

Dated..... *- 3rd May -*2018

The City of Bradford Metropolitan District Council

**The City of Bradford Metropolitan District Council
(Harrogate Road/New Line Junction Improvements)
(Side Roads) Order 2017**

-and-

**The City of Bradford Metropolitan District Council
(Harrogate Road/New Line Junction Improvement Scheme)
Compulsory Purchase Order 2017**

JOINT STATEMENT OF CASE

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1. Preliminary Matters

1.1 This Statement of Case (“**Statement**”) is to explain the reasons why the City of Bradford Metropolitan District Council (“**Council**” or where the context so admits “**Bradford MDC**”) in its capacity as acquiring Authority for the purposes of the Highways Act 1980 on the 1st December 2015 resolved to promote a compulsory purchase order and a side roads order to facilitate a road widening highway improvement scheme and associated highway alterations in respect of Harrogate Road/New Line, Bradford and the decision having been subsequently modified by the Council on 7th March 2017, the Council proceeded -

on the 19th December 2017 made the “The City of Bradford Metropolitan District Council (Harrogate Road/New Line Junction Improvements) (Side Roads) Order 2017” and Plan showing highway alterations (“**Side Roads Order**”) under sections 14 and 125 of the Highways Act 1980

and pursuant to the Side Roads Order -

on the 21st December 2017 made the “The City of Bradford Metropolitan District Council (Harrogate Road/New Line Junction Improvement Scheme) Compulsory Purchase Order 2017” and a Map showing the land and new rights to be acquired (“**CPO Order**”) under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980

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

1.2 On the 24th January 2018 both Orders were submitted to the Secretary of State for Transport (“**Secretary of State**”) for confirmation and which if confirmed, will enable the Council to rely on the use of compulsory purchase powers, to enable the compulsory purchase of land and new rights to facilitate proposed highway improvements and highway and private means of access alterations to be undertaken to facilitate a scheme to improve and widen the A658 Harrogate Road from a point 70 metres north east of its junction with Carr Bottom Road, south westwards to a point 25 metres south west of its junction with Stanley Street and the A657 New Line from a point 45 metres north west of its junction with Haigh Hall Road, south eastwards to its junction with Elder Street, Bradford and to construct a new 60 metres long one-way link road (“**P-Loop Junction**”) between Harrogate Road and New Line (“**Scheme**”) and at the same time to ensure that all the land needed for the Scheme is acquired, should this not prove possible through voluntary means.

1.3 The expiry date for objections to the Orders to be sent to the Secretary of State was -

for the CPO Order – Friday, 23rd February 2018 and

for the Side Roads Order – Friday, 9th March 2018.

1.4 Six (6) objections (“**Objections**”) to the CPO Order have been received by the Secretary of State and are referred to hereafter. Whilst none of the objections refer specifically to the Side Roads Order, the Council will where applicable in its rebuttal statements to the objections to be presented to the Inquiry, address any points of objection that relate to the Scheme highway alterations.

- 1.5 By way of a letter dated the 16th March 2018, the Secretary of State gave notice of an intention to convene a local public inquiry ("**Public Inquiry**") to consider the objections to the CPO Order.
- 1.6 The Secretary of State has given notice that a local Public Inquiry is to be held to consider objections to the CPO Order commencing Tuesday, 6th November 2018. As a guide the Inquiry is expected to last 4 days.
- 1.7 The Inquiry Inspector is Mr J Wilde C.ENG.MICE.
- 1.8 The Statement has been prepared with reference to Government Guidance (October 2015), (as amended) and Department of Transport Local Authority Circular 2/97 and in accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Highways (Inquiries Procedure) Rules 1994 and is being served on all persons who have lodged with the Secretary of State an objection to the CPO Order and is to be placed on deposit for public inspection.
- 1.9 Throughout the Statement mention is made of land and buildings and other interests included in the CPO Order and is referred to hereinafter as the "**CPO Order Land**". For ease of identification the lands and buildings are identified where appropriate by reference to plot numbers in relationship to their position in the Order Schedule and are so marked on the CPO Order Map.
- 1.10 The "**CPO Order Schedule**" refers to the schedule to the CPO Order.
- 1.11 The "**CPO Order Map**" is that bearing the title as in the CPO Order.
- 1.12 The "**CPO Order Rights**" relate to those rights that are needed to be acquired for the exercise of permanent rights in the CPO Order Land.
- 1.13 The "**Side Roads Order Authorities**" are those authorities in the Side Roads Order which are needed to enable highway and private means of access alterations to be made to accommodate the Scheme.
- 1.14 Notwithstanding that the Council has submitted the Orders to the Secretary of State for confirmation, the Council will continue to try to acquire all the CPO Order Land by voluntary means so that the exercise of compulsory purchase powers is only used as a last resort.
- 1.15 The Council considers that there is a compelling case in the public interest for the making and confirmation of the Orders to secure the CPO Order Land required for the purpose of implementing and completing the Scheme and described in the CPO Order Schedule and shown on the CPO Order Map and that the Orders include all the outstanding and necessary land requirements to implement and complete the Scheme.
- 1.16 Considerable work has already been undertaken including developing feasibility options for schemes; traffic modelling, identifying land ownerships and seeking appropriate consents and permissions where required and preliminary costs, undertaking a risk assessment to identify and manage risks, environmental and ecological appraisals, including heritage

statements, noise and air quality impacts, arboricultural survey, bat survey and a public consultation exercise.

- 1.17 Furthermore the Council will take advantage wherever possible of the new alternative dispute resolution techniques introduced by the Planning and Compulsory Purchase Act 2004 for trying at the earliest opportunity to help to clarify areas of uncertainty with those with a vested interest in the CPO Order Land as the Council recognises the stress that the compulsory purchase process inevitably places on those whose interests are affected by the Scheme.
- 1.18 The Council has and continues to engage in negotiations with all parties for the voluntary acquisition of the land and rights within the CPO Order Land. This has already resulted in a number of vested interests in the CPO Order Land being acquired or contractual arrangements entered into and elsewhere negotiations are continuing.
- 1.19 The Council will rely on the use of compulsory purchase powers, if authorised to acquire the CPO Order Land and the rights needed to support traffic management measures, as a last resort, in the event that all proprietary interests in the CPO Order Land and Side Roads Order Rights needed are unable to be acquired through voluntary means.

