

**PUBLIC INQUIRY
STATEMENT OF EVIDENCE**

James Driver
BEng (Hons)

On behalf of

Borough Council of Calderdale

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

3 June 2025

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0. STATEMENT OF TRUTH

- 0.1 I confirm that in so far as the facts stated in this statement are within my own knowledge, I have made clear which they are, and I believe them to be true and that the opinions I have expressed represent my true and complete professional opinion.
- 0.2 My statement includes all facts which are regarded as being relevant to the opinion which I have expressed, and I have drawn to the attention of the Inspector any matters which would affect the validity of that opinion.
- 0.3 I understand that my over-riding duty is to help the Inspector and the Secretary of State with the matters within my expertise and that this duty overrides any obligation to The Borough Council of Calderdale. I confirm that I have complied with this duty.

1. INTRODUCTION

1.1 Qualifications and Experience

- 1.1.1 My name is James Driver. I hold a BEng in Civil Engineering. I am a Senior Project Manager within the Highways and Infrastructure programme of the Major Projects service at The Borough Council of Calderdale.
- 1.1.2 My responsibilities include the development, delivery, and management of transportation projects within the Borough. I have 6 years' experience of working in a local authority engineering organisation, which includes the preparation and delivery of transportation projects.

1.2 Responsibility in relation to the Scheme

- 1.2.1 Since January 2020, I have been the designated project manager of the Elland Access Package (EAP) scheme, responsible for managing delivery.

1.3 Scope of the Evidence

- 1.3.1 My evidence will provide an overview of the EAP scheme and highlight its necessity. In addition, I will summarise the history of the scheme's development and demonstrate how it will be delivered.
- 1.3.2 My evidence will be supplemented by further evidence from Kevin Guy giving evidence on behalf of the Council and draws upon the evidence and conclusions of his evidence as necessary.

1.4 The Orders

- 1.4.1 On 9 November 2020 the Council resolved to make the various orders required to facilitate the construction of the EAP.
- 1.4.2 On 9 February 2022, the Council made 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").
- 1.4.3 On 16 February 2022, the Council made 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").
- 1.4.4 On 16 February 2022, the Council made 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 Making Order").
- 1.4.5 The Bridge Making Order, SRO and CPO and are collectively referred to in this Statement as "the Orders".

- 1.4.6 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).
- 1.4.7 The SRO is made under the following provisions of the Highways Act 1980: 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. 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 6.3).
- 1.4.8 The Bridge Making Order 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 Making Order 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 Railway Station from north of the Calder Hebble Navigation and West Vale (as set out in Section 6.4).

1.5 The Scheme Overview

- 1.5.1 The EAP scheme is being developed in tandem with the Elland Railway Station which is being progressed in co-operation with and managed by the West Yorkshire Combined Authority (WYCA). The EAP scheme aims to improve access to the proposed new Elland Railway Station for both pedestrians and cyclists, through improving existing routes and providing additional enhancements for active travel. The EAP scheme will connect the proposed new Elland Railway Station to the surrounding business park, the town centre, and surrounding residential areas, including the village of West Vale, via 2 new pedestrian and cycle bridges and associated route upgrades. Further details of the EAP scheme can be found in Section 2 of this statement.

1.6 Human Rights Considerations

- 1.6.1 The Statement of Reasons for the Orders [CD 5.1] set out that careful consideration has been given to requirements of the Human Rights Act 1998, including the Convention rights, contained in Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights.
- 1.6.2 The Council considers that, balancing the rights of the individual against the interests of the public, the significant benefits arising from the construction of the EAP scheme amount to compelling case in the public interest, and to facilitate that, the making and confirmation of the Orders is a proportionate interference with those rights.
- 1.6.3 Those directly affected by the Orders will be entitled to have their say at the public

inquiry and will be entitled to compensation, when the EAP scheme proceeds, should the Orders be confirmed.

2. THE EAP SCHEME

2.1 Scheme Summary

2.1.1 The EAP scheme involves pedestrian and cycleway improvements such as widening and resurfacing of existing infrastructure to and from the proposed Elland Railway Station. It also involves the construction of two new cycling and pedestrian bridges, one in Elland over the Calder and Hebble Navigation and one in West Vale over the River Calder. Landscaping and public realm improvements will also contribute to creating attractive connectivity, and an environment where people want to live, work, and socialise.

2.1.2 The EAP scheme is split into two areas; Elland and West Vale, shown in Figures 2.1 & 2.2 respectively. The works comprise of proposed cycleway and footway improvements, including:

- a) Elland Wood Bottom – A route linking to Elland Wood Bottom Cycleway at Exley Lane (which runs alongside A629 Halifax Road) and the large additional new housing sites identified in Exley.
- b) Town Centre (Eastgate) – A new segregated cycleway and footway linking the town centre via Eastgate towards Riverside Park and the new station.
- c) Elland Lane/Lower Edge Road – A new shared cycle and footway linking to the large new housing site on land to the north of Old Earth Primary School around Elland Lane on the eastern side of Elland Riorges Link, to and from the new station.
- d) Riverside Park and Elland Bridge – A new shared cycleway through the Riverside Park connecting a new pedestrian and cycle bridge crossing the River Calder and Calder and Hebble Navigation, allowing a more direct and safer pathway to Elland Railway station. Improved public realm and green spaces throughout park.
- e) West Vale Bridge – A new pedestrian and cycle bridge crossing the River Calder, connecting West Vale with Elland via the canal towpath.
- f) Canal Towpath – Widening the Calder and Hebble Navigation canal towpath at the northern end of Elland Bridge to allow continuation of cycle route 66 and more direct and safer pathway to Elland Railway Station.
- g) Winston Lane and Century Road – Upgrading and introducing a new shared cycle and footway along Winston Lane heading southwest to Century Road and Riverside Park and south to Eastgate and Elland Lane, providing connections to and from the proposed new Elland Railway Station. Includes public realm enhancements to the Calderdale Way pedestrian underpass.
- h) Jubilee Way – A new parallel crossing at Jubilee Way.
- i) Park Road – A new Toucan crossing at Park Road, connecting Exley Lane to the

new Elland pedestrian and cycle bridge.

- j) Elland Riorges Link – The existing Pelican crossing at Elland-Riorges link will be upgraded to a Toucan Crossing and will include widening of immediate links to and from the new crossing, to allow shared usage.

Figure 2.1 – Elland

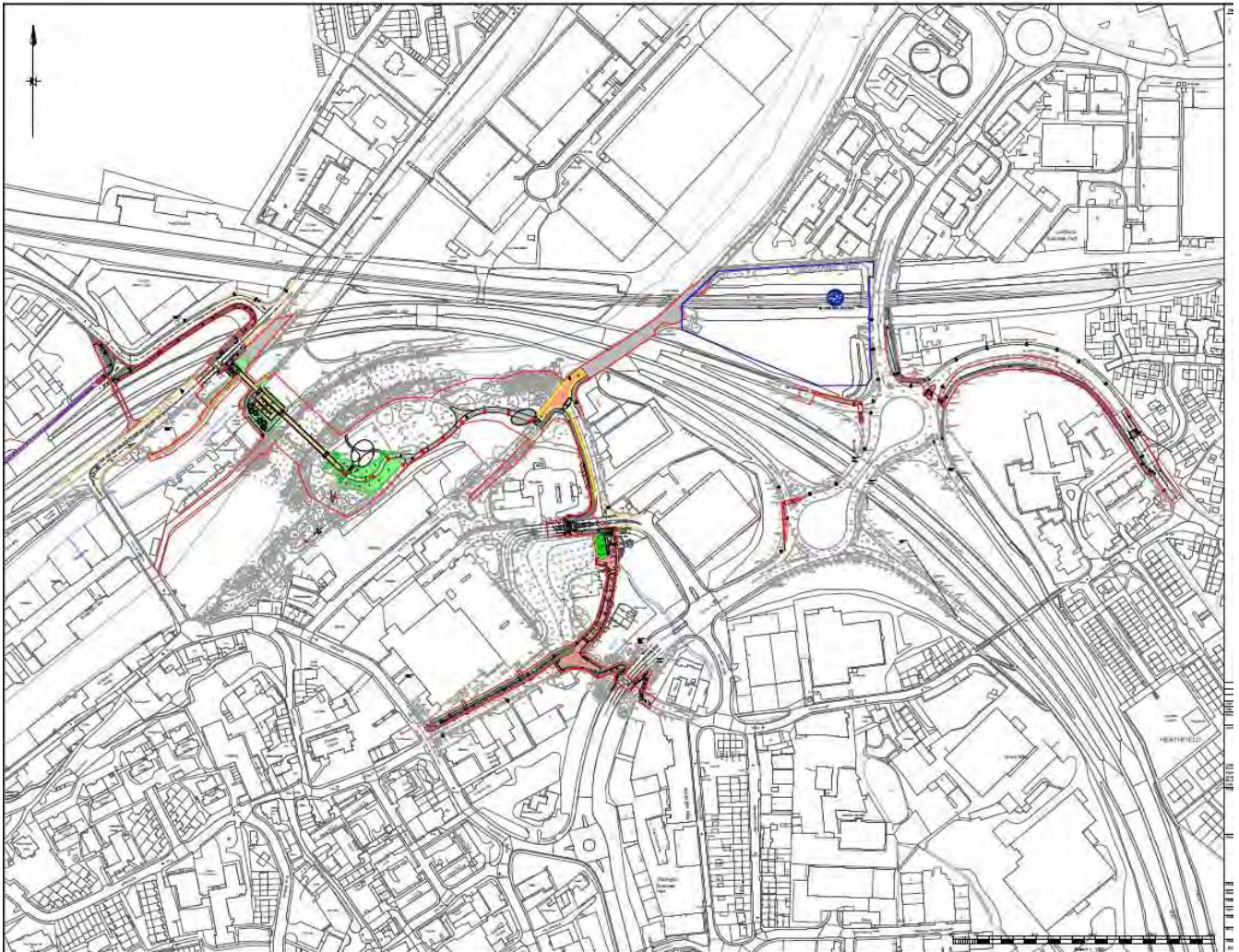
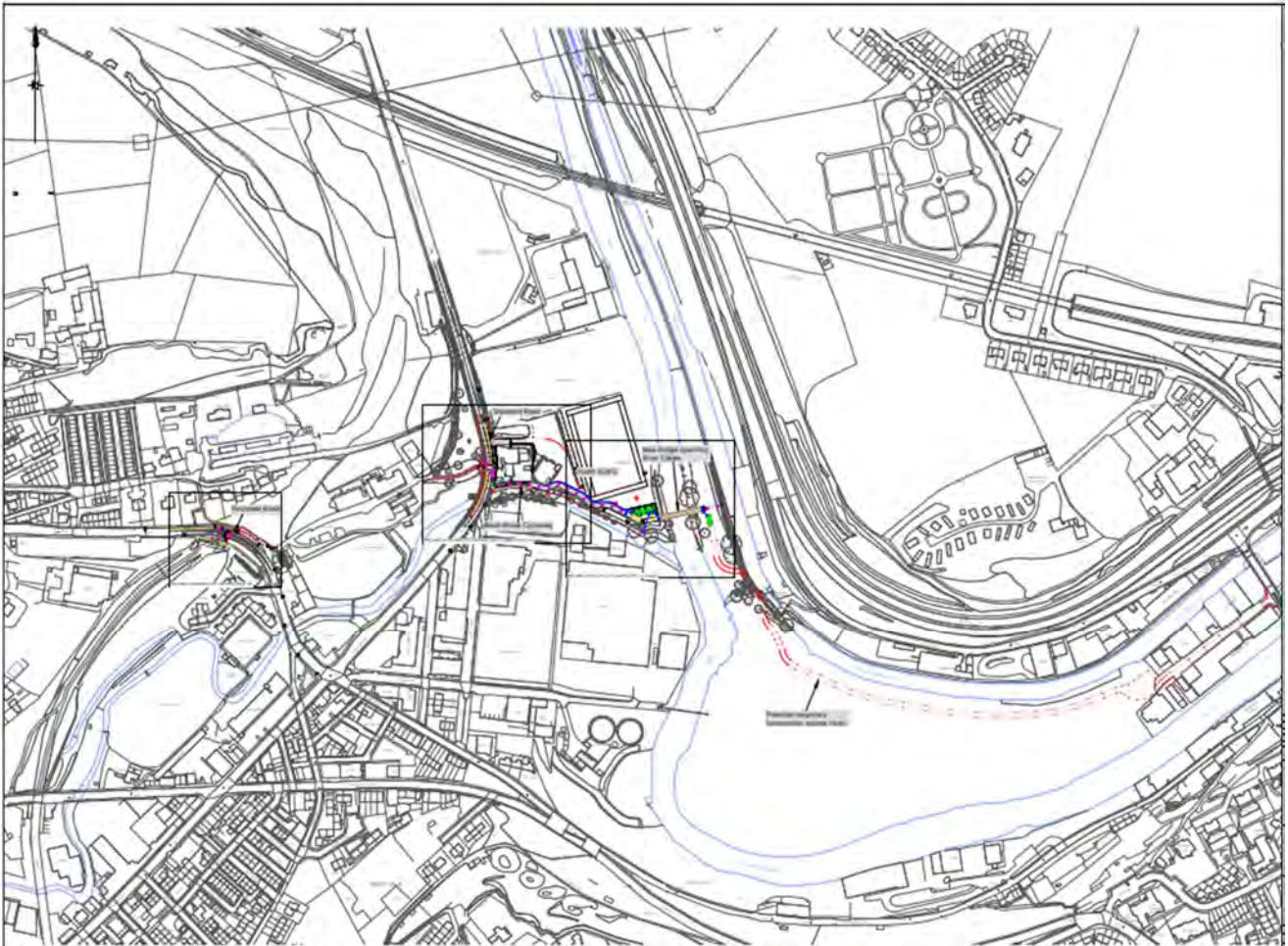


Figure 2.2 – West Vale



2.1.3 Both the Elland and West Vale components will look to help address:

- a) Poor pedestrian and cycling infrastructure across both the town of Elland and village of West Vale;
- b) Low car ownership and poor public transport connectivity hindering access to employment;
- c) Educational opportunities, constraining growth;
- d) Poor railway station connectivity and accessibility issues hindering possible rail use;
- e) Significant congestion on the strategic network; and
- f) Poor local air quality; nearby Brighouse has an Air Quality Management Area (AQMA)

2.1.4 The Elland component will provide:

- a) The widening of the existing footway along Exley Lane to Park Rd, connecting the Elland Wood Bottom cycleway in an off-highway route to a new pelican crossing and the new bridge crossing over the Calder and Hebble Navigation canal and River Calder.
- b) The construction of a single high-level bridge over the Calder and Hebble Navigation canal and River Calder, from Pard 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 Calder and Hebble Navigation canal tow path to facilitate safe access onto the new bridge, whilst also providing a better link from one side of the tow path to the other.
- 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.
- f) Upgrading of the Elland Riorges 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, narrowing, 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, which remains for local business.
- i) Public realm improvements to the Calderdale Way underpass and connection to Elland 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 improvements to the existing crossings towards the station.
- k) Minor improvements to existing uncontrolled crossings will also aid the Elland Railway Station users who may also use the local bus service.
- l) Signage throughout the route system will also be provided for users.

