

**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**

**Michael Eaglestone  
Senior Planning Officer MRTPI**

**presented as evidence in chief  
on behalf of**

**The City of Bradford Metropolitan District Council**

**to**

**Local Public Inquiry – 30<sup>th</sup> January 2018**

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### **1. Personal Details**

1.1 My name is Michael Eaglestone and I hold the position of Senior Planning Officer. I have a BA in Geography and an MA in Town and Regional Planning and am a Chartered Member of the Royal Town Planning Institute. I have 11 years of experience working in local government development management.

## **2.Scope of Evidence**

2.1 Relevant Planning Policy – Summary of what the Development Plan says about the road improvement development.

2.2 Environmental Impact Assessment (EIA) – Explanation of why the development is not EIA development.

2.3 Permitted Development – Explanation of why the development is Permitted Development.

2.4 Impact Upon Fibreline Premises – Explanation of why the development would not have an unacceptable adverse impact upon the Fibreline premises in planning terms.

## **3.Background**

3.1 This Proof of Evidence relates to a Public Inquiry being held to consider a Compulsory Purchase Order initiated by City of Bradford Metropolitan District Council in respect of a highway improvement scheme to Hard Ings Road, Keighley which will hereafter be referred to in this proof of evidence as the ‘Scheme’. Details of the Scheme and its background are provided in the Proof of Evidence of Richard Bruce.

## **4.Main Evidence**

### ***4.1 Relevant Planning Policy***

4.1.1 The relevant Development Plan for the Bradford District includes certain saved policies and allocations of the replacement Unitary Development Plan (RUDP) [Core Document 20] and its associated Proposals Map and the newly adopted Local Plan Core Strategy (LPCS) [Core Document 11] which was adopted by the Council on 18 July 2017 and has not been subject to legal challenge. The Scheme is considered to be consistent with, and supported by, both the provisions of the parts of the Proposals Map which have been saved and remain relevant and the policies set out in the LPCS.

4.1.2 The LPCS plans for the development of 4,500 new dwellings in Keighley and 30 hectares of new Employment Land in Airedale in the period up to 2030. In association with this growth LPCS Sub-area policies AD1(B), AD1(E4) and AD2(C) also plan for the delivery of a package of transport infrastructure improvements, including the Hard Ings Improvement Scheme. The Scheme is specifically identified as one of the transport infrastructure improvements to be delivered within Airedale by 2030 on Figure AD1 'Spatial Vision Diagram – Airedale by 2030' (Appendix 2).

4.1.3 The Scheme, by increasing the capacity of Hard Ings Road, with a consequent reduction in congestion and improvement of pedestrian and cycling facilities, will support the delivery of the growth planned for in the LPCS. Specifically the Scheme will help achieve strategic objective 9 (para. 3.15) of the LPCS, as follows:

*To improve and develop excellent public transport and highway systems to increase the level of accessibility within the District and establish good connections with other parts of the Leeds City Region and the country by ensuring safety, efficiency and sustainability.*

4.1.4 The current Development Plan Proposals Map (see Appendix 1) identifies the land to the north of Hard Ings Road as the Hard Ings/ Beechcliffe Employment Zone (K/E6.2), within which employment development is encouraged. Additionally Hard Ings Road itself is identified as a Transport Corridor. Adjacent land allocations include the Keighley Cougars Stadium, allocated as recreation land, an allocated area of allotments, an allocated park and an allocated employment site. The housing to the south of Hard Ings Road is within an allocated Community Priority Area.

4.1.5 It is not considered that the Scheme conflicts in any way with the relevant Proposals Map allocations, in that it will not compromise the functioning of the allotments, sports ground or park, will not detrimentally affect the objectives for Community Priority Area and will be beneficial to the functioning of the Employment Zone and the release of potential new Employment Sites. The Scheme is therefore fully consistent with the provisions of the Development Plan.

## **4.2 Permitted Development/ Environmental Impact Assessment**

4.2.1 The Scheme works are Permitted Development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and therefore do not require express planning permission from the Local Planning Authority. This is because the works comprise works for the improvement of a highway

on land which is either already highway land or which adjoins the boundary of the existing highway (Class A of PART 9 of Schedule 2 of the GPDO).

