via Planning Portal\)](#)
- (57) [Technical Note: Elland Access Package: Biodiversity Net Gain Assessment](#)
- (58) [Calderdale's Elland Transport Needs Assessment \(2015\)](#)
- (59) [Letter submitted by the Environment Agency to the Department for Transport's Casework Team](#) confirming the absence of any objection to the submitted Orders (7th April 2022)