2.1.5 The West Vale component will provide:

- 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 Saddleworth 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.
- 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 Railway Station.

2.1.6 Further details of the EAP scheme can be found in the General Arrangement drawings provided in inquiry document [CDs 9.1-3].

2.1 History of the Scheme

2.1.1 The EAP scheme has been developed alongside the Elland Railway Station since the early work to the Expression of Interest, which was approved on the 27th of June 2017 [CD 8.13].

2.1.2 Due to the West Yorkshire Combined Authority having specialist rail delivery function, it was agreed between the Council and the Combined Authority that the overall scheme delivery would be split into the Elland Railway Station, which WYCA would deliver with assistance from the Council, and the EAP scheme consisting of highway interventions, the latter being something the Council's Highways department had the appropriate expertise to continue to deliver. The funding at this stage was to be from a single source the West Yorkshire Plus Transport Fund.

2.1.3 The two schemes (EAP and Elland Railway Station) continued to proceed with a single business case following agreement between the Council and WYCA, the funding and approval body.

2.1.4 The subsequent Outline Business Case was approved on the 29th of March 2019. [CD 8.1]

2.1.5 During the further development towards Full Business Case (FBC) the costs relating to Elland Railway Station increased and necessary design changes to the EAP scheme also increased overall costs. In March 2020 the EAP submitted a standalone Strategic Outline Case (SOC) through the Transforming Cities Fund which was approved in July 2020. [CD 8.2]

2.1.6 Although the EAP scheme secured separate funding it was agreed between the Council and WYCA it would continue to form part of a single business case due to its intrinsic link with Elland Railway Station and the joint benefits both schemes bring to

Elland and the surrounding areas.

- 2.1.7 FBC was submitted for approval in May 2021, and withdrawn following a review of the level of advancement of the design of Elland Railway Station elements at the time of submission. It was felt that the proposed new Elland Railway Station should proceed with detailed design and the business case be re-submitted following this activity. Further development money was released at this stage to account for the change in assurance timescales.
- 2.1.8 A WYCA programme review of all capital funded transport schemes following Covid-19 in December 2022 approved delayed milestone delivery dates and increased costs following increases in inflation post Covid-19. [CD 8.3]
- 2.1.9 A Change Request to release additional development costs was submitted to WYCA and approved in November 2023, these accounted for programme prolongation, development costs associated with producing the scheme's business case, and preparation of a new planning application (Ref. No 23/00670/FUL). [CD 8.4]
- 2.1.10 A further Change Request to release additional development costs was submitted to WYCA and approved in March 2025, these accounted for some programme prolongation and a small increase in the anticipated design, and legal and voluntary acquisition costs of some land parcels within the CPO. [CD 8.5]
- 2.1.11 The latest combined FBC approval for the EAP and Railway Station is yet to be submitted, however this is expected to be submitted for approval by WYCA in November 2025, with a subsequent Approval to Proceed (AtP) submitted immediately following FBC approval.
- 2.1.12 The proposed new Elland Railway Station Scheme has been subject to its own CPO, which was confirmed by the Department for Housing, Communities & Local Government on the 18th July 2024. A General Vesting Declaration has been made in relation to acquisition of the relevant land (with the exception of land being acquired voluntarily from the Crown, in respect of which a negotiated acquisition from the Crown is proceeding).

2.2 Context of the Scheme

- 2.2.1 The EAP scheme lies within the Elland ward (population 12,200) of Calderdale and would also directly serve the adjacent Greetland and Stainland ward (population 11,400) and the rest of south and central Calderdale. Elland and West Vale are largely urbanised in the vicinity of the EAP scheme, with a mix of residential, retail and industrial land uses.
- 2.2.2 Lowfields Business Park, which is home to over 100 businesses and lies immediately north of the planned station, acts as a focus for economic activity in the town. This successful employment zone, however, fails to translate into economic success across the rest of the town due to its perceived remoteness and poor accessibility from the town centre. Whilst further growth of Lowfields is proposed under the Local

Plan, retention of current employers is becoming an issue as a result of unreliable transport links and poor walking and cycling connections to areas from where it draws its workforce. The competitive advantage of many entrepreneurial companies based there is also being eroded, placing their survival at risk to rivals benefitting from better connected locations.

- 2.2.3 Beyond Lowfields, a substantial proportion of Elland's existing employment sites fail to provide the density of higher value jobs that may otherwise be expected in locations that benefit from better strategic connections. This underperformance is found to contribute to a wider malaise in economic output evident across the town, with resulting negative consequences to place making and quality of life ambitions.
- 2.2.4 These prevailing conditions in Elland have been recognised by Elland's announcement as one of 57 places having received funding from the Future High Street Fund.
- 2.2.5 The remainder of this section explores the economic, social and transport conditions in Elland, highlighting where the proposed new Railway Station and the EAP scheme may contribute towards resolving the underlying causes.

Economy

- 2.2.6 Data on the economy is sometimes reported at Local Authority level rather than by ward. Where this is the case, this section describes the economic conditions in Calderdale as a proxy to those in Elland. It should be noted that available data reported on a ward basis, as set out below, would suggest that Elland residents have similar though generally poorer prospects than the average Calderdale resident, as illustrated below:
- 2.2.7 According to the Index of Multiple Deprivation 2019, 23% of children aged 0 - 15 in Elland live in families that are "Income deprived", as do 15% of people aged 60 or over. This compares with 20% and 14% respectively for Calderdale as a whole.
- 2.2.8 At the national Census in 2011, 5.4% of residents aged 16 - 74 in Elland Ward were unemployed compared with 5.00% for Calderdale
- 2.2.9 21% of residents in Elland Ward have achieved level 4 qualifications and above compared to 25% in Calderdale as a whole. 25% of residents have no qualifications compared to 24% in Calderdale.
- 2.2.10 Calderdale as a whole makes a significant contribution of over £4 billion to the Leeds City Region economy, accommodating 100,000 jobs and generating strong employment growth. However, there is a significant shortfall in productivity per worker evident in Calderdale. Table 2-1 provides a comparison of some of the key economic metrics for Calderdale, Leeds, Leeds City Region and England.

2.2.11 Table 2-1 Calderdale demographic and employment data

	Calderdale	Leeds	Leeds City Region	England
Total population, 2015	208,000	774,000	3,026,700	54,786,300
Total working age population, 2015	133,000	509,000	1,919,400	34,669,600
% change in work population 2000-2015	8.6%	10.7%	9.9%	10.2%
GVA, 2014	£4,215m	£20,188m	£62,451m	£1,377,851m
Productivity (output per hour worked)	£20.1	£28.2	£27.2	£31.5
Total employment, 2015 (BRES)	97,000	432,000	1,349,000	21,900,000
% change in employment 2000-2015	19.8%	11.3%	11.1%	14.4%
Total employment, 2019 (BRES)	95,000	472,000	1,433,000	27,200,000

Source: WYCA, BRES and the ONS

2.2.12 Calderdale's output per hour worked is 26% lower than the Leeds City Region and 35% lower than for England. Bridging this gap will rely both on attracting more and higher value businesses to Calderdale and on improving transport links to help residents access jobs markets in other economic centres.

2.2.13 Gross Value Added (GVA) is a measure of the total value of goods and services produced in an economy. Table 2-2 below presents growth of GVA over the period 1998 to 2016 for Calderdale (and Kirklees), Leeds, West Yorkshire and the UK; the geographies presented are not at a local authority level because the data is disaggregated at a NUTS3 level.

2.2.14 Table 2-2 Comparison of GVA Growth in Calderdale and West Yorkshire, 1998-2016 (£m)

	1998	2008	2016	Annual Growth '98-'08	Annual Growth '08-'16
United Kingdom	891,162	1,422,307	1,747,647	4.8%	2.6%
West Yorkshire	27,643	43,021	51,620	4.5%	2.3%
Leeds	11,389	18,956	22,355	5.2%	2.1%
Calderdale and Kirklees	6,832	10,023	12,129	3.9%	2.4%

Source: Office of National Statistics

2.2.15 Table 2-2 highlights that prior to 2008 GVA growth in Calderdale (3.9% p.a.) was lagging significantly behind other parts of West Yorkshire (4.5% p.a.) and the UK average (4.8% p.a.). Since the 2008 financial crash however, Calderdale's GVA growth, though slower than pre-2008 (as is the case for all of the UK), is now

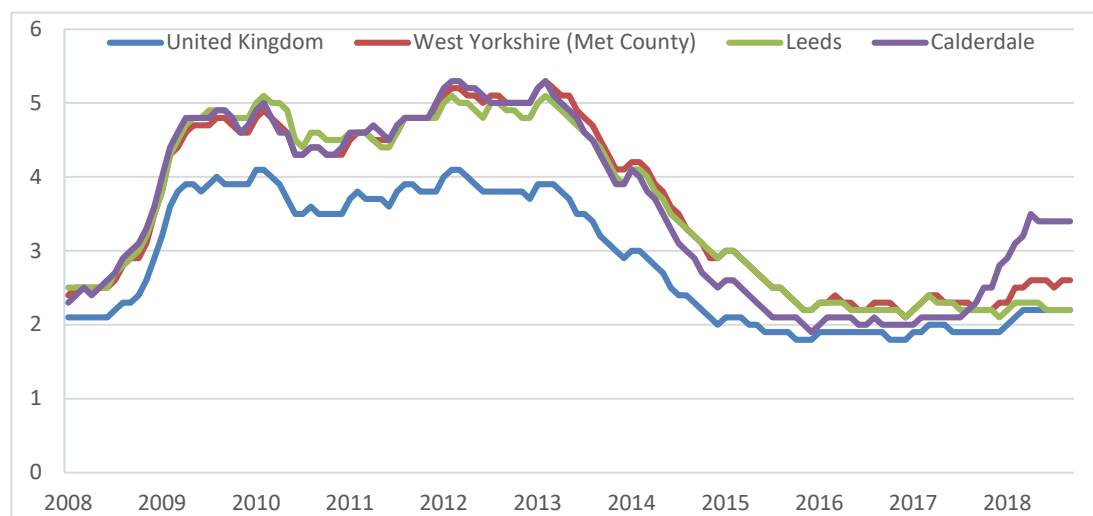
comparable to the UK average and in fact outperforms Leeds and the West Yorkshire average. With reference to Table 2-1, which reports a 19.8% increase in the level of employment in Calderdale, this growth would seem to be driven more by reduced levels of unemployment rather than by productivity gains (i.e. more jobs, not necessarily better paid jobs).

Unemployment

2.2.16 Calderdale has a relatively low unemployment rate which has in recent years tracked closely to the national average and below that of the West Yorkshire average. However, data from this year indicates a pronounced upturn in claimant numbers, indicative of an economy that while buoyant may be less resilient than some of the more diverse economies such as Leeds.

2.2.17 From a working population of 106,000 there are 28,400 economically inactive people in the borough. This is slightly better than the regional average, but worse than that of the UK. With NVQ4 and above educational attainment at 35%, Calderdale compares unfavourably with the national average figure of 39%. Calderdale also has more out-of-work benefit claimants (3.7%) than both the regional average (3.1%) and at the national level (2.8%).