4.2.2 Under article 3(10) of GPDO Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 (EIA Regulations) is not permitted development unless a screening opinion/ direction has been made indicating that that the development is not EIA development or a Regulation 4 direction has been issued.

4.2.3 A screening request in respect of the proposed highway improvement works was made on 05 October 2017 and a formal screening opinion was adopted by Bradford Council on 13 October 2017 confirming that the Scheme does not constitute EIA development (Appendix 3). This Screening Opinion was reached based upon the lack of environmental sensitivity of the site and the limited scale and impact of the works associated with the Scheme. The Scheme is therefore not EIA Development and can be carried out under the authority of Class A of Part 9 of the GPDO 2015.

### **4.3 Impact Upon Fibreline Premises**

4.3.1 The objection to the scheme by Fibreline includes the following extracts from the letter of objection, dated 25th May 2017, included as Appendix 4 to this Proof of Evidence.

3. *The proposed widening would necessitate the construction of a new retaining wall to the front of the office building and the loss of this grass verge. If the scheme was to proceed, the carriageway would then lie approximately 9 metres from the windows of the office building and the pavement/cycle path 6 metres from the building. There are likely to be very significant affects on the usability of the office premises due to loss of light, noise, vibration, safety, security and general amenity concerns.*

4. *Appendix 3 in the statement of reasons is an Engineering Feature Plan showing the location of the proposed retaining wall, footpath and road. The scheme would result in the road moving 3 metres closer to the office windows, while creating a dual carriageway in this location. The resultant loss of amenity within the offices due to increased vibration, noise, loss of light, overbearing impact on amenity, safety and compromised security could render the only existing office space serving the business unusable, which could in turn threaten the entire Fibreline operation in Keighley.*

5. *The creation of a steep retaining wall outside the office window, with the relocated stone wall above, would invariably result in a reduction in the amount of natural light to these offices. There is presently a sloped grass verge which allows*

*adequate levels of sunlight throughout the day. Removing this grass verge and replacing with a retaining wall much closer to the office block would impinge on the outlook of employees and presently enjoyed rights of light being diminished. These offices presently enjoy a partial outlook towards the road, albeit at a lower level. Any attempts to build a steep retaining wall closer to the offices would also have a deleterious effect on the outlook for occupants of these offices.*

4.3.2 In addition to the technical matters of noise, vibration and daylight, which are covered in separate complementary proofs of evidence, this objection cites the more nebulous planning concepts of amenity, overbearing and outlook. The concept of amenity is difficult to apply to an office use, as the purpose of an office is to provide a suitable environment to facilitate productive office work rather than to provide an environment for the enjoyment of the occupants. As discussed further below, subject to mitigation, the Scheme would not significantly adversely affect the environment of the Fibreline Office in any measureable way in terms of light, noise and vibration.

4.3.3 In relation to the less measurable concept of overbearing, 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 existing outlook from the Fibreline offices is not open and is dominated by a grassed embankment, which retains the difference in level between the offices and Hard Ings Road, and a stone boundary wall at the top of the embankment.

4.3.4 The effect of the proposed road widening works would be to reduce the



separation distance between the facing Fibreline office windows and the adjacent obstructing features; however the works will not result in a currently open aspect being transformed into an enclosed aspect. In terms of the character of the obstructing features, landscaping could be provided to the rear of the wall. This could be either at a low level or within a raised bed. Facing treatments for the retaining wall could resemble the existing stone wall if desired.

4.3.5 Although the separation distance to the features which obstruct and enclose the view from the effected windows will be reduced, some separation will be retained, such that an unacceptable overshadowing affect will not occur. The Technical Daylight Amenity Impact Assessment, which is described in the Proof of Evidence of Michael Scanlan, demonstrates that the Scheme will not result in an unacceptable loss of daylight to the Fibreline offices.

4.3.6 Given the urban location of the Fibreline site and the usage of the affected rooms (offices), subject to appropriate landscaping of the new retaining wall and banking, it is not considered that the impact of the proposed road widening works would be such that the use of the building as 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 or noise/ vibration, the proposed works are not considered to have an unacceptably detrimental visual impact on Fibreline's offices in planning terms.