2. Introduction

- 2.1 The Council is seeking to promote an extensive highway improvement scheme comprising proposals for an improved Harrogate Road/New Line road junction (“**Junction**”) intended to improve traffic flows, reduce traffic congestion and improve the safety aspects of the junction. New cycling and pedestrian facilities will be provided as part of the Scheme to try and encourage the use of sustainable modes for local journeys. Underpinning the CPO Order is a joint project between the Combined Authority (“**Combined Authority**”) and the Council. Funding for a new road junction has been provided by the Combined Authority and private developer contributions via a Section 106 obligation under the Town and Country Planning Act 1990 (as amended). To date, the Council has received and committed £1,926,006.00 in Section 106 contributions from the developer of the approved application 14/00255/MAF at Simpsons Green, Bradford. The Council considers it has demonstrated sufficient commitment of funds to the scheme through the development and promotion of the Scheme; and the Council’s Executive approving the CPO and all relevant planning consents.
- 2.2 The Scheme is located at the existing junction of Harrogate Road/New Line, Bradford which is an important junction that forms part of primary route network providing strategic links between Shipley to Leeds and Bradford to Harrogate. Harrogate Road provides access to Leeds Bradford Airport and the new Apperley Bridge railway station (opened in December 2015), which are located 5km and 1km to the northeast respectively. The Scheme comprises increasing the number of traffic lanes on all arms of the junction, introducing controlled pedestrian crossing facilities, introducing cycle lanes, landscaping works and the construction of structures and retaining walls to accommodate the Scheme. Additionally, a new one-way road link will form a 'P-Loop Junction' to facilitate right and left turning movements from Harrogate Road to New Line.

The Scheme is a longstanding aspiration of the Council to address issues at this junction including traffic congestion, which causes long delays to travel between Bradford, Leeds, Airedale and Leeds Bradford Airport and also the lack of cycle lanes and controlled pedestrian crossing facilities at this location.

- 2.3 In developing the Scheme, a number of options were considered including a “do-nothing option” (as existing), pedestrian facilities option (as existing with pedestrian facilities), traditional crossroads and the 'P-Loop Junction', the preferred option. The 'P-Loop Junction' proposal has undergone a number of iterations in seeking to reduce the amount of land required whilst allowing the junction to operate efficiently.
- 2.4 The Scheme requires widening of the existing highway into land currently owned by the Council and private landowners.
- 2.5 The western approach to the junction of New Line will be widened on both sides, but primarily on its south side, where the proposed road widening will begin to taper at the car park of Sunnyside Nursery off New Line into the car park of New Line Retail Park and into a straight section of land owned by the Council and previously set-aside by Farmfoods Supermarket, off Harrogate Road for a road improvement. The north side of the junction will be widened into land set-aside by QRI Ltd (a local fashion Company) for the road improvement and into the landscaped garden of a War Memorial, comprising land in the ownership of the Council.
- 2.6 Starting at No. 150 New Line, the eastern approach to the junction of New Line will be widened primarily on the south side into the front gardens of terraced properties, semi-detached property and a detached property, leading to an empty commercial building. The northern side of the junction will be widened into land already in ownership of the Council and previously set aside for a road scheme and currently partly used as a temporary garden.
- 2.7 The northbound approach to the junction of Harrogate Road will be widened on both the east and western sides. The eastern side will be widened into a grass verge fronting a “KFC” food outlet but which is in the ownership of the Council. The western side will see the creation of a new length of highway with access into Farmfoods Supermarket, through land currently occupied by No. 911 and Nos. 913/915 Harrogate Road, all of which will be demolished.
- 2.8 The southbound approach of Harrogate Road will be widened on both sides. The eastern side of Harrogate Road will be widened into the front garden of a listed building situated at No. 830 Harrogate Road and onto land which is currently owned by the Council. The western side of Harrogate Road will be widened into the car park of Optegra Eye Hospital.
- 2.9 On the north eastern corner of the junction a new, one-way link road will be created onto land already owned by the Council and a small corner of land at No. 830 Harrogate Road. This link road will accommodate traffic travelling southbound on Harrogate Road and wishing to turn left, onto New Line in a westbound direction.
- 2.10 All other road widening construction will be carried out within the existing highway boundary including some narrowing of existing footways where appropriate.
- 2.11 Land is being acquired at New Line Retail Park to mitigate the loss of customer car parking created through the acquisition of frontage land. The Council considers it essential to acquire

this land because the loss of parking may result in a loss of trade for the existing tenanted business and potentially cause New Line Retail Park to be significantly injuriously affected. Planning permission to demolish Unit No. 4 (No. 70 New Line), at the New Line Retail Park currently comprising a “fish and chip” shop has been granted in order to permit alterations to be made to the structure of the retail park block of buildings to enable replacement parking to be provided once the existing retail car parking spaces fronting the retail park are lost when the adjoining New Line road is widened.

- 2.12 The Scheme has been accepted as a qualifying scheme and prioritised by the Combined Authority in consideration of the Scheme’s economic impact within the West Yorkshire plus Transport Fund (“**Transport Fund**”). Initially, a long list of 120 projects was reduced into a medium list of 60. The prioritised package included 33 projects and the Scheme was ranked at 25 based on the schemes ability to deliver GVA (Gross Value Added) uplift per £1 of whole life costs across West Yorkshire. The Scheme has been developed and received Development Approval (Outline Business Case) of the Combined Authority assurance framework governance process in May 2014. In doing so, it has demonstrated that the Scheme will provide an acceptable level of value for money, has a clear set of objectives and a realistic chance of successful implementation.
- 2.13 The Scheme has received approval at Decision Points 1 to 3 of the Combined Authority assurance framework process and going forward, continuing under the assurance framework process, the Scheme will need to achieve full business approval at “decision point 4” and full business case with detailed costs at “decision point 5” of the assurance framework process. These additional approval stages will allow for further evaluation of the scheme to ensure it is still programmed to deliver economic growth benefits, address identified congestion issues and continues to offer value for money.