Figure 2-3: Claimant Count % by year – Calderdale and comparator areas (2008-2018)



Source: ONS, 2018

Deprivation

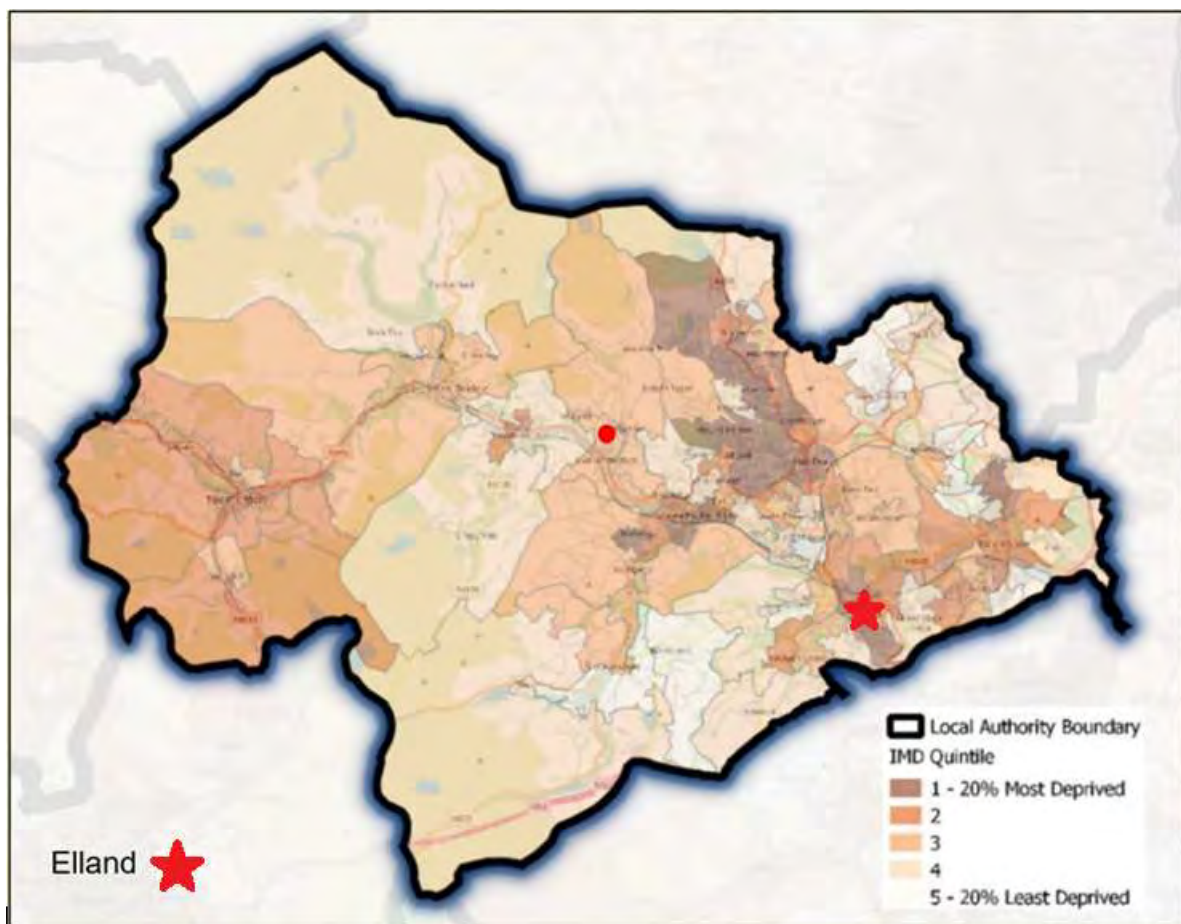
2.2.18 Despite the significant improvements to the labour market and employment situation in Calderdale prior to the pandemic, the borough was still the 96th most deprived (out of 326) with 15% of its LSOAs being part of the 10th most deprived decile nationally.

2.2.19 Figure 2-4 shows the location of the most deprived areas in Calderdale, predominantly located in central Halifax and the northwest of the centre, but also in Elland.

2.2.20 Transport is a significant contributing factor in exclusion of many low-income groups,

particularly those in the 20% most deprived communities. It acts as a barrier to access employment, education and other services. Improvements to walking and cycling infrastructure as part of the EAP scheme will enable those living in the most deprived areas (often without access to a car) to be able to travel by sustainable modes to access these key services, widening the catchment area for employers and promoting social inclusion.

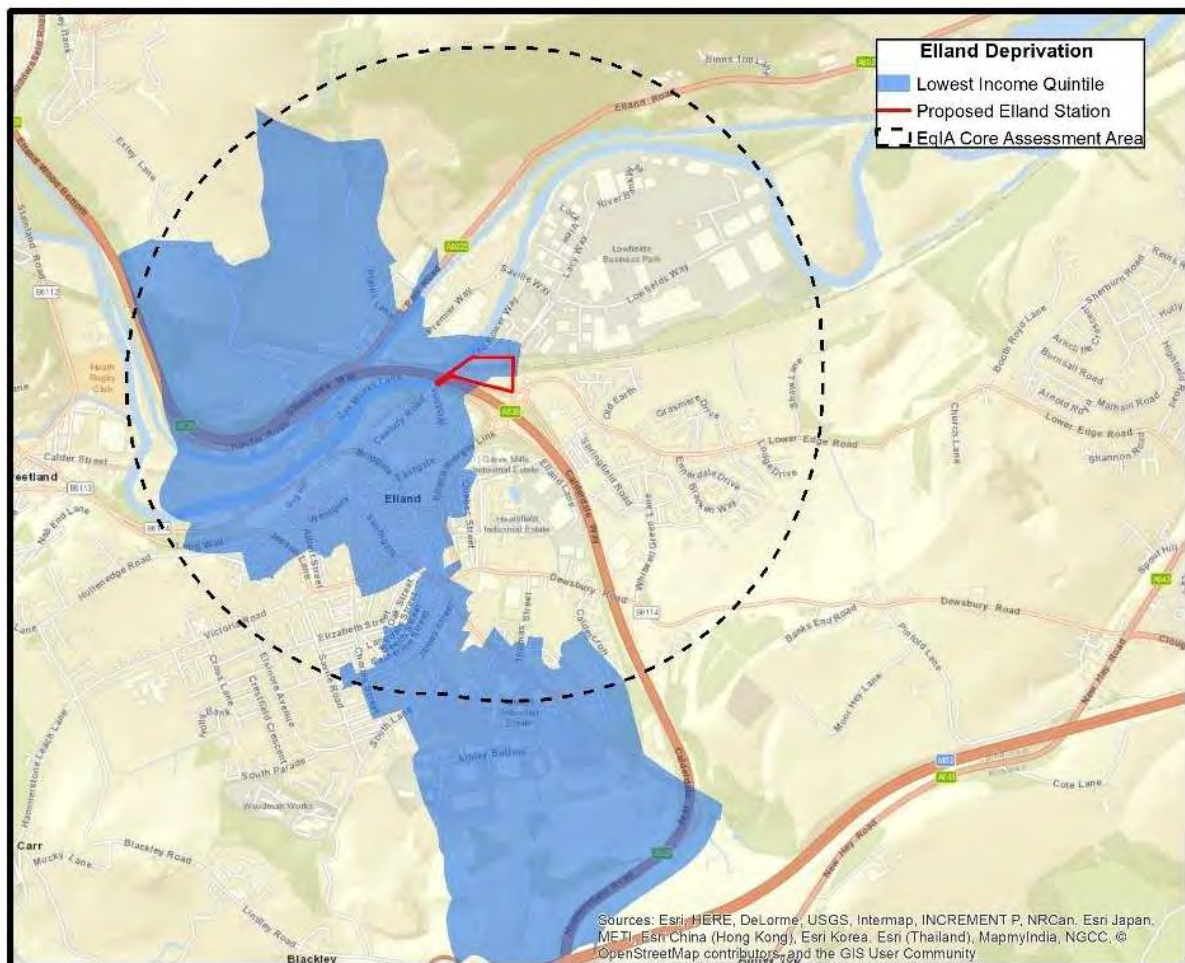
Figure 2-4 Calderdale Indices of Multiple Deprivation 2015



Source: ONS, 2015

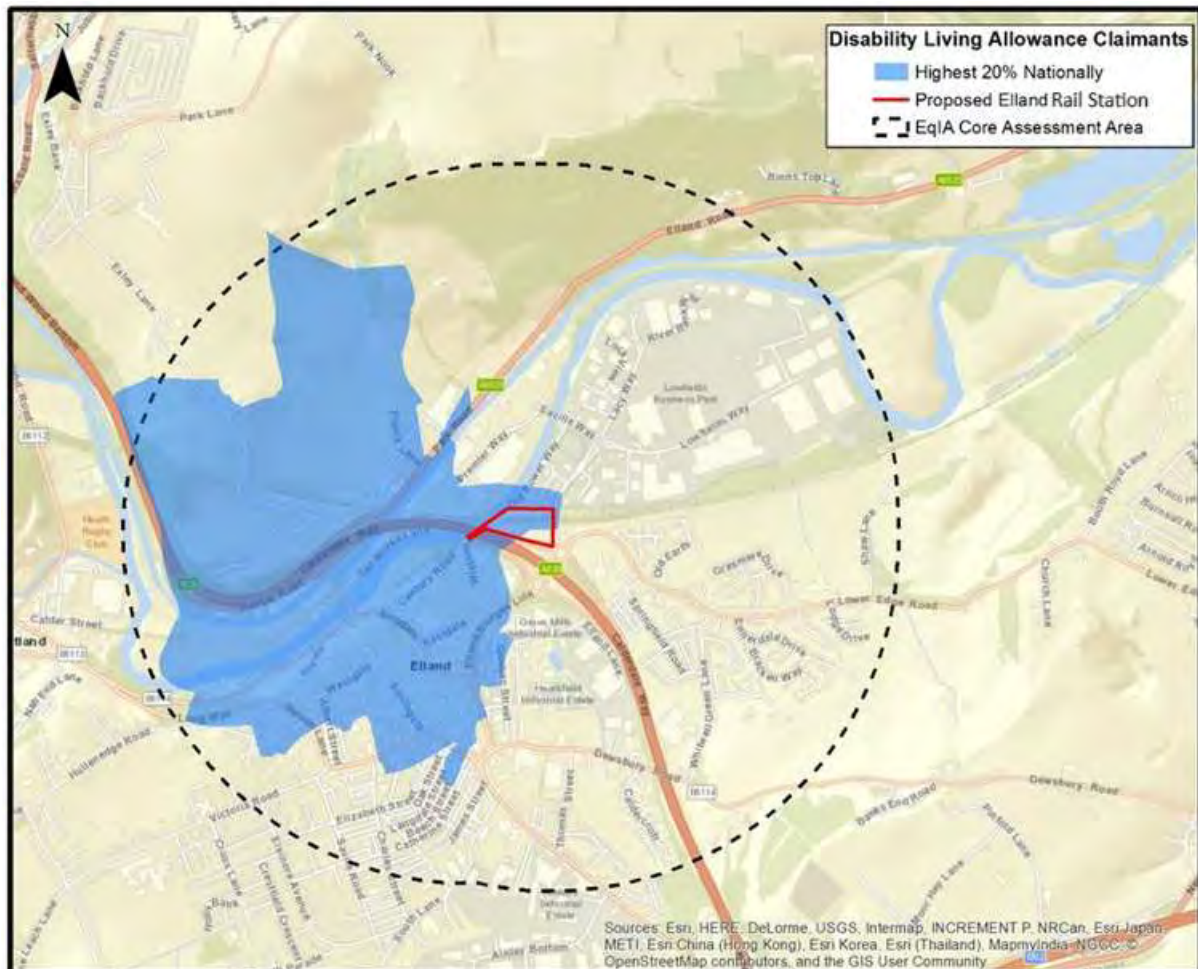
2.2.21 Figure 2-5 shows that the most deprived areas of Elland are situated in close proximity to the proposed improvements of the EAP scheme. These high-quality walking and cycling accessibility improvements delivered by the EAP scheme, will allow residents without a car better access to the proposed new Elland Railway Station and thus benefit from the greater employment and education opportunities that connection to the proposed new Elland Railway Station presents. Similarly, improved walking and cycling accessibility would support those wishing to access local employment opportunities, for example at the nearby Lowfields Business Park.

Figure 2-5 Elland Income Deprivation 2015



2.2.22 Figure 2-6 shows the areas in the vicinity of Elland which exhibit the highest proportion of Disability Living Allowance claimants nationally. There are a higher than UK average number of disability living allowance claimants living in Elland town centre and to the north of the town centre. Once again, the importance of high-quality pedestrian facilities is paramount to ensure the propose new Elland Railway Station is accessible for all and serves to help disabled residents of Elland to be economically and socially active.

Figure 2-6 Concentrations of DLA Claimants in Elland



Carbon

2.2.23 High carbon emissions are a challenge nationally, regionally for the Leeds City Region (“LCR”), and locally in Calderdale. With approximately 39% of annual CO₂ emissions within Calderdale being transport related in 2017, it is clear that a shift to sustainable and active modes is required to reduce CO₂ emissions. Most of the local authorities within the LCR have declared a ‘Climate Emergency’, including Bradford, Calderdale, Craven, Harrogate, Kirklees, Leeds, Wakefield and York. The Council declared a Climate Emergency in January 2019, based on the premise that failure to act would see a significant increase in sea levels and flooding, extreme changes to weather patterns, crop failures, extinctions of plant, insect and animal species and global economic disruption.

2.2.24 Since then, the Council have set up a new target and action plan to be carbon neutral; and to work with other councils and WYCA on carbon reduction projects. The district hit its target of a 40% reduction in carbon dioxide emissions by 2020 and is on track for an 80% reduction by 2050. However, more needs to be done locally to help achieve these targets and ensure the district is resilient to the impacts of climate change.

2.2.25 A significant reduction in car travel has been experienced in light of the current Covid-19 pandemic which is likely to be attributable to a reduction in transport related carbon emissions both nationally and across the district. There is an opportunity for the EAP scheme to capitalise and build on this positive effect by encouraging active and sustainable travel. In doing so, the EAP scheme will directly contribute towards the district's climate emergency targets and help improve air 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.

Transport Conditions & Travel Patterns

2.2.26 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.

