

Proof of Evidence (Evidence in Chief)
20 December 2017

**THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL (A650 HARD INGS
ROAD IMPROVEMENT, KEIGHLEY) COMPULSORY PURCHASE ORDER 2017**

**THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL (A650 HARD INGS
ROAD IMPROVEMENT, KEIGHLEY) (SIDE ROADS) ORDER 2017**

**THE HIGHWAYS ACT 1980
-and-
THE ACQUISITION OF LAND ACT 1981**

**THE HIGHWAYS (INQUIRIES PROCEDURE) RULES 1994
COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007**

National Transport Casework Team (REFERENCE: NATTRAN/YH/LAO/130)

In the matter of

**a highway improvement scheme involving highway alterations to facilitate 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, Bradford in the
County of West Yorkshire**

Proof of Evidence of:

**Kathryn Okell MRICS
Associate Partner, Axis Property Consultancy**

**presented as evidence in chief
on behalf of
The City of Bradford Metropolitan District Council**

to

Local Public Inquiry – 30th January 2018

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1.0 Introduction and Scope of Evidence

1.1 I have been instructed by The City of Bradford Metropolitan District Council (CBMDC) to provide evidence in respect of the proposed compulsory purchase of land under The City Of Bradford Metropolitan District Council (A650 Hard Ings Road Improvement, Keighley) Compulsory Purchase Order 2017 (the 'CPO') and The City Of Bradford Metropolitan District Council (A650 Hard Ings Road Improvement, Keighley) (Side Roads) Order 2017 (the 'SRO').

1.2 My evidence concerns Land and Property matters arising from the proposed Hard Ings Road improvement scheme (the 'Scheme'). Evidence dealing with other issues raised by objectors specifically in relation to policy and justification, engineering, noise and vibration, light, and funding has been dealt with by other witnesses for CBMDC within their own Proofs of Evidence.

1.3 My Statement of Evidence is set out as follows:

Section 1 – sets out the Introduction and content of my statement of evidence

Section 2 – details my qualifications and experience

Section 3 – provides background information to the Scheme

Section 4 – describes the Order Land.

Section 5 – outlines the efforts that have been made to acquire the Order land by agreement.

Section 6 – summarises and responds to the objections.

Section 7 – demonstrates how I believe that the requirements of the Guidance on Compulsory Purchase Process and The Crichel Down Rules for the disposal of Surplus Land Acquired by, or under the threat of, Compulsory Acquisition (October 2015) ('the CPO Guidance') are met.

Section 8 - contains my summary and conclusions that the land included in the Order is required for the delivery of the Scheme and that reasonable attempts have been made to acquire the land by agreement.

Section 9 – contains my declaration.

2.0 Name and Qualifications

2.1 My name is Kathryn Louise Okell BSc (Hons) MSc MRICS.

2.2 I was elected a Member of the Royal Institution of Chartered Surveyors (General Practice Division) in 2007 and am a Registered Valuer.

2.3 I am an Associate Partner at Axis Property Consultancy LLP and have held this position since 2015. Prior to this, I was an Associate Director at Lambert Smith Hampton (LSH) (2011- 2015), a Senior Surveyor (2009-2011), Surveyor (2007-2009) and Graduate Surveyor (2005-2007). Throughout my employment I have specialised in the field of valuation with a focus on land acquisition and compulsory purchase and compensation.

2.4 I provide advice to both local authorities and claimants on land assembly, the use of compulsory purchase powers and Compulsory Purchase Order (CPO) process and the assessment of compensation for parties affected. I currently advise:

- The City of Bradford Metropolitan District Council (CBMDC) in relation to the compulsory acquisition and negotiation of compensation claims at Greengates, Bradford.
- South Yorkshire Passenger Transport Executive (SYLTE) in relation to the assessment of compensation relating to the compulsory acquisition of Park and Ride premises in Doncaster.
- Transport for Greater Manchester (TfGM) in relation to the assessment and negotiation of compensation claims arising from Metrolink Phase 3 and Bolton Ground Transport Interchange.
- Halton Borough Council (HBC) in relation to the assessment and negotiation of compensation claims arising from the development of Castlefields Shopping Centre.

- Manchester Airport Group (MAG) in relation to the acquisition of land at Airport City.
 - Private Claimants affected by various CPOs including for example, HS2.
- 2.5 This work has involved the inspection, valuation and negotiation of a number of different types of compensation claims which have arisen as a consequence of the development of infrastructure or regeneration schemes underpinned by a CPO. The claims have included but not been limited to: compensation for land taken; injurious affection; disturbance (including business extinguishment) and 'Section 10' claims (claims where no land is taken).
- 2.6 Axis Property Consultancy ('Axis') was appointed as a sub-contractor to LSH to provide land assembly, CPO and compensation advice to CBMDC (the 'Acquiring Authority') in 2015. Our instructions were to acquire, on its behalf, the property interests and rights necessary for the proposed Hard Ings Road Improvement Scheme. This instruction included establishing contact with landowners and negotiating for the acquisition of their land/interest by agreement and providing strategic compulsory purchase advice.
- 2.7 Since the CPO was made, our remit has also included liaising with those objectors from whom CBMDC is seeking to acquire legal interests and rights with the aim of resolving the objectors' issues and securing the removal of their objections.
- 2.8 The purpose of my proof is to:-
- show the efforts that have been made by the Acquiring Authority and their agents in seeking to achieve negotiated settlements in respect of the proposed acquisitions for the scheme prior to the application for a Compulsory Purchase Order;
 - detail how the Acquiring Authority has sought to satisfy the CPO Guidance on the use of compulsory purchase powers;
 - discuss the objections and the efforts that have been undertaken to remove them.