3. History and Location of CPO Order Land

- 3.1 Land use adjacent to Harrogate Road and New Line includes a War Memorial, a primary school, an eye hospital, residential housing, a retail park, commercial buildings and premises, a gym, a nursery and a temporary permitted community garden. Residential areas and retail units are located off all the roads. The building face of some commercial properties directly abuts the back of the highway and the garden boundary walls and gates of some residential properties directly abuts the back of New Line.
- 3.2 Current commercial occupiers of adjacent land include QRI Ltd, Aldo’s Italian, Eclipse, Optegra Eye Hospital, Greengates House (multi-let offices), Asda Supermarket, Clarick Pharmacy, Natwest Bank, AutoMoney, Costa Coffee, KFC Restaurant, Farmfoods Supermarket, Fone People, Smith Opticians, Coral Bookmakers, Fresh Electronic Cigarettes. Sunnyside Day Nursery/Play Centre and within the New Line Retail Park; a “fish and chip” shop (not currently trading), Boots Pharmacy, A S Tanning, Subway, Bhajis ‘n’ Beer, Kip McGrath Education Services and Towerwood Vets Ltd.
- 3.3 There is one definitive right of way (Footpath 352), crossing the CPO Order Land which is located to the eastern boundary of the QRI Ltd property on New Line.
- 3.4 A location plan (**Plan 1**) is appended hereto as **Appendix 1** showing the position of the CPO Order Land.

4. Scheme Land Ownership

4.1 The CPO Order Land is predominantly used for commercial and residential purposes.

Specifically, the various land uses in the area can generally be described as follows:-

- Harrogate Road – land to the southeast and southwest - comprises a number of retail properties, some of which contain upper floor residential accommodation and one of which is a large supermarket with car park. There is also a fast food restaurant.
- Harrogate Road – land to the northeast - comprises an area which has been cleared of buildings, laid to lawn and used as a temporary permitted community garden. Slightly north of this is “Greengates House”, a Grade II listed office building with adjoining residential premises and rear car park.
- Harrogate Road – land to the northwest - comprises a listed Grade II War Memorial (with associated gardens), a restaurant, retail properties and a private hospital with car park.
- New Line – land to the southeast - comprises predominantly residential dwellings with associated front gardens. There is also a large car park (accessed via Harrogate Road) which serves a modern retail/leisure development and further retail premises.
- New Line – land to the northeast – comprises a parade of retail properties with frontage car park.
- New Line – land to the northwest comprises a former school building which has been converted into commercial offices.
- New Line – Land to the southwest - comprises part of the car park (which serves Farmfoods Supermarket) and New Line Retail Park, a parade of two storey commercial units which are occupied by retailers including a veterinary practice, chemist, education centre, food outlets, and a restaurant. There is also a Nursery with frontage car park.

4.2 The topography of the CPO Order Land varies between 91 metres AOD (Above Ordnance Datum) in the south and east and 86 metres AOD in the north and west. The steepest change in levels is in the vicinity of Farmfoods Supermarket with the difference in elevation being supported by two retaining walls.

4.3 The Junction is a heavily built-up area with development along all four arms. Land already in the Council’s ownership together with the proximity of existing buildings has influenced the space available for highway widening works. In particular, a critical width restriction occurs in the vicinity of Greengates House. The Scheme seeks to minimise land-take with only three commercial properties required in their entirety (911 Harrogate Road, 913/915 Harrogate Road and Unit 4 New Line Retail Park) and one residential dwelling (an upper floor flat at 915a Harrogate Road). In addition, there is one vacant commercial property that is required to be reduced in size (No. 804 Harrogate Road). The majority of additional land required for the Scheme is predominantly used for complimentary purposes, e.g. gardens, car parking, and amenity purposes.

- 4.4 Previous land use in this location comprises predominantly post-Medieval buildings with most having been replaced by modern built development. Prior to 1850 the site was primarily open land. New Line road was built after 1850 and substantial development of the area occurred up to 1893. This included a Methodist Chapel which was demolished before 1984 and replaced by the current vacant retail unit located at No. 804 Harrogate Road, a school that was originally located in the building that still stands at 40 Stockhill Road and the Roebuck Hotel (PH) which was recently demolished to make way for the Farmfoods Supermarket. Also before 1893 one of the listed Grade II buildings located at No. 929 Harrogate Road was the Seven Stars Public House which probably served as a coaching inn for Harrogate Road and is currently an Italian Restaurant.
- 4.5 The purported ownership of the CPO Order Land is described and set out in the CPO Order Schedule. The CPO Order Land consists of land in third party ownership and occupation together with some unregistered land and land already in the ownership of the Council. The main Plots are briefly set out below -

Land in Third Party Ownership and Occupation or Unregistered

- Plots 1, 2 and 4 comprise car-park and circulation land occupied by Sunnyside Day Nursery. Plots 3, 5, 6 and 8 comprise a shared driveway used in common by tenants of Sunnyside Day Nursery and occupiers of Units A & B New Works. There is also a small area of car park in Plot 6 which is used by the occupier of Unit B New Works.
- Plot 7 – comprises two retail premises (occupied separately at ground and first floor levels). The ground floor Unit (No. 70 New Line) is tenanted although is understood to be vacant. The first floor unit (No. 70A New Line) is occupied by “Bhajis ‘n’ Beer Restaurant”.
- Plot 9 – comprises predominantly car parking land fronting New Line Retail Park.
- Plots 10 and 21 – comprise surfaced car parking land to the north, north-east and south-west sides of Farmfoods Supermarket on Harrogate Road.
- Plot 13 - comprises surfaced car park and circulation land fronting and adjacent to office premises occupied by QRI Ltd.
- Plot 15 – comprises unregistered land fronting Farmfoods Supermarket, Harrogate Road.
- Plot 16 – comprises footway land fronting retail premises at No. 919 Harrogate Road.
- Plot 17 and 57 – comprises retail premises and frontage footway at No. 917 Harrogate Road.
- Plot 19 – comprises a single storey retail shop at No. 911 Harrogate Road.
- Plot 20 – comprises retail premises at Nos. 913/915 Harrogate Road with a residential dwelling above.
- Plots 23 and 25 – comprises footway and private driveway at the south-east junction of the New Line/Harrogate Road crossroads, which fronts retail premises occupied by Costa Coffee and Auto Money.