2.2.27 However, these facilities do not necessarily serve to provide good quality strategic connectivity to and from Elland, as reported by The Borough Council of Calderdale's Elland Transport Needs Assessment [CD 8.6]:

- a) Significant levels of congestion are apparent on the strategic road network 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.
- 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. Therefore, there is a reliance on public transport network, particularly for longer distance journeys.
- g) Low car ownership, poor strategic highway connectivity and 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 residents and employees to a relatively restricted geography which largely excludes the key economic centres of Bradford, Leeds and Manchester. These transport challenges and opportunities are explored further in the following sections.

Transport / traffic growth

2.2.28 In the last two decades, investment in Elland's transport infrastructure has not kept pace with economic and population growth. As a result, the transport system does not always meet the needs of Calderdale's residents and employers. The Calderdale Transport Strategy [CD 12.5] identifies five transport connectivity shortcomings within the district:

- a) Gaps in the transport network;
- b) Unreliable journey times on all modes;
- c) Low quality rail and bus services;
- d) Limited provision for walking and cycling; and
- e) Weak integration between modes.

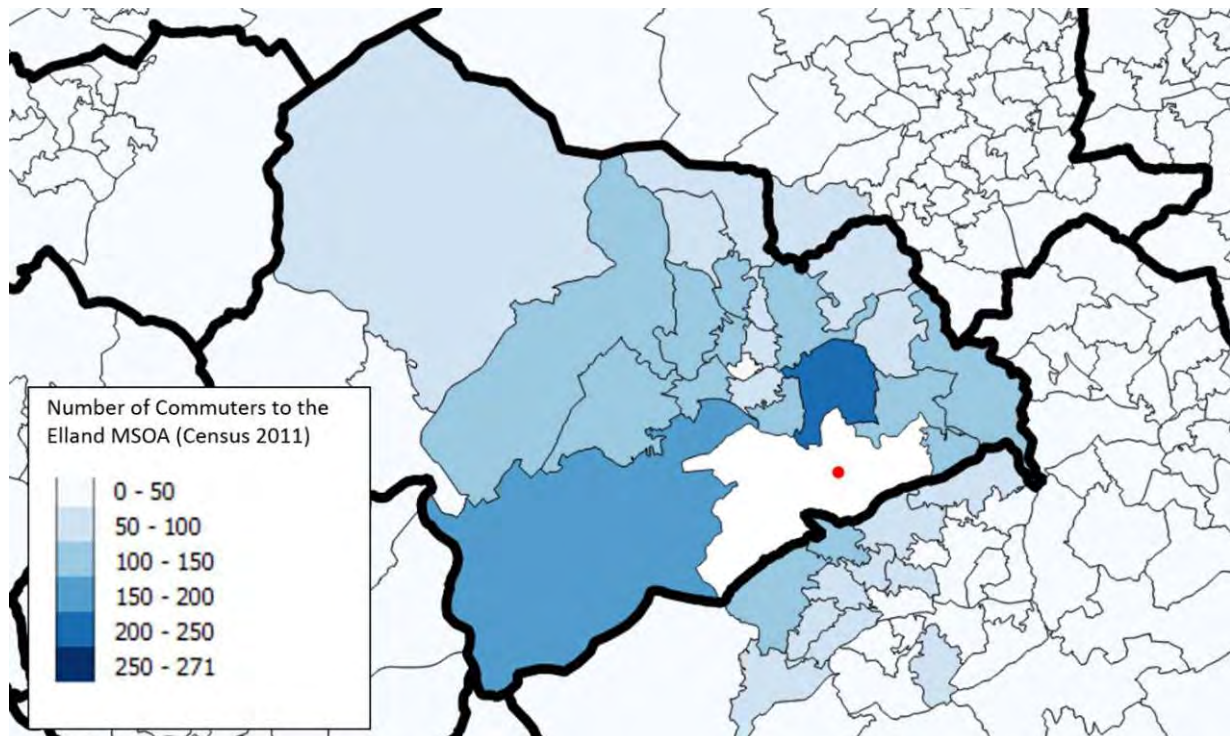
2.2.29 Modelling undertaken as part of the Elland Transport Needs Assessment [CD 8.6] has been used to demonstrate future growth and demand on the highway network. The model represents the network operation prior to the application of growth to be allocated under the Local Plan but following realisation of committed developments, windfalls and planned major transport schemes. The model shows several junctions at close to capacity in Elland town centre. There are also linked capacity issues in this area as a result of being within the heart of the historic centre of Elland. On the east side of the town there are issues shown on the through route formed by Huddersfield Road and Elland Riorges Link. The capacity issues evident in Elland are in part caused by the availability of the high capacity A629 which leads to both Halifax and the M62 Junction 24 at Ainley Top. Any traffic heading for these destinations must therefore travel through Elland unless they are willing to take a large detour on lower class roads.

2.2.30 Given the pre-existing capacity issues across Elland, and its strategic location to the east of the Calderdale district, an improved active travel and rail offering would help resolve some of the existing transport issues and would likely result in an uplift in sustainable transport use.

Commuting

2.2.31 Elland draws upon a localised workforce principally from within Calderdale as shown in Figure 2-7 below. Few workers commute from Bradford and Leeds, though a number do cross the M62 from Kirklees. The disparity between workplace and resident wage growth in Calderdale described earlier in this section would suggest that the better paid jobs being created in Calderdale are perhaps being taken up by people who commute in from outside the district.

Figure 2-7 Elland Travel to Work Area



Source: NOMIS, Census 2011

2.2.32 What is also apparent from Travel to Work data is that the levels of outbound trips (3,994 trips) are significantly lower than the levels of inbound trips (7,298 trips), meaning that the businesses in Elland are importing labour and skills from other areas to meet their skills requirements. That there remain areas of Elland with high levels of unemployment and deprivation suggests that its economy fails to generate opportunities for people with lower skills levels, who also tend to have low access to cars and hence may stand to benefit substantially from the proposed new rail connection to other economic areas as well as improved active mode access to local employment (such as at Lowfield Business Park) and reduced severance across the Calder. It also suggests that many local residents are undertaking commuting journeys contained within the Calderdale region, illustrating a need to ensure that these journeys can be easily undertaken by sustainable modes.

2.2.33 Data captured during the public engagement for the proposed new Elland Railway Station further evidences these patterns. Respondents that reported more regular and frequent travel to key employment destinations (suggestive of commuting for work or education purposes) tend to make more localised journeys within Calderdale and into Kirklees, with relatively few respondents heading to Bradford, Leeds or Manchester.

2.2.34 Table 2-4 Number of Respondents making regular trips of 2-3 days a week or more from Elland

Journey	No. Respondents
Elland to Brighouse	67
Elland to Halifax	101
Elland to Kirklees	64
Elland to Leeds	38
Elland to Bradford	32
Elland to Manchester	16

Source: Elland Public Engagement Results, WYCA 2018

Car access

2.2.35 In Elland, 25% of households do not have access to a car or van, higher than a national average of 23% and Calderdale's average of 24% (Census 2021). This is reflected in the higher levels of walking locally and also the relatively low volume of outward commuting and represents a need for improved public transport and safer and better connected walking and cycling routes. Out of 260 responders to the 2018 Elland Public Engagement, 127 stated they would walk or cycle to the new station.

Road safety

2.2.36 The Calderdale Road Casualties Report 2023 [CD 14.9] explains that the number of road casualties in Calderdale increased by 15% (472) in 2023 when compared to a 2017-2019 average, and decreased by 6% when compared to 2022 (501). Additionally, the number of Killed or Seriously Injured (KSI) in 2023 was 137, which is a 52% increase when compared to the average for 2017-19 (90) and a 6% increase when compared to 2022 (129).

2.2.37 Pedestrian casualties of all severities increased by 29% in 2023 (88) when compared to the 2017-2019 average (68.0). Moreover, KSI has increased by 22% when compared to 2017-2019 average (from 22.9 to 28). Pedestrian KSI rose by 8% between 2022 and 2023, whilst pedestrian casualties of all severities fell by 7%.

2.2.38 More locally, Crashmap data has shown high incidences of traffic accidents across Elland and town centre between 2015-2019. Almost a third (32%) of these incidents involved a cyclist.

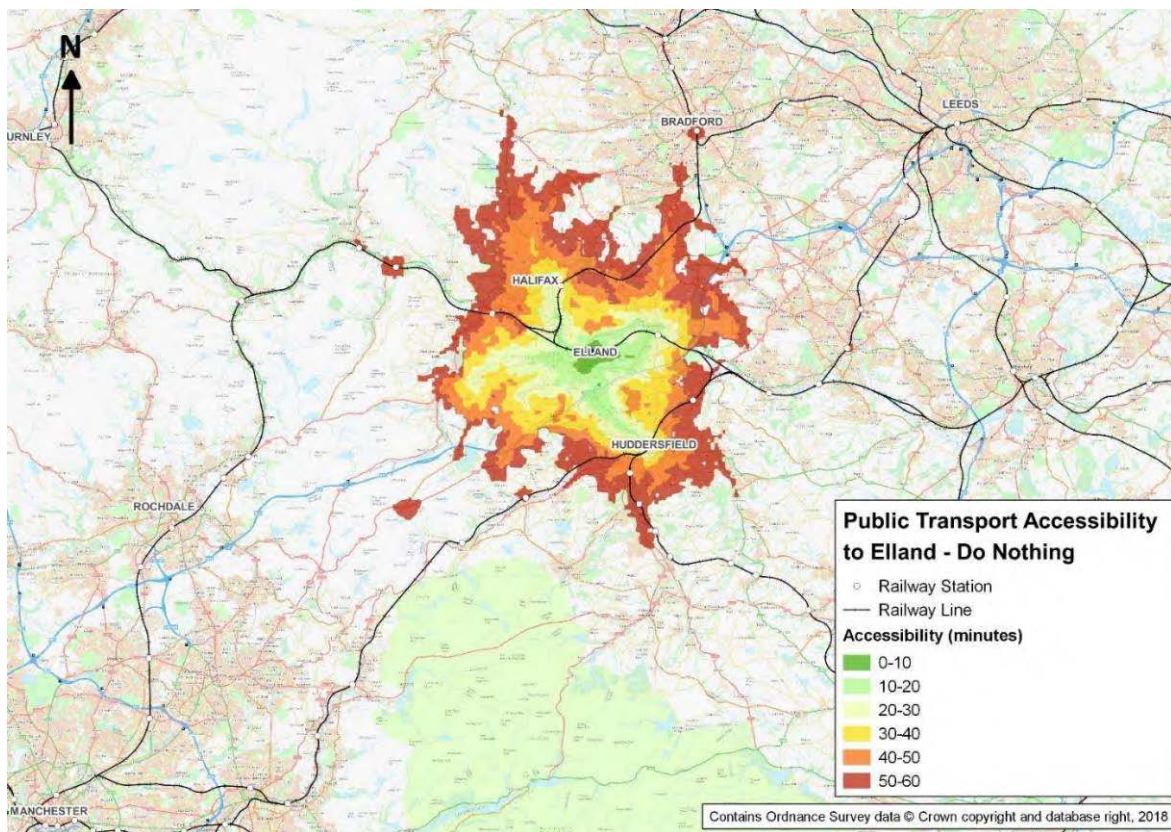
2.2.39 Though fluctuating year-to-year, Calderdale is experiencing a long-term increase in the number of traffic related casualties, and intervention is necessary to stop this trend and reduce the number of KSI, particularly for vulnerable road users. The provision of appropriate infrastructure, such as dedicated pedestrian and cycle facilities proposed within the EAP scheme, will enhance the safety of vulnerable road users, reduce

casualties and encourage increased uptake of active and sustainable modes of travel, such as cycling.

2.3 Need for the Scheme

2.3.1 The evidence presented in Section 2.2 shows a picture of Calderdale relying on the increasingly congested highway network to import skills from other areas. It however appears that Elland has not benefited materially from the relative success of the district in terms of attracting higher value employers, nor in providing opportunities for Elland residents to access those better jobs. It is clear that poor strategic transport connectivity has contributed to Elland's resident population failing to capitalise on the town's position in proximity to both the Leeds and Manchester City Regions, with some persistent deprivation, reliance on social housing and low car ownership evident.