2.9 I will refer to documentation that has been sent to claimants, as well as detailing meetings and correspondence that have taken place as part of the effort to reach agreement.

2.10 As negotiations will continue beyond the submission of my Proof of Evidence, I will provide an update on progress in respect of all outstanding objections at the Inquiry.

3.0 Background to the Scheme

3.1 The background to the Scheme is outlined in the Proof of Evidence prepared by Mr Richard Bruce, Principal Engineer at the Council. This proof of Evidence provides:-

- A description of the land
- An overview of the proposed Scheme
- Explanation as to why the Scheme is needed
- Details of the aims and objectives of the Scheme

3.2 As these are all matters covered in some detail within Mr. Bruce's evidence, I do not provide any further commentary on the Background to the Scheme.

3.3 The Side Roads Order (SRO) was made on 11 April 2017. The Compulsory Purchase Order (CPO) was made on 13 April 2017.

4. Description of The Order Land

4.1 Details of the land and interests to be acquired are set out in the Order Schedule and are shown shaded pink on the Order Map which accompanies it (see Core Document 2).

4.2 The majority of the land contained in the Order is shown coloured pink on the Order Map 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 and is therefore together shown as one Plot of land coloured pink. Where this occurs, the Council is seeking to only acquire that part of

the land needed for construction purposes; land required temporarily during the construction period will, if possible, be obtained under licence by agreement. Nevertheless this land is included in the Order coloured pink in the hope that it will not prove necessary as a last resort to rely on the use of compulsory purchase powers to acquire the whole of the land.

4.3 A summary of why it is necessary to acquire the Order Land, together with a description of the Order Land itself is set out in Mr Bruce's Expert Report (Section 11.2). Nevertheless it can broadly be described as comprising land adjoining commercial properties or recreational sports clubs, which is used for car parking, circulation space, grass verge or landscaping. Some of the land comprises private means of accesses and there is also a section of steep embankment abutting the existing highway.

4.4 Current occupiers of the Order Land are Keighley Cricket Club, Keighley Cougars Rugby League Football Club, a Petrol Filling Station owned by The Kay Group, Hard Ings Motor Company, Coronation Business Centre including United Carpets, Fibreline and Yorkshire Ambulance Services.

5. Efforts to Acquire by Agreement

5.1 Axis were instructed by CBMDC in November 2015 to make contact with all land owners and occupiers affected by the proposed Scheme. The purpose of this exercise was to invite the owners and occupiers to enter into negotiations with a view to agreeing acquisitions of their respective interests on a voluntary basis.

5.2 In response to the instruction, Axis sent out introductory letters during December 2015, asking people to contact the writer to arrange a meeting to discuss the Council's proposals for a road improvement scheme. This correspondence was followed by a similar letter in January 2016 to those who had not responded.

5.3 In the subsequent months, meetings took place with affected landowners and occupiers whereby Axis, together with Council Officers, explained the Council's intention to improve Hard Ings Road, and its desire to seek agreement to purchase the land and property interest that would be required to deliver the Scheme.

- 5.4 Since these initial meetings, Axis has continued dialogue with affected landowners and occupiers and where possible have progressed negotiations with willing parties. Various meetings have taken place, some of which have been attended by the Council's engineers to discuss technical matters arising from the proposals and possible accommodation works that could be undertaken as part of the project. All correspondence relating to the proposed acquisition has been issued by either the Council or Axis.
- 5.5 The Council has also undertaken a formal public consultation process. This was carried out during September and October 2016 and included a 'drop-in' event which gave members of the public and stakeholders an opportunity to view the plans and discuss the proposals with members of the project team. Details of the consultation process is described further in Mr Richard Bruce's proof of evidence. Since the consultation period the Council has continued to work with all affected parties.
- 5.6 In the appreciation that land assembly was unlikely to be completed through private treaty, on 14th June 2016 the Council's Executive Committee resolved to use the Council's CPO powers to complete the necessary land assembly to facilitate the Scheme.
- 5.7 A summary of the efforts that have been made to acquire the other interests in property outside of the Council's ownership required for the scheme by agreement, as well as an update on the current status of discussions, is included at Appendix 1.
- 5.8 Through the above process, CBMDC has acquired, or has obtained agreements in principle, with the following land owners in advance of the CPO and SRO:-
- Land at Keighley allotments – Keighley Town Council
 - Embankment Land - Land in the prior ownership of the Secretary of State for Transport
 - Land at Keighley Cougars Rugby Football Club
 - Yorkshire Ambulance Service

6. Summary of Objections

6.1 Two objections were received in respect of the Order and these are listed below. At the time of completing my report none have been formally withdrawn.