- Plot 26 – comprises a vacant commercial building, No. 804 New Line, together with adjacent car park, landscaping and a stonewall.
- Plot 28 – comprise a front garden/driveway of a detached residential dwelling at No. 138 New Line.
- Plot 29 – comprises a front garden/driveway of a pair of semi-detached dwellings at Nos. 138a and 138b New Line, with a shared access from No. 138 New Line.
- Plot 30 – comprises part of a private driveway which leads to a detached residential property at No. 140 New Line.
- Plot 31 – comprises part of a driveway which provides access to the rear gardens and parking areas of Nos. 138 - 152 New Line (residential properties).
- Plots 32 – 37 - comprise part of the front gardens of a row of terraced properties at Nos. 142 – 150 New Line. It should be noted that 152 is a flat which is accessed from the rear of 150 New Line, however 152 New Line has no land included in the Order.
- Plots 38, 38a and 40 – comprise part of the front and side gardens of “Greengates House”, No. 830 Harrogate Road, a listed building and includes a stonewall.
- Plot 42 – comprises a car park, with a landscaping edge and stonewall at No. 937 Harrogate Road occupied by (Optegra Eye Hospital).
- Plots 43, 45, 46 & 47 – comprise predominantly footway fronting commercial premises at Nos. 929 – 933 Harrogate Road, part surfaced in stone flags, with the remaining area in asphalt. A small area also comprises car park which is occupied by Aldo’s Italian.
- Plot 49 – comprises an open water course lying to the west of Asda Supermarket, New Line.
- Plots 50, 51 & 52 – comprise car parking land fronting commercial premises at Nos. 147 – 151 New Line.
- Plot 54 – comprises car parking land in unknown ownership.
- Plot 58 – comprises two retail premises (occupied separately at ground and first floor levels). The ground floor Unit (No. 72 New Line) is occupied by Boots the Chemist. The first floor unit (No. 72a New Line) is occupied by “Bhajis ‘n’ Beer Restaurant”.

Land in Council Ownership or Control

4.6 The following parcels of land are already in the ownership of the Council and are included in the CPO Order to ensure that any third party interests or rights that might exist will not delay or prevent the Scheme from proceeding. –

- Plot 11 – comprises a parallel strip of land adjoining Farmfoods Supermarket.
- Plot 14 – comprises a public footpath between QRI Ltd and a listed War Memorial.

- Plots 12, 18, 22, 24, 41, 44 & 48 – comprise public highway and footway.
 - Plots 27 & 29 – comprise a front garden/driveway of Nos. 138 New Line, 138a and 138b New Line.
 - Plot 39 – comprises land adjoining No. 830 Harrogate Road (Greengates House).
 - Plots 53, 55, 56 – comprise public highway used for parking, fronting commercial properties off New Line.
- 4.7 The Orders seek authority to use compulsory purchase powers to acquire land and rights to facilitate the Scheme.
- 4.8 A copy of the CPO Order Map (**Plan 2**) is appended hereto as **Appendix 2** and shows in pink the land to be acquired and in blue where permanent rights are required to carry out the Scheme. The majority of the land contained in the CPO Order is shown coloured pink on the CPO Order Map as being land which the Council may wish to exercise compulsory purchase powers to acquire the land in the event that the use of such powers is needed, to ensure that the Council is able to acquire all the land necessary to enable the proposed highway constructions works to be undertaken. However, for technical drafting reasons, the land needed for “working space”, as opposed to land needed for the actual physical highway construction is not able to be distinguished separately in the CPO Order and CPO Order Map, and is therefore together shown as one Plot of land coloured pink. Where this occurs, the Council will be seeking to only acquire that part of the land needed for construction purposes, 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.

5. Development of the Scheme and Consultations.

- 5.1 The Council has carried out a robust and extensive public consultation exercise. Precise details were provided as to why certain aspects of the Scheme design were being considered and stakeholders, affected parties, local residents and businesses were asked for their comments with the opportunity being given for affected parties to make representations.
- 5.2 The consultation ran from the 30th August 2016 until the 23rd September 2016. A key priority of the consultation was to actively engage with residents and businesses within close proximity to the proposed Scheme. A range of communication methods were used to provide information about the proposals and ensure that people had the opportunity to offer their feedback on the proposals. Briefing packs were sent to MPs, MEPs and 89 political representatives for the Council including Council Ward Members. Consultation leaflets were delivered to approximately 2,225 key stakeholders, residential and business properties. The leaflet distribution area that was chosen, included properties that would be directly affected by these proposals. The briefing pack/leaflet included details about the dedicated consultation website, project email address and telephone information line. There was also information included regarding the consultation exhibition/drop-in session. The Scheme is located near the Leeds Council Ward of Calverley & Farsley and the City of Leeds Council leader and elected Ward Councillors were also consulted.