Figure 2-8: Current Public Transport Accessibility to Elland

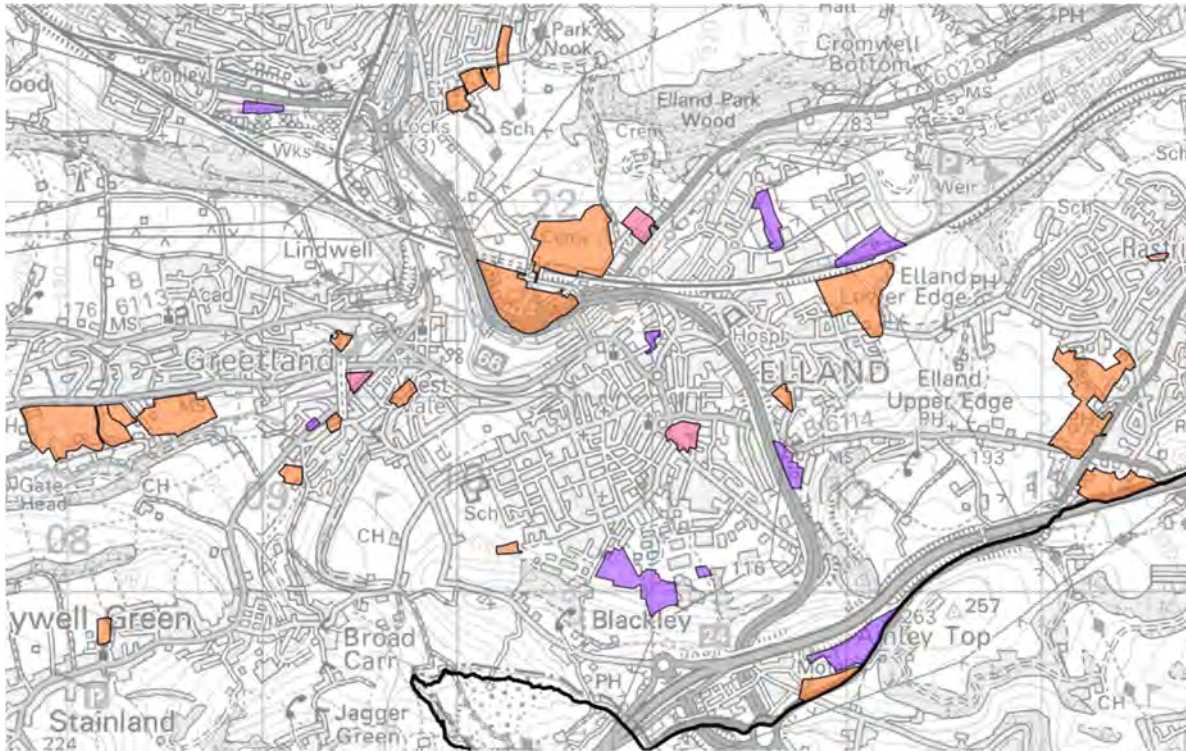


2.3.2 Accordingly, future housing, employment and productivity growth will rely on greatly improved strategic connectivity, giving local businesses access to a much deeper pool of labour, local residents access to a wider range of employment opportunities and attracting new investment, businesses, skills and residents to the town.

2.3.3 In the A629 / Calder Valley Line corridor up to 3,000 new homes are planned in a new garden suburb at Brighouse. In Elland, a total of 18 sites have been allocated for housing (see orange areas in Figure 2-9), or mixed use (see pink areas in Figure 2-9)

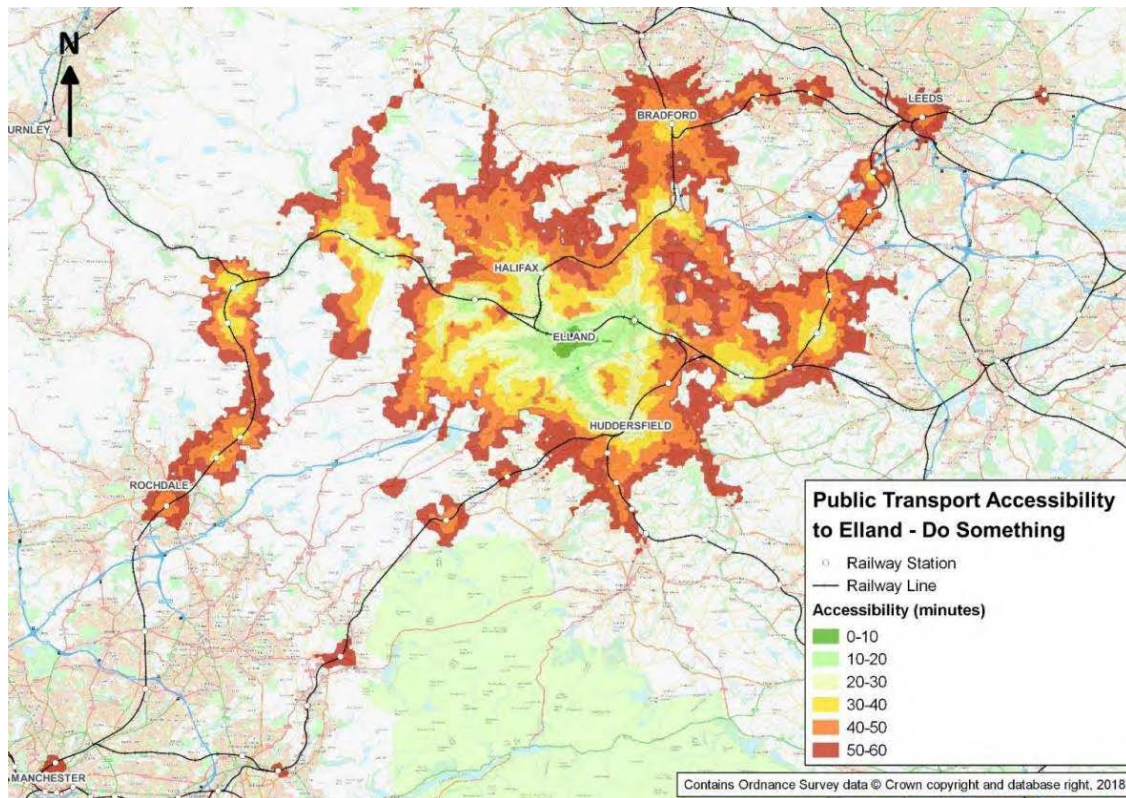
with a total capacity of 2046 units, including planned growth in West Vale and Greetland. There are also allocations making up 19.55 hectares of site area employment land (denoted by the purple areas in Figure 2-9), including 5.34 hectares in the Lowfield Business Park site.

Figure 2-9: Proposed Developments in the Vicinity of the Scheme



- 2.3.4 Highway access is not going to provide a longer-term sustainable solution to accommodating this significant growth because of the limited capacity available on strategic routes, the levels of general traffic growth forecast and the environmental consequences of increased road traffic.

Figure 2-10: Public Transport Accessibility to Elland with the Proposed Scheme



2.3.5 The Calder Valley Line presents a major opportunity for Elland and West Vale. It is recognised as an important driver of growth for Calderdale and Elland is the largest settlement on the line without direct rail access. The proposed new railway station at Elland with improved accessibility would complement the Future High Streets enhancements proposed for the town, would help to anchor existing employers at Lowfields Business Park and would increase the commercial viability of development in the town, bringing new investment and generating more opportunities for local residents and the wider city region, supporting inclusive growth. Furthermore, promoting public transport use and active travel also increases physical activity, health and wellbeing, and it is increasingly being recognised that investment which improves quality of life through improvements to the physical environment stimulates local economies (i.e. inclusive growth).

2.3.6 To ensure the success of the proposed new railway station at Elland and the delivery of these positive economic outcomes, it is essential that that access from adjacent residential and employment areas (Lowfields in particular) is maximised through improvements to walking and cycling infrastructure. This will not only minimise reliance on cars locally, encourage more walking and cycling, improve road safety and foster social inclusion for those more deprived communities in the vicinity of Elland town centre, but also contribute substantially to the West Yorkshire Transport Strategy's rail patronage and active modes growth ambitions and to the key objectives of DfT's Transforming Cities Fund (TCF).

- 2.3.7 The public realm improvements that the EAP scheme delivers also serves to invite and encourage walking and cycling in a traffic free environment, for example along the Calder and Hebble Navigation, and to shrink the perceived distance between the town centre, the industrial park and the station. Moreover, the EAP scheme will tackle severance and help to generate a sense of place, supporting economic resilience in the area and weaving this important new piece of civic infrastructure into the fabric of the town, ensuring instinctive wayfinding and a safe and secure environment for pedestrians and cyclists, and capitalising on some of Elland's underutilised green and blue infrastructure assets.
- 2.3.8 The mode shift to rail and greater focus of walking and cycling in Elland and West Vale will also have a positive impact on local and regional climate change resilience and support the clean and inclusive growth agenda. Greater active travel as a result of the new infrastructure proposed will improve public health due to lower air pollution levels and improved individual health outcomes from increased physical activity.

Conclusion on Need for the Scheme

- 2.3.9 The modal shift to rail and greater focus of walking and cycling in Elland will have a positive impact on local and regional climate change resilience and support the clean and inclusive growth agenda. Greater active travel as a result of the new infrastructure proposed will improve public health due to lower air pollution levels and improved individual health outcomes from increased physical activity.
- 2.3.10 The need to deliver these many and substantial positive outcomes for Elland is made more acute by the impact of the COVID-19 pandemic, with the scheme representing a very positive, infrastructure-led step towards 'building back better'.
- 2.3.11 The EAP scheme 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 EAP scheme's routes.
- 2.3.12 The delivery of the EAP 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 new Elland Railway 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.
- 2.3.13 The delivery of the EAP 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 Town Centre Master Plan [CD 11.1] and Elland Future High Streets project.

Land Uses

2.3.14 The land included in the CPO is in a variety of ownerships, including privately owned land. No properties are required to be demolished to deliver the scheme.

2.3.15 Landowners are aware of the need to acquire the land and of the intended use of compulsory purchase powers. Negotiations have been ongoing with respect to the purchase of the land required and compensation since shortly after Calderdale Council's Cabinet approved the outline principle of progressing with CPO powers on the 9th of November 2020. The Council will continue to make meaningful attempts to reach agreement on a voluntary basis and this will continue whilst the compulsory purchase order process is ongoing.

2.3.16 The land included in the CPO is located across Elland and West Vale, the land requirements are set out in Section 5.9 of the Statement of Case but include varying forms and in a variety of private ownerships, this is set out in detail in Section 11 of the Statement of Case.

2.4 Scheme Objectives

2.4.1 The following table highlights five key Specific, Measurable, Achievable, Relevant, Time-bound (SMART) objectives for the scheme, as assigned by the West Yorkshire Combined Authority (WYCA) which will be referred to in the FBC submission.

Objective No.	Scheme Objective	How to measure
Objective 1	Improved journey times and reliability for strategic journeys to/from Elland, contributing to reduced congestion on A629 (25% reduction in journey time to Leeds and Bradford city centres by public transport by 2028).	Pre and-post scheme comparison of public transport journey times from Elland to Leeds and Bradford (Google Maps/Moovit at AM and PM peak and inter-peak from central Elland location)
Objective 2	Provide high quality infrastructure to increase the number of walking and cycling trips (by 26% by 2032) within Elland, West Vale and surrounding areas.	Comparison of pedestrian counts on key links pre and post scheme
Objective 3	Boost rail mode share by increasing rail use for journeys to/from Elland, West Vale and surrounding areas (increase no. rail trips from/to Elland by 100% by 2032).	Household survey comparing travel mode pre and post scheme. Or retrospective and current travel survey of Elland station users.
Objective 4	Improve accessibility to rail services for residents within Elland, West Vale and surrounding areas (see map), including those living in the proposed new and	Compare % of households within 3km of a rail station pre and post scheme (TRACC)

	existing dwellings (65% of households within 3km of the new station reached by 2028).	
Objective 5	Support employment growth by improving access to a wider labour market for existing and prospective businesses in Elland, in particular at Lowfields Business Park, West Vale and surrounding areas (Indirect contribution to 15% increase in employees at Lowfields Business Park by 2032).	Compare number of people employed at Lowfields Business Park pre and post scheme (Survey)

2.4.2 The EAP scheme has been designed to meet or contribute to meeting each of the key objectives as set out above, with post completion monitoring and evaluation programmed for one year and five years after delivery of the EAP scheme.

3. DEVELOPMENT OF THE EAP SCHEME PROPOSALS

3.1 Scheme Development, Consultation and Consents

Alternatives to the Scheme

- 3.1.1 The genesis of the EAP scheme is described in Section 2 where the need for the EAP scheme is detailed. As captured in the outline business case under Section 2.1, [CD 8.1] options were considered and detailing of shortlisting provided. Further work was then undertaken in Section 7 of the Statement of Reasons where designs were explored and discounted. [CD 5.1]

Consultations - Scheme concept and Scheme detail

- 3.1.2 Due to the interlinked nature of the EAP and the proposed new Elland Railway Station schemes, the current public engagement has been undertaken on both proposed schemes simultaneously.
- 3.1.3 Public Engagement was carried out via the West Yorkshire Combined Authorities - Your Voice platform.
- 3.1.4 Two exercises have been undertaken on the proposed Elland Railway Station and the EAP in Summer 2018 and Summer 2020.
- 3.1.5 Summer 2018 Engagement: Four public drop-in engagement events were held in addition to the online 'Your Voice' engagement portal:

Table 3-1 Public Engagement 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

- 3.1.6 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 Elland Railway Station and EAP scheme.
 - 88% of respondents said they were either Very Likely (66%) or Likely (22%) to use

a railway station at Elland.

- c. 65% of respondents said they would use the station for work purposes and 16% for education, suggesting regular trip making with important economic purposes.
- d. 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.
- e. 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 Railway Station.
- f. 25% of respondents said they would be most likely to access the proposed Elland Railway Station by car.

3.1.7 Summer 2020 Engagement: The feedback received during the summer 2018 engagement exercise was used to help develop the proposals further and the second phase of public engagement during summer 2020 provided an opportunity for the public to comment on the updated plans. The engagement was conducted online as a result of the ongoing Covid-19 pandemic.

3.1.8 The engagement was open from 13 July to 16 August, hosted on the Your Voice digital engagement hub. Responses were also accepted via email or letter, though letter was discouraged due to the restrictions imposed by the COVID-19 pandemic. The Your Voice site also hosts a Question & Answer tool (Q&A) which allowed participants to submit any queries for the project team to respond to.

3.1.9 A total of 238 responses were received. These can be categorised as follows:

- a) Survey responses: 230
- b) Emails: 7
- c) Questions via the Your Voice Q&A tool: 1

3.1.10 In addition to this, there were 2,621 visits to the Your Voice webpage from 2,442 individuals with 907 downloading documents and 61 visiting the FAQs page.

3.1.11 Visitors came from a number of channels with over half (52%) coming via social media and around a third (32%) coming direct to the site.