OBJ Ref No.	CPO Plot Ref	Objector Name	Property
OBJ/1	9	Hard Ings Motor Company	Hard Ings Road Keighley BD21 3NB
OBJ/2	12	Fibreline Ltd	Hard Ings Road Keighley BD21 3ND

6.2 The main issues raised by the Objectors relate to:-

- the extent to which CBMDC has negotiated by agreement in advance of using CPO powers.;
- the justification of the scheme;
- the need to include all of the land in the CPO;
- the impact on business premises in terms of light, noise, vibration, injurious affection and operational issues.

6.3 Where the objection relates to land and property matters concerning discussions to date I address these matters directly. Where the nature of the objection pertains to other matters such as the requirement for the land, justification for the scheme, light, noise and vibration, I refer to the relevant expert's evidence.

6.4 **OBJ/1 – Hard Ings Motor Company (plot Ref. 9)**

6.5 The objector is the owner of a car sales business which lies adjacent to Hard Ings Road. A copy of the objection letter and the response is referred to in Core Documents 23.1 and 23.2 respectively. A summary of the objection is below together with my response.

6.6 **i) It is not expedient for the Council to use compulsory purchase powers in relation to the land. The Objector is prepared to dispose of his interest by agreement however the Council's opening offer fell considerable short of reflecting market value of the land proposed to be acquired and the considerable injurious affection it will cause to my client's retained land. The Objector does not consider that the Council's attempts to acquire to date have been meaningful.**

6.7 A detailed response to the objector was sent on 17 July 2017 and this explained and clarified matters relating to the objection. A copy is included at Appendix 2 (and Core Document 23.2 refers). This letter provided an overview of the attempts made to acquire by agreement prior to the Order and explained why the Council considered it necessary to include the land in the Order. I do not intend to repeat full details here however a chronology of dialogue, prior to the Order being made, is summarised below at Table 1.

Table 1: Chronology of dialogue in relation to Hard Ings Motor Company

Date	Action Taken
Dec 2015	<ul style="list-style-type: none"> • Axis first wrote to the claimant to request a meeting.
Feb 2016	<ul style="list-style-type: none"> • Axis first met with the objector and recommended he take independent professional advice.
March 2016	<ul style="list-style-type: none"> • The Council provided options for new access/egress arrangements at the property and asked for feedback. • The Council sent an update letter to all affected landowners and occupiers along Hard Ings Road. • Axis wrote to the claimant and sent a copy of the Council's Fee Policy to provide comfort that reasonable fees would be recoverable.
May 2016	<ul style="list-style-type: none"> • The claimant asked the Council to consider whether any replacement 'exchange' sites could be provided. The Council provided a copy of the Asset Register List for consideration.
June 2016	<ul style="list-style-type: none"> • The claimant expressed an interest in a 'shortlist' of Council sites but upon investigation by the Council, none were considered to be suitable.
Aug 2016	<ul style="list-style-type: none"> • Axis chased the claimant for response to access/egress

	<p>options and provided a general update.</p> <ul style="list-style-type: none"> • Axis reiterated the recommendation to obtain independent professional advice and sent a further copy of the Fee Policy. • Axis sent information from the government website to provide information on the CPO process.
October 2016	<ul style="list-style-type: none"> • Axis made formal written offer to purchase the land required for the Scheme. The offer clearly stated that that various Heads of Claim such as Disturbance and Injurious Affection, were "to be agreed". • Axis further confirmed via email that the offer was not intended to be in 'full and final settlement'. • Axis chased for feedback on the access/egress options. • The claimant appointed a surveyor.
November 2016	<ul style="list-style-type: none"> • The Council sent an update letter relating to the scheme's progress generally. • The claimant provided feedback on the access/egress options and following feedback, the Council amended the scheme design to accommodate specific requests.
January - June 2017	<ul style="list-style-type: none"> • The Claimant's agent provided his assessment of compensation and negotiations regarding the level of compensation continued. • The claimant submitted an objection to the CPO.
July 2017	<ul style="list-style-type: none"> • A revised offer was made to the claimant.
October 2017	<ul style="list-style-type: none"> • A further revised 'without prejudice' offer was made to the claimant.
November 2017	<ul style="list-style-type: none"> • The Claimant raised queries in relation to the need for the Scheme, traffic modelling and Scheme design and the Council provided a response.

6.8 I am of the opinion that significant meaningful attempts to acquire the property took place prior to the making of the Order, however an agreement has not been reached, predominantly due to disagreement on compensation. It is reasonable to

have included the property in the Order so as to avoid any delay to delivery of the Scheme.

6.9 Since the objection has been received, and the Council's formal response (letter dated 17 July 2017 included at Appendix 2, and Core Document 23.2 refers), Axis has continued to negotiate with the objector to reach an agreement in relation to compensation. The Objector has more recently raised some further queries in relation to the Scheme. These queries mainly relate to the need for the Scheme, traffic modelling and design. The Council has provided an initial response to these queries. At the time of writing it has not been possible to reach an agreement on compensation although all efforts will continue in this regard.