- 5.3 One communication method used during the consultation period was a Scheme website which included information about the proposals and electronic copies of the consultation material. It also provided an electronic feedback form enabling people to have their say directly through the website's 'Have Your Say' page. The telephone information line, freepost address and email address were all available for people to ask questions and provide their feedback.
- 5.4 To engage a wider audience beyond those who lived within the leaflet distribution area, a press release was issued to seven local news outlets. An advert was published in the Bradford Telegraph and Argus on 30th August 2016, to give as many interested parties as possible the opportunity to engage with the consultation process. 30 community access points were located both inside and outside the consultation leaflet distribution area to provide wider access to the consultation materials. These were located at local shops, amenities and other key locations including bus/railway stations and libraries, where the public could easily obtain copies of the consultation leaflet. The organisations that agreed to host the leaflets were also provided with an A4 poster to display.
- 5.5 An exhibition/drop-in session was held at Albion Mills Business Centre (Bizspace), Albion Road on the 15th September 2016 and gave the public and stakeholders an opportunity to view plans and discuss the proposals with the Scheme project team. 148 people attended and in principle, the over-riding thought was that the Scheme is needed and is well supported.
- 5.6 The total number of feedback correspondences received was 218 which included 43 feedback forms that were submitted at the exhibition/drop-in session. Within the feedback received throughout the consultation process, support was shown for the Scheme, with 62% of respondents either strongly supporting or supporting the proposals. 8% of respondents strongly opposed and 12% opposed the proposals. Positive comments were received regarding the plans to reduce congestion, the provisions to improve safety on the roads and the associated landscaping proposals. All feedback received during the consultation has been considered by the project team during the finalisation of the Scheme and this resulted in some minor amendments to the Scheme design by altering the engineering highway design to provide additional on-street car parking spaces for limited times of parking. A statement of community involvement was published on the Council's Scheme website along with details of individual replies that were made by the Scheme project team to respondents.
- 5.7 These consultations enabled feedback, comments and views from the public and other stakeholders to be taken into consideration with modifications to the design being made where possible. Once all the comments were explored and feedback was collated, the Scheme was amended in some areas to address certain concerns. The main concerns raised related to the Scheme's effects on parking and one subsequent amendment involved increasing parking provision off the new access road to Farmfoods Supermarket to mitigate a loss on Harrogate Road. The feedback and responses to the positive comments and concerns can be seen in the Scheme consultation feedback response table (at paragraph 21.1.47 of this Statement).
- 5.8 Numerous meetings have and are continuing to be held with interested parties in an endeavour to acquire wherever possible all the land and rights needed for the Scheme in advance of the Council being authorised to seek to rely on the use of compulsory purchase powers as a last resort to achieve the desired objectives and these negotiations will continue throughout the compulsory purchase process.

5.9 Further representations can be made in the context of any local public inquiry, which the Secretary of State for Transport has decided to hold in connection with the Orders.

6. Scheme Objectives

6.1 Harrogate Road and New Line carry significant volumes of traffic and are key commuter routes carrying traffic between Bradford and Harrogate and Shipley and Leeds. 2-way average annual daily traffic flows along both road lengths significantly exceed 8,000. Applying the principles of the Government's Design Manual for Roads and Bridges ("DMRB") and specific reference to TD 42/95 – Geometric Design of Major/Minor Junctions, the presence of traffic signal light controls is the most appropriate form of traffic control for this junction.

6.2 The 2-way traffic surveys of 2016 indicate that Harrogate Road carries 2,864 vehicles per hour in the morning peak and 2,939 vehicles per hour in the evening peak and New Line carries 2,624 vehicles per hour in the morning peak and 2,795 vehicles per hour in the evening peak. In accordance with DMRB TA 79/99 – Traffic Capacity of Urban Roads the capacity of a 9.0 metres wide UAP3 road type is 2,550 vehicles per hour. These statistics demonstrate that the capacity of the junction to cope with the current volume of traffic is inadequate. (Note that TA represents: "Traffic Engineering & Control Advice Document" and numbers "79" and "99" refer to the year of publication).

6.3 At the existing signalised Harrogate Road/New Line junction ("Junction"), the New Line carriageway in an east and west direction is 9.0 metres wide and the Harrogate Road carriageway in a north to south direction is 12.0 metres wide. The New Line approaches both provide a single entry lane to the Junction. The Harrogate Road approaches both widen prior to the Junction to provide two entry lanes with a separate traffic lane provided for right turn movements these two lanes are approximately 10 metres long (northbound) and 12 metres long (southbound).

6.4 Site observations show that especially at peak times both the single lane New Line approach arms are used as two traffic lanes i.e. a left/ahead and a right turn lane, but these are not marked on the road. On occasions, the performance of these approaches is affected when heavy goods vehicles/wide vehicles/buses are in the queue to turn right or when they try to slowly squeeze past the right turn queue. The result of this congestion is a reduction in journey time reliability impacting all road traffic including bus services. The Combined Authority as the joint promoter of the Scheme with the Council is in support of the proposals.

6.5 Stockhill Road, which runs to the west of Harrogate Road near its northern approach to the Junction, is a one-way road of varying width being very narrow in places that takes traffic in an eastbound direction to Harrogate Road. There are limited stretches of footway with sections of the road having no footway at all. Stockhill Road is situated within a 20mph zone and has a 7.5 tonne vehicle restriction. It is traffic calmed using speed tables which not only control speed but also try to discourage 'rat running' as drivers seek ways to avoid the Junction, as during peak times there is evidence to suggest that the road is used to bypass and avoid queuing at the junction.

6.6 The existing layout does not accommodate the existing demands and operates over capacity at peak times. Heavy congestion currently affects the Junction at peak hours and the Junction

suffers from excessive queues and associated vehicle/bus delays. Congestion around the Junction corridors results in increased vehicle emissions and worsening air quality.

- 6.7 The Scheme is designed to improve traffic flows and reduce traffic congestion along the Junction corridors. Air quality and highway safety will also be improved and the local environment will be enhanced through the use of high quality materials in the design of the Scheme. Where feasible, new cycle lanes and pedestrian facilities will be provided to encourage the use of sustainable modes for local journeys.
- 6.8 The Scheme fulfils the objectives of the Transport Fund and also those of the Combined Authority Transport Strategy adopted by the Combined Authority on 3rd August 2017 to replace the Combined Authority Local Transport Plan 3. The strategy sets out a vision and a framework to deliver a high-class, modern, integrated transport system for the region. Development of the Combined Authority Transport Strategy is led by the Combined Authority, but it has been produced through engagement with many partners and stakeholders. The Strategy sets out a transport vision and set of objectives to guide improvements to the transport network across the region for the next 20 years. The Council are of the opinion the scheme aligns with the vision, objectives and policies of the Strategy. The Scheme accomplishes these objectives through the introduction where feasible, of cycle lanes and pedestrian crossings under signal control, improvements to public transport facilities and an increase in traffic throughput without having an overall detrimental effect on air quality.
- 6.9 The Primary key Scheme benefits are:-
- Reduced congestion at the Junction leading to anticipated reductions in vehicle delays.
 - Increased safety provision for cyclists and pedestrians through provision of cycle lanes and dedicated controlled pedestrian crossing facilities on all arms of the Junction.