3.1.12 A total of 230 surveys were completed. Respondents were largely in favour of the proposed Elland Railway Station and the EAP scheme with 94% stating that they were either happy or very happy with the plans.

3.1.13 In summary both public engagement events have demonstrated strong support for the new station and the EAP scheme and confirmed the view that while there is strong demand for park and ride at the station, there is a greater opportunity to maximise the

benefits of the station through improved walking and cycling access.

- 3.1.14 Public feedback was also used to refine the design of the scheme, including some elements of design refinement of the Access Package routes and bridges to address residents' concerns. These involved the re-prioritisation of key routes for example down grading the use of Century Way as a priority route to maximise safety and also included increased lighting and CCTV.

Planning Application Consultation

- 3.1.15 Various improvements were identified during the planning application consultation processes including the initial planning application in 2021 and the reissued application in 2023. These were addressed in consultation with planners, landowners and stakeholders, and where practicable, changes were incorporated into the design submitted for planning permission in August 2023. Some of these included alterations to tow path surfacing, improved biodiversity through reduction in removal of trees, increased tree planting to mitigate privacy concerns with residents of Wharf house and alteration of Riverside Park drainage to increase run off storage.

- 3.1.16 Canal and River Trust, Historic England, Local Planning Conservation, and the Environment Agency were consulted as part of the planning process and supported the EAP scheme proposals from a technical perspective with appropriate conditions requested which have been attached to the planning permission.

Environmental Impact

- 3.1.17 The environmental impacts of the scheme have been set out in Section 10 of the Statement of Case which sets out the detail submitted as part of the planning application submitted in November 2023 including assessments of Noise, Air Quality, Greenhouse Gases, Carbon, Landscape, Townscape, Heritage, Biodiversity & Water Environment.

Consents

- 3.1.18 Traffic Regulation Orders (TRO)

All orders and notices will proceed through the usual processes including any informal and formal consultations to any proposals required and will be assessed by the Highway Authority governing body as to the balance of impact on other highway users.

3.1.18.1 Speed Limit Orders

The scheme intends to reduce the speed at locations on Stainland Road and Elland Riorges Link, from 40 MPH to 30 MPH and 30MPH to 20MPH respectively. It will require the execution of a speed limit order to undertake this.

3.1.18.2 Waiting and Loading Orders

Although the Scheme does not require any waiting and loading order to achieve its objectives, it will work with the Highway Authority to review locations where changed traffic restrictions may provide benefit to the EAP scheme's users.

3.1.19 Crossing Notice

The Council will be required to give notice under section 23 of the Road Traffic Regulation Act 1993 to allow the creation of new crossing facilities at 3 different locations across the scheme, namely, Stainland Road, Jubilee Way and Park Road crossing.

3.1.20 Environmental Agency (EA) Flood Risk Permits

The construction of the scheme will require EA flood risk permits to be obtained to safely work within or near main rivers and flood zone areas. The Council and the Scheme's current design contractor have extensive experience working under EA flood risk permits. The contractor on board is considering the expected restrictions that will be put in place during the existing design stage commission. The contractor will engage with the EA's flood risk manager when finalising the construction working methodology and programme. It is not anticipated that there will be any restrictions that cannot be comfortably worked within.

4. PLANNING & POLICY

4.1 Planning and Development

- 4.1.1 The Elland Access Package scheme was originally granted full planning permission (21/00017/LAA) dated 2nd September 2021. This expired after 3 years.
- 4.1.2 On 7th November 2024, a further full planning permission was granted (planning reference 23/00670/FUL) for the EAP scheme [CD 12.1] which it is proposed to implement.
- 4.1.3 The planning permission is subject to several pre-commencement conditions all of which are anticipated to be able to be discharged as the detail of design continues to emerge as the scheme progresses through its final detailed design stage.
- 4.1.4 There are areas within the planning permission that fall under permitted development rights contained within the Town and Country Planning (General Permitted development) Order 2015 however for continuity and to eliminate any risk, it was agreed with the local planning authority that a comprehensive planning application would be submitted for the EAP scheme, ensuring that any land to be acquired compulsorily fall within the overall approved planning boundaries.
- 4.1.5 There are therefore no planning constraints to the EAP scheme being delivered.

4.2 Policy

- 4.2.1 The EAP scheme aligns with relevant policies nationally, regionally and locally.

National Policy

- 4.2.2 **National Planning Policy Framework 2024** [CD 12.2] The scheme seeks to address barriers to development and encourage sustainable transport through high quality design.
- 4.2.3 **Gear Change: A bold vision for cycling and walking (Cycling and walking plan for England) 2020** [CD 13.1] Increasing cycling and walking are identified as helping tackle societal challenges like poor air quality, combatting climate change, improving health and wellbeing, addressing inequalities and tackling congestion.
- 4.2.4 **Cycling and Walking Investment Strategy (DfT, 2017)** [CD 13.2] The strategy aims to make cycling and walking the natural choice for shorter journeys, through Better Safety, Better Mobility and Better Streets. The EAP scheme through its increased network links, improved public realm, off highway and quiet street interventions aligns with the DfT's 2040 delivery ambitions.

Regional Policy

4.2.5 Northern Powerhouse: One Agenda, One Economy, One North [CD 11.2] The strategy is about using transport to aid change in future patterns of land use and economic growth, with the goal of creating a single economy in the North. The scheme will contribute to this ambition in a local sense by providing Elland and West Vale with greater accessibility of the wider Northern economy whilst fostering specialisms within the local economy including financial services, advanced manufacturing, tourism and creative/digital industries.

4.2.6 Strategic Economic Framework (SEF) [CD 11.3] The SEF provides the context for investment and decision making within the WYCA region. The document ensures alignment of all WYCA policies with the vision for West Yorkshire as below:

“To be recognised globally as a place with a strong, successful economy where everyone can build great businesses, careers and lives supported by a superb environment and world-class infrastructure”

The SEF is underpinned by the following five priorities:

- Boosting productivity
- Enabling inclusive growth
- Tackling the climate emergency
- Delivering 21st century transport
- Securing money and powers

The EAP scheme alongside the proposed new Elland Railway Station scheme aligns with the first four of these.

4.2.7 Strategic Transport Plan for the North of England (2023) [CD 13.3] Transport for the North’s (TfN) vision is to promote “a thriving North of England, where world class transport supports sustainable economic growth, excellent quality of life and improved opportunities for all”. Strategic transport investment in key corridors is promoted as a way of spearheading a £100 billion growth in GVA and creation of 850,000 jobs by 2050. 7 strategic corridors are identified for investment.

4.2.8 West Yorkshire Transport Strategy 2040 [CD 13.4] The scheme would contribute to achieving objectives by reducing congestion, removing constraints on development, reducing emissions and delivering a positive impact on quality of life for those visiting and travelling through Halifax town centre.

Local Policy and Documents

4.2.9 Calderdale Local Plan (2018/19-2032/33) [CD 12.3] The EAP scheme seeks to deliver the economic growth aspirations of the Local Plan by promoting economic development. The EAP scheme helps to encourage and increase the journeys made through sustainable travel and provides improved access and facilities for rail users,

and an integrated sustainable travel option when delivered alongside the proposed new Elland Rail Station scheme.

4.2.10 Calderdale Visitor Economy Strategy 2024-2029 [CD 11.5] The importance of the visitor economy is understood within Calderdale and the wider region. In 2022, the last full year of available data, the visitor economy was worth £430m to Calderdale's economy and approximately £335.2m was spent by tourists during their visit to the area. The impact of people visiting Calderdale supported nearly 9,000 FTEs in the borough in 2022. The strategy aims to market the borough as the 'must experience' visitor destination, with particular action areas focusing on Place and Regeneration, including wayfinding and signing, accessibility, parking, gateways and orientation/getting around.

4.2.11 Wellbeing Strategy 2022 – 2027 [CD 14.1] The strategy sets out how key stakeholders can work together to make Calderdale a safer, healthier and more fulfilling place to live. The EAP scheme will improve mental and physical wellbeing, through improved public spaces and encouraging more active travel.

4.2.12 Calderdale Draft Climate Action Plan 2022-25 [CD 14.2] In 2019 BCC declared a climate emergency and set the target of achieving Net Zero by 2038. Tackling transport emissions is crucial with 41% of Calderdale's direct CO2 coming from transport. Improving transport choices, so you can get where you need to go without needing a car, is crucial. The scheme contributes by improving attractiveness of sustainable and active modes.

4.2.13 Calderdale Transport Strategy (2016-2031, BCC) [CD 12.5] The EAP scheme through the creation of new cycling and walking provisions and connection to and from the proposed new Elland Rail station, will look to help address limited walking and cycling provisions and weak integration between modes identified within the strategy.

4.2.14 Calderdale Supplementary Planning Documents (SPD) – Central Elland Sustainability [CD 12.6] The Central Elland Sustainability SPD supports the EAP scheme through promotion of the redevelopment, including improvements to, pedestrian & cycle routes and the refurbishment of public realm spaces of Central Elland in a manner that encourages its social, economic, and environmental suitability. The object of the SPD is to encourage a Central Elland where people want to live, work and play, providing the facilities which people need locally, in a pleasant environment, easily accessible by sustainable mean. Reducing the need for car travel, can contribute to the wider goal of creating sustainable communities.

4.2.15 The scheme contributes to various other strategies through its target in reduction of emissions through modal shift, such as:

- a) Transport Decarbonisation Strategy (DfT, 2021) [CD 13.5]
- b) Ten Point Plan for a Green Industrial Revolution (UK Government, 2020) [CD 11.6]

- c) Decarbonising Transport: Setting the Challenge (DfT, 2020) [CD 13.6]
- d) The Climate Change Act (UK Government, 2008) [CD 14.3]
- e) Low Carbon Transport: A Greener Future strategy (UK Government, 2009) [CD 13.7]
- f) The West Yorkshire Investment Strategy (2021) [CD 11.7]
- g) West Yorkshire Climate and Environment Plan (WYCA, 2020) [CD 14.4]
- h) Strategic Economic Framework (2020) [CD 11.3]
- i) Connectivity Infrastructure Plan (WYCA, 2021) [CD 14.5]
- j) Vision Zero Strategy 2024 - 2027 (WYCA, 2023) [CD 14.6]
- k) COVID-19 Economic Recovery Plan (WYCA, 2020) [CD 11.8]

4.2.16 The policies that are relevant to the proposed development from a planning authority perspective are confirmed in the Officer's Report for the project's Planning Approval. [CD 12.7]

Design Guidance

4.2.17 The EAP scheme will provide enhanced cycling infrastructure as detailed in the national standard for design of cycling infrastructure, commonly referred to as LTN 1/20 [CD 13.8] active mode provision and improved public realm to create spaces better conducive to living and working as well as healthier and more sustainable communities.

4.2.18 The EAP has been designed in line with Design Manual for Roads [CD 13.9] and Bridges and Manual for Streets. [CD 13.10]

5. IMPACTS AND BENEFITS

5.1 Impact Assessments

- 5.1.1 An assessment of the environmental impacts of the EAP scheme accompanied the planning application [CD 12.8]. Appropriate mitigation and compensation are secured through the planning permission and the conditions attached to it.
- 5.1.2 An Equality Impact Assessment has been completed for the EAP scheme [CD 8.7] and will be updated prior to Full Business Case Submission. The completed EAP scheme is expected to have largely positive effects on persons with protected characteristics.
- 5.1.3 A Monitoring and Evaluation Plan, currently in its draft form [CD 8.8], will inform the post opening monitoring of the EAP scheme in line with DfT's Monitoring and Evaluation Framework for Local Authority Major Schemes guidance [CD 14.7]. The entire package will be evaluated including the delivery process, and the scheme's transport and economic impacts to determine whether the principal objectives of enabling economic development and growth have been realised. The monitoring will be undertaken 1 year and 5 years after completion of the EAP and the proposed new Elland Railway Station schemes.
- 5.1.4 Following the undertaking of a Road Safety Audit (RSA) 1 [CD 8.12], the Council and its contractor will continue to consider the audit through detailed design development, after which point an RSA 2 will be undertaken on the final design. This will be followed by an RSA 3 at opening of the EAP scheme and a further post opening RSA 4 will also be undertaken to review
- 5.1.5 the performance of the EAP scheme in Safety terms and (if necessary) recommend mitigation measures. The RSA 4 will be done after 12 months of accident data is available in accordance with Design Manual for Road and Bridges GG 119.
- 5.1.6 A Social and Distributional Impact Assessment [CD 8.9] of the EAP scheme was undertaken as part of the business case development to examine the impacts. In summary, the EAP scheme is either positive or neutral for both social and distributional indicators. Large benefits are observed for accessibility while moderate benefits are observed for user benefits and affordability.
- 5.1.7 Active mode impacts of the EAP scheme have also been assessed as part of the business case development and as set out in TAG Unit A5.1 which suggests that:

Larger proposals are likely to have greater demand changes and afford better potential for comparison with existing schemes. Examples could include river crossings or the creation of other significant links in a network that reduce time and distance, or comprehensive urban centre networks that significantly change the balance between motor traffic and walking and cycling generalised costs.

- 5.1.8 It is therefore considered that the EAP scheme, with its new river crossing and an area-wide network of walking and cycling enhancements could generate substantial demand changes.

