

**Dated 15<sup>th</sup> August 2017**

**The City of Bradford Metropolitan District Council  
(A650 Hard Ings Road Improvement, Keighley)  
(Side Roads) Order 2017**

**-and-**

**The City of Bradford Metropolitan District Council  
(A650 Hard Ings Road Improvement Scheme, Keighley)  
Compulsory Purchase Order 2017**

**JOINT STATEMENT OF CASE**

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## Statement of Case

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## 1. Preliminary Matters

1.1 This Statement of Case (“**Statement**”) is to explain the reasons why the City of Bradford Metropolitan District Council (“**Council**” or where the context so admits “**Bradford MDC**”) in its capacity as acquiring Authority for the purposes of the Highways Act 1980, being the relevant acquiring Authority.

1.2 In accordance with the decision of the Council’s Executive on the 14<sup>th</sup> June 2016, the Council -

on the 11<sup>th</sup> April 2017 made the “The City of Bradford Metropolitan District Council (A650 Hard Ings Road Improvement, Keighley) (Side Roads) Order 2017” and Plan showing highway alterations (“**Side Roads Order**”) under sections 14 and 125 of the Highways Act 1980

and pursuant to the Side Roads Order -

on the 13<sup>th</sup> April 2017 made the “The City of Bradford Metropolitan District Council (A650 Hard Ings Road Improvement Scheme, Keighley) Compulsory Purchase Order 2017” and a Map showing the land and new rights to be acquired (“**Order**”) under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980

(and which collectively together, references to the “**Order**” and “**Side Roads Order**” shall hereinafter be referred to as the “**Orders**” where the context so admits).

1.3 On the 11<sup>th</sup> April 2017 both the Order and Side Roads Order were submitted to the Secretary of State for Transport (“**Secretary of State**”) for confirmation and which if confirmed, will enable the Council to rely on the use of compulsory purchase powers and highway alterations to be undertaken to facilitate a scheme to improve and widen the A650 Hard Ings Road, Keighley, from its junction with the A629 Beechcliffe Roundabout, generally eastwards to a point 75 metres west of its junction with Bradford Road Roundabout (“**Scheme**”).

1.4 In addition, the Council has continued to try to acquire all the Order Land by voluntary means so that the exercise of compulsory purchase powers is only used as a last resort. In the event that the Orders are confirmed, it will authorise the exercise of compulsory purchase powers, to enable the compulsory purchase of land and creation of new rights to facilitate the Scheme and permit alterations to the highways affected by the Scheme, in order to ensure that all the land needed for the Scheme is acquired, should this not prove possible through voluntary means.

1.5 The expiry date for objections to be delivered to the Secretary of State was –

- for the Order - Friday the 26<sup>th</sup> May 2017 and
- for the Side Roads Order – Friday, 9<sup>th</sup> June 2017.

- 1.6 Two (2 no) objections (“**Objections**”) were received by the Secretary of State.
- 1.7 By way of a letter dated the 28<sup>th</sup> June 2017, the Secretary of State gave notice of an intention to convene a local public inquiry (“**Public Inquiry**”) to consider the objections to the Orders.
- 1.8 The Public Inquiry is to be held on Tuesday, 30<sup>th</sup> January 2018 at Victoria Hall, Hard Ings Road, Keighley, West Yorkshire BD21 3JN, commencing at 10.00 am. The Inquiry is expected to last 4 days.
- 1.9 The Inspector appointed to conduct the Public Inquiry is Mr J Wilde C.Eng, M.I.C.E.
- 1.10 The Statement has been prepared in accordance with Government Guidance (October 2015), the Crichel Down Rules and Department of Transport Local Authority Circular 2/97. It is to be distributed to all those persons having a purported interest in land contained in the Order in accordance with Government guidance and will be placed on deposit for public inspection.
- 1.11 Throughout the Statement mention is made of land and buildings and other interests included in the Order and is referred to hereinafter as the "**Order Land**". For ease of identification the lands and buildings are identified where appropriate by reference to Plot numbers in relationship to their position in the Order Schedule and are so marked on the Order Map.
- 1.12 The "**Order Schedule**" refers to the schedule to the Order.
- 1.13 The "**Order Map**" is that bearing the title as in the Order.
- 1.14 The "**Order Rights**" relate to those rights that are needed to be acquired for the exercise of permanent rights in the Order Land.
- 1.15 Following preliminary consideration of the Scheme by the Council’s Executive body on the 21<sup>st</sup> July 2015, the Council on the 14<sup>th</sup> June 2016, formally resolved to reaffirm its intention to proceed with the Scheme and approve the making of the Order and Side Roads Order. In addition, the Council reinforced the need to continue to try to acquire all the Order Land by voluntary means so that the exercise of compulsory purchase powers is only used as a last resort. In the event that the Orders are confirmed, it will authorise the exercise of compulsory purchase powers, to enable the compulsory purchase of land and creation of new rights to facilitate the Scheme and permit alterations to the highways affected by the Scheme, in order to ensure that all the land needed for the Scheme is acquired, should this not prove possible through voluntary means.
- 1.16 The Council considers that there is a compelling case in the public interest for the making and confirmation of the Orders to secure the Order Land required for the purpose of implementing and completing the Scheme and described in the Order Schedule and shown on the Order Map and that the Order includes all the outstanding and necessary land requirements to implement and complete the Scheme.
- 1.17 Considerable work has already been undertaken -
- developing feasibility studies for a number of options, including traffic modeling and

preliminary costs;

- identifying land ownerships and seeking appropriate consents and permissions where required;
- a risk assessment to identify and manage risks;
- environmental and ecological appraisals including noise and air quality impacts, and habitat surveys; and
- a public consultation exercise.

1.18 Furthermore, the Council will take advantage wherever possible of the alternative dispute resolution techniques introduced by the Planning and Compulsory Purchase Act 2004 for trying at the earliest opportunity to help to clarify areas of uncertainty with those with a vested interest in the Order Land, as the Council recognises the stress that the compulsory purchase process inevitably places on those whose interests are affected by the Scheme.

1.19 The Council has and continues to engage in negotiations with all parties for the voluntary acquisition of the land and rights within the Order Land. This has already resulted in a number of vested interests in the Order Land being acquired or contractual arrangements entered into and negotiations are continuing.

1.20 The Council will rely on the use of compulsory purchase powers, if authorised to acquire the Order Land and the rights needed to support traffic management measures in the event that all proprietary interests in the Order Land and rights needed are unable to be acquired through voluntary means.

1.21 This Statement is not intended to discharge the Council's obligation under The Highway (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Council reserves the right to produce additional documents to those listed at paragraph 21 and call further evidence should it be considered necessary in the event that objections are made to the Secretary of State during the confirmation process.

## **2. Introduction**

2.1 The Council is seeking to promote an extensive highway improvement scheme along the A650 Hard Ings Road, Keighley, in order to improve traffic flows and reduce traffic congestion on the A650 and in Keighley Town centre. Air quality and safety will also be improved and new cycling and pedestrian facilities will be provided to try and encourage the use of sustainable modes for local journeys.

2.2 The A650 Hard Ings Road is a strategically important route which links Bradford to Keighley and extends onwards to Skipton via the A629 and the Pendle area of Lancashire via the A6088. The A650 is mostly dual carriageway and was upgraded as part of the Department for Transport's trunk road improvements in the 1980's, except for a short section comprising Hard Ings Road, Keighley, which runs between Bradford Road and the A629 in Keighley. This short section of single carriage lies midway between continuous dual carriageway running 9 miles between Cross Hills and Cottingley Bar, on the edge of urban Bradford. This is a key pinch point causing congestion not only on the main A650 but also impacts Keighley

Town centre as drivers attempt to re-route to avoid this length of road.

- 2.3 Keighley is the principal town of Airedale. It is an important industrial economic base and is also establishing itself as centre for research and development. Increasing congestion levels will make the area less attractive for inward investment resulting in a detrimental impact on future economic growth.
- 2.4 There has been a longstanding desire to improve this section of Hard Ings Road. A previous Hard Ings Road dual carriageway scheme was withdrawn in 1996 by the Department for Transport, the then highway authority. At that time, this route was part of the national trunk road network. This particular scheme was very much a different scheme to that being proposed now, being dual in its entirety to trunk road standards, with limited access and turning movements and much more onerous in terms of land take. A draft side roads order was withdrawn in 1996 by the Highways Agency after representations by the public and local businesses regarding the efficiency of the existing roundabouts at Beechcliffe and Bradford Road.
- 2.5 The dual carriageway scheme was then included in the 'Cumbria to Bradford' Design, Build, Finance, Operate (DBFO) Contract. In 1998, the Government, under a trunk road review, shelved many schemes, including the scheme for the A650 Hard Ings Road and although this section of road was de-trunked in late 2008 and vested in the Council as local highway authority, no further scheme of improvement has taken place until the current funding opportunity afforded by the West Yorkshire Combined Authority (WYCA) and through the West Yorkshire plus Transport Fund (WY+TF).
- 2.6 The Scheme has been accepted as a qualifying scheme and prioritised by WYCA within the WY+TF programme. Initially, a long list of 120 projects were reduced into a medium list of 60. The prioritised package included 33 projects and the Hard Ings Road project was ranked at 14<sup>th</sup> across West Yorkshire. The Scheme has been developed and received Development Approval (Gateway 1) of the WYCA Assurance Framework governance process in May 2014. In doing so, it has demonstrated that the Scheme will provide an acceptable level of value for money, has a clear set of objectives and a realistic chance of successful implementation.
- 2.7 The Council confirms that the Order contains all the land and rights needed to facilitate and complete the Scheme and that no other land is required to be acquired.

### **3. History and Location of Order Land**

- 3.1 Land use adjacent to Hard Ings Road includes an allotment, rugby ground, cricket ground, housing, retail park, commercial buildings and premises, two petrol filling stations, a leisure centre and a public park. A residential area is located off Lawkholme Lane that in parts front onto the southern side of Hard Ings Road. The building face of some residential properties directly abuts the back of the highway along Hard Ings Road.
- 3.2 There is a steep heavily vegetated embankment abutting the Beechcliffe roundabout in the west and extending beyond the junction with Royd Way. The slopes vary between approximately 1 metre and 5 metres high. Hard Ings Road slopes down relatively steeply to the east, to the petrol filling station, where the gradients reduce. In the location of the petrol filling station the land on the north side of Hard Ings Road is relatively level, but further to

the east, in the location of the Fibreline factory, ground levels fall to the north by up to approximately 2 metres, with the difference in elevation being supported by an embankment and a retaining wall.

- 3.3 Development exists along both sides of Hard Ings Road. Current occupiers of adjacent land to the north of Hard Ings Road are Keighley Cricket Club, Keighley Cougars Rugby League Football Club, a petrol filling station, Hard Ings Motor Company, Coronation Business Centre, including United Carpets, Fibreline, Allotment Gardens, Ambulance Station and Yorkshire Spring Water Company (not included in the Order). To the south, current occupiers are Keighley Retail Park, petrol filling station, McDonalds, residential properties in the vicinity of Lawkholme Lane, Byrl Street and Caledonia Street, Keighley Leisure Centre and Victoria Park. However, properties to the south of Hard Ings Road are not included in the Order. The proximity of existing developments and the position of buildings in places, restricts and influences the space available for the highway widening works. In particular a critical width restriction occurs in the vicinity of United Carpets.
- 3.4 Previous land use to the north of Hard Ings Road comprises predominantly of industrial uses, including a metal works (Machine Tool Works), abattoir, printing works and a cloth factory, located at the eastern edge of the area. At the western end, land to the north of the existing carriageway has only ever been used for recreational purposes, principally a cricket and rugby football ground. To the south and west of the Hard Ings Road, an ironworks (Trico) was located. Residential housing was located in the vicinity of Lawkholme Lane, Byrl Street and Caledonia Street and a park (Victoria Park) located in the east. A review of ordnance survey maps published in 1938 indicates that only the Cricket Club/Rugby Football ground, allotments, residential properties (in the vicinity of Lawkholme Lane, Byrl Street and Caledonia Street) and Victoria Park are still in existence. At this time, Hard Ings Road terminated at the junction with Lawkhome Lane.
- 3.5 Contamination testing in areas of proposed works has identified amosite (brown) asbestos fibres in made ground in front of the Fibreline factory, Hard Ings Road, Kelighley.
- 3.6 There are no definitive rights of way crossing the Order Land.
- 3.7 A location plan (**Plan 1**) is appended hereto as **Appendix 1** showing the position of the Order Land.