The secondary benefits of the scheme include –

Supporting proposed housing developments in the area –

- 14/00255/MAF - Construction of 267 dwellings and integral public open space, with associated access, parking and landscaping - Land At Simpsons Green, Apperley Road;
- 16/09142/MAF - Erection of 45 dwellings with associated access and infrastructure (building to be demolished) - Sports Ground, Harrogate Road (adjacent to canal);
- 14/05285/MAO - Outline planning permission for the construction of up to 130 residential dwellings with associated access – Land between Harrogate Road and Carr Bottom Road;
- 13/04148/MAF - Hybrid application for up to 220 dwellings with full permission for 60 dwellings, with partial means of access and open space included within the outline - Land At Cote Farm, Leeds Road, Thackley;

- 14/00208/MAO - Outline application for residential (C3) use for up to 600 dwellings including detailed means of access with ancillary local centre (Uses A1 to A5 up to 2000 sq m gross), demolition of onsite buildings, a nursery (D1 Use) and fixed surface infrastructure associated with existing uses. - Fagley Quarry, Fagley Lane.
- 13/00377/MAO & 14/05123/REM - BPL House, Harrogate Road - 80 dwellings;
- No deterioration of existing 'Air Quality' resulting from the Scheme.

6.10 The Scheme also supports the West Yorkshire Transport Strategy 2017 objectives i.e:-

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

6.11 Improving the Junction will also support the Council's Local Transport Plan 3 (Local Transport Plan 3 – Bradford MDC approved 24th June 2011) indicators in relation to improving journey time reliability, reducing CO2 emissions, reducing the number people killed or seriously injured in road accidents and improving satisfaction with transport.

7. Scheme Design and Description

7.1 The Scheme will involve major civil engineering works, including -

- substantial widening of the existing highway on all four arms of the Junction
- replacement and upgrading of the Junction traffic signals
- 'P-Loop Junction', a new length of highway that would facilitate left and right vehicle turning manoeuvres from Harrogate Road
- demolition of a small number of properties
- demolition of some existing retaining wall features and the reconstruction of these on new lines that are set back from existing retaining walls
- closure of existing Farmfoods Supermarket's store highway access and construction of a new access
- accommodation works to affected land and properties
- new and replacement planting and landscaping
- road lighting improvements
- relocation of five bus stops
- reconstruction and extension of a watercourse culvert; and
- significant diversions of statutory undertakers plant and services.

7.2 As part of the overall Scheme, all proposed traffic lanes would be a minimum of 3.0 metres wide. To help relieve the heavy congestion and provide additional capacity to cater for traffic growth, new traffic lane lengths at the improved Junction would be provided as follows –

New Line westbound approach -

- 120 metres straight ahead lane and
- 60 metres right turning lane

New Line eastbound departure -

- 120 metres straight ahead lane

New Line eastbound approach -

- 60 metres straight ahead lane and
- 50 metres right turning lane

New Line westbound departure -

- 80 metres straight ahead lane

Harrogate Road northbound approach -

- 20 metres extension to the two northbound lanes

Harrogate Road southbound departure -

- 50 metres straight ahead lane

Harrogate Road southbound approach -

- 20 metres extension to the two southbound lanes

Harrogate Road northbound departure -

- 200 metres straight ahead lane and a 40 metres right turning lane

New one way P-Loop Junction carriageway -

- 60 metres left turning lane and
- 60 metres right turning lane

7.3 Speed limits on the local road network in the vicinity of the Scheme are subject to a 30mph speed limit except for Stockhill Road, The Grove, Galloway Place and Brunswick Place where the speed limit is 20mph. There are no plans to alter the existing speed restrictions on any of the roads in the vicinity of the Scheme.

7.4 The Scheme would provide most carriageways with 1.5metres wide cycle lanes in each direction throughout the junction making a combined total of over 600 metres of new cycle lanes. Where carriageway space is limited such as on both the Harrogate Road downhill northbound arms the inside (nearest to kerb line) lane would be a minimum of 4.0 metres wide allowing for comfortable overtaking of cyclists within that lane width. Each of the new traffic signal lane approaches would have advanced cycle stop lines.

7.5 The Scheme would include significant improvements to assist pedestrians to cross the roads. At the new junction there would be controlled pedestrian crossing facilities with red coloured tactile paving and dropped kerbing on each arm of the Junction. The four crossing routes would be staggered giving refuge in the centre of each carriageway. In addition there would be two new controlled crossings one each on New Line and Harrogate Road. The one on New Line would replace the existing pelican outside Asda and would also be a staggered one. The one on Harrogate Road would be a brand new facility located just to the north of Carr Bottom Road.

7.6 Bus Stops

7.6.1 It will be necessary to relocate five existing bus stops/shelters. Consultations have been made and adjustments to the bus stop arrangements have been agreed with the Combined Authority who own the bus shelters and have a licence from the Council, in its separate capacity as local Highway Authority to locate the bus stops/shelters in the positions illustrated on the plan annexed to this Statement and marked **Appendix 3** and bus operators. During the Scheme construction, an opportunity will be taken to improve each bus stop amenity, including the provision of shelters (albeit some would be reused) with real time information. A plan marked as “**Plan 3**” is appended hereto as **Appendix 3** illustrating the proposed position of the bus stops/shelters. The bus stop shelter proposals meet the design standards from the Combined Authority for positioning, function and footway widths, as described in the Metro Bus Stop Infrastructure Standard 2008.