5.2 Costs and Benefits

Costs

- 5.2.1 The total anticipated investment cost for the EAP scheme is **£13,377,038**. This is inclusive of sunk development costs including claimed and committed land assembly costs up to 31st May 2025 of **£2,126,806**.
- 5.2.2 The Council has taken all necessary professional advice to assess the delivery costs of the EAP scheme. Furthermore, the EAP scheme estimate includes a robust allowance for project risk.
- 5.2.3 The Council understands its statutory liability to pay compensation following compulsory purchase and has budgeted for land acquisition on that basis and has also budgeted for anticipated claims that may be made under Part 1 of the Land Compensation Act 1974.
- 5.2.4 A tender exercise of the first stage of the 2-stage procurement of the principal contractor was undertaken via YORCivils3 Framework in the form of a mini competition. Costs are being developed by the contractor as the detailed design progresses. However, the Council is confident that the current budgets will allow the delivery of the EAP scheme's intended outputs and benefits.
- 5.2.5 The total capital cost to deliver the EAP scheme has a total cost estimate of **£13,377,038** which is broken down further in Section 6.1.2 below.

Desired Outputs and Outcomes

- 5.2.6 The scheme objectives have been used to develop the "outputs, outcomes and impacts" for the scheme that include:
- a) Reduced congestion enabling more sustainable economic growth.
 - b) Improved accessibility to employment, education, leisure, social and health facilities enabling social mobility.
 - c) Reduced GHG emissions associated with motorised vehicles helping reduce global heating.
 - d) Increase in business growth and employment opportunities.
 - e) Increased GVA and productivity.
 - f) Increased use of sustainable transport to reduce harmful emissions from transport helping improve public health.
 - g) Enabling housing and employment growth.
- 5.2.7 For each of these an indicator has been identified that allows the evaluation and

success of the EAP scheme to be assessed. The EAP scheme will be subject to a programme of before and after monitoring and evaluation which will demonstrate the extent to which objectives were met, monitor performance and ensure that any potential issues post implementation are identified and addressed.

- 5.2.8 The Council has been able to demonstrate that the EAP scheme alongside the proposed new Elland Railway Station scheme, through its 5-case government green book assurance pathway, and will further look, as part of its FBC, to demonstrate that its intended outcome and outputs are of overall greater benefit to Elland, Calderdale and West Yorkshire than the anticipated total cost to the public purse.

6. PROJECT DELIVERY

6.1 Funding for the Elland Access Package

Funding Certainty

6.1.1 The current scheme costs have been estimated through best practice and based on professional advice from a consultant, contractor and professional land valuation experts, with the current drawn down funding and further available funding provided from the TCF and WY+TF funds. The scheme is required to progress through WYCA's business case assurance process to have the FBC and AtP approved.

6.1.2 The overall scheme cost estimate also includes an allowance for risk, informed by a Quantified Risk Assessment. The costs are expressed as out-turn costs.

Project Development	£	2,838,403
Land Assembly	£	758,039
Delivery	£	8,430,866
Benefits Realisation Reporting	£	Included within the Elland Railway Station budget
Risk	£	999,864
Inflation	£	349,866
Total	£	13,377,038

6.1.3 The Scheme has drawn down the first part of this funding for the scheme's development. This funding is secured through a Grant Funding Agreement with the West Yorkshire Combined Authority.

6.1.4 Current drawn down funding stands at: £2,919,707 with full approval to a total Combined Authority funding contribution of £2,219,554 (TCF) and £700,153 (WY+TF) to develop the scheme and take through to commencement of construction.

6.1.5 Compensation (and land) costs form an element of the total cost of the scheme and with funding secured, have been partially drawn down within the existing funding agreement, allowing the Council to satisfy its current negotiated positions with relevant landowners, with the final amounts released at AtP.

6.1.6 The EAP scheme anticipates total costs to be received from WYCA's TCF to be £10,737,038 and WYCA's WY+TF to be £2,640,000.

6.1.7 Final funding for delivery will be provided through a variation to the existing Grant Funding Agreement. Although the full delivery funding is not currently available to the EAP scheme until it has progressed through FBC and AtP, the availability of the funding is identified through the relevant WYCA funding programme budgets. Furthermore, the Council has confidence in it receiving this money, due to the significant importance of the proposed new Elland Railway Station and EAP scheme to Calderdale and West Yorkshire as described in Section 2. WYCA's programme teams continue to engage in its progression and planning for its future delivery

alongside the proposed new Elland Railway Station scheme.

- 6.1.8 In addition, WYCA have also provided further confidence through the provision of a Funding Letter [CD 8.10] in which it sets out its intent to provide funding for the delivery of the two schemes once they have progressed successfully through the relevant business case assurance steps.

6.2 Land Requirements

- 6.2.1 The CPO only includes such land and new rights as are required to facilitate construction and maintenance of the EAP scheme.
- 6.2.2 The land included within the CPO is based upon the areas required both for the permanent works, the essential construction activities associated with them and for mitigation/compensation in relation to effects.
- 6.2.3 The design of the permanent works has been developed in accordance with applicable standards (for example the Department for Transport's Design Manual for Roads and Bridges), the specific constraints of the site and civil engineering best practice. This has determined the extent of permanent land acquisition required to accommodate and complete the works.
- 6.2.4 In addition to the land required for the works, land is also required temporarily in a number of locations to enable construction of the works. A number of construction activities will require land for working space in addition to that included in the CPO for the extent of the permanent works and, where this is required in a specific location and there is no reasonable alternative, such land has been included in the CPO as a precaution pending agreement with landowners to temporary use of the land. This approach has been taken because, whilst the land is only required temporarily, it is essential to the construction of the EAP scheme.
- 6.2.5 The extent of working space has been determined based on engineering judgement and previous experience of working with contractors on similar projects. This has been verified in key areas by input from an independent construction contracting organisation with experience of similar works. Neither the Highways Act 1980 nor other CPO legislation currently permits the temporary compulsory acquisition of land.
- 6.2.6 Further information on the full details of land negotiations is contained in the evidence of Mr Kevin Guy.

6.3 Side Roads Order

- 6.3.1 The EAP scheme, through its SRO, intends to stop up the private means of access to the premises known as North Dean Automotive Limited (who have objected to the SRO), due to direct conflict and interference with the proposed new cycle/footway parallel to Black Brook. The removal of this private access is mitigated by the proposed provision of an alternative access onto the property, using an existing private means of access to the Heath Rugby Union Football Club (HRUFC) site, north

of the existing property. The Council intends to provide rights to North Dean Automotive Limited to allow usage of this private access by granting an easement over part of plot 1/2a of the CPO [CD 1.3]. The Council also intends to provide a new access to both the upper and lower yard of North Dean Automotive Limited from this plot. This will enable reasonable use of both upper and lower yard of North Dean Automotive Limited in line with its existing usage. Further land from HRUFC is included within the CPO; some of this will be provided to North Dean Automotive Limited to facilitate the proposed access to the lower yard. This provision will allow for the creation of the accommodation works required, as shown on [CD 1.4]. The proposed new access to the lower and upper yard will be constructed prior to the removal of existing access. Swept path analysis has been undertaken to ensure existing usage can continue of the lower yard where from discussions with North Dean Automotive Limited we understand the larger vehicle movements are carried out [CD 1.5]. Some of the proposed land to be provided to North Dean Automotive has been the subject of a boundary dispute between these landowners and the acquisition and subsequent provision to North Dean Automotive Limited resolves any uncertainty in that regard.

6.4 Bridge Making Order

6.4.1 The Council intends to construct a bridge over a navigable waterway, namely the Calder and Hebble Navigation. The original design used design guidance set out by Canal and River Trust (CRT) (who are the waterways navigation authority and who have objected to the Bridge Making Scheme) from their Code of Practice to ensure that vertical clearance from the non-tidal canal water level was achieved for their anticipated waterway users. Furthermore, the bridge height of 3.78m above water level is higher than the nearest up and downstream bridges over the canal. CRT were further consulted through the EAP schemes first and second planning submission and agreement was provided by CRT to the bridge design height during the planning consultations, subject to other non-related conditions being included in the permission. Ongoing discussions with CRT's Infrastructure Services, Area Manager, has provided further assurance that CRT's technical department are satisfied that the bridge design height does not restrict or disrupt anticipated navigation users. As set out below, the objection of CRT to the Bridge Making Order has been resolved and the objection withdrawn.

Modifications

6.4.2 Following further detailing of the bridge super structure being undertaken by the EAP schemes designer, the Council will be requesting an amendment to the width dimensions of the Bridge Making Order. This will be increased to 4.46m overall width from 4.25m, with the shared walking and cycleway being changed to 3.3m from 3.5m. Although the bridge beam structural members have needed to increase, a handrail clash has meant a reduced internal available width. However, there will be no impact on the bridge abutments. The LPA have confirmed that this change will be "de minimis" due to its insignificance from a planning perspective. The navigation authority has also provided their agreement to this modification via email. [CD 3.3]

6.5 Procurement

- 6.5.1 The Council's Procurement Strategy [CD 14.8] informed the identification of the preferred procurement route. Options for procurement of the design and construction contractor included use of existing frameworks, a competitive tender process or use of internal construction teams.
- 6.5.2 It was decided that procurement of the contractor should be a 2-stage approach with a direct award to a single principal contractor following a mini competition undertaken via the YORCivils framework. YORCivils is a standard, regularly used procurement approach and as such is consistent with all directives, regulations, policies and guidance relating to the procurement of supplies, services and works for the public sector. The Council utilised the Civils Lot 3 which includes 8 pre-qualified Tier 1 contractors for the EAP scheme. The use of standard YORCivils framework contract documents has benefitted from lessons learnt on previous projects in relation to contractual issues, including change control, dispute resolution, pain/gain shares and risk transfer.
- 6.5.3 The procurement process initially utilised a PSC NEC4, Option A – Lump Sum. All other options were considered fully but essentially discounted. The contract was awarded to Esh in December 2024. A subsequent ECC NEC4 contract will be used following agreement of details with the contractor and a final bid submitted to the Council for acceptance.
- 6.5.4 The EAP scheme also intends to utilise the existing Council's Minor Civils framework for some of the works consisting of upgrades on existing highway which are minor civils activities. This will be awarded through a direct award using the framework's existing contract provisions, which utilises a method of measurement. These locations are outside the main contract works described above which can be seen in the Main Contract Redline Boundary [CD 9.3]
- 6.5.5 Throughout the design development stage to support with the ongoing approval of design the Council have utilised the Council's Highway Department Professional Service provider JBA Ltd for the EAP scheme.
- 6.5.6 During the main construction phase of the EAP scheme, the Council will require support with NEC contract management. A supplier will be procured to provide this support will be undertaken.
- 6.5.7 The below table shows the current ongoing or programmed procurement activities:

Key Procurement Activity	Start (MM/YYYY)	Completion (MM/YYYY)
Stage 1 Design and Build PSC (Esh) <i>(Currently in contract)</i>	October 2024	December 2024
Stage 2 Design and Build ECC	July 2025	January 2026

NEC3 Project Management Team (TBD)	December 2025	January 2026
Calderdale Council Minor Civils Framework	July 2025	January 2026

6.6 Programme

6.6.1 Subject to the confirmation of the Orders and completion of other statutory procedures, the key milestone dates are as follows:

Milestone	Current Expected Dates
WYCA FBC Approval	December 2025
WYCA AtP	December 2025
Land Acquisition	January 2025
Works commence	February 2026
Delivery Closure	June 2027

7. OBJECTIONS

7.1 Summary

7.1.1 The Council still hopes all objections can be overcome by negotiation prior to the Inquiry, however due to the current timescales for delivery and the lengthy negotiations to date, there is a compelling case in the public interest for the confirmation of the Orders so that the land and new rights required could be acquired compulsorily if necessary to prevent significant cost and delay to the scheme.

7.1.2 Under the objector sub-headings below, I detail the Council's response to these objections.

7.2 Statutory Objectors

7.2.1 All statutory objections made 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.

7.2.2 The Council received 9 objections from landowners and/or parties with interest in the land plots included within the Orders; these objections covered 31 of the 40 plots included within the CPO and a single objection to the SRO and Bridge Making Scheme.

7.2.3 *North Dean Automotive Limited – Plot Numbers 1/1, 1/1a, 1/1b, 1/1c, 1/2, 1/2a, (Objection to CPO and SRO)*

Summary of Objection

- a) North Dean Automotive Limited believe the scale of the works to construct the scheme will cause significant disruption and loss to their business at North Dean Garage.
- b) The scheme will prevent North Dean Garage from using its current access and the proposed new access is not fit for purpose.
- 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 HRUFC's land where it borders the River Calder for reasons of flood defence could give way.
- d) North Dean Automotive Limited cite an earlier alternative considered by the Council which would use the entrance to the rugby club for the purposes of the new cycleway. 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.

- e) The owners believe traffic idling, caused by the proposed new crossing on Stainland Road, could also affect the air quality of nearby business' including a local school.
- f) North Dean Automotive are also concerned the new proposed crossing and/or access are on a busy stretch of road (Stainland Road), near to a bend, where there have been previous road accidents. They are concerned existing problems with traffic congestion at West Vale and the new crossing proposed is likely to add to this.