## **5. Conclusion**

5.1 This proof of evidence explains that the Scheme is authorised in planning terms and is consistent with the Development Plan, with the delivery of the Scheme included as part of the Spatial Vision for Airedale by 2030. It has also been demonstrated that the objection by Fibreline is unfounded in terms of amenity, overbearing and outlook issues. Furthermore, subject to any appropriate and necessary mitigation being provided, there is no reason to believe that the Scheme would result in unacceptable adverse impacts on any of the occupants of surrounding land.

5.2 In summary, I am of the view that I 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.

## **6. Expert Declaration**

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.

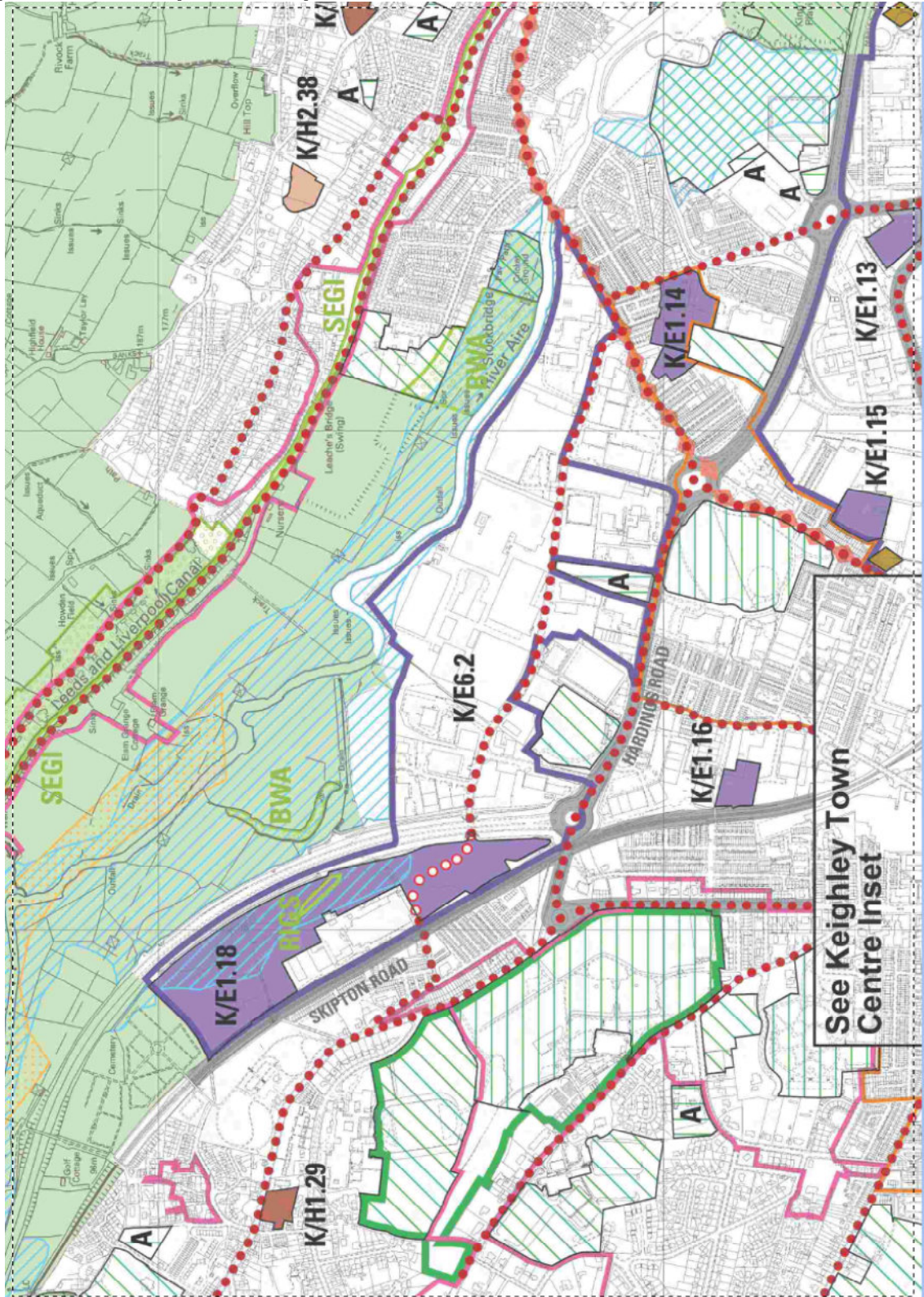
I confirm that my expert evidence includes all facts which I regard as being relevant to the opinions I have expressed and that attention has been drawn to any matter that would affect the validity of those opinions.