6.10 **ii) There is no compelling case for the Council to include the whole of plot 9 for the purpose of permanent acquisition of all interests. The Council has confirmed that around half of the parcel is only required temporarily and as such it is not reasonable for the Council to seek permanent acquisition over the entirety of the plot.**

6.11 The reason for including all the land in the Order was explained in the Council's formal response dated 17 July 2017 (included at Appendix 2 and Core Document 23.2 refers). This letter reiterated the fact that the Council is seeking to negotiate a licence over the land which they require temporarily nevertheless all of Plot 9 is included in the Order because it is not possible to provide for the acquisition of temporary rights under a Highways Act CPO. As a result, all land included in Plot 9 is coloured pink as a precaution in case the negotiation of temporary rights 'by agreement' is not possible.

6.12 I am of the opinion that it is necessary to include all of plot 9 in the Order.

6.13 **OBJ/2 – Fibreline Ltd (plot Ref.12)**

6.14 The objector is the owner of a business which manufactures upholstery cushion fillings. The objector occupies factory premises between Hard Ings Road and Royd Ings Avenue. A copy of the objection letter is referred to in Core Document 22.1. A

formal detailed response to the objection was sent from the Council dated 25 July 2017 (copy included at Appendix 3 and Core Document 22.2 refers).

- 6.15 As this objection predominantly relates to matters of a technical nature, a response to it is provided in Section 20 of Mr Bruce's Proof of Evidence.
- 6.16 Since the objection was lodged in respect of the Order, Axis and the Council have met with Fibreline to discuss their concerns further and this dialogue is ongoing.
- 6.17 In order to provide further comfort to the objector, the Council has offered to compensate Fibreline for the cost of reasonable alterations to the property that are required to mitigate the impacts of the Scheme on the property. Furthermore, a programme of accommodation works has been discussed and agreed which includes works to the car park, security and landscaping.
- 6.18 Following a period of negotiations terms have been agreed which are subject to completion of a legal agreement. This is expected to be executed shortly and should result in the removal of this objection.

7. Compliance with DCLG Guidance on the Compulsory Purchase Process

- 7.1 In accordance with the Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of compulsion (October 2015) (the 'Guidance'), CBMDC has sought to acquire the Order Land wherever possible by means of agreement rather than by compulsory purchase.
- 7.2 During the preparation and making of the Order, CBMDC has fully considered all of the Guidance but specifically paragraphs 2, 3, 16, 17 and 18 which relate to the acquisition of land by agreement.
- 7.3 Extracts from these paragraphs are set out as follows:
- 7.4 *2. Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory*

purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- *plan a compulsory purchase timetable as a contingency measure; and*
- *initiate formal procedures*

This will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

7.5 *3. In order to reach early settlements, public sector organisations should make reasonable initial offers, and be prepared to engage constructively with claimants about relocation issues and mitigation and accommodation works where relevant.*

7.6 *16. Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect. This includes statutory undertakers and similar bodies as well as private individuals and businesses. Such negotiations can then help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings.*

7.7 *18. Compulsory purchase proposals will inevitably lead to a period of uncertainty and anxiety for the owners and occupiers of the affected land. Acquiring authorities should therefore consider....*

- *...offering to alleviate concerns about future compensation entitlement by entering into agreements about the minimum level of compensation which would be payable if the acquisition goes ahead (not excluding the claimant's future right to refer the matter to the Upper Tribunal (Lands Chamber))*

- *...where appropriate, give consideration to funding landowners' reasonable costs of negotiation or other costs and expenses likely to be incurred in advance of the process of acquisition*

7.8 CBMDC has undertaken to meet the reasonable professional fees and costs incurred by those parties with whom it has been negotiating and those affected land owners and occupiers the authority has invited to treat with it.

7.9 CBMDC has sought to provide general updates in relation to the scheme and has met with land owners and occupiers to provide more detail and answer queries on technical matters where requested to do so.

7.10 CBMDC has acquired property in advance of the Order where it has been possible to do so, e.g in relation to the allotment land. It has also reached provisional agreements where possible to do so, e.g Keighley Cougars Rugby Football Club, Yorkshire Ambulance Service.

7.11 CBMDC will continue to make all reasonable efforts to progress negotiations by agreement in accordance with this guidance.

8. Conclusions

8.1 The acquiring authority has made reasonable attempts to reach agreement with land owning objectors in advance of compulsory acquisition.

8.2 Negotiations to acquire land have been ongoing with the Objectors since the Order was submitted.

8.3 CBMDC continues to work with affected parties and will endeavour to reach agreement wherever practically possible without the use of compulsory purchase powers.

8.4 A further update on progress relating to the outstanding objections will be provided during the Public Inquiry.

8.5 In summary, I am of the view that the Council have advanced a compelling case to justify the Orders being confirmed in the public interest to ensure that the Council, acting on its behalf, will be able to use compulsory purchase powers, should the use of such powers be required as a last resort, to acquire for the purposes of the Orders, all the land and rights needed to promote, deliver and facilitate the proper construction to improve and widen the A560 Hard Ings Road, Keighley in the County of West Yorkshire, from its junction with the A629 Beechcliffe Roundabout, generally eastwards to a point 75 metres west of its junction with Bradford Road Roundabout.

9. Declaration and Statement of Truth

9.1 I confirm that my duty to the Inquiry as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively and that I will continue to comply with that duty.