#### **4. Land Ownership and Order Schedule**

- 4.1 The ownership of the Order Land is described and set out in the Order Schedule.
- 4.2 The Order seeks authority to use compulsory purchase powers to acquire land and rights to facilitate a highway improvement scheme.
- 4.3 A copy of the Order Map (**Plan 2**) is appended hereto as **Appendix 2** and shows in pink the land to be acquired and in blue where a permanent right is required to carry out the Scheme. The majority of the land contained in the Order is shown coloured pink on the Order Map as being land which the Council may wish to exercise compulsory purchase powers to acquire the land in the event that the use of such powers is needed, to ensure that the Council is able to acquire all the land necessary to enable the proposed highway constructions works to be undertaken. However, for technical drafting reasons, the land needed for “working

space”, as opposed to land needed for the actual physical highway construction is not able to be distinguished separately in the Order and Order Map, and is therefore together shown as one Plot of land coloured pink. Where this occurs, the Council will be seeking to only acquire that part of the land needed for construction purposes and will seek to negotiate a licence agreement over the land required for ‘working space’. It is hoped that it will not prove necessary and only be used as a last resort to rely on the use of compulsory purchase powers to acquire the whole of the land.

## **5. Development of the Scheme and Consultations.**

- 5.1 The Council has carried out a public consultation in relation to the Scheme. Precise details were provided as to why certain aspects of the Scheme design were being considered and stakeholders, affected parties, local residents and businesses were asked for their comments.
- 5.2 The consultation ran from 12th September 2016 until 7<sup>th</sup> October 2016. A key priority of the consultation was to actively engage with residents and businesses within close proximity to the Scheme. Consultation leaflets were delivered to Council elected Ward Members, key stakeholders and approximately 2,225 residential and business properties. The distribution area which was chosen included properties that would be directly affected by these proposals. The leaflet included details about the consultation website, dedicated project email address and telephone information line. There was also information included regarding the consultation drop-in session.
- 5.3 To engage a wider audience beyond those who lived within the leaflet distribution area, a press release was issued and an advert was published in the Bradford Telegraph and Argus, on 12<sup>th</sup> September 2016, to ensure increased visibility. Community access points were set up outside the distribution area to provide wider access to the consultation materials. These were located at local shops, amenities and other key locations including bus/rail stations and libraries, where the public could easily obtain copies of the consultation leaflet.
- 5.4 A dedicated project website was set up which included information about the proposals, and electronic copies of the consultation material. It also provided an electronic feedback form and enabled people to have their say directly through the website’s ‘Have Your Say’ page. A dedicated telephone information line, a Freepost address and email address were all available for people to ask questions and provide their feedback.
- 5.5 A public drop-in session gave members of the public and stakeholders an opportunity to view the plans and discuss the proposals with members of the Scheme project team. It was held at Victoria Hall, Hard Ings Road, Keighley on 29th September 2016 between 2.00 pm – 8.00 pm. 38 people attended the public drop-in session. 14 feedback forms were submitted at the consultation event. Within the feedback and throughout the consultation process, support was shown for the Scheme, with 38% of respondents strongly supporting and 35% supporting the proposals. 10% of respondents strongly opposed and 8% opposed the proposals. Positive comments were received regarding the plans to reduce congestion, the provisions to improve safety on the road and the associated landscaping proposals. Some concerns were however expressed regarding permitted turning manoeuvres and the continued use of Lawkholme Lane and its impact on the efficiency and operation of the Scheme. All feedback received during the consultation has been considered by the project team during the finalisation of the Scheme and this has resulted in some minor amendments to the Scheme



design. A consultation feedback report was published on the project website and detailed individual replies made to respondents where appropriate.

- 5.6 Meetings have and are continuing to be held with affected and interested parties, and detailed information about this is set out in paragraph 19.20 of this statement.

## **6. Scheme Objectives**

- 6.1 The A650 Hard Ings Road carries a significant volume of traffic. It is a key commuter route carrying traffic from Keighley, Skipton and East Lancashire along Airedale to and from Leeds and Bradford. Average two-way weekday flows along the length of Hard Ings Road are 2771 vehicles per hour in the morning peak and 2829 vehicles per hour in the evening peak (2014). In accordance with the Design Manual for Roads and Bridges (**DMRB**), Volume 5, Section 1, Part 3, TA 79/99 – Traffic Capacity of Urban Roads, the capacity of a 9.0m wide UAP3 road type is 2550 vehicles per hour. Therefore, at present the capacity of Hard Ings Road is inadequate at peak hours. According to the DMRB the flow on an urban road may also be affected by the turning movements restricting the mainline capacity. The traffic survey conducted on Hard Ings Road in March 2017 identified that about 44% traffic in AM peak and 58% in PM peak period taking turn into side roads or entrance to commercial/businesses premises or vice versa along A650 Hard Ings Road. These high turning movements further reduce capacity of Hard Ings Road as previously stated above 2550 vehicle per hour.

- 6.2 The lack of capacity on Hard Ings Road results in considerable congestion at peak times with traffic queuing on beyond both Bradford Road and Beechcliffe roundabouts. The Beechcliffe roundabout is also running over capacity, specially the traffic approaching from A629 suffer long delays. The average queue length on the A629 approach to Beechcliffe Roundabout at peak times is around a kilometer which reflects through speed data collected in 2016. This showed an average speed about 9mph against the posted speed limit of 70mph in evening peak period (17:00-18:00). The historic traffic speed data also shows the journey time on A629 has been increased by 54% within last five years from 2012 to 2016. The journey time in 2012 was 295 seconds which had been increased to 455 seconds in 2016. Similarly the journey time along A650 Aire Valley Road has been increase by 42% in morning peak and 26% in evening peak period. Speed records show that the average traffic speed along Hard Ings Road is 14mph during the AM and PM peak periods in the eastbound direction and 14mph in the AM peak and 11mph in the PM peak, in the westbound direction against a posted speed limit of 30mph. In addition to significant peak time congestion, the junction can also suffer from considerable delays at other times, in particular on a Saturday with local traffic trying to access the Keighley Retail Park which can only be accessed from Hard Ings Road. Saturday lunchtime traffic levels on Hard Ings Road approach those experienced in the commuting peaks during the week.

- 6.3 The Scheme is designed to improve traffic flows and reduce traffic congestion on the A650 and in Keighley Town centre. Air quality and safety will also be improved and the local environment will be enhanced through the use of high quality materials in the design of the Scheme. New cycling and pedestrian facilities (a shared use footway and Toucan crossing)

will also be provided to encourage the use of sustainable modes of transport for local journeys.

- 6.4 Improving the A650, Hard Ings Road, fulfils the objectives of the West Yorkshire Plus Transport Fund and also those of the West Yorkshire Local Transport Plan. The objectives of the WF+TF are to maximise gross value added (**GVA**) benefits and ensure that at a package level carbon impacts were neutral (despite an increase in commuting from additional employment), and benefits (in terms of an increase in the number of accessible employment opportunities) were distributed across all partners, and that those benefits to residents from deprived areas were higher than the average. Other objectives that are included within the Strategic Economic Plan are – air quality, safety, quality of life.
- 6.5 Whilst there is only one bus service which operates along Hard Ings Road itself (the no 727), congestion at Bradford Road roundabout causes delays at peak times for a number of bus services on route to Keighley, thereby reducing journey time reliability for passengers along the entire length of the bus route. The introduction of traffic light priority at Bradford Roundabout will improve reliability and reduce journey times for the no 662 bus service which operates every 10 minutes between Keighley and Bradford. This is a popular bus route carrying an average of 19 passengers on each service into/out of Keighley Town centre.
- 6.6 Despite the number of retail units, a leisure centre and Keighley Cougars rugby league ground which contribute to footfall in the area, there are no controlled pedestrian facilities along Hard Ings Road. Improved pedestrian facilities will help to overcome severance between the Town Centre (rail station, bus station and housing) and the industrial/employment land to the North of Hard Ings Road.
- 6.7 Congestion along the Hard Ings Road corridor results in increased vehicle emissions, worsening air quality and high levels of pollution. Kerbside monitoring on Hard Ings Road recorded an annual mean of  $33 \mu\text{g}/\text{m}^3$  (concentration of air pollutant per cubic metre) which although below the National standard ( $40 \mu\text{g}/\text{m}^3$ ) is a cause for concern, if congestion levels increase along the corridor. The key Scheme objectives are:-
- greater certainty for business and commuters by reducing journey time variability, as well as reducing journey time.
  - Reduced congestion on Hard Ings Road including the surrounding roundabout approaches leading to anticipated reductions in vehicle delays.
  - Increased safety provision for cyclists and pedestrians through provision of dedicated pedestrian/cycle crossing facilities on Hard Ings Road and shared footway facilities for cyclists and pedestrians.
  - Improved air quality for local residents.
  - Supporting the delivery of any proposed housing and economic developments in the short term as well as opening up long term development opportunities in the area through releasing transport constraints.
  - Improving access between the Pendle, Craven and Bradford.
- 6.8 The Scheme also supports the following West Yorkshire Local Transport Plan 3 (**LTP3**)

objectives-

- Economy – improving connectivity to support economic activity and growth in West Yorkshire.
- Low Carbon – to make sustainable progress towards a low carbon sustainable transport system for West Yorkshire.
- Quality of Life – to enhance the quality of life of people living, working in and visiting West Yorkshire.

6.9 Improving Hard Ings Road will also support LTP3 indicators in relation to improving journey time reliability, reducing CO2 emissions, and improving satisfaction with transport.

## 7. Scheme Description

7.1 The Scheme along for Hard Ings Road, Keighley, between the junctions with the A629 (Beechcliffe roundabout) and Bradford Road roundabout involves road widening to provide two running lanes in each direction for the full extent of this section of Hard Ings Road.

7.2 The Scheme includes

- the installation of traffic signals at the existing Beechcliffe Roundabout to improve the efficiency and capacity of the junction;
- an additional lane for traffic on the approach to Beechcliffe Roundabout on the A629;
- installation of a signalised junction with pedestrian and cycle crossing facilities (Toucan crossing) at the junction of Hard Ings Road with Lawkholme Lane. The signals will be linked and co-ordinated with the proposed signals at Beechcliffe Roundabout and the existing signalised junction at Bradford Road to control traffic flow;
- Traffic light priority will be introduced at Bradford Road roundabout to assist with bus journey times.
- A shared, two-way cycle and pedestrian footway along the southern side of Hard Ings Road between Bradford Road Roundabout and Keighley Retail Park and between the proposed ‘Toucan’ crossing (at the junction with Lawkholme Lane) and Royd Way.
- New and replacement planting and landscaping, including “green infrastructure”, will be included in the Scheme to mitigate the visual impact of the road and provide replacement habitats for flora and fauna.
- Replacement street lighting.

7.3 A plan (**Plan 3**) is appended hereto as **Appendix 3** showing a description of the main

engineering features of the Scheme.