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

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.

I confirm my report complies with the requirements of the Royal Town Planning Institute.

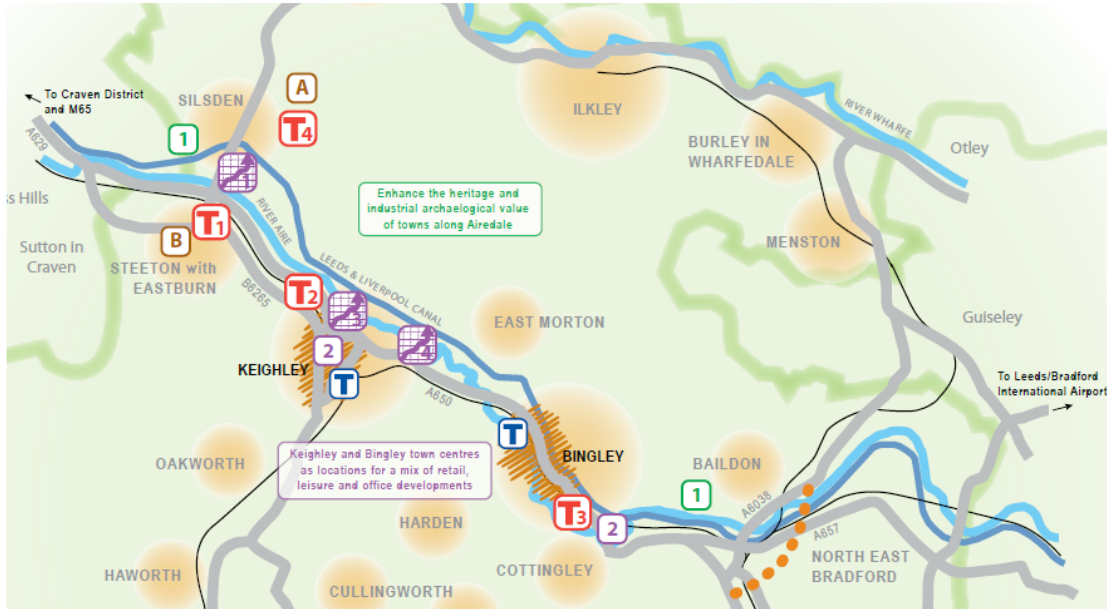
Appendix 1 – Proposals Map Extract





## Appendix 2 – Spatial Vision Diagram – Airedale by 2030

Figure AD1: Spatial Vision Diagram – Airedale by 2030



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### Key

#### Airedale Policy AD1

AD1B Urban Regeneration and Renewal Priority Areas

AD1D Economic Development

AD1E Environment

AD1F Transport

Trainline

River

Canal

Road

Existing train station

Proposed train station

Proposed Road Infrastructure

#### Growth Areas

Silsden

Steeton with Eastburn

#### Economic Development

Silsden Business Park

Keighley and Bingley - Principal focus for indigenous economic development including starter units for SMEs and business parks for larger digital, design, financial and service sectors

Royd Ings

Dalton Lane Business Innovation Centre

#### Environment

Improve green infrastructure along Airedale River, Canal and Transport Corridor

#### Transport

Bus and Rail Interchange at Silsden and Steeton

Hardings Road / Keighley Town Centre Improvements

Bingley Interchange

Highway Improvement to East of Silsden

## Appendix 3 – EIA Screening Opinion



NOTEIA

**Carole Yeadon  
Bradford MDC  
4th Floor  
Britannia House  
Broadway  
Bradford  
BD1 1HX**

### **Department of Place**

#### **Planning, Transportation and Highways Development Services**

Major Development Team  
Britannia House, Hall Ings  
Bradford, BD1 1HX

Contact: Michael Eaglestone  
Tel: (01274) 434605  
E-Mail: [planning.enquiries@bradford.gov.uk](mailto:planning.enquiries@bradford.gov.uk)  
Ward: Keighley Central (ward 15)

**Application Number:** 17/05780/SCR

13 October 2017

Dear Sir/ Madam

### **Screening Opinion under Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

**Reference Number:** 17/05780/SCR

**Proposal:** Highway improvement scheme

**Location:** at Hard Ings Road Beechcliffe Keighley West Yorkshire

The Council has adopted a screening opinion under regulation 6 of the EIA Regulations that the above development does not constitute EIA development within the meaning of regulation 2 of the EIA Regulations for the following reason(s):

The proposed development is not a particularly large highway improvement project (only involving a land area of approximately 3 hectares) and does not involve a disproportionate amount of construction works.