9.2 I confirm that my expert evidence includes all facts which I regard as being relevant to the opinions I have expressed and that attention has been drawn to any matter that would affect the validity of those opinions.

9.3 I am not instructed under any conditional fee arrangement and have no conflict of interest.

9.4 I confirm that I have made clear which facts and matters referred to in this proof of evidence are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

9.5 I confirm that my report complies with the requirements of RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement '*Surveyors acting as expert witnesses*'.

Appendix 1:
Summary of Attempts to Acquire by Agreement

Plot	Claimant	Summary of Negotiations with Main Interest Holders (Table 1 Interests)
1, 2, 3, 4	Secretary of State for Transport	<p>The freehold estate is registered at HM Land Registry in the name of the Secretary of State for Transport. 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.</p> <p>Whilst Highways England is taking steps to change the Register to show that the Council now owns the land the Register 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.</p>
5	Keighley Cricket Club	<p>Axis first wrote to the claimant in December 2015 and an initial meeting took place in January 2016. A formal offer to purchase the land required for the scheme was made in June 2016 and a follow-up letter was sent in August 2016. The claimant appointed a Surveyor in October 2016. A number of attempts were made to progress matters but a further meeting did not take place until June 2017. At this meeting, the Claimant raised queries regarding construction, health and safety, and compensation and reassurance on these matters were provided via emailed correspondence in July 2017. A further meeting took place in October 2017 to further clarify areas of concern. It is anticipated that the claimant will progress its compensation claim, in the usual way, following confirmation and implementation of the CPO.</p>
6 & 8	Co-Operative Group Estates Ltd The Rugby League Facilities Trust Keighley Cougars (2010) Ltd	<p>Axis first wrote to the claimants in December 2015 and an initial meeting took place in January 2016 with the Claimant's agent. Formal offers to purchase the land required for the scheme were made in June 2016 and a revised offer was made to the Rugby Club in October 2016. Negotiations continued and the Claimant's agent made recommendations to all parties in January 2017. Agreements in relation to compensation have been reached in principle and the acquisitions are expected to complete upon confirmation and implementation of the CPO.</p>

7	The Kay Group	Axis first wrote to the claimant in December 2015 and an initial meeting took place in January 2016 with the Claimant's agent. Since then negotiations have taken place in relation to compensation and the potential impact on the property. Meetings took place in September 2016 and October 2016. Queries have been raised in relation to traffic modelling, traffic counts and the need for the Scheme and responses to these queries have been provided. A formal offer to purchase the land was made in February 2017. To date, no agreement has been reached. Negotiations continue.
9	Hard Ings Motor Co	As this is an objector to the CPO, an update summary has been given in the content of my report at para 6.4.
10 & 11	Mr Duxbury (Coronation Business Centre) United Carpets	Axis first wrote to Mr Duxbury in December 2015 and a meeting took place in January 2016. Concerns were raised in relation to a possible loss of car parking spaces. A Surveyor was appointed in September 2016 and further meeting took place in the same month. A formal offer was made in January 2017 which was not accepted. To date no agreement has been reached. Axis first wrote to United Carpets in January 2016 and a meeting took place in February 2016. A formal offer to acquire the interest was made in January 2017. As this is an occupational leasehold interest it is understood that the majority of compensation will relate to possible Disturbance during the works therefore we anticipate reaching an agreement at a later date when the full impact of the scheme can be assessed and compensation agreed.
12	Fibreline Ltd	As this is an objector to the CPO, an update summary has been given in the content of my report at para 6.13.
13	Unknown	Not Applicable
14	Yorkshire Ambulance Service	Axis first wrote to Yorkshire Ambulance Service (YAS) in December 2015 and a meeting took place in January 2016. Since then discussions have taken place to overcome several areas of concern, namely the requirement for access to be provided at all times, the relocated allotment entrance and proposed accommodation works. This has resulted in several tweaks to the scheme design. Further meetings took place in June 2016 and May 2017 and a formal offer to purchase the land was made in June 2016. At the time of writing, Heads of Terms have been agreed and the purchase of this land is expected to be passed to solicitors hands in the near future.

Appendix 2:
Correspondence from CBMDC in relation to
Hard Ings Motor Co
Dated 17 July 2017

Gateley Hamer
One Eleven
Edmund Street
Birmingham
B3 2HJ

For the attention of: Jonathan Stott

Department of Place

Planning, Transportation and Highways
Service
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4th Floor
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My Ref: PTH/HS/103197/GEN/CEY

Your Ref: 0833-555

17th July 2017

Dear Sirs,

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

Hard Ings Motor Company, Hard Ings Road, Keighley

We refer to your letter addressed to the Secretary of State, dated 13 June 2017, in connection with the above Compulsory Purchase Order (CPO) (the 'Order').

We note your client's objection to the Order and take on board the concerns raised in your letter. We respond to your numbered paragraphs below.

1. We note that your client is unhappy with the compensation that has been offered and considers the Council's attempts to acquire have not been meaningful, which is required in accordance with the DCLG 2015 General Guidance on Compulsory Purchase and the Critchel Down Rules ('the Guidance').