- 7.4 The Scheme is linear, starting at the Beechcliffe Roundabout and ending at the junction with Bradford Road.
- 7.5 In order to protect residential properties adjacent to the south-western kerbline, avoid legal issues with respect to the restrictive covenant in place at Victoria Park and the re-location of a Gas Governor, the Scheme restricts road widening to the north eastern side of the carriageway only.
- 7.6 The existing speed limit is 30mph on the section of Hard Ings Road between the Bradford Road Roundabout and the Beechcliffe Roundabout. This section is built-up with development on both sides of the road and much frontage activity. Therefore, the current 30mph speed limit is appropriate. The geometric parameters for the proposed road alignment are designed in accordance with Department of Transport Design Manual for Roads and Bridges (DMRB) for the appropriate design speed. The Scheme reflects the urban character of the area and achieves the desired aims at a lower cost than full dualling, whilst minimising the impact on local businesses more economically with less environmental impact than full dualling and maintains local accessibility by accommodating some turning traffic, including Lawkholme Lane. Many residential streets and industrial properties are located off Lawkholme Lane and provide a link between Hard Ings Road and Keighley Town centre.
- 7.7 The preferred option, is a composite design (comprising part dual/part single carriageway) and has benefits with respect to minimising land take, particularly adjacent to the building occupied by Fibreline, where there is a significant level difference between the carriageway and the existing car park. This option also has the least associated cost implications when compared with other options considered, as well as showing an overall reduction of journey times.
- 7.8 The Scheme comprises sections of dual 2 lane and single 4 lane carriageway. Critical to the project is the operation of the Beechcliffe and Bradford Road roundabouts and the current priority junction at Lawkholme Lane. The Scheme has therefore been developed with a signalised junction at Lawkholme Lane, incorporating a Toucan crossing (to replace an existing pedestrian refuge). This retains the convenience of a right turn from Hard Ings Road into Lawkholme Lane and avoids the unnecessary re-routing of this traffic to U-turn at the Bradford Road roundabout. This also allows the no 727 bus service to continue to undertake a right turn from Hard Ings Road into Lawkholme Lane (this is the existing bus route). There are also a significant number of right turning movements into the petrol filling station and the adjacent McDonalds restaurant from Hard Ings Road. Therefore, a right turn priority facility with a dedicated turning lane (to allow through traffic to proceed unobstructed) has been included within the Scheme.
- 7.9 The retention of a junction and conversion to traffic signal control at Lawkholme Lane maintains local accessibility and avoids the unnecessary diversion of local traffic, increased journey lengths and additional traffic loading at the Bradford Road junction leading to the necessary significant re-design of Bradford Road roundabout. There are many businesses located off Hard Ings Road who would be significantly affected in terms of access that would result with a full length dual carriageway option.

- 7.10 The capacity of Beechcliffe roundabout would also be improved by remodelling and the implementation of traffic signals on all arms and an additional traffic lane on the approach to the roundabout from the A629. Queues on the A629 will be much shorter due to the provision of an extra lane on the approach to Beechcliffe Roundabout. Two lanes have also been allocated for the exit into Hard Ings Road from the roundabout. This arrangement will increase the capacity of the junction and will operate effectively in the design year, 2026 (a future year, 9 years after the opening year 2017, used in the current Aimsun model). At present the single lane provision on Hard Ings Road causes congestion to back up onto and through Beechcliffe Roundabout and beyond at peak times.
- 7.11 The two lanes allocated in each direction for the full length of Hard Ings Road will remove bottlenecks when vehicles merge into one lane, compared with the current one lane provision in both directions, and will provide for the predicted demand in 2026. This is currently the situation for vehicles exiting the Bradford Road roundabout onto Hard Ings Road westbound, merging into one lane adjacent to the ambulance station, causing congestion to back up on and through Bradford Road roundabout and beyond at peak hours. Modelling has demonstrated that with the retiming of signals, this junction will operate acceptably in the 2026 design year. Traffic light priority to assist bus journey times and other improvements in timetable reliability will be included within the adjustment to signal timings at Bradford Road roundabout. The introduction of traffic light priority at Bradford Roundabout will improve reliability and reduce journey times for the no 662 bus service which operates every 10 minutes between Keighley and Bradford. This is a popular bus route carrying an average of 19 passengers on each service into/out of Keighley Town centre. The no 727 bus service operates every 2 hours via Beechcliffe roundabout in one direction only, on route between Royd Way and Lawkholme Lane. Therefore, there would be little benefit from any provision to assist bus journey times at this junction.
- 7.12 A two way shared facility for cyclists and pedestrians on the outbound side of Hard Ings Road, a Toucan crossing (as part of the Lawkholme Lane signalised junction) and a two way shared facility will also be provided on the inbound side of Hard Ings Road between Lawkholme Lane and Royd Way. This will provide a cycle route to join Hard Ings Road and the existing cycle route along Royd Ings Avenue through the underpass beneath the A629 dual carriageway, leading to the Skipton Road residential area. Enhancements to the existing local cycle network to be identified through a wider area cycle infrastructure study, will also compliment the traffic management measures to be delivered through the Scheme.
- 7.13 Construction of the Scheme is provisionally scheduled to commence in Summer 2018. The Scheme will be carried out as a single phase. It is anticipated that the construction phase will be 9 to 12 month duration (depending on the programme for re-location of public utilities equipment).

## **8. Alternative Options**

- 8.1 Several alternative options were considered as part of the initial design work. In accordance with the DMRB, predicted flows were used to consider the type of road and carriageway width options available. This approach was chosen to quickly identify a footprint and also to identify the extent to which land and property would be affected. This assessment identified four options which could provide for the predicted demand in 2026:–

- single 4 lane 14.6m wide carriageway;
- dual 6.75m wide carriageway (with sub options as the scheme was developed);
- dual 7.3m wide carriageway; and
- composite part dual 6.75m wide carriageway, part single 6.75m wide carriageway.

- 8.2 Initial options considered the feasibility of widening on each side of Hard Ings Road. It was however apparent that given the constraints of housing and the presence of Victoria Park, that potential for widening on the south side of the road was very limited without severe environmental impact. Accordingly, in order to protect residential properties adjacent to the south-western kerblines, avoid legal issues with respect to the restrictive covenant in place at Victoria Park and the re-location of the gas governor, such options were not pursued and road widening is restricted to the north eastern side of the carriageway only.
- 8.3 A four lane single carriageway option throughout the length of Hard Ings Road had the least land take of all options. However it was discounted due to road safety implications, since all turning movements for vehicles would be possible in the absence of a central reserve. Although traffic movement restrictions could be introduced, they were unlikely to be effectively enforced and could result in more turning conflicts, particularly at entrances/exits to the numerous business premises.
- 8.4 Duelling the full length of the section of Hard Ings Road within the current Scheme (with no right turns) was also given consideration but was discounted for several reasons. There are many businesses located off Hard Ings Road who would be significantly affected in terms of access. This option also has the greatest implications on land take, particularly adjacent to the Fibreline building and would require a significant re-design of the Bradford Road roundabout. This would be necessary because the roundabout would have to deal with traffic being re-routed as the existing right turn from Lawkholme Lane would cease to be operational. The Scheme has therefore been developed with a signalised junction at Lawkholme Lane incorporating a Toucan crossing (to replace an existing pedestrian refuge). This retains the convenience of a right turn from Hard Ings Road into Lawkholme Lane and avoids the unnecessary re-routing of this traffic to U-turn at the Bradford Road roundabout.
- 8.5 Consideration was also given to a one-way system incorporating outbound only on Hard Ings Road and inbound only along Royd Ings Avenue. Royd Ings Avenue is built as an industrial standard access road with corresponding link and junction design standards, servicing a range of businesses (manufacturing, warehousing and distribution) and a household waste site. These types of use require access for mainly HGV's with the road width and waiting restrictions/keep clear markings helping to provide unobstructed access and manoeuvring space. Royd Ings Avenue is also part of a wider network cycle route. There were two design options for this proposal.
- 8.5.1 One option was the construction of a major new junction at the A629 dual carriageway and Royd Ings Avenue. However this had several drawbacks. There is a significant level difference between the two roads and therefore earthworks/embankments to build the new slip road would be required. To facilitate this, the Council would also need to acquire the whole of industrial premises located in close proximity to Royd Ings Avenue (at the location where earthworks/embankments and slip roads would be necessary) and this would have a

significant impact on the businesses operating in this location. This option was therefore rejected due to engineering and cost.

8.5.2 The second option assessed whether Royd Way could provide one way access between Hard Ings Road and Royd Ings Avenue. However, it is likely that both Royd Way and Royd Ings Road would need full re-construction of the carriageway to accommodate the large increase in vehicle flows (this would be necessary for either option). Traffic modelling indicated that the existing Bradford Road roundabout would also need significant junction alterations, i.e. replacement of existing gyratory with a full signalised junction. Major junction alterations would also be necessary at Royd Way/Hard Ings Road and either Royd Ings Road/Alston Road or Royd Ings Road/Bradford Road (depending on the route to Bradford Road roundabout). Traffic modelling indicated that there would be little benefit over the Hard Ings Road widening option in respect to vehicle journey times compared with the high potential scheme cost. Therefore, this option was rejected in cost/benefit terms.

8.5.3 There are many businesses located off Royd Ings Avenue, Royd Way and Hard Ings Road who would be significantly affected in terms of access and through the need to acquire land and property. This proposal was unlikely to have been supported by local businesses who may in turn object to a one-way system. The primary objective of the West Yorkshire Plus Transport Fund is to: *'Increase employment and productivity by completion of transport schemes across West Yorkshire by improving connectivity'* and therefore, ensuring the continued operation of local businesses is an essential part of the Scheme.

## **9. Scheme Design Standards**

9.1 The requirements for the geometric layout of the Scheme comply with Department for Transport's overseeing organisation, Highways England standards and advice notes contained in the Design Manual for Roads and Bridges (DMRB).

9.2 The DMRB provides advice and sets requirements and has been developed principally for motorway and all purpose trunk roads. It may also be applicable in part to other roads with similar characteristics. Where it is applied to local roads it is for the local highway authority to decide on the extent to which these documents are appropriate in any given situation. Departures from Standard may be appropriate in a variety of situations, including where it can be justified that a requirement is inappropriate in a particular situation or where the application of a document would have unintended adverse consequences.

9.3 A number of DMRB documents contain provision for Relaxations. A Relaxation means a permitted variation from particular requirements within defined limits and in defined situations. Where Relaxations are permissible, the circumstances will be defined in the document. Any further proposed variation beyond these limits requires a "Departure".

9.4 The DMRB standards set out the desirable requirements for unconstrained sites but allow for lower parameters or 'departures' to be used in some circumstances. Such circumstances are where the adoption of departures would lead to environmental benefits or cost savings in locations where there would be no overriding safety implications. There are some aspects of the Scheme, which will require a departure from standard. These are associated with minimising the impact/land take on properties and limiting the removal of planting

immediately adjacent to the highway widening on this local road, without compromising road safety.

- 9.5 Designs adopting at least the desirable minimum standards produce a high standard of road safety and are the initial design objective. However, not maintaining the desirable minimum standard does not inherently mean that the road design is unsafe when these values are reduced. This reduction in standard is classified as a relaxation. Where a design situation of exceptional difficulty cannot be overcome by a relaxation of the desirable minimum standard, then a departure from standard will be required.

## **10. Scheme Programme and Implementation**

- 10.1 Construction of the Scheme is scheduled to commence in Summer 2018 with a potential 12 month construction period. However, there are benefits in the earliest implementation of the Scheme. The Scheme will be carried out as a single phase. It is anticipated that the construction phase will be 9 to 12 month duration (depending on the programme for re-location of public utilities equipment).
- 10.2 It is intended that the Scheme will be delivered by an award of a Contract to a contractor appointed by the Council through a competitive procurement process in accordance with the Council's financial and procurement rules and relevant statutory provisions and that the Scheme implementation programme is to be finalised with the appointed contractor.