Although other development projects have taken place and are proposed in the surrounding area it is not considered that the effects of the proposed road improvement works would be significantly exacerbated by these other development projects.

The development would only result in the loss of a small area of habitat of only local significance, with replacement planting proposed, and would not result in any significant loss of natural resources.

The amount of waste produced would be commensurate with the proposed relatively small scale road improvement project and could readily be accommodated within the existing construction and demolition waste management systems which exist within the District.

The potential of the proposed road improvement project to cause unacceptable pollution and nuisance or harm to human health has been assessed and found to be within acceptable tolerances.

Climate change issues can be mitigated through replacement planting, together with the proposed pedestrian and cycle facilities being implemented.

The proposal site is not within a sensitive area, as defined by the regulations and there is no reason to believe that the location is particularly environmentally sensitive having regard to:

- the existing and approved land use,
- the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground, and
- the absorption capacity of the natural environment.

There is no reason to believe that the environment effects of the proposed road improvement project would be anything other than limited and localised.

There is no reason to believe that the development would be likely to lead to any significant trans-boundary impacts.

The impacts of the development are not understood to be either disproportionately complex or intense or atypical of the relatively limited and commonplace scale of road improvement project proposed.

The impacts associated with construction works will be temporary, the effects of the road being improved will be permanent/ long term but are reversible if alternative highway design or public policy objectives necessitate further amendments to the road layout in the future.

Having given consideration to existing, planned and potential development projects within the locality, including planned housing growth and potential industrial estate development projects it is not considered that there is any significant potential for cumulative impacts which would lead to significant effects on the environment within the meaning of the Regulations.

Date of Issue: 13 October 2017



Julian Jackson,  
Assistant Director (Planning, Transportation and Highways)  
Department of Place



***Appendix 4 – Fibreline Objection***



Kings Court, 12 King Street, Leeds LS1 2HL. Tel 0113 283 2500  
Fax 0113 245 9412 Document Exchange 12051 Leeds 24  
Email [graham.whiteford@walkermorris.co.uk](mailto:graham.whiteford@walkermorris.co.uk) Web: [www.walkermorris.co.uk](http://www.walkermorris.co.uk)

Secretary of State for Transport  
National Transport Casework Team  
Department of Transport  
Tyneside House  
Skinnerburn Road  
Newcastle Business Park  
Newcastle Upon Tyne  
NE4 7AR

Our ref GGW/RMS/FIB.26-1

25 May 2017

Dear Sir/Madam

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

**The Highways Act 1980 -and- The Acquisition of Land Act 1981**

**Our Client: Fibreline Limited, Victoria Park Mills, Hard Ings Road, BD21 3ND**

We refer to the above Compulsory Purchase Order ("the Order") and confirm that our client has an interest in Plot 12 described in the Notice of Making of the Compulsory Purchase Order ("the Notice") and Joint Statement of Reasons for making the Compulsory Purchase Order and Side Roads Order ("statement of reasons"). Plot 12 is described in the Notice as "941 square metres of private accesses and frontage grass verge of Fibreline Limited, Victoria Park Mills, lying to the north of the A650 Hard Ings Road, Keighley".