7.6.2 The alterations that have been agreed are as follows -

Bus stops within the CPO Order –

- Harrogate Road bus stop/shelter for northbound buses near Optegra Eye Hospital - the bus stop would be set back and remain in its existing location. A new shelter would be provided;
- New Line bus stop for westbound buses outside Farmfoods Supermarkets store. In order to assist free flowing traffic through the Junction, this stop would be relocated some 150 metres to the west. The improved facility would include a bus lay-by and shelter. This stop may be amalgamated with the stop opposite Stockhill Road

Bus stops outside the CPO Order Land -

- Harrogate Road bus stop for southbound buses outside Saint John the Evangelist Church – the bus stop would be set back and remain in its existing location;
- New Line bus stop/shelter for eastbound buses outside Asda - this stop would have to be moved due to the close proximity of the signals that control the end of the 'P-loop Junction'/new staggered pedestrian crossing on New Line. In order to assist free flowing traffic through the Junction this stop would be relocated some 70 metres to the east. The improved facility would include a bus lay-by and shelter;
- Harrogate Road bus stop/shelter for southbound buses near Costa Coffee - in order to assist free flowing traffic through the Junction this stop would be relocated some 60 metres to the south;

7.7 The existing vehicular access on Harrogate Road serving Farmfoods Supermarket would be closed and relocated by some 25 metres to the south. The new access would be to Department for Transport’s Manual for Streets (2007) highway standards and would incorporate a visibility splay to that standard. The existing vehicular access serving the New Line Retail Park would be relocated to a point approximately 40 metres to the west becoming a shared access with Sunnyside Day Nursery, New Works Unit’s A & B and New Line Retail Park. The existing vehicular accesses to most retail and domestic properties would be unaffected and will be maintained or set back from their existing locations.

- 7.8 The Scheme would retain all existing pedestrian access points to the highway.
- 7.9 Due to the existing narrow roads, waiting restrictions and zigzag carriageway markings associated with the puffin crossing, there are very few parking opportunities on the main roads. On the improved highway network this will remain the case, as parking will be restricted mainly by double yellow lines, which will be necessary to maintain and protect traffic flows through the Junction.
- 7.10 A Road Safety Audit Stage 1 of the proposed 'P-Loop Junction' was completed in November 2014. In relation to the 'P-Loop Junction' the recommendations of the auditors have been considered and where still applicable, have been taken into account and the current Scheme design proposals have been adjusted accordingly.
- 7.11 The proposed modified junction will offer significant improvements to vulnerable road users. The potential for injury accidents occurring should be mitigated because the proposals provide controlled facilities to assist pedestrians to cross all the roads and also provide an extensive on carriageway cycle lane network for cyclists including advance stop lines at signals. In addition, potential vehicle turning conflicts at the junction will be reduced and the lengths of vehicle queues will reduce the potential for nose to tail "shunting" collisions.
- 7.12 Construction of the Scheme is provisionally scheduled to commence in summer 2019/2020. It is anticipated that the construction phase would be circa 12 months.
- 7.13 A plan (**Plan 4**) is appended hereto as **Appendix 4** showing the main engineering features of the Scheme.

Alternative Options

- 7.14 One of the Scheme's key challenges is the constraint placed on the site by existing properties. This is particularly the case on the New Line east/west corridor.
- 7.15 A coarse analysis in 2014 of the known potential solutions was undertaken specifically to identify the numbers of traffic lanes required to provide for predicted demand in 2026 (10 years after predicted opening). This approach was chosen to quickly identify the extent of the land required and any associated property issues.
- 7.16 Continuing assessment work identified that there were two clear options which could provide for the predicted 2026 demand; a 'P-Loop Junction' layout with extended lanes, and a Controlled Crossroads layout with extended lanes. Both showed significant benefits and appeared to address the existing capacity issues. There was very little difference in the offer between the two, although a 'P-Loop Junction' did have some detriment for vehicles turning right from Harrogate Road (south) as they would have to use the 'P-Loop Junction' route.
- 7.17 A controlled crossroads layout with extended lanes did however have a significant effect in terms of additional land taken. The layout required demolition of property at the south east corner and would significantly impact on the recently completed Farmfoods Supermarkets store development at the north west corner. In contrast the 'P-Loop Junction' layout with extended lanes avoided both these sites making better use of land already in ownership of the Council.

- 7.18 In further seeking to reduce land and property acquisition, an optimised ‘P-Loop Junction’ layout was produced and modelled. In terms of design, it significantly reduced the impact on the New Line Retail Park with the expectation that it should minimise impact on the retail provision, subject to further careful detailed design and successful negotiation with the owners. The optimised ‘P-Loop Junction’ layout design involves the introduction of reduced length lane merges and divergences. These have been incorporated within this design in the knowledge that similar reduced standards operate successfully elsewhere across Bradford District.
- 7.19 Storage capacity within the Optimized ‘P-Loop junction’ itself was discussed and modelled at length. In discussion with the Council’s Urban Traffic Control UTC Unit it is expected that any potential demand for increased storage can be controlled by adjusting signal timings.
- 7.20 In conclusion, the Council adopted the optimised ‘P-Loop Junction’ layout as the preferred option for the Scheme and this was taken forward to support the Council’s Gateway 1 funding submission to the West Yorkshire Combined Authority.

8. Scheme Design Standards.

In designing the geometric layout of the Scheme, the Council has had regard to the guidance contained in the design standards and advice notes contained in the Government’s “Design Manual for Road and Bridges”, relating principally to motorway and all-purpose trunk roads and where applicable has applied the same desirable high design standards to the Scheme.

9. Scheme Justification

- 9.1 The A657 and A658 form part of a strategically important commuter routes within Bradford's transport network. On an average weekday, these routes carry approximately 38,000 vehicles and converge at the Junction, whose capacity is insufficient to accommodate the substantial volumes of traffic at peak hours. At peak times considerable congestion is evident and long delays make them less attractive for businesses.
- 9.2 The A658 Harrogate Road/A657 New line is a major pinch point on the districts strategic road network and the lack of capacity at the junction results in considerable queuing at peak times on all four approaches. The A657 provides access from Keighley, Shipley and Bingley into Leeds and the A658 links Bradford with Leeds Bradford Airport and Harrogate. Both are key commuter routes and carry significant volumes of traffic with an indicated approximately 38,000 vehicles using the Junction each day. There are no dedicated pedestrian facilities at the Junction despite the location of a primary school and retail units sited within 100 metres.
- 9.3 Therefore seeking funding for improving the junction has been a key priority for Bradford Council for over a decade in order to reduce congestion and improve pedestrian safety. Significant cuts by the Government in 2010 prevented any progression with regards to the Scheme until 2014 when the Combined Authority was awarded £1 billion over twenty years to improve transport links. The monies awarded are known as the Transport Fund. Projects which can complete delivery by 2021 are being taken forward as ‘early win’ projects with funding available where Combined Authority assurance approvals has been secured.