The Council is surprised and disappointed that your client feels this way. As you are aware, the Council's appointed agent, Kate Okell of Axis Property ('Axis'), has been negotiating land acquisitions on the Council's behalf and dialogue has been ongoing for some time. Kate first wrote to your client in December 2015 and a meeting subsequently took place in February 2016. Following this your client confirmed that he was considering various options relating the future of his business at the property. Axis recommended that he seek independent professional advice to assist with his decision making and to advise him upon compensation matters.



In March 2016, the Council provided options for new access/egress arrangements at your client's site and asked for your client's feedback, although this was not provided until November of the same year. In May 2016 your client asked the Council to look into the availability of other Council owned sites and the Council provided a copy of the Asset Register List for his consideration. A shortlist of sites was identified by your client in June 2016 however upon investigation by the Council, none were considered to be suitable/feasible.

In August 2016, Kate Okell sought to try and move matters forward and asked whether your client had reached any decisions in relation to his future intentions at his property. She reiterated the recommendation that your client obtains independent advice with assurance that reasonable fees would be recoverable from the Council. Nevertheless this did not appear to prompt any further progress from your client. In an effort to make headway, a formal offer was made in written correspondence in October 2016 (the 'Offer Letter'). It is acknowledged that the sum offered 'falls short' of your client's expectations however the Offer Letter clearly stated that various Heads of Claim such as Disturbance and Injurious Affection, were "to be agreed". It was further confirmed in an email dated 19th October 2016 to your client that the offer was not intended to be in 'full and final settlement' and could be reviewed.

Following receipt of the Offer Letter, your client appointed an agent, yourself, and since then there has been an exchange of correspondence relating to compensation matters together with feedback on the access/egress options that are referred to above. As a result of this dialogue and taking on board the feedback from your client, the Council amended its proposals so that a 'right hand turn' into the site could be retained and the land-take was reduced.

In December 2016, Axis was informed that 'a proposal' for the Council's consideration would soon be forthcoming and in late January 2017 this was provided. Axis raised queries in early February 2017 which were responded to in April 2017. A further query was raised on 26th April 2017 and to date this has not been fully responded to.

The above chronology of events is not intended to be a criticism of you or your client; it is merely written to demonstrate that dialogue has been ongoing for significant time, without substantial progress. It is acknowledged and appreciated that your client is prepared to dispose of his interest by agreement, however in light of the timeframe already passed, the Council must have certainty that the land can be acquired within sufficient time to ensure that the programme for the construction of the Scheme is met. Accordingly it has been necessary to include your client's land in the CPO. Notwithstanding this, it is very much hoped that compensation discussions will continue and an agreement can be reached as soon as possible.

For the reasons outlined above the Council is of the opinion that considerable attempts have been made to liaise and negotiate with your client and copies of correspondence can be provided at the Inquiry as evidence if required. The Council therefore believes that it has therefore met the requirements of The Guidance.

2. It is noted that your client does not consider there to be a compelling case for the Council to include the whole of Plot 9 in the CPO because some land is only required temporarily, for working space and essential accommodation works. As set out in the Offer Letter dated

17th October 2016, and explained in an email from Axis to you dated 19th December 2016, the Council does not seek to acquire title to all of the land included in Plot 9. The Council is seeking to negotiate a licence over the land which they require temporarily. Nevertheless all of Plot 9 is included in the Order because it is not possible to provide for the acquisition of temporary rights under a Highways Act CPO. This is explained more fully below.

Section 250 of the Highways Act 1980 Act is the power to acquire rights and includes a power to acquire them by creating them. But the rights to be acquired have to be permanent ones, not temporary ones. That is confirmed by the note in paragraph 72 of DoT Local Authority Circular 2/97 which states that the powers in sections 250 to 252 of the 1980 Act do not provide for rights for limited periods to be created. Adopting the course of showing land as land where a right is being acquired would mean that the CPO has misstated the powers it relies upon.

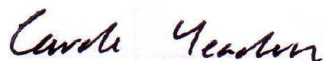
In light of the above, the permanent acquisition of Plot 9 is included in the CPO as a precaution in case the negotiation of temporary rights 'by agreement' is not possible. Nevertheless we can confirm that it is the Council's intention to acquire land in accordance with the enclosed plan which depicts:-

- Acquisition of Title – Approx. 308 sq m (coloured pink) – Required to widen Hard Ings Road.
- Negotiation of Licence – Approx. 293 sq m (hatched blue) – Required to modify and relocate an existing private means of access, regrade the forecourt, and for essential working space to construct the works.

We hope the above answers your client's concerns and we would be happy to meet if this would be helpful. We look forward to progressing discussions concerning compensation and hope that your client will feel able to remove their objection to the CPO in the near future.

Finally, please note that this response is without prejudice to current and future negotiations with the Council and its representatives.

Yours faithfully



Carole Yeadon
Senior Engineer

Appendix 3:
Correspondence from CBMDC to Fibreline Ltd
Dated 25 July 2017

Department of Place

Walker Morris
Kings Court
12 King Street
Leeds
LS1 2HL

Planning, Transportation and Highways
Service
Highway Services
4th Floor
Britannia House
Broadway
BRADFORD
BD1 1HX

For the attention of: Graham Whiteford

Tel: (01274) 435723
Email: carole.yeadon@bradford.gov.uk

My Ref: PTH/HS/103197/GEN/CEY

Your Ref: GGW/RMS/FIB.26-1

25th July 2017

Dear Sirs,

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

We refer to your letter addressed to the Secretary of State, dated 25 May 2017, in connection with the above Compulsory Purchase Order (CPO) (the 'Order').