Our client objects to the Order on the following grounds: -

- 1 Fibreline raise objections to the proposed road widening scheme, which would have a significantly detrimental impact on the ability to operate from their business premises. The objectors reserve the right to supplement these objections and provide additional points in further detailed consultations and in any proof of evidence submitted in relation to any convened Public Inquiry.
- 2 Fibreline acquired their current property in 1989 and undertook substantial refurbishment and improvement works. The company has grown and now employs over 180 full-time staff and operates the factory/warehouse premises from Sunday 10pm to Friday 10pm on a 24 hour basis. Fibreline's main office sits adjacent to Hard Ings Road. The office block is single storey in construction and extends approximately 30 metres across the front elevation. In between the office building and the existing carriageway is a narrow buffer, with a stone wall and sloped grass verge. The office windows currently achieve adequate natural light. This grass verge is the land required for road widening and is the subject of the Compulsory Purchase Order, while the land hatched blue on plan ref: PTH/HS/103197/LAP-12B is also the subject of the Compulsory Purchase Order and is required for working space.
- 3 The proposed widening would necessitate the construction of a new retaining wall to the front of the office building and the loss of this grass verge. If the scheme was to proceed, the carriageway would then lie approximately 9 metres from the windows of the office building and the pavement/cycle

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path 6 metres from the building. There are likely to be very significant effects on the usability of the office premises due to loss of light, noise, vibration, safety, security and general amenity concerns.

- 4 Appendix 3 in the statement of reasons is an Engineering Feature Plan showing the location of the proposed retaining wall, footpath and road. The scheme would result in the road moving 3 metres closer to the office windows, while creating a dual carriageway in this location. The resultant loss of amenity within the offices due to increased vibration, noise, loss of light, overbearing impact on amenity, safety and compromised security could render the only existing office space serving the business unusable, which could in turn threaten the entire Fibreline operation in Keighley.
- 5 The creation of a steep retaining wall outside the office window, with the relocated stone wall above, would invariably result in a reduction in the amount of natural light to these offices. There is presently a sloped grass verge which allows adequate levels of sunlight throughout the day. Removing this grass verge and replacing with a retaining wall much closer to the office block would impinge on the outlook of employees and presently enjoyed rights of light being diminished. These offices presently enjoy a partial outlook towards the road, albeit at a lower level. Any attempts to build a steep retaining wall closer to the offices would also have a deleterious effect on the outlook for occupants of these offices.
- 6 The objectives of the road widening scheme are to improve traffic flows and reduce traffic congestion on the A650 and in Keighley town centre. The consequences of increased traffic flows would be more frequent and faster moving vehicles across 4 lanes of traffic and a potential increase in noise and disturbance from these vehicles. Fibreline operate the only business with an office fronting Hard Ings Road. Employees work in these offices for over 10 hours a day (08.00-18.00). 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.
- 7 Our clients object to the principle of the A650 Hard Ings Road Improvements Scheme, which is not justified. Traffic data collected between 2000 and 2015 shows that the Annual Average Daily Traffic (AADT) on Hard Ings Road has not significantly increased and carried some 29,000 vehicles a day in 2015. At the time of the previous scheme to widen the A650 Hard Ings Road in 1996, the AADT was 26,000 vehicles a day. The increase of 3,000 vehicles over a 19 year period is much lower than predicted in the 1996 forecasts, which anticipated an increase from 26,000 to 46,000 over the 20 year period. Similarly, traffic data forecasts for the current scheme predict an increase of 3,200 vehicles over the period modelled from 2017 to 2026 to 34,237 vehicles. The historical traffic data does not support these anticipated increases in traffic.
- 8 Finally, the statement of reasons indicates the alternative options which have been considered. All of the alternative options proposed the dualling of the A650 Hard Ings Road to provide 4 lanes. There were no alternative options for retaining and improving two lanes and improving the Beechcliffe and Bradford Road Roundabouts. The Department for Transport Advice Note TA79/99 'Traffic Capacity of Urban Roads' provides guidance on the maximum hourly flows that typical urban roads can carry. This note advises that a road of a similar width and character to Hard Ings Road can carry some 2,500 vehicles per hour two-way. The data provided by Axis Property Consultancy to our clients in support of the road widening scheme forecasts an increase in morning peak hour (08.00-09.00) traffic flows from 2,189 vehicles (2017 model) to 2,418 vehicles (2026 model). Provided there were improvements to the two roundabouts, the existing 2 lane Hard Ings Road could have sufficient highway capacity to accommodate anticipated morning peak hour flows. All alternative options, including the option to improve the roundabouts without fully widening Hard Ings Road, should be subject to examination to determine whether they could achieve the same or similar objectives as the proposed scheme with less impacts.

We look forward to receiving acknowledgement of receipt of our client's objection in due course.

Yours sincerely,



**WALKER MORRIS LLP**