## **11. Construction Stage Traffic Management**

- 11.1 It is intended to carry out the Scheme works with minimum disruption to pedestrians, residential and commercial premises occupiers and road users. Access to properties will be maintained at all times during business hours. Any unavoidable disruption to accesses will take place only outside of business hours of the affected property and discussions with affected parties will take place in advance of and during the works.
- 11.2 The main priority is that there is minimal disruption while these important works are being undertaken. These works are vital to the plans to reduce congestion and make the area safer for all local residents.
- 11.3 Through traffic will be maintained at all times during the daytime. There may occasionally be the need to close a road during the night for certain disruptive works. Advanced notice will be given of these works and suitable diversion routes will be sign posted. There may be periods where temporary traffic lights are required.
- 11.4 Hard Ings Road, the A629, Bradford Road and Beechcliffe roundabouts are designated as 'permit streets' and works on them will be subject to regulation under the Yorkshire Common Permit Scheme. The permit scheme replaces part of the existing New Roads and Street Works Act noticing system. Anyone carrying out works in a permit street must apply for a permit, which sets out how the work will be undertaken to minimise disruption.



11.5 Construction will take place primarily during the daytime and through traffic will be maintained during this time. There may be rare occasions where a road closure may be required (for example for road re-surfacing) and these works may be done during evening or overnight, with signed traffic diversions in place. However, working hours will be tailored to the requirements of the site. Working hours are expected to be 8.00 am to 6.00 pm Monday to Friday and 8.00 am to 1.00 pm on Saturdays. Certain works in sensitive areas such as junction approaches will be restricted to off-peak hours, e.g. between 9.30 am and 15.30 pm, and on occasions, Sunday working may be necessary to carry out other disruptive works. Disruption to residents, businesses and road users will be kept to a minimum.

## 12. Construction Practice

12.1 The Contractor is required to adopt the recommendations of the Local Government Associations Considerate Constructor Scheme which aims to improve the "image" of the construction industry through good practice. The Contractor shall adopt the requirements of this Code of Practice where they are more onerous than those set out in the Considerate Constructor Scheme. Where necessary it is expected that the Contractor, with no prior intervention, shall adopt stricter controls than may be included in this Code or the Considerate Constructor Scheme to reduce annoyance or nuisance.

## 13. Environmental Assessment

13.1 Land use adjacent to Hard Ings Road includes an allotment, rugby ground, cricket ground, housing, retail park, commercial premises, two petrol filling stations and a leisure centre. It is not considered that any of these sites are sensitive areas and the Scheme will not have an adverse impact on the environment since the land use within the site will not significantly differ from existing conditions.

13.2 In accordance with the Department of Transport Design Manual for Roads and Bridges (DMRB), Volume 11, Section 2, Part 3, HD47/08 - Screening of Projects for Environmental Impact Assessment, the requirement to carry out a statutory Environmental Impact Assessment (EIA) and publish an Environmental Statement (ES) only applies to certain projects that are deemed to exceed certain thresholds and are predicted to have a significant effect on the environment. The process for deciding whether it is necessary to carry out an EIA and publish an ES is called screening. The Scheme falls below all thresholds.

13.3 This has also been confirmed by advice from the Council's planning department. The Scheme does not fall within any of the descriptions of development set out in Schedule 1 The Town and Country Planning, (Environmental Impact Assessment) Regulations 2017 (**EIA**) and although the Scheme does fall within the description of development at paragraph 9(f) of the table at Schedule 2, the area of works is less than 1 hectare (the applicable threshold set out in Column 2 of the table) and the site is not within a Sensitive Area as defined by the Regulations. The Scheme is therefore neither a Schedule 1 or Schedule 2 development and is consequently incapable of being classified as an EIA development.

13.4 However, an ecological appraisal has been undertaken to assess the possible impact to local flora and fauna from the Scheme. The essence of the conclusions and recommendations of this Report are summarised as being the need to -

- retain woodland and trees where possible, replacement on 3:1 basis (either area or individual trees), log piles and tree felling to be undertaken outside bird nesting

period (March – August inclusive), unless thoroughly checked by a qualified ecologist. It is also intended to undertake a further survey over the summer months for any potential bat roosting.

- 13.5 This is a location identified by the Bradford Public Health Department through screening and assessment (using Local Air Quality Management, Technical Guidance LAQM.TG(09)) as requiring further assessment for air quality due to an Annual Average Daily Traffic (AADT) of greater than 10,000 vehicles and nearby sensitive receptors (housing). The area was monitored in 2004 using continuous monitoring for nitrogen dioxide at Back Byrl Street, adjacent to Hard Ings Road. An annual mean NO<sub>2</sub> of 33µg/m<sup>3</sup> was measured and it was concluded that the area did not require further investigation. Whilst the concentrations were relatively high in comparison to the back ground (approximately 15µg/m<sup>3</sup> in Bradford) they did not show potential to exceed the air quality objective of an annual mean of 40µg/m<sup>3</sup> for NO<sub>2</sub>, the objectives included in the Air Quality Regulations 2000 and in the Air Quality (Amendment) Regulations 2002 (England and Wales) for the purpose of Local Air Quality Management. The results were included in the Detailed Assessment of Air Quality in City of Bradford Metropolitan District Council Report, 2005.
- 13.6 The proposed highways alterations at Hard Ings Road have been studied by Bradford's Public Health Department, and it is their conclusion that air quality is not an issue of concern in relation to this scheme for the following reasons -
- 13.6.1 Existing concentrations have been identified to be below the objective level annual mean of 40µg/m<sup>3</sup> for NO<sub>2</sub> (it is recommended by Bradford's Public Health Department that this is assessed for a future design year 2026, with and without the implementation of the scheme. The design year being a future year, 9 years after the opening year 2017, used in the current Aimsun model).
- 13.6.2 The Scheme will smooth traffic flows, reducing congestion, stop start driving and vehicle idling, this should improve air quality.
- 13.6.3 The highway widening works are not on the side of the road adjacent to residential properties and do not bring residents in closer proximity to transport related pollutants.
- 13.6.4 Green infrastructure will be added as part of the Scheme. Whilst it is unlikely that this element of the Scheme will significantly reduce pollution concentrations, it is considered that there are other benefits associated with health and wellbeing to be gained from the addition of green infrastructure to schemes.
- 13.7 The impact of the Scheme with regard to air quality has been assessed in accordance with the DMRB Volume 11, Section 3, Part 1, HA 207/07, Air Quality, for the base year 2014 and a future design year 2026, used in the current Aimsun traffic model. Properties with young and elderly populations located within 200 metres of the centre line of the road are located at Lawkholme Lane, Byrl Street and Caledonia Road. However, in order to protect residential properties, road widening is restricted to the north eastern side of the carriageway only. In this case, it is not residential properties that could be affected by the Scheme, but commercial premises, such as Hard Ings Motor Company and United Carpets (Coronation Business Centre). The road centre line is moved closer to these commercial properties as a consequence of the road widening, and therefore the affect of the Scheme has been assessed for these properties. The results of the assessment indicate that with or without the

implementation of the scheme, NO<sub>2</sub> concentrations in 2026 are nearing levels of 2014 again and PM10 is marginally exceeding 2014 levels. This is a consequence of the road widening moving these receptors closer to the source with the implementation of the Scheme. However, this concentration is still well below an annual mean of 40µg/m<sup>3</sup>. The concentrations of NO<sub>2</sub> or PM10 do not exceed the air quality objective of an annual mean of 40µg/m<sup>3</sup> either pre or post Scheme implementation.

#### **14. Scheme Traffic Noise, Vibration and ancillary factors**

- 14.1 The Department of Transport Design Manual for Roads and Bridges (DMRB), Volume 11, Section 3, Part 7, HD 213/11-Revision 1 - Noise and Vibration, provides guidance for undertaking noise and vibration assessments of impacts from road projects. Noise level calculations procedures follow those set out in the Technical Memorandum - Calculation of Road Traffic Noise, Department of Transport Welsh Office (CRTN).
- 14.2 Residential properties are located at Lawkholme Lane, Byrl Street and Caledonia Road. However, in order to protect residential properties, road widening is restricted to the north eastern side of the carriageway only. In this case, it is not residential properties that could be adversely affected by the Scheme, but retail premises located on the northern side of Hard Ings Road. The Hard Ings Road centreline is moved closer to these properties as a consequence of the road widening.
- 14.3 The assessment for both the short term i.e. opening year 2017 and long term 2032, typically 15 years after opening, in accordance with the DMRB, indicates that as a result of the proposed Scheme, L<sub>10</sub> 18 hour Basic Noise Levels (6 am to midnight) will increase by 0.2 dB(A) in the short term and 0.4 dB(A) in the long term – a negligible change in the opening year and design year. Comparing 2032 ‘do something’ with 2017 ‘do nothing’, L<sub>10</sub> 18 hour Basic Noise Levels increase by 0.9 dB(A), also a negligible change in accordance with the DMRB in the long term. LA<sub>10</sub> 18 hour Basic Noise Level is the average noise level exceeded for just 10% of the time for each of the eighteen one-hour periods between 0600 to 2400 hours. In accordance with the DMRB, a change in road traffic noise of 1 dB LA<sub>10</sub>,18h in the short term (e.g. when a project is opened) is the smallest that is considered perceptible. In the long term (typically 15 years after project opening), a 3 dB LA<sub>10</sub>,18h change is considered perceptible.
- 14.4. Although the proposal is to widen the carriageway such that the centre line moves away from the nearest housing (Lawkholme Lane/Caledonia Road area), CRTN still assumes that the noise source line remains in the same place, i.e 3.5 metres from nearside kerblines. If consideration is given to the effect of the road widening on Hard Ings Motor Company or United Carpets at Coronation Business Centre, the source line is again taken as 3.5 metres in from the nearside kerblines and therefore the same imperceptible change in noise levels of 0.2 dB(A) would be calculated for the short term and 0.4 dB(A) for the long term.
- 14.5 The differences between pre and post-Scheme basic noise levels are all less than 1 dB LA<sub>10</sub>,18h and therefore this Scheme is not a statutory Noise Insulations Regulations governed scheme and the highway authority will not have a statutory obligation to make any offers on noise insulation under The Noise Insulation Regulations 1975. As a result of the installation of the signalisation, there is some potential for compensation claims by local residents if conditions for the physical factors under Part 1 of the Land Compensation Act 1973 are met.

- 14.6 In light of the above, the Council intends to carry out noise measurements prior to commencement of the Scheme, which could be used to assist in the assessment of any future claims for compensation. It is also intended to undertake noise measurements during construction and after Scheme implementation.
- 14.7 Permissible construction noise limits will be agreed in advance with the Council's Public Health Department and will form part of the construction contract specification. Contractors' method statements for individual activities will be required prior to execution including compliance with noise requirements. On site monitoring of construction noise will be carried out throughout the construction period.

## **15. Planning Statement**

- 15.1 The main components of the Scheme involve a combination of
- road widening;
  - roundabout signalisation at the existing Beechcliffe Roundabout;
  - new pedestrian and cyclist facility provision; and
  - a new signalised junction at Lawkholme Lane/Hard Ings Road.
- 15.2 Under The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) express planning permission will not be required for the Scheme.
- 15.3 Class A, Part 9, Schedule 2 of the GPDO permits the carrying out by a local highway authority of works required for or incidental to the maintenance or improvement of the highway on both existing highway land and land outside but adjoining the boundary of an existing highway. The Permitted Development rights granted by Part 9 of the GPDO would cover all of the works, as all such works are required for the improvement of the highway and are located on land which is either currently used as a highway or land adjoining the existing highway.
- 15.4 The Council is therefore satisfied that there are no planning impediments to the implementation of the Scheme.

## **16. Corporate Planning Policy Framework**

- 16.1 The proposed scheme closely relates to the core planning principles of the National Planning Policy Framework (NPPF)<sup>1</sup>, seeking ways to enhance and improve the places in which

people live their lives (NPPF, Paragraph 17).

