

Jayne Brearley & Co
2 White Hart Fold
Todmorden
Lancashire
OL14 7BD

Our Ref: CF1.ELR.108813.
Your Ref:

Date: 17 May 2022

Direct: +44 (0)29 2039 1858
Fax: +44 (0)29 2023 7268
Email: charles.felgate@geldards.com

By Email - jayne@jbrearleysolicitors.co.uk

Dear Sirs,

Re: North Dean Automotive Limited objection to The Borough Council of Calderdale (Elland Station and West Vale Access Package) (West Yorkshire Plus Transport Fund, Transforming Cities Fund) (Side Roads) Order 2022 ("Side Roads Order") and 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") (together "the Orders")

We refer to your letter of 7th April 2022 to the Secretary of State for Transport objecting to the Orders and are instructed to respond to your client's contentions.

The land which the Council proposes to provide to your client in order to create a new access includes an area beyond the current fence line with the rugby club, which has been acquired from the rugby club specifically to be able to offer an alternative access, following discussions with your client. Your letter refers to an agreement with the rugby club in relation to the use of this land. We would be grateful for a copy, but we note that in any event, the stopping up of one of your clients' accesses was proposed as a part of that agreement. Whilst that stopping up has not happened, we cannot see how your client alleges he will be prejudiced by the Orders if in fact he is already the owner of the land being proposed to transfer to him as a result of such an agreement. Any such previous agreement would suggest that the current proposal to provide land to him in lieu of the loss of an access is a sensible one that mitigates the impacts upon him. What you seem to be suggesting is that my client is delivering a proposal that was already agreed to by your client.

The suitability of the proposed access for recovery vehicles and wider loads has been confirmed via swept path analysis.

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.

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.

C:6852430v1

The members of Geldards LLP are solicitors and a list of members' names is available for inspection at the registered office: 4 Capital Quarter, Tyndall Street, Cardiff, CF10 4BZ.

We use the word 'Partner' to refer to a member of the LLP or an employee of an equivalent standing and qualification. Geldards LLP does not accept service of documents by email.

Geldards LLP is a limited liability partnership
Registered in England and Wales
Partnership number OC313172
Authorised and regulated
by the Solicitors Regulation Authority
SRA authorisation number: 425639

You refer to other routes which appear to be viable. We would be grateful if you could confirm which routes you refer to and what viability evidence you may have in regard to them. We can confirm that the current proposals were the preferred outcome of consultation on a variety of routes.

You refer to your client's premises being devalued, and his turnover being reduced. Those are matters of compensation and are not matters that the Secretary of State could take into account in considering the Orders. The impact on any redevelopment opportunities would also be factored in to any such compensation. It will be for your client to claim such losses it may suffer when any compulsory acquisition proceeds but for the avoidance of doubt it will be required to evidence any such losses to our client. It is however clear that there would be significant benefit to your client in removal of riparian responsibilities. Your client has recourse to the Upper Tribunal (Lands Chamber) in the event that compensation is not agreed.

You mention that your clients land may extend beyond the area proposed to be acquired. The way to deal with that is via a counter notice at the time of compulsory acquisition, and any severance would be considered at the time. We can confirm that all of the land required for our client's proposals are included within the CPO

In all the circumstances, we are instructed to advise that our client is ready willing and able to purchase your client's land voluntarily and indeed our client would prefer to do that rather than act via compulsion, as has always been the case to date. Your client has however been fundamentally opposed to dealing with matters by agreement and our client will accordingly proceed to seek confirmation of the Orders notwithstanding your client's objection. Should your client wish to deal with matters voluntarily, please do let us know.

Yours sincerely

Electronically authorised and signed by Charles Felgate

Charles Felgate
Associate Partner

For and on behalf of
Geldards LLP