Response to Objection

- a) The Council have engaged with North Dean Automotive Limited both before and since the CPO was made and attempted to negotiate an agreement which addresses the issues raised in their objection. This is further detailed in Kevin Guy's evidence.
- b) A number of meetings have been held on site for this purpose, although no agreement has been reached to date. The Council acknowledge that the current access would be removed, however as stated in 6.3, the Council have provided the landowner with solutions. The Council is of the view that the proposed solution north of the site provides an access more suited to vehicular movements.
The widening of the footway outside of the property does require a new wall to be built approximately 600mm into the landowners boundary, however again it is the Council's view that the impact of this would not prevent the existing usage to continue.
- c) It is therefore the Council's view that there will be very little overall negative impact on the use of the lower and upper yard of North Dean Automotive Limited. Details of all proposed accommodation work and mitigation measures have been provided to and discussed with the landowner during multiple email exchanges and site visits including those mentioned in 6.3, the latest meeting being on the 3rd of April 2025. The suitability of the proposed access for refuse wagons, recovery vehicles and wider loads has been confirmed via swept path analysis [CD 1.5].
- d) In reference to point c) above, the proposed bridge across the River Calder does not impact the existing flood bankings located at the edge of the HRUFC's land. The bridge in this location oversails these structures. No interference with these structures will occur throughout the construction of the EAP scheme.
- e) In regard to the blind spots points raised in summary d) above, the disregard to the previous design related to the blind spots along the pedestrian and cycle route, should it have had to pass around the north and east of the landowner's site and between the Rugby Club, this would have created blind spots as it passed around the buildings. There are no blind spots created relating to the landowners or users of the proposed new access. Furthermore, this is an existing used access with no recorded incidents of collision due to blind spots, the access has good visibility along both directions of Stainland Road.

- f) The air quality impacts of the proposed scheme have been assessed as not expected to be significant, which aligns with the schemes over all objectives in reducing car usage and providing sustainable travel for the people of Elland and West Vale
- g) The traffic safety implications of the proposed access have been considered in gaining planning permission and the proposed access will be an improvement on the current access in traffic safety terms. An updated Transport Assessment undertaken in May 2023 [CD8.14] found that in a 5-year period within the West Vale study area no collisions had been recorded.
- h) Both the newly created access and crossing will be subject to two formal RSAs (as noted in Section 5.1.4.). The first of which was carried out in November 2021 [CD 8.12] and the second will be undertaken completion of the detailed design stage, prior to starting construction on site. Subject to the final recommendations of the second stage RSA, a number of additional precautionary measures have already been proposed such as extending the 30mph speed limit on Stainland Road, anti-skid surfacing, intelligent signals and/or an additional signal head.

7.2.4 Canal and River Trust – Plot numbers 2/1, 2/1a, 2/1b, 2/1c, 2/1d, 2/1e, 2/1f, (Objection to CPO and Bridge Making Scheme NOW WITHDRAWN)

Summary of Objection

The Canal and River Trust (“**CRT**”) have stated their objections to the making of the Orders on the following grounds:

- a) 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.
- b) 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 & Communities¹.
- c) 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.

¹ 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.

- d) 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. CRT say 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.
- e) 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.
- f) As such, CRT 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.
- g) The property concerned was acquired by CRT 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 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 CRT. CRT therefore also submitted representations to the Secretary of State for Environment, Food and Rural Affairs dated 7th April 2022 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 undertaking; or
 - ii. The Property taken can be replaced by other land without serious detriment to the Trust's undertaking.
- h) It is CRT's view that the Acquiring Authority has not demonstrated to the satisfaction of the Trust that either points 7.2.4 f) i. or 7.2.4 f) ii. above are achievable. CRT therefore considers that the use of this operational land without the appropriate agreements in place could cause serious detriment to its undertaking.
- i) CRT summarised their position that for the protection of the Trust's undertaking and for the reasons detailed above, the Secretary of State should refuse to confirm the Orders, pending the negotiation and agreement of appropriate documentation on terms satisfactory to CRT, such negotiations to take into account:
 - i. RT's obligations under the terms of a Trust Settlement settling RT's operational land on the public and appointing CRT as sole trustee of the Waterways Infrastructure Trust, dated 28th June 2012; and

- ii. CRT'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

- a) The Council and CRT have engaged in constructive discussion further to the making of the CPO regarding the objection which CRT made. The Council do continue to engage CRT to reach final agreement on the technical approval of the works that are to remain or become CRT assets and will follow the Trust's Code of Practice throughout this process. Furthermore, conditions set out within the schemes planning approval require agreement to be reached with CRT as to the final design of such works. The current construction methodology to maintain existing canal levels with localised cofferdam and limited overnight closure have been discussed with CRT's technical team and they have indicated their agreement.
- b) The Council have reached agreement with CRT in relation to all of the above matters so as to acquire land required for the scheme voluntarily, whilst incorporating safeguards to ensure that the EAP scheme proceeds without serious detriment to CRT's statutory undertaking and ensuring that CRT acts in conformance with its charitable status. Legal documents have been completed and on that basis the objections and section 16 representations by CRT have been formally withdrawn.

7.2.5 D. S. & C. J. Morton – Owner of Plot 2/2 (Objection to CPO)

Summary of Objection

- a) The construction access route that is proposed across the Morton's land, which is to be acquired under 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 an 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

- a) Following review of the objectors' alternative route, the proposed raised embankment was considered by the Council and found to not be suitable for the proposed construction access. This was primarily due to the number of trees needing to be cut down or significantly trimmed back and the invasive species present along the embankment, furthermore additional and unaccounted for ground investigation would have been required to ascertain the embankments stability for

plant equipment. Ultimately, the proposed route within the EAP scheme although impacting a proportion of crops, is deemed to be the least environmentally impactful and safer or less risky approach regarding construction traffic movement for the requirements of the scheme.

- b) Heads of Terms were agreed between the Mortons and the Council on 7th March 2025; this included the provision of a license over the land required and the provision that the Mortons would withdraw their objection upon completion of the necessary legal documents.
- c) Draft documentation which was sent by Kevin Guy to the Morton's agent on 7th May 2025 for consideration and acceptance. On 29th May 2025, the Morton's agent requested a final amendment for the inclusion of a 'long stop date' into the proposed agreement.
- d) On 30th May 2025, Kev Guy confirmed on behalf of the Council this was acceptable and an agreed form of the documents (including withdrawal of the objection), is now agreed, subject to the legal process being completed.

7.2.6 John & Carol Holton – Owner of Plots 2/8, 2/8a, 2/8b, 2/8c, 2/8d, 2/8e – (Objection to CPO NOW WITHDRAWN)

Summary of Objection

- a) An objection to the making of the order, was made on the following grounds:
 - i. The scheme could result in blighting the remainder of the property owned by the Holton's; and.
 - ii. That 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 remaining land.

Response to Objection

- a) The Council is of the view that there is no need to acquire the whole of the Holton's land. It has made offers to voluntarily acquire the land it requires for the scheme but it has not been able to reach agreement on compensation.
- b) The objection was formally withdrawn on 7th February 2025L on the basis that compensation was not a matter for the Inquiry and that the objectors would have an opportunity to request acquisition of the whole of their interest at the time of compulsory acquisition, at which time any refusal by the Council to acquire the whole could be challenged by the landowners.

- c) The Council continues to negotiate with the Holtons to acquire the land identified in the CPO by voluntary settlement.

7.2.7 Newriver Community Pubs limited (now YDS Limited) then Admiral Taverns Limited – Former Owners of Plots 2/9, 2/9a, 2/9b, 2/9c – Current Owners Percivals (Tadcaster) Ltd and YDS Group Ltd (Bench Mark Designs objected to the CPO on instructions from Dr Mark Spencer who is a Director of Percivals Tadcaster Limited, although there has been a subsequent transfer of part of the property to YDS Group Limited)

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 Percivals (Tadcaster) Ltd on the 6th September 2022. By letter dated 17th May 2023, Admiral Taverns Limited withdrew their objection.
- b) The new owner 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 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) The objector 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. The objector also requested that the bridge access be sited slightly further to the Northeast than the current design approved in the recent planning application.
- d) There was a subsequent sale of part of the premises to YDS Group Limited.

Response to Objection

- a) The Council engaged with the Dr Mark Spencer, upon learning of Tadcaster (Percivals) Ltd 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.
- b) Since this initial engagement there have been a number of onsite meetings to discuss the issues raised in the objection. The Council produced an alternative car park layout to the design produced by Tadcaster (Percivals) Ltd's architect which resolved his concern as to a loss of viable car parking spaces as a result of the EAP scheme.
- c) A negotiated settlement had been agreed and is documented in a Heads of Terms; this private treaty agreement has been incorporated into legal documents which have been drafted and circulated between the respective legal representatives. During the

course of negotiating a resolution of the objection it became apparent that a part of the property had been transferred to YDS Group Limited. Solicitors (Janice Colley of Norton Connor Solicitors) acting have confirmed they act on behalf of both Tadcser (Percivals) Ltd and YDS Group Limited.

- d) Agreement on a form of documents was reached and engrossment copies were sent to Janice Colley on 12th May 2025.
- e) BCC duly executed their copies on 21st May 2025 ready for completion.
- f) On 28 May 2025 Janice Colley indicated that she was holding signed documents and forwarded her completion statement. Completion of a voluntary acquisition and withdrawal of the objection is therefore believed to be imminent at the time of submitting this statement.

7.2.8 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 (Objection to CPO)

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 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

- a) 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.
- b) 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.

- c) During the course of negotiations, it became apparent that a part of the premises, consisting of the petrol filling station, was purchased by a subsidiary of the Motor Fuel Group (Mercury PFS Newco 2 Limited. Negotiations accordingly commenced with them as to any concerns they may have.
- d) Heads of Terms have been agreed dealing with voluntary acquisition of land and rights required solicitors have been instructed to negotiate contractual documentation. It is anticipated that a withdrawal of the objection will be received in advance of the inquiry.

7.2.9 Northern Powergrid – (Objection to CPO NOW WITHDRAWN)

Summary of Objection

- a) 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

- a) 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.

7.2.10 Lockside Estates Ltd (Objection to CPO)

Summary of Objection

- a) The objector does not own land within the CPO but owns the site immediately to the southwest 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 objector's site is situated between the River Calder on one side and the Calder & Hebble Navigation on the other and comprises a series of Grade II 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 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**") which are referred to in the third bullet point to condition 24 of the Planning Permission issued by the LPA cannot be adhered to. This condition purports to ensure that the EAP scheme will consist of changes to the surface layout and will not have any additional feature or land raising to the surface layout and will not have any additional features or land raising. [CD 4.5] The suggestion appears to be that the widening of the tow path would be in breach of this condition.
- g) The objector has also suggested they believe the mitigation measures required by the Local Flood Authority ("**LFA**") which are referred to in the third bullet point to condition 24 of the Planning Permission issued by the LPA cannot be adhered to This condition purports to ensure that the EAP scheme will consist of changes to the surface layout and will not have any additional features or land raising) [CD 4.5]. The suggestion appears to be that the widening of the tow path would be in breach of this condition.
- h) 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

- a) 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.
- b) 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.
- c) 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 few overnight closures are 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 night 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.
- d) The information submitted during the planning application included a comprehensive flood modelling review, which was in turn assessed by the EA as a statutory consultee, who accepted the modelling and did not believe the scheme needed to incorporate any additional flood resilience measures. The EA had no objection to the grant of planning permission for the scheme and planning permission has been granted.
- e) Additionally on 7th April 2022, following the making of the Orders, the EA submitted a letter direct to the Department of Transport's Casework Team to confirm they had no objection to the proposed Bridge Making Order, 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.
- f) As a result, additional flood alleviation measures would be outside the formal scope of the EAP scheme. 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.
- g) Regarding the objector's specific concern that the works may consist of more than a change to the surface levels and involve additional features and land raising, purportedly in breach of condition 24, the proposals considered by both the local planning authority and the EA clearly include the widening of the tow path and all parties were fully cognisant of the same in granting the planning permission. The

Council have confirmed this with the EA, who do not consider that the widening of the tow path would fall within the category of “land raising” and they have no objection to the tow path widening. It is also clear from condition 16 that the LPA were aware of the extension of the towpath, as they have conditioned detailed design matters related to it. It is not accepted by the Council that his condition restricts the Council’s ability to widen the tow path at this location and this appears to be too literal an interpretation of the condition.

- h) The Council continue to discuss with Mr McFarland-Davidson the concerns raised in the objection.

8. CONCLUSION

- 8.1 The evidence presented by the Council's witnesses who appear at this Inquiry demonstrates that the Scheme has been carefully prepared, takes account of the needs of the area, will be an asset to the area and that there are no impediments to its delivery.
- 8.2 It is an essential part of the delivery of the Elland Access Package, which alongside the proposed Elland Railway Station provides needed sustainable regeneration of Elland.
- 8.3 The orders are demonstrably in the public interest and should be confirmed. None of the objections made amount to a good reason not to confirm the CPO, SRO and Bridge Making Scheme.
- 8.4 The Council has engaged with the public, other consultees and all parties impacted upon by the Orders and has sought to voluntarily acquire interests as appropriate as an alternative to use of the CPO.
- 8.5 In respect of the CPO there are no impediments to the EAP scheme proceeding. The Council has a clear idea of how it intends to use the interests proposed to be acquired and has demonstrated the resources and sources of funding available to it to carry out its plans within a reasonable timescale. There is a compelling case in the public interest for confirmation of the Orders. This justified any interference with Human Rights of those with interests in the land affected.
- 8.6 In respect of the SRO, in relation to the stopping up of private access to premises, another reasonably convenient means of access to the premises at North Dean Garage is available or will be provided.
- 8.7 In relation to the Bridge Making Order, the reasonable requirements of navigation have been taken into account and there will be no impact on users of the Calder and Hebble Navigation canal.

9. DECLARATON

- 9.1 My Proof of Evidence includes all facts which I regard as being relevant to the opinions which I have expressed, and the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- 9.2 I believe the facts I have stated in this Proof of Evidence are true and that the opinions expressed are correct.

I understand my duty to the Inquiry to assist it with matters within my expertise and I believe that I have complied with that duty.

Signed: JWDriver

James Driver

Dated: 03/06/2025