- 16.2 The NPPF requires local authorities to plan positively and ‘assess the quality and capacity of infrastructure for transport, and its ability to meet forecast demands’ (NPPF, Paragraph 162); The proposed scheme is a result of such assessment and a major commitment by the Council to required infrastructure delivery as identified in its Local Infrastructure Plan (LIP). This is also a transport investment planned in collaboration with neighbouring authorities and other important stakeholders and is deemed necessary to support strategies for the growth of travel demand in this area (NPPF, Paragraph 31).
- 16.3 Successful delivery of the Scheme would help achieve the objectives of achieving sustainable development in all three dimensions as stipulated within the NPPF (NPPF, Paragraph 7):
1. Economic Role;
  2. Environmental Role;
  3. Social Role.
- 16.4 In economic terms, the Scheme will deliver a significant improvement within the existing transport network, which will create better transport links and enhance connectivity and positively impact upon businesses across Airedale through unlocking potential employment sites, creating more jobs and ‘relieving barriers to investment’ (NPPF, Paragraph 160). Consequently the Scheme will act as catalyst to promoting sustainable transport and building a strong and competitive economy as advocated by the NPPF. This project can also be considered as a cost effective measure that will limit any potentially significant impacts of any future development in the area (NPPF, Paragraph 32).
- 16.5 In terms of environmental benefits, the Scheme will assist in reducing congestion and promoting sustainable development through providing better public transport, pedestrian and cycle links, thus improving local air quality and contributing towards meeting the challenges of climate change by means of the resulting reduction in the greenhouse gas emission. This is another key component of achieving sustainable development through promoting sustainable transport (NPPF, Section 4) and meeting the challenge of climate change (NPPF, Section 10) as highlighted in the NPPF.
- 16.6 The Scheme will also help realising many social benefits, in particular through providing improved road safety for venerable road users (e.g. cyclist and pedestrians) and improving journey times to work and community facilities and thereby contributing to wider sustainability and health objectives (e.g. safe and accessible environment, legible pedestrian routes, reduced noise level etc), as promoted by the NPPF (NPPF, Paragraph 69). Keighley has been identified as an area of significant housing growth within the Local Plan: Core Strategy and delivery of the scheme will assist in achieving one of the Core Planning Principles of the NPPF by demonstrating the Council is actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable promoting the use of sustainable transport modes (NPPF, Paragraph 17). The Council are of the opinion the planned scheme will help promote healthy communities by providing a safe and accessible environment within the local area, thus enhancing quality of life and addressing elements of deprivation that the surrounding communities have been suffering (NPPF, Paragraph 69).
- 16.7 In terms of Local Development Plan and Strategies, the Scheme will help achieve strategic

objectives of the adopted Local Plan: Core Strategy (CS) in terms of improving and developing excellent public transport and highway systems to increase the level of accessibility within the District and establishing good connections with other parts of the Leeds City Region and beyond by ensuring safety, efficiency and sustainability (Paragraph 3.15 (9) of the adopted CS).

- 16.8 This is also expected to be a key component of facilitating sustainable development of 4500 new dwellings in Keighley in the period up to 2030. The CS Sub-area policy AD1(B) and (E-4) specifically identifies Hard Ings Road improvement as a critical infrastructure that needs to be developed to facilitate housing and economic growth in the area. Policy AD2 (C) further identifies the Scheme as an investment priority for the area which will help deliver transformation and change in Airedale through economic development, housing renewal and growth.
- 16.9 The economic benefits of the Scheme, as highlighted in paragraph 16.4, are also considered compliant with and supported by CS Policies EC1, EC2, EC4, EC5, H1, ID4, ID5 and ID8.
- 16.10 The environmental benefits of the Scheme, as highlighted in paragraph 16.5, are also considered compliant with and supported by Policies SC2, TR6 and EN8 of the Core Strategy.
- 16.11 The social and overall transport benefits of the Scheme, as highlighted in paragraph 16.6, are also considered compliant with and support by CS Policies DS3, DS4, DS5, TR1, TR3, TR5, TR6 and TR7.

## **17. Justification for the Scheme**

- 17.1 A650 Hard Ings Road forms part of a strategically important route in the major development area of Airedale. The A650 is mostly dual carriageway in the north western part of the Airedale area except for a short section, Hard Ings Road, which runs between Victoria Park (Bradford Road) and Skipton Road (Beechcliffe) roundabouts at Keighley. The capacity of the current two lane single carriageway arrangement is insufficient to accommodate the current volume of traffic at peak hours. The single carriageway section is a key pinch point on a strategic section of the District's highway network and is a main cause of congestion, and not only on the main route. These long delays make it less attractive for businesses around Hard Ings Road and also in Keighley Town centre. If this Scheme is not implemented, the traffic situation will worsen in the future, particularly on longer distance journeys.
- 17.2 The lack of capacity on Hard Ings Road and associated junctions results in considerable congestion at peak times with traffic queuing on beyond both Bradford Road and Beechcliffe roundabouts. In addition to significant peak time congestion, the junctions can also suffer from considerable delays at times in particular on a Saturday with local traffic trying to access the Keighley retail park which can only be accessed from Hard Ings Road.
- 17.3 Congestion along the Hard Ings Road corridor results in increased vehicle emissions, worsening air quality and high levels of pollution. Kerbside monitoring on Hard Ings recorded

an annual mean of 33  $\mu\text{g}/\text{m}^3$  (concentration of air pollutant per cubic metre) which although below the national standard (40  $\mu\text{g}/\text{m}^3$ ) is a cause for concern if congestion levels increase along the corridor.

- 17.4 Speed records show that the average traffic speed along Hard Ings Road is in the region of 11-14mph during the AM and PM peak periods in 2014, whilst the speed limit along this section is 30mph. This highlights the level of congestion currently experienced by motorists along this single carriageway section of Hard Ings Road. As well as the constraints of the existing highway, the presence of retail warehouses, other commercial premises and residential property in the vicinity of the road and the associated traffic movements of these uses, all contribute to the level of congestion along this length of road.
- 17.5 The improvement of Hard Ings Road will increase capacity and reduce congestion on the A650 and adjacent routes. Journey time savings between the A629 dual carriageway section and the A650 Aire Valley Road (eastbound) are 42% in the morning and 52% in the evening peak period, in the opening year 2017. Journey time savings for a vehicle travelling in the opposite direction (westbound) are 35% in the morning peak and 45% in the evening peak, in the opening year.
- 17.6 The Scheme also has the potential to open up the wider area for new development and improves connectivity with other commercial centres around Keighley. The Scheme will facilitate any potential housing development in the immediate area. In the Local Plan for the District there are long term growth aspirations for housing development (approximately 4,500 dwellings within the Keighley area) and economic development to encourage investment from the digital, design, knowledge and service sectors. Keighley Town centre will see high quality mixed use development centred on the former Keighley college site, Market Hall, Cavendish Court and Cavendish Retail park.
- 17.7 Improving the A650 Hard Ings Road fulfils the primary objective of the West Yorkshire Plus Transport Fund, *'Increase employment and productivity by completion of transport schemes across West Yorkshire by improving connectivity'* and also those of the West Yorkshire Local Transport Plan, which include supporting economic growth and improved quality of life through safer walking, and cycling and reduced air pollution.
- 17.8 It is intended to start construction of the Scheme in Summer 2018. All owners and occupiers with an interest in land have been approached to ask if they would be prepared to enter into negotiations with the Council for the purchase of their interest and/or grant of the rights needed. Detailed negotiations are taking place with a number of landowners and occupiers. Nevertheless the Council has concluded that acquisition by agreement is unlikely to occur in all cases within sufficient time to ensure that the programme for the construction of the Scheme is met. To ensure the Scheme is delivered it is necessary for the Council to have access to the Order powers as a last resort.

## 18. Funding

- 17.9 The West Yorkshire plus Transport Fund (WY+TF) Programme was allocated significant levels of government funding through the Governments Growth Fund in July 2014. Growth Deals were established to provide funds to local enterprise partnerships or **LEPs** (partnerships between local authorities and businesses) for projects that benefit the local area and economy. In March 2014 the Leeds City Region LEP submitted a Strategic Economic Plan (**SEP**) which included how the proposed WY+TF programme would support economic

growth across WY and York. In July 2015 £800m million was allocated to deliver the priorities included in the WY+TF. This was allocated over a 20 year period 2015 to 2034. The Growth Fund settlement was the largest in the Country and the bid was supported by the strategic analysis demonstrating need, and then determining strategically the best value for money projects.

- 17.10 The LEP funding is held and spent by WYCA on behalf of the LEP. In short, WYCA is the vehicle through which the SEP is implemented, as well as being the statutory, publicly accountable, decision-making body. WYCA endorsed a funding strategy which added locally generated funds to establish a £1 billion Fund, as well as a mechanism to use the 20 year growth fund allocation to deliver the programme in 10 years. The WY+TF programme and funding strategy was endorsed by WYCA in December 2014 and by all District Councils (including Bradford) during early 2015. The Scheme was included as a priority within the Transport Fund programme and was allocated funding for delivery before 2021.
- 17.11 The objectives of the WY+TF were to maximise gross value added (**GVA**) benefits and ensure that at a package level carbon impacts were neutral (despite an increase in commuting from additional employment), and benefits (in terms of an increase in the number of accessible employment opportunities) were distributed across all District partners, and that accessibility benefits to residents from deprived areas were higher than the average. GVA is a measure of the local economic (monetary) value of employment, based around the types of jobs, business productivity, efficiency and ease of doing business. It is affected by transport conditions, particularly those affecting connectivity, levels of congestion and the ability to recruit workers, supply goods or services to market and the choices commuters have about where they work.
- 17.12 The WY+TF programme was developed using an objective led needs based approach. A strategic land use and transport interaction (**LUTI**) model, combined with a Regional Econometric Model of employment forecasts, was used to predict the scale and distribution of where future transport 'costs' (including the impact of road congestion, rail overcrowding and rising fares and fuel costs) would constrain the potential for employment growth.
- 17.13 That strategic spatial analysis enabled a long list of potential transport projects to be identified, as having good potential to deliver the Fund's objectives. A long list of over 120 projects was sifted into a medium list of 60. All the potential projects on that list were then tested discretely using the strategic LUTI model, and a package of prioritised projects was identified based on affordability (up to the £1 billion funding level). Each individual project. This approach was based on an early sifting and appraisal process. In order to maximise the impact on investment from within the available funding, projects were ranked based on their GVA/£ ratio. That is to say how, for each project, much local economic uplift could be expected per £ invested. Those projects with a higher GVA per £ invested ratio would offer better value in delivering and hence maximising the impact of that investment on the local economy.
- 17.14 The calculations in the GVA/£invested ratio came from the LUTI model, which calculated the wider economic impacts of improved connectivity and quantified that its overall increase the £ value of GVA. The cost of the investment were based on an estimate of the whole life costs of the project including land assembly, design, construction and maintenance.



- 17.15 The prioritised package included 33 projects, and the Hard Ings Road project was ranked at 4th best across West Yorkshire.
- 17.16 The cost of the Scheme as well as the payment of compensation to persons whose interests may be expropriated by the Council exercising compulsory purchase powers is to be met by funding through the total estimated cost of the Scheme is £10.3 million, including compensation.
- 17.17 The Scheme is currently programmed for delivery by 2019. Funding is secured within the WY+TF. Growth Deal funding is allocated to projects subject to stage gate approval mechanisms being satisfactorily achieved. Funding is available to cover all reasonable project development and delivery costs associated with this key Scheme.
- 17.18 The WY+TF Growth Deal will help to accelerate economic growth across the entire Leeds City Region by improving local transport links, accelerating housing growth and town centre regeneration, developing a skilled and flexible workforce, supporting growing businesses and building a resource-efficient City Region.

