

**THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL (A650 HARD INGS ROAD  
IMPROVEMMENT, 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**

**Supplemental Rebuttal Proof**

**of**

**Kathryn Okell MRICS**

**THE CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**

**by way of rebuttal to further representations and objection**

**by Mr Tariq Ghafoor**

**to be presented as evidence**

**on behalf of**

**The City of Bradford Metropolitan District Council**

**to**

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

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## **Appendices**

Appendix 1: Supplemental objections of Mr Tariq Ghafoor

## **1. Personal Details**

- 1.1 My name is Kathryn Louise Okell BSc (Hons) MSc MRICS.
- 1.2 I was elected a Member of the Royal Institution of Chartered Surveyors (General Practice Division) in 2007 and am a Registered Valuer.
- 1.3 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.
- 1.4 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), South Yorkshire Passenger Transport Executive (SYPTe), Transport for Greater Manchester (TfGM), Halton Borough Council (HBC) and a number of private Claimants affected by various CPOs including for example, HS2.

## **2. Scope of Evidence**

- 2.1 This report is a Rebuttal Proof of Evidence that has been prepared in response to the supplemental grounds of objection submitted by Mr Tariq Ghafoor dated 1<sup>st</sup> December 2017 ('the Objector') in relation to the proposed Hard Ings Road improvement scheme (the 'Scheme'). A copy of the supplemental grounds of objection is attached in Appendix 1.
- 2.2 This Rebuttal covers land and property matters relating to the objection. Rebuttal evidence which specifically addresses the Objector's comments in relation to design, traffic restrictions, capacity, traffic forecasts, trip redistribution, toucan crossing facility, traffic signalling and roundabouts are dealt with in the Supplemental Rebuttal Proofs of Mr Richard Bruce and Mr Andrew Bradshaw.

### 3. Background to the Scheme

3.1 The background to the Scheme is outlined in the Main 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.

### 4. Rebuttal to further representations and objections of Mr Tariq Ghafoor

4.1 At paragraph 2.2.4 of the Objector's evidence, Mr Ghafoor asserts that "***The CPO will affect the layout of the site including vehicular access, circulating traffic, parking facilities, servicing of buildings and the vehicular exit. Buildings currently on the site will have to be demolished and new buildings constructed at a location suitable for the revised layout of the site and the associated vehicular movements. The CBMDC have not offered any compensation for the costs of these and other associated works.***"

4.2 In March 2016 the Council provided the Objector with three options for a remodelled access/egress so that it could be designed to accommodate his preference. The Objector conveyed his preference in November 2016 and the scheme design was amended accordingly. The Objector has more recently raised concerns regarding the future use and development potential of the site. As a result, the Council provided three indicative layout plans as a visual aid to show how the site could be used/developed once reduced in size. At no time has the Council stipulated or advised that the buildings must be demolished or that it is essential to remodel or reconfigure the site. Indeed the Council's position is that it is possible to maintain the existing buildings in their same position on the site after the road scheme if the owner wants to do so.

- 4.3 The Council has made an offer of compensation in accordance with the Statutory Compensation Code as per 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').
- 4.4 The level of compensation is not considered to be a relevant consideration to this Inquiry as this is a matter to be determined by the Upper Tribunal (Lands Chamber) if an agreement cannot be reached.

Objection No.1 – Effect of the Highway Improvement Scheme Proposals on the Site

- 4.5 At paragraph 3.1.1 of the Objector's evidence he states "***In my view, the loss of land from the site will have a significant effect on the financial value of this brown-field site and any returns arising from its redevelopment. The site is small and any reduction in area will severely restrict the redevelopment potential and the options available to me to maximise the returns from my investment. I have already sought advice concerning the financial value of the effects of the CPO on the reduction in potential returns from my investment and am not satisfied with the level of compensation that has been offered by the CBMDC.***"
- 4.6 As stated above, the Council has made an offer of compensation in accordance with the Statutory Compensation Code. The level of compensation is not considered to be a relevant consideration to this Inquiry as this is a matter to be determined by the Upper Tribunal (Lands Chamber) if an agreement cannot be reached.
- 4.7 At paragraph 3.1.2 of the Objector's evidence he states, "***The CBMDC has advised me that, as a result of the proposed highway scheme, part of the site will be compulsorily purchased for the construction of the new highway and footpath. I have also been advised by the CBMDC that the CPO will result in space restrictions within the site. The current vehicular access, vehicle circulation and parking arrangements, servicing of buildings and the layout and location of buildings on the site will be affected by the CPO. CBMDC have advised with several proposed site layout plan options, that these restrictions will necessitate a complete re-design of the layout of the site which will require the reconstruction of the access road, circulating area, parking areas, vehicle access for the servicing of buildings and the exit road.***"

- 4.8 I refer to my comments at paragraph 4.2.
- 4.9 At paragraph 3.1.3 of the Objector's evidence he states, ***"In addition to the above vehicular restrictions, CBMDC have advised with several proposed site layout plan options, that the existing buildings on the site will have to be demolished and new buildings constructed at a location within the site suitable for the new road layout and parking arrangement. New supplies for the servicing of these new buildings will have to be provided as well as new foul and surface water drainage.***
- 4.10 I refer to my comments at paragraph 4.2.
- 4.11 At paragraph 3.1.4 of the Objector's evidence he states ***"The retaining walls north and eastbound of the site will be affected by these reconstruction works and these walls will have to be removed and reinstated with suitable new retaining walls to accommodate the proposed new site buildings".***
- 4.12 The Council's position is that the Objector's existing retaining walls are not affected by the Scheme and therefore it has not undertaken any detailed investigation into their condition. If the walls are in poor condition then they are likely to require improvement/reinstatement regardless of the proposed road improvement scheme.
- 4.13 The Objector makes the following statements at paragraphs 3.1.5 - 3.1.9,
- 3.1.5 "the existing surface water drainage system will have to be re-designed to suit the new layout and a new system will have to be constructed.***
  - 3.1.6 Existing Statutory Undertaker's plant may be required to be diverted.***
  - 3.1.7 New Statutory Undertaker's plant will be required to be installed.***
  - 3.1.8 Planning permission, building regulations approval and other legal procedures will be required. There will be costs associated with these requirements.***
  - 3.1.9 There may be unforeseen additional costs associated with these reconstruction works".***