We note your client's objection to the Order and take on board the concerns raised in your letter. We respond to your client's individual concerns below.

Significant detrimental impact on the ability to operate from their business premises.

We have offered to undertake accommodation works to help mitigate the impact of the scheme on the Fibreline property, including the possibility of widening the entrance and providing a new ramp to a low level car park or a road level car park option, and the provision of a relocated pedestrian access. You have received our letter addressing your clients concerns regarding access to and from the premises during the construction phase and have responded with further queries. We will respond to this subsequent letter in the near future.

There are likely to be significant affects on the usability of the office premises due to :-

Loss of Light

The proposed scheme will not have a significant impact on daylight. The Technical Daylight Amenity Impact Assessment undertaken by Gray Scanlan Hill has demonstrated



through accepted practice technical analysis (scientific measurement) that the offices will continue to achieve adequate / good levels of daylight, measured against current Design Guidance and British Standards.

As part of the technical study, it was measured that the proposed scheme will result in the offices experiencing a small reduction in daylight amenity but not to an extent that would be noticed by the room occupants. Notwithstanding that reduction, daylight levels would continue to be adequate / good, measured against current Design Guidance and British Standards.

Increase in Noise and Vibration

The Council has carried out a noise and vibration assessment at Fibreline's property. The assessment concludes that there will be a small increase in both noise and vibration levels once the scheme is completed. However, these are expected to be at a low level and will be largely imperceptible. As such we do not believe the road widening scheme will result in a significant increase in noise and vibration levels.

Ground-borne vibration levels were also measured as a mix of vehicles passed 'Fibreline' at varying distances from the current carriageway alignment. This measurement exercise indicated that moving the carriageway 3 metres closer to the building was unlikely to lead to any significant change in the current vibration climate within the premises, with no vibration levels measured within the building being above the threshold of human perception, and all levels recorded being far below the level at which (even cosmetic) damage might be expected to a sound structure.

Safety

The proposed parapet will be designed to provide vehicle containment unlike the existing dry stone boundary wall, which provides little protection from an errant vehicle, an improvement to the safety of occupants to the building.

Security

In terms of security, we do not believe the gap between the building line and the proposed parapet wall to the retaining wall is close enough for a person to climb across without the aid of ladders/planks at a part of the building that is clearly visible from the road. However, we have previously advised that if this is a real concern, improved security measures could be considered as part of a compensation package.

Overbearing Impact and effect on the outlook for occupants of the offices

In planning terms, a building or structure is usually considered to have an overbearing impact if it would have such an oppressive impact on the occupiers of the affected building as to demonstrably harm the use of the building. The Technical Daylight Amenity Impact Assessment referred to above demonstrates that the construction of the retaining parapet wall adjacent to the Fibreline office windows will not result in a significant loss of light to the offices therefore the use of the building will not be compromised by loss of daylight.

In terms of outlook / aspect and openness, the existing view from the offices is not 'open'; it is dominated by the grassed embankment (which currently retains the difference in level between the offices and Hard Ings Road) and the stone boundary wall at the top of the embankment. The effect of the proposed road widening works will be to reduce the distance between the office windows and the adjacent embankment/wall, but the works will not result in a currently 'open' aspect being transformed into an enclosed aspect. Furthermore although the distance between the existing embankment/wall and the office will be reduced, some separation will be retained so that an unacceptable overshadowing affect will not occur.

In terms of the character of the proposed retaining wall, we have previously advised that landscaping could be provided to the rear of the wall. This could be either at a low level or within a raised bed. We have explained that facing treatments for the retaining wall could resemble the existing stone wall if desired. The parapet to the retaining wall could be either solid or a metal parapet (that can be seen through). However, noise attenuation and privacy will be improved with a solid wall.

Given the urban location of the Fibreline site and the usage of the affected rooms (offices), and having regard to the suggested accommodation works, it is not considered that the impact of the proposed road widening works would be such that the use of the offices would be demonstrably harmed. Therefore, given that it has also been demonstrated that the proposed road widening project would not unacceptably harm the usage of the offices through loss of light, the proposed works are not considered to have an unacceptably detrimental visual impact on Fibreline's offices.

Persistent noise disturbances over a sustained period during working hours could be detrimental to health, productivity and the company's ability to retain and hire staff.

The HSE advise that noise can be considered to be a problem in the workplace if it is intrusive or worse than intrusive for most of the working day and identifies noise exposure action values. Noise calculations supplied by the noise assessment (which is based on the forecast traffic increases taking into account the proposed new alignment of the carriageway) indicate that noise exposure levels will not exceed the lower exposure action value in accordance with the Noise Regulations.

The Scheme is not justified.

The Scheme has been accepted as a qualifying scheme and prioritised by West Yorkshire Combined Authority (WYCA) within the West Yorkshire Plus Transport Fund (WY+TF) programme. Initially, a 'long list' of over 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 14th 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. The scheme

aims to support economic growth and improved quality of life through reducing congestion, improving pedestrian and cycling facilities and reducing air pollution.