## **18 Funding**

- 18.1 The West Yorkshire plus Transport Fund (WY+TF) Programme was allocated significant levels of government funding through the Governments Growth Fund in July 2014. Growth Deals were established to provide funds to local enterprise partnerships or **LEPs** (partnerships between local authorities and businesses) for projects that benefit the local area and economy. In March 2014 the Leeds City Region LEP submitted a Strategic Economic Plan (**SEP**) which included how the proposed WY+TF programme would support economic growth across WY and York. In July 2015 £800m million was allocated to deliver the priorities included in the WY+TF. This was allocated over a 20 year period 2015 to 2034. The Growth Fund settlement was the largest in the Country and the bid was supported by the strategic analysis demonstrating need, and then determining strategically the best value for money projects.
- 18.2 The LEP funding is held and spent by WYCA on behalf of the LEP. In short, WYCA is the vehicle through which the SEP is implemented, as well as being the statutory, publicly accountable, decision-making body. WYCA endorsed a funding strategy which added locally generated funds to establish a £1 billion Fund, as well as a mechanism to use the 20 year growth fund allocation to deliver the programme in 10 years. The WY+TF programme and funding strategy was endorsed by WYCA in December 2014 and by all District Councils (including Bradford) during early 2015. The Scheme was included as a priority within the Transport Fund programme and was allocated funding for delivery before 2021.
- 18.3 The objectives of the WY+TF were to maximise gross value added (**GVA**) benefits and ensure that at a package level carbon impacts were neutral (despite an increase in commuting from additional employment), and benefits (in terms of an increase in the number of accessible employment opportunities) were distributed across all District partners, and that accessibility benefits to residents from deprived areas were higher than the average. GVA is a measure of the local economic (monetary) value of employment, based around the types of jobs, business productivity, efficiency and ease of doing business. It is affected by transport conditions, particularly those affecting connectivity, levels of congestion and the ability to recruit

workers, supply goods or services to market and the choices commuters have about where they work.

- 18.4 The WY+TF programme was developed using an objective led needs based approach. A strategic land use and transport interaction (**LUTI**) model, combined with a Regional Econometric Model of employment forecasts, was used to predict the scale and distribution of where future transport ‘costs’ (including the impact of road congestion, rail over crowding and rising fares and fuel costs) would constrain the potential for employment growth.
- 18.5 That strategic spatial analysis enabled a long list of potential transport projects to be identified, as having good potential to deliver the Fund’s objectives. A long list of over 120 projects was sifted into a medium list of 60. All the potential projects on that list were then tested discretely using the strategic LUTI model, and a package of prioritised projects was identified based on affordability (up to the £1 billion funding level). Each individual project. This approach was based on an early sifting and appraisal process. In order to maximise the impact on investment from within the available funding, projects were ranked based on their GVA/£ ratio. That is to say how, for each project, much local economic uplift could be expected per £ invested. Those projects with a higher GVA per £ invested ration would offer better value in delivering and hence maximising the impact of that investment on the local economy.
- 18.6 The calculations in the GVA/£invested ration came from the LUTI model, which calculated the wider economic impacts of improved connectivity and quantified that its overall increase the £ value of GVA. The cost of the investment were based on an estimate of the whole life costs of the project including land assembly, design, construction and maintenance.
- 18.7 The prioritised package included 33 projects, and the Hard Ings Road project was ranked at 4th best across West Yorkshire.
- 18.8 The cost of the Scheme as well as the payment of compensation to persons whose interests may be expropriated by the Council exercising compulsory purchase powers is to be met by funding through the total estimated cost of the Scheme is £10.3 million, including compensation.
- 18.9 The Scheme is currently programmed for delivery by 2019. Funding is secured within the WY+TF. Growth Deal funding is allocated to projects subject to stage gate approval mechanisms being satisfactorily achieved. Funding is available to cover all reasonable project development and delivery costs associated with this key Scheme.
- 18.10 The WY+TF Growth Deal will help to accelerate economic growth across the entire Leeds City Region by improving local transport links, accelerating housing growth and town centre regeneration, developing a skilled and flexible workforce, supporting growing businesses and building a resource-efficient City Region.

## 19. **Compulsory Purchase Order**

### **Introduction**

- 19.1 The Scheme requires the acquisition of land and rights for which the Order has been made. The Council has been and is continuing to engage in negotiations with the landowners to

purchase land and rights by agreement to ensure that all the land and rights required for the Scheme is available at the appropriate time.

19.2 The Order has been made and is to be submitted to the Secretary of State for Transport for confirmation pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981.

### **Powers under which the Order is made**

19.3 Section 239 (1) of the Highways Act 1980 states that:

“Any highway authority may acquire land required for the construction of a highway which is to be maintainable at the public expense”.

19.4 The Order is required to acquire the land and rights necessary for the construction of the Hard Ings Road highway improvements scheme and will enable acquisition of all interests in the Order Land and Order Rights (except mining interests and others specifically excluded) as stated in the Order Schedule and within the area shown coloured pink and a new permanent right over the land coloured blue on the Order Map for the purpose of facilitating the highway improvements.

19.5 The Order can only be made if there is a compelling case in the public interest. The Council after careful consideration considers that a compelling case exists.

19.6 The Order is made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 -

- Under Section 239, the Council as a local highway authority for the area may acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense, as well as any land required for the improvement of a highway;
- Under Section 240 the Council as the highway authority may acquire land required for use in connection with construction or improvement of a highway and the carrying out of a diversion or other works to watercourses;
- Under Section 246, the Council as highway authority can acquire land for the purpose of mitigating any adverse affect which the existence or use of a highway constructed or improved by them has or will have on the surroundings of the highway;
- Under Section 250 allows the Council as the highway authority to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights;
- Under Section 260 allows the Council as highway authority to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order.

19.7 Confirmation and the subsequent operation of the Order will enable acquisition of all interests in the Order Land (except mining interests and others specifically excluded) as stated in the Order Schedule and within the area shown coloured pink and new rights over the land coloured blue on the Order Map for the purpose of facilitating the Scheme.

### **The Order Land**

- 19.8 The Order Land is required to carry out the construction and maintenance of the Scheme together with associated works (including mitigation measures).

### **The Order Land Requirements**

- 19.9 The Order Land covers an area of 9,904 square metres in total and is shown on the Order Map. The boundaries of the Order Land include areas of land and property interests that are required to enable the Scheme to be implemented.
- 19.10 In addition to the acquisition of land and rights needed for the construction of the Scheme, the Order authorises the Council to acquire rights over additional land. Land required temporarily during the construction period will if possible be obtained under licence by agreement and title to the land would not be required.
- 19.11 It is intended to start construction of the Scheme in Spring 2018. All owners and occupiers with an interest in land and who have been able to be contacted, have been approached to ask if they would be prepared to enter into negotiations with the Council for the purchase of their interest and/or grant of any rights needed. Detailed negotiations are taking place with a number of landowners and occupiers. Nevertheless the Council has concluded that acquisition by agreement is unlikely to occur in all cases within sufficient time to ensure that the programme for the construction of the Scheme is met.
- 19.12 To ensure the Scheme is delivered, it is necessary for the Council to rely on the use of compulsory purchase powers as a last resort.
- 19.13 Full details of the Order Land appear in the Order Schedule. Details of known interests and the new right to be acquired are recorded in the Order Schedule.
- 19.14 The Order Schedule includes the last known and present occupiers of interests within the Order Land and has been prepared after diligent enquiry and upon information gained through Land Registry title document, owner land questionnaires, site inspection, notices and information provided by the public. The Order Map shows the individual parcels of land and the extent of the Order Land.
- 19.15 Interests set out in Table 2 of the Order Schedule comprise persons who do not have an interest in the Order Land itself. Inclusion of an interest in the Order Schedule does not constitute any admission by the Council of liability to pay compensation and any party seeking to make a claim under Section 10: Compulsory Purchase Act 1965 will be required to prove their claim, with each case being dealt with on the particular merits.
- 19.16 In preparing the Order the Council has had regard to the distance limits prescribed in Section 249 of and Schedule 18 to the Highways Act 1980 and the Order covers all outstanding land requirements to complete the Scheme.

### **The need for compulsory purchase**

- 19.17 The Council has given careful consideration to the need to include each parcel of land shown on the Order Map.

- 19.18 In particular, the Council is satisfied that the Order is required for the purposes of site assembly to facilitate delivery of the Scheme and that the Side Roads Order is equally necessary to alter highways affected by the Order
- 19.19 The Council will continue to ensure that all reasonable attempts are made to acquire the Order Land by agreement and the Council remains engaged in discussions with affected parties, in parallel with the compulsory purchase process. These efforts are ongoing as the Council is actively progressing technical solutions with particularly affected landowners to ensure the impact on businesses is minimised wherever possible. This approach of making the Order and in parallel, conducting negotiations to acquire land by agreement is designed to facilitate delivery of the Scheme and is in accordance with Government guidance.

### **Order Land, Order Rights to be acquired summary of current negotiations**

- 19.20 Set out below is a description of the Plots of land contained in the Order Land and Order Rights and a summary of the status of negotiations.
- 19.21 **Plots 1, 2, 3 and 4 - Department of Transport/Highways England.**

The freehold estate in the parcels of land comprised in Plots 1, 2, 3 and 4 are all registered at HM Land Registry in the name of the Secretary of State for Transport. The land in these Plots forms part of the existing highway and up to 2007 had been maintained by Highways England (formerly the “Highways Agency”). In 2007 the highway was de-trunked and responsibility for the upkeep and maintenance transferred to the Council, in its separate capacity as local highway authority.

As a direct result of the highways being de-trunked, the freehold estate in the land forming the existing highway automatically became vested in the Council pursuant to Section 265 of the Highways Act 1980.

Whilst Highways England is taking steps to change the Register to show that the Council now owns the land, the Register at HM Land Registry still shows the Secretary of State for Transport as having a purported interest in the land and therefore permission has been obtained from Highways England, acting for the Secretary of State for Transport, for the land to be included in the Order in the event that the Council may need to rely on the use of compulsory purchase powers to ensure that there are no impediments to the proper implementation of the Scheme.

### **19.22 Plot 5**

This Plot comprises part of a boundary wall and part of a car park in front of Keighley Cricket Club. The boundary wall will be removed and replaced with a retaining wall and parapet wall adjacent to the embankment to the proposed road widening.

Only part of the Plot needs to be acquired for land for the retaining wall and parapet wall. The remainder of the land is required for essential working space and for re-surfacing and re-grading the car park.

The owner of this Plot has been contacted to open up negotiations and several meetings have

subsequently taken place with either the owner or its appointed surveyor. An offer has been made and a response to various queries regarding the Scheme has been provided. Negotiations are on-going and the Council is optimistic that an agreement may be reached in the near future.

#### 19.23 **Plot 6**

This Plot comprises part of a boundary wall, part of a car park and a private means of access to Keighley Cricket Club and Keighley Cougars Rugby League Football Club. The boundary wall will be removed and replaced with a retaining wall and parapet wall adjacent to the embankment to the proposed road widening.

Part of the Plot needs to be acquired permanently to construct a retaining wall and parapet wall, and to modify and regrade the existing private means of access. The remainder of the Plot is required temporarily for essential working space to construct the retaining wall/boundary wall and for re-surfacing and re-grading the car park.

The owner and occupiers of this Plot have appointed a surveyor to negotiate the sale of their land interests. A purchase price has provisionally been agreed with all organisations.

#### 19.24 **Plot 7**

This Plot comprises a grass verge adjacent to a petrol filling station, together with a private means of access and egress (to and from the petrol filling station). Part of the Plot is required permanently to facilitate the widened highway. The remaining area is required temporarily for essential working space to construct the works, modify the existing private means of access, and re-locate totem signage.

The owners of this Plot have been contacted to open up negotiations and several meetings have taken place. The owner has appointed a surveyor to take forward negotiations and an offer has been made. Negotiations are on-going in relation to the acquisition of the land.