- 4.16 The Council's position is that the Scheme is not necessitating the above works. Redevelopment of the site was an aspiration of the owner regardless of the Scheme (as stated in the Objector's report at paragraph 3.1.1), and these works would have been required in any event to facilitate this vision. Nevertheless I consider this to be a compensation matter and therefore not a relevant consideration to this Inquiry.
- 4.14 At paragraph 3.1.10 of the Objector's evidence he states, ***"It is my view that the CBMDC should offer full compensation for the cost of the above re-design and reconstruction works which are required as a direct result of this CPO"***.
- 4.15 As stated earlier, the Council has made an offer of compensation in accordance with the Compensation Code. The compensation offer includes an amount to reflect the impact of the scheme on the property in so far as it affects the value of the owner's retained land. If the owner is unhappy with the level of compensation, he is entitled to seek resolution through the Upper Tribunal (Lands Chamber) however compensation is not considered to be a relevant consideration to this Inquiry.

#### Objection No. 2 – Traffic Restrictions To and From the Site

- 4.16 Rebuttals to this objection are predominantly dealt with by Mr Bruce and Mr Bradshaw in their respective rebuttal proofs of evidence. Nevertheless, I would make the following comments:-
- 4.17 At paragraph 3.2.3 the Objector states that ***"The CCMDC have rejected my request for the provision of a facility for a right turning vehicular exit from the site onto the proposed westbound carriageway"***.
- 4.18 The Objector's request for a 'right turning' vehicular exit from the site was considered by the Council in 2016 and a formal response was provided in 'without prejudice' correspondence dated 17 November 2016. The Council's position is explained more fully in Mr Bruce's rebuttal proof of evidence however it is unable to accommodate the owner's request for a right turn out of the site on safety grounds. This is because a vehicle would have to navigate up to four lanes of traffic and also because of the potential for conflict with a vehicle turning into the site.
- 4.19 At para 3.2.4 of the Objector's proof of evidence he writes ... ***"I have therefore welcomed the***

***recent decision to provide a dedicated right turn lane into the site from the westbound carriageway of Hard Ings Road. However, the restricted left turn only exit from the site remains of concern to me. It is my view that this restriction is not currently in force and, as a direct result of the CPO, enforcement of a left turn only exit will have a detrimental effect on the potential financial returns from the re-development this brown-field site."***

- 4.20 The Objector's request for a right turn into the site was made some time ago in November 2016 and as a result, the Council amended its design to accommodate the request. This amendment was confirmed in 'without prejudice' correspondence dated 17 November 2016 and plans of the revised layout and turning movement were provided in 'without prejudice' correspondence dated 6 December 2016. Nevertheless at no time has the Council offered a dedicated turning lane.
- 4.21 In terms of the 'left turn only' restriction (out of the site), any impact this may have on financial returns is a matter to be considered in terms of compensation. The level of compensation is not considered to be a relevant consideration to this Inquiry as this is a matter to be determined by the Upper Tribunal (Lands Chamber) if an agreement cannot be reached.
- 4.22 Notwithstanding the above I would comment that whilst egress will be left only, the right turn movement is catered for by u-turning at the Bradford Road roundabout. Furthermore it is noted in Para 3.2.5 that the Objector is "*not anticipating a high number of right turning vehicles leaving the site when it has been redeveloped*" and hence, by his own admission, the lack of the right turn out should not affect a large number of trips.

## **5 Summary and Conclusion**

- 5.1 In summary, this Rebuttal Proof of Evidence has been prepared to address the Land and Property aspects of an objection submitted by Mr Tariq Ghafoor dated 1 December 2017. I have explained how the issues raised by Mr Ghafoor have either been addressed or are not a relevant matter for this Inquiry, in particular:
- Whilst the access/egress will need to be remodelled, this has been done in liaison with the Objector to accommodate his preference.



- At no time has the Council stipulated or advised that the buildings must be demolished or that it is essential to remodel or reconfigure the site. The Council's position is that it is possible to maintain the existing buildings in their same position on the site after the road scheme if the owner wants to do so.
- The Council's Scheme is not necessitating the majority of works as stated by the Objector. Redevelopment of the site was an aspiration of the owner regardless of the Scheme, and the works outline by Mr Ghafoor would have been required in any event to facilitate this vision.
- The Council has made an offer of compensation in accordance with the Statutory Compensation Code as per the Guidance. In any case, the level of compensation is not considered to be a relevant consideration to this Inquiry.
- In terms of the 'left turn only' restriction (out of the site), any impact this may have on financial returns is a matter to be considered in terms of compensation.

5.2 In conclusion, 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.

## **6. Declaration and Statement of Truth**

6.1 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.

- 6.2 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.
- 6.3 I am not instructed under any conditional fee arrangement and have no conflict of interest.
- 6.4 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.
- 6.5 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**

### **Supplemental objections of Mr Tariq Ghafoor**