We have not had access to detailed plans or traffic analysis of the previous Department for Transport (DfT) scheme and are therefore unable to comment on the Annual Average Daily Traffic (AADT) data in 1996. Different sources have been used to collect traffic data within the project area, such as Automatic Number Plate Recognition (ANPR), Automatic Traffic Count (ATC), and Classified Manual Turning Counts at all major junctions along Hard Ings Road. These traffic counts have been used to build a traffic matrix for the base year 2014 in our traffic Model.

The traffic data collected by the Department for Transport (DfT) at Hard Ings Road does not show a significant change in AADT between 2000 to 2014. DfT traffic data has been analysed on consecutive road sections either side of Hard Ings Road, i.e. the A650 Aire Valley Road and the A629. It is observed that for the period 2000 to 2014, AADT has increased by approximately 11% on routes either end of Hard Ings Road, compared with traffic flows on Hard Ings Road itself increasing by only 3%. The traffic growth after opening Bingley By-pass shows a significant increase along A629 and A650. The DfT traffic data indicates an increase in AADT of around 14% between the period 2005 to 2016. Recorded AADT's gradually increase at sites moving away from Hard Ings Road. This is due to the fact that Hard Ings Road is already running over capacity and cannot accommodate a significant increase in traffic flows since vehicles are unable to enter this section of road network and are held on the approaches in queues on the A629 / A650 Aire Valley Road.

The National Trip End Model (Tempo) has been used to determine the appropriate growth factors based on the Keighley area as agreed with the West Yorkshire Combined Authority (WYCA). A micro-simulation traffic model has been developed to represent traffic conditions at two different times of day for a base year 2014, namely AM Peak Hour (07:30-09:30) & PM Peak Hour (16:30-18:30). The 2014 base model has been calibrated and validated for AM and PM peak hours in line with DfT's WebTAG and Design Manual for Roads and Bridges (DMRB) guidance in terms of link flow/journey time validation.

No alternative options for retaining and improving the two lanes and improving the Beechcliffe and Bradford Road roundabouts have been considered.

The average two way traffic flows for the length of Hard Ings Road is 2771 vehicles per hour in the morning peak (08:00-09:00) and 2829 vehicles per hour in the evening peak (17:00-18:00). This is based on data acquired from an Automatic Traffic Count (ATC) located on Hard Ings Road and manual traffic counts undertaken to build the traffic model in 2014.

In accordance with the Design Manual for Roads and Bridges (DMRB) TA 79/99, the capacity of a two lane 9.0m wide UAP3 road type is 1530 vehicles per hour one-way. This equates to a capacity of 2550 vehicles per hour in two-way flows. Therefore, at present the capacity of the existing road layout is inadequate at peak hours.

The data supplied previously via Axis is data used for the noise assessment outside Fibreline's offices and applies to this section of the road only. The traffic flows are significantly higher on the section of Hard Ings Road between Lawkholme Lane and the A629 dual carriageway.

Using these predicted traffic flows, in accordance with the DMRB, the types of road and carriageway width were considered. This approach was chosen to quickly identify a scheme 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.

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, such options were not pursued. 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 the gas governor, options were restricted to widening on the north eastern side of the carriageway only.

Although a four lane single carriageway option throughout the length of Hard Ings Road has the least land take of all options, 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 are unlikely to be effectively enforced, and could therefore result in more turning conflicts, particularly at entrances/exits to the numerous business premises.

Dualling the full length of this section of Hard Ings Road with (with no right turns) was also given consideration but was discounted for several reasons. Firstly because there are many businesses located off Hard Ings Road who would be significantly affected in terms of access. Secondly, because this option has the greatest implications on land take, particularly adjacent to the Fibreline building. Thirdly because it 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 proposed Scheme is a composite part dual 2 lane and part single 4 lane carriageway (from Coronation Business Centre to Bradford Road roundabout). This has benefits with respect to minimising land take, particularly in front of Fibreline's premises. The proposed Scheme has 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 as the current situation, and avoids the unnecessary re-routing of this traffic to U-turn at the Bradford Road roundabout. 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 roundabout. 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.

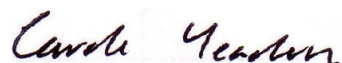
The capacity of Beechcliffe roundabout is improved in the Scheme by the remodelling of the roundabout to provide additional lanes on the roundabout itself, the implementation of traffic signals on all arms and an additional traffic lane on the approach to the roundabout from the A629. Two lanes have 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. 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.

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. Bradford Road roundabout is currently operating with spare capacity. However, in the current situation, vehicles exiting the Bradford Road roundabout onto Hard Ings Road westbound, merge 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 re-timing of signals, this junction will operate acceptably in the 2026 design year.

We hope the above answers your client's concerns and we would be happy to meet if this would be helpful. We look forward to progressing discussions concerning compensation and hope that your client will feel able to remove their objection to the CPO in the near future.

Finally, please note that this response is without prejudice to current and future negotiations with the Council and its representatives.

Yours faithfully



Carole Yeadon
Senior Engineer