#### 19.25 **Plot 8**

This Plot comprises surfaced land adjacent to the emergency exit to Keighley Cougars Rugby League Football Club. Part of the Plot is required to facilitate the road widening. The remaining part is required temporarily for essential working space to construct the Scheme.

This Plot is being dealt with alongside Plot 6 above. A purchase price has provisionally been agreed.

#### 19.26 **Plot 9**

The freehold estate in this is Plot is believed to be owned by Mr Tariq Ghafoor (trading as “Hard Ings Motor Company”)

This Plot comprises a car-sales forecourt which forms part of a motor dealership business. Only part of the site will need to be acquired permanently (the forecourt), to facilitate the road widening. The remainder is required temporarily to modify, relocate an existing private means of access, regrade the forecourt and for essential working space to construct the

works

Mr Tariq Ghafoor has been contacted to open negotiations and a meeting has taken place to discuss the possible acquisition of the land and accommodation works. Mr Ghafoor has appointed a surveyor to take forward negotiations and an offer to acquire the land needed and to agree terms for a licence to enter the Plot have been made.

Mr Ghafoor has objected to the Order (**see Appendix 7**)

Details of the objection and a summary response by the Council are set out in **Appendix 8** to this Statement.

#### 19.27 **Plots 10 & 11**

These Plots comprise part of a car park, forecourt and vehicular entrance area together with an advertising hoarding at Coronation Business Centre. United Carpets occupy the first unit immediately adjacent to the existing highway. Part of the Plot is required to facilitate the widened highway. The remainder is required to modify, relocate and re-grade an existing private means of access and re-locate an advertising hoarding, together with essential working space.

The owner and occupiers of these Plots have been contacted to open up negotiations and meetings have taken place. The owner has appointed a surveyor to take forward negotiations and an offer has been made. The occupier has also received an offer. Negotiations are ongoing in relation to the acquisition of the interests.

#### 19.28 **Plot 12**

The freehold estate in this Plot is believed to be owned and occupied by Fibreline Limited , trading as “Fibreline”.

The Plot comprises a raised grass bed with retaining wall, together with vehicular entrance and car parking area. The land comprising the Plot has office accommodation (which is part of larger industrial/manufacturing premises), which fronts onto Hard Ings Road. Due to a change in levels at this location, the car park and Fibreline premises are at a lower level than the adjacent highway. Only part of the site (the raised grass bed area together with pedestrian and vehicular entrance areas) is required permanently for the Scheme, both to widen the highway and to construct a new retaining wall and parapet wall. The remainder of the Plot is required temporarily for essential working space and to modify and re-grade the existing private means of access.

Fibreline Limited has been contacted to open up negotiations. The Company has appointed a surveyor to negotiate the sale of its interests and an offer has been made. The Council is seeking to agree a programme of accommodation works and negotiations are ongoing in relation to the acquisition of the land.

An objection to the Order has been received from Fibreline Limited (**see Appendix 5**).

Details of the objection and a summary response by the Council are set out in **Appendix 6** to

this Statement.

In addition to this, two further letters have been received by the Council, via Solicitors acting for Fireline Limited. Both these letters express concern regarding the access arrangements to the Fibreline premises during the period that the Scheme is being constructed. The first letter requested a schedule of accommodation works detailing how access to Fibreline from Hard Ings Road can be maintained at all times. The Council has produced schedules incorporating a widened entrance off Hard Ings Road and two possible options for a modified visitor car park at Fibreline. The Council has asked Fibreline to give feedback on these car park options. A temporary access off Royd Ings Avenue was also suggested by the Council as an alternative means of access.

The second letter requested drawings indicating the swept path for HGV access during the construction phase and expressed the view that HGV access from Royd Ings Avenue is not achievable, however, the owner would be open to discussing works to access the site from Royd Ings Avenue if the Council have produced any plans. The Council have produced swept path analysis drawings for the widened entrance for both car park options. The Council has again requested feedback on both car park options to allow more detailed designs to progress. The Council have also asked Fibreline for the opportunity to discuss how they currently use the site, and if there is the potential/feasibility of providing an access for HGV's off Royd Ings Avenue.

#### 19.29 **Plot 13**

This Plot is a small 'triangle' of land at the entrance to the Ambulance Station (see Plot 14). This land is not registered and is included in the Order as a precautionary measure due to possible unknown interests that might fetter or frustrate the Scheme. The Plot is required in its entirety to facilitate the road widening.

#### 19.30 **Plot 14**

This Plot forms part of a landscaped area and vehicular entrance fronting an Ambulance Station. Only part of the plot is required permanently for the road widening. The remainder of the Plot is required for essential working space and to modify the existing private means of access, re-grade a landscape area, re-build a boundary wall and to construct a new access into the adjacent allotment gardens, off a private road.

The owner of this plot has appointed a surveyor to negotiate the sale of its land interests. Several meetings have taken place and a programme of accommodation works have been discussed. A formal offer has been made and negotiations are ongoing in relation to the acquisition of the land.

#### 19.31 **Additional Land - Keighley Town Council Allotment Gardens.**

The land currently comprises allotment gardens which are owned and managed by Keighley Town Council.

Only part of the site (one allotment plot) is required for the proposed road widening and construction of a retaining boundary and parapet wall. On the 13<sup>th</sup> April 2017, the Council acquired the land needed for the highway construction works and has made arrangements



with the Town Council to enter the allotment site to facilitate the Scheme, which will also include work to provide a new private means of access off a private road leading to the adjoining Ambulance Station.

#### 19.32 **In general –**

19.33 The Council will continue to work with all potentially affected owners and occupiers to ensure that the impact of the Scheme on residential and business premises and operations will be mitigated as much as is reasonably possible.

19.32 The Council and its contractor will ensure that a communication strategy is in place before and during the highway works. This will name specific people who will be responsible in liaising with residents and businesses throughout this period.

19.33 Typical measures that will be discussed with stakeholders and other affected third parties will include –

- Retaining vehicular access for servicing and deliveries
- Temporary signage/advertising;
- Keeping temporary road closures to a reasonable minimum;
- Retaining pedestrian access.

19.34 Matters of compensation are governed by the national compensation code as applied to the Orders and set out in a series of enactments including in particular, the Land Compensation Act 1961, Land Compensation Act 1973, Compulsory Purchase Act 1965, Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004. Disputes as to the level of compensation may be referred to the Upper Tribunal (Lands Chamber) for determination.

19.35 Every effort has been made and will continue to be made to acquire the land and rights required for the Scheme by agreement, whilst the Orders are being promoted.

#### **20. Side Roads Order**

20.1 The Council has also made a Side Roads Order under Sections 14 and 125 of the Highways Act 1980 and if confirmed it will enable the Council to carry out alterations to highways affected by the Scheme. The impact of the Scheme will result mainly in the stopping up and provision of new means of access to premises. All stopped up private means of access will either be provided with a reasonably convenient and commodious alternative means of access, unless there is no need for an alternative access to be provided. The Side Roads Order is about to be submitted to the Secretary of State for confirmation.

20.2 The full title of the Side Roads Order published under the Highways Act 1980 is-

The City of Bradford Metropolitan District Council (Hard Ings Road Improvement, Keighley) (Side Roads) Order 2017.

A copy of the Side Roads Order plan (**Plan 4**) is appended hereto as **Appendix 4**, which

shows the extent to which it is necessary to carry out works to existing and potential private means of access to properties that are likely to be affected by the Scheme.

### **The need for the Side Roads Order**

- 20.3 The Side Roads Order will subject to confirmation of the Secretary of State empower the Council to stop up existing private means of access affected by the Scheme and to create new private means of access as a consequence of the main Scheme works.

### **The Need for Side Roads Alterations**

- 20.4 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are detailed in the Schedule attached to the Side Roads Order and shown diagrammatically on the Side Roads Order plan.
- 20.5 The Scheme will require alteration and replacement of private means of accesses and the Side Roads Order implements these alterations.
- 20.6 The Side Roads Order and the necessary changes to the highways affected by the Order is an integral part of the proposed construction of the Scheme, which is designed to relieve traffic congestion.

### **21 Papers in support of the Compulsory Purchase Order**

The following is a list of documents that have been relied upon as reference papers in the preparation of this Statement and which the Council may refer to or put in evidence at the Public Inquiry.

- 21.1.1 Report of Strategic Director (Regeneration) to the Executive of the City of Bradford Metropolitan District Council dated 9<sup>th</sup> October 2012.
- 21.1.2 Decision Notice of the Executive of the City of Bradford Metropolitan District Council dated 9<sup>th</sup> October 2012.
- 21.1.3 Report of Strategic Director (Regeneration) to the Executive of the City of Bradford Metropolitan District Council dated 12<sup>th</sup> March 2013.
- 21.1.4 Decision Notice of the Executive of the City of Bradford Metropolitan District Council dated 12<sup>th</sup> March 2013.
- 21.1.5 Report of Strategic Director (Regeneration) to the Executive of the City of Bradford Metropolitan District Council dated 21<sup>st</sup> July 2015.
- 21.1.6 Decision Notice of the Executive of the City of Bradford Metropolitan District Council dated 21<sup>st</sup> July 2015.
- 21.1.7 Report of Strategic Director (Regeneration) to the Executive of the City of Bradford Metropolitan District Council dated 12<sup>th</sup> January 2016.
- 21.1.8 Decision Notice of the Executive of the City of Bradford Metropolitan District Council dated 12<sup>th</sup> January 2016.
- 21.1.9 Report of Strategic Director (Regeneration) to the Executive of the City of Bradford Metropolitan District Council dated 14<sup>th</sup> June 2016.
- 21.1.10 Decision Notice of the Executive of the City of Bradford Metropolitan District Council dated 14<sup>th</sup> June 2016.
- 21.1.11 Report of Strategic Director (Regeneration) to the Executive of the City of Bradford Metropolitan District Council dated 7<sup>th</sup> March 2017.

- 21.1.12 Decision Notice of the Executive of the City of Bradford Metropolitan District Council dated 7<sup>th</sup> March 2017.
- 21.1.13 The City of Bradford Metropolitan District Council (A650 Hard Ings Road Improvement Scheme, Keighley) Compulsory Purchase Order 2017.
- 21.1.14 The Order Map referred to in the City of Bradford Metropolitan District Council (A650 Hard Ings Road Improvement Scheme, Keighley) Compulsory Purchase order 2017.
- 21.1.15 The City of Bradford Metropolitan District Council (A650 Hard Ings Road Improvement, Keighley) (Side Roads) Order 2017.
- 21.1.16 The Order Plan referred to in the City of Bradford Metropolitan District Council (A650 Hard Ings Road Improvement, Keighley) (Side Roads) Order 2017.
- 21.1.17 West Yorkshire Plus Transport Fund website.
- 21.1.18 Department for Transport overseeing organisation, Highways England, standards and advice notes contained in the Design Manual for Roads and Bridges (introduced 1992).
- 21.1.19 West Yorkshire Local Transport Plan 3 (updated October 2012).
- 21.1.20 West Yorkshire Combined Authority Gateway 1 Review (published 2015).
- 21.1.21 Local Transport Plan 3 - Bradford MDC approved 24<sup>th</sup> June 2011
- 21.1.22 Local Government Associations Considerate Constructor Scheme (published 2011).
- 21.1.23 Quants Environmental Limited : Ecological Appraisal (Hard Ings Road, Keighley) (published 2017).
- 21.1.24 DEFRA Local Air Quality Management, Technical Guidance (published 2009).
- 21.1.25 Bradford MDC Air Quality Assessment (Hard Ings Road, Keighley) (published 2016).
- 21.1.26 Department of Transport (Welsh Office) Calculation of Road Traffic Noise (published 1988).
- 21.1.27 Hard Ings Road, Keighley – before and after noise calculation (published by Leeds City Council 2017)
- 21.1.28 Noise and Vibration Assessment at Fibreline, Hard Ings Road, Keighley (published by Leeds City Council 2016).
- 21.1.29 The National Planning Policy Framework (published March 2012).
- 21.1.30 Bradford MDC Local Infrastructure Plan (2016 update).
- 21.1.31 Bradford MDC Core Strategy Development Plan (2014).
- 21.1.32 Bradford MDC Unitary Development Plan (October 2005).
- 21.1.33 Bradford MDC Equality and Diversity Statement (published 2016).
- 21.1.34 West Yorkshire Transport Strategy, Integrated Sustainability Assessment (2016).
- 21.1.35 Bradford MDC Equality Impact Assessment (Hard Ings Road, Keighley) (published 2017).
- 21.1.36 Gray Scanlan Hill, Chartered Building Surveyors : Daylight Amenity Impact Assessment Report (published 2016).
- 21.1.37 Counter Context Consultation Report (published 2016).

Copies of the documents along with copies of the Order, Order Map, the Statement of Reasons and this Statement are available for inspection upon request to Richard Bruce, Principal Engineer, Highway Services or Carole Yeadon, Senior Engineer, Highway Services on Tel No's: 01274 437616 and 01274 435723 respectively,

or by e-mail to [hardingsroad@bradford.gov.uk](mailto:hardingsroad@bradford.gov.uk);

or by post to City of Bradford Metropolitan District Council, Planning, Transportation and Highways Service, Highway Services, 4<sup>th</sup> Floor, Britannia House, Broadway, Bradford BD1 1HX (marked for the attention of Carole Yeadon).

and shall remain available for inspection until the close of the Public Inquiry.

The documents can also be viewed on the Council's website at -

<https://www.bradford.gov.uk/transport-and-travel/major-highways-schemes/hard-ings-road-improvement-scheme>

21.2 The Council reserves right to add to the list of documents being relied upon.

## **22. The Mining Code**

22.1 It is not proposed in the Order to reserve powers to acquire any minerals or mineral rights and therefore the Order will incorporate Parts II and III of Schedule 2 to the Acquisition of Land Act 1981, subject to a modification that references in that said Parts II and II to the undertaking are to be construed as a reference to the works to be constructed on the land authorised to be purchased.

## **23. Special Considerations**

23.1 The Order Land does not contain any listed buildings nor Ancient Monuments. The Order Land is not in a Conservation Area and as such no special considerations apply.

## **24. Associated Orders**

24.1 Traffic regulation orders pursuant to the Road Traffic Regulation Act 1984 are required to impose waiting restrictions and restricted turns at Hard Ings Road. As part of the wider consultation that ran from 12th September 2016 until 7<sup>th</sup> October 2016 with local residents, businesses and statutory consultees, reference was made to the Orders. A decision as to whether or not to make the traffic regulation orders and subsequent formal consultation will be made dependent upon the progress of both the Order and Side Roads Order. Additional traffic regulation orders will also be made as necessary.

24.2 There are no other statutory orders associated with the promotion of this Order.

## **25. Compulsory Purchase Compensation**

25.1 Provision is made by statute with regard to compensation for the compulsory purchase of land and the depreciation in the value of affected properties. More information is given in the series of Booklets published by the Department of Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:

Booklet No 1 -Compulsory Purchase Procedure

Booklet No 2 -Compensation to Business Owners and Occupiers

Booklet No 3 -Compensation to Agricultural Owners and Occupiers

Booklet No 4 -Compensation to Residential Owners and Occupiers

Booklet No 5 -Reducing the Effect of Public Development: Mitigation Works.

Copies of these Booklets are obtainable free of charge from –

Communities and Local Government Publications  
PO Box 236

## **26. Human Rights**

26.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ('the Convention'). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

26.2 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way that is incompatible with the European Convention of Human Rights and Fundamental Freedoms 1950 ('the Convention').

26.3 Various Convention rights may be affected by the process of making and considering the Order including those under Articles 6, 8 and 14 of the Convention and Article 1 of the First Protocol. Each of these rights are qualified rights and may be interfered with provided such interference is prescribed by law, is pursuant to a legitimate aim, is necessary in a democratic society and is proportionate. The Council is conscious of the need to strike a balance between the right of the individual and the interests of the public.

26.4 The Orders have the potential to infringe the human rights of persons who own property in the Order Land. However, such an infringement is authorised by law provided –

the statutory procedures for obtaining the Orders are followed and there is a compelling case in the public interest for the Orders to be confirmed and brought into operation; and

any intervention with the Convention right is proportionate to the legitimate aim served.

26.5 In coming to the conclusion that there is a compelling case in the public interest to make the Order the Council has had due regard to Article 1 of the First Protocol (the right to peaceful enjoyment of possessions including property, and prevents persons from being deprived of their possessions except in the public interest and subject to relevant national and international laws), Article 8 (protection of private and family life), Article 6 (entitlement to a fair and public hearing by an independent and impartial tribunal) and Article 14 (the right to enjoy rights and freedoms free from discrimination).

26.6 The following Articles of the Convention are relevant to the determination as to whether the Order should be confirmed –

Article 1 of the First Protocol - protects the right to peaceful enjoyment of possessions, including property. This protection does not diminish the right of the Council to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The European Court of Human Rights has recognised, in the context of Article 1 that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole." The Council recognises that powers of compulsory purchase must be exercised proportionately. Both public and private interests must be taken into account in the exercise of the Council's powers and duties as a local authority and no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. As with Article 8 below, any interference with possessions must be proportionate and in determining whether a particular

measure is proportionate a fair balance must be struck between the public benefit sought and the interference with the rights in question.

Article 6 - protects a person's entitlement to a fair and public hearing in the determination of the civil and political rights. The Council is of the view that the statutory procedures relating to the making of the Order taken with the right to object to the Order and the opportunity to seek judicial review of a confirmed Order satisfies the requirement of Article 6.

Article 8 - similarly, any interference with Article 8 rights (the right to respect for private and family life and home) must be "necessary in a democratic society" and should also be exercised proportionately. In promoting the Order the Council has considered carefully the balance to be struck between individual rights and the wider public interest and is satisfied that such interferences as may occur as a result of the Orders are in accordance with the law, pursue a legitimate aim and are proportionate, having regard to the public interest and to the public benefit which will be achieved by the implementation of the Scheme.

Article 14 - prohibits discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, in relation to the enjoyment of all of the rights and freedoms protected by the Convention. In exercising its statutory powers in relation to the Order the council has had due regard for Article 14.

- 26.7 In processing the Orders, the Council has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the Orders and have their representations considered at a public inquiry. The land and rights needed to be acquired to facilitate the Scheme including interference with private property rights has been kept to the minimum necessary to carry out the much needed highway improvements and associated mitigation measures. The public interest can only be safeguarded by the acquisition of the land and rights needed and other ancillary measures but will not place a disproportionate burden on affected landowners.
- 26.8 The Council believes that the Scheme is in the public interest and that this outweighs the harm caused by the use of compulsory purchase powers to acquire and interfere with third party land and rights needed for the Scheme and that any interference with rights protected by the Convention is considered to be justifiable in order to secure the public benefits that the Scheme will bring to the community.
- 26.9 The Council therefore affirms that in the preparation and submission of the Orders to the Secretary of State for Transport for confirmation, the Council has had regard to the rights of the individual and property of the individual as contained in Human Rights legislation and contests that any interference with private rights of the individual is outweighed by the public benefits which the scheme would generate.

## **27. Public Sector Equality Statement**

- 27.1 In formulating and promoting the Orders, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 and in particular, to its obligations under sections 149 and 150 of the said Act, in taking into account the differential impact the Orders will have on various groups of persons with different characteristics and has done so by reference to the Council's preparation of the Council's "Equality and Diversity Statement",

West Yorkshire 2016 “Transport Strategy, Integrated Sustainability Assessment” and the Council’s “Hard Ings Road Equality Impact Assessment”.

## **28. Objections**

28.1 As indicated above, 2 no objections have been received by the Secretary of State for Transport in respect of the Orders as follows -

28.1.1 - Fibreline Limited in respect of premises known as and situate at Victoria Park Mills, Hard Ings Road, Keighley, West Yorkshire BD21 3ND submitted on behalf of Fibreline Limited by Walker Morris LLP whose office is situate at Kings Court, No 12 Kings Street, Leeds LS1 2HL

28.1.2. – Mr Tariq Ghafoor trading as “Hard Ings Motor Company”, situate off Hard Ings Road, Keighley, West Yorkshire, submitted on behalf of Mr Tariq Ghafoor by Gateley Hamer Limited whose office is situate at One Eleven, Edmund Street, Birmingham B3 2HJ

28.2 The Council has considered the letters of objection and remains satisfied as to the justification of the Orders and the extent of the Order Land.

28.3 The points of objection by Fibreline Limited are set out in **Appendix 5** and the Council’s summary response to this objection is contained in **Appendix 6**

28.4 The points of objection by Mr Tariq Ghafoor are set out in **Appendix 7** to this Statement and the Councils’ summary response to this objection is contained in **Appendix 8**.

28.5 The Council will present evidence at the Public Inquiry to substantiate its responses to the individual objections.

## **29. Conclusion.**

29.1 The Council is promoting –

The City of Bradford Metropolitan District Council (Hard Ings Road Improvement Scheme, Keighley) Compulsory Purchase Order 2017, so as to secure the much needed highway improvement Scheme and is supported by –

The City of Bradford Metropolitan District Council (Hard Ings Road Improvement, Keighley) (Side Roads) Order 2017, to enable related highway measures to be undertaken in support of and as a direct consequence of the proposed highway improvements to Hard Ings Road, Keighley.

29.2 Confirmation of the Orders would enable the implementation of the highway improvements and associated landscaping.

29.3 The Scheme is of central importance to the enhancement of the highway network and

connectivity within Keighley and the wider area.

- 29.4 It is expected that the Scheme will act as a driver for further economic activity, boosting prosperity in Keighley.
- 29.5 In the event that the Orders are confirmed by the Secretary of State for Transport it should be noted that there are no barriers to the implementation of the Scheme, funding for the Scheme is in place and there are no planning obstacles to prevent the Scheme being implemented.
- 29.6 If however this opportunity to secure the much needed highway improvements is not taken, the funding to acquire the Order Land and to implement the Scheme may well be lost and the Council would not in such circumstances be in a position to achieve the desired objectives to improve the highway network connectivity and free flow of traffic and pedestrians in the vicinity of the proposed highway Scheme
- 29.7 It will be evident that the Council considers that it has advanced a compelling case in the public interest for the compulsory acquisition of all of the Order Land to support the Scheme.
- 29.8 Negotiations have taken place and shall continue with those holding remaining land interests, in order to achieve the maximum possible permissions and land take by way of voluntary agreement.
- 28.9 The Council is satisfied that the Orders have been promoted in the public interest and that it is fully compliant with the strategic planning and corporate policy planning and highway frameworks of the Council.
- 29.10 Moreover, the Council considers that the Order and the Side Roads Order, if confirmed, would strike an appropriate balance between public and private interests. The rights of owners of interests in the Order Land under the Human Rights Act 1998 (including the rights contained in Article 8 and Article 1 of the First Protocol) have been taken into account by the Council when considering whether to make the Order and when considering the extent of the interests to be comprised in the Order. In addition and having regard to the provisions of the Highways Act 1980 and Government guidance, the Council considers that the acquisition of the Order Land will facilitate the carrying out of the Scheme and the implementation of the Side Roads Order and will bring about and achieve the desired objectives of the Scheme.
- 29.11 Accordingly, the Council contends that it has advanced a compelling case in the public interest in promoting the Orders and that the Orders, if confirmed, would strike an appropriate balance between public and private interests.
- 29.12 The Secretary of State for Transport is therefore respectfully invited to confirm the Orders.

Dated this 15<sup>th</sup> August 2017

Parveen Akhtar



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