- 9.4 Qualifying schemes had to demonstrate that they would support the development of business and creation of new jobs by reducing congestion and making it easier to commute between economic growth areas. The Scheme at Harrogate Road/New Line was developed and received Development Approval Outline Business Case (“Decision Point 3”) approval of the Combined Authority assurance process in December 2014 and has qualified for funding from the Transport Fund. The Scheme improves access to employment sites in Leeds, Bradford and Leeds/Bradford airport, in addition to facilitating new housing developments in the immediate area. Continuing under the Combined Authority assurance framework process the Scheme will need to achieve full business case approval at “Decisions Point 4”. Measures and the mechanisms for obtaining further funding are in place should the need arise.
- 9.5 Congestion along the corridors results in increased vehicle emissions, worsening air quality and high levels of pollution. If the Scheme is not implemented, the traffic situation will worsen in the future.
- 9.6 The Scheme is designed to reduce congestion, and offer improved and safer provision for pedestrians and cyclists. To facilitate this, a number of changes to the road layout will be implemented, including the widening of both Harrogate Road and New Line on all four sections of the crossroads.
- 9.7 In addition, new cycle lanes and wide inside traffic lanes will improve journeys for cyclists and pedestrian islands with signal controlled crossings would be provided to make it easier and safer for pedestrians to cross these busy roads. Modern road lighting will be provided within the bounds of the Scheme incorporating brighter and clearer LED units. Implementation of the Scheme fulfils the primary objective of the Transport Fund, *‘Increase employment and productivity by completion of transport schemes across West Yorkshire by improving connectivity’*, and also those of the West Yorkshire Transport Strategy 2017, which includes supporting economic growth and improved quality of life through safer walking, cycling and reduced air pollution.
- 9.8 With many new housing developments proposed in the vicinity (see paragraph 6.9 of this Statement), the Scheme is even more vital.

10. Rationale for the Scheme

- 10.1 The Scheme is a key highway improvement project for the Council and represents a significant highway investment to alleviate congestion and improve journey times on the A658 Harrogate Road and the A647 New Line.
- 10.2 Once constructed and operational, the road widening highway improvements will also assist to alleviate a number of existing social and economic constraints, including –
- poor connectivity and congestion on the local and strategic network and poor environmental conditions caused by the high volume of traffic flowing to and along Harrogate Road/New Line, to reach other destinations and
 - unsatisfactory conditions for pedestrians and cyclists.

11. Scheme Programme and Implementation

- 11.1 Construction of the Scheme is scheduled to commence in 2019/2020. The works will be split into phases. Phase 1 Preparatory works, including the demolition or alteration of existing buildings will be carried out in advance of the main improvement works (phase 2). It is anticipated that the construction works will be approximately 12 months duration (depending on the programme for re-location of public utilities equipment).
- 11.2 It is intended that the Scheme will be delivered by an award of a Contract to a contractor appointed by the Council through a competitive procurement process in accordance with the Council's financial and procurement rules and relevant statutory provisions, and that the Scheme implementation programme is finalised with the appointed contractor.

12. Construction Practice

The Contractor will be required to adopt the recommendations of the Local Government Association Considerate Constructor Scheme (May 2011), which aims to improve the "image" of the construction industry through good practice. The Contractor will be required to adopt the requirements of this Code of Practice where they are more onerous than those set out in the Considerate Constructor Scheme. Where necessary, it is expected that the Contractor, with no prior intervention, shall adopt stricter controls than may be included in this Code or the Considerate Constructor Scheme to reduce annoyance or nuisance.

13. Construction Stage Traffic Management

- 13.1 Prior to the commencement of Scheme construction works the successful contractor appointed to construct the works would have to agree with the Council an appropriate strategy, a Construction Traffic Management Plan ("CTMP") to control and manage all traffic including construction related traffic. The CTMP would be updated to cater for temporary highway arrangements as construction moves from phase to phase.
- 13.2 The CTMP would address local community concerns. For example it would include traffic management proposals and actions the contractor proposes to adopt to minimise delays and disruption and how access to frontages for all highway users would be maintained.
- 13.3 Construction traffic and parking of construction related vehicles would not be permitted to use the adjacent highway network such as Stockhill Road or Carr Bottom Road, Bradford.
- 13.4 The contractors working on site will be well aware of the local neighbourhood and will be instructed to work as sensibly as possible during the whole construction period.
- 13.5 It is intended to carry out the works with minimum disruption to pedestrians, residential and commercial premises occupiers and road users. Access to properties will be maintained at all times during business hours. Any unavoidable disruption to accesses will aim to take place outside of business hours of the affected property, and discussions with affected parties will take place in advance of and during the works.
- 13.6 The main priority is that there is minimal disruption while these important works are being undertaken. These works are vital to the plans to reduce congestion and make the area safer for all local residents.

- 13.7 Through traffic will be maintained at all times during the day. There may occasionally be the need to close a road during the night for certain disruptive works. Advanced notice will be given of these works and suitable diversion routes will be sign posted. There may be periods where temporary traffic lights are required.
- 13.8 Phase 1 of the construction works, will be a contract lasting circa 6 weeks and will be to carry out the demolition of two Harrogate Road properties with associated building works to a third and which will be carried out in advance of the main junction improvement contract. The main construction works (phase 2) will follow and are expected to last approximately 52 weeks.
- 13.9 Generally normal working hours are expected to be 07.30 to 18.00 Monday to Friday with a limited number of Saturday mornings between 07.30 to 13.00. Sunday and evening/night working may be necessary to carry out other disruptive works. Arrangements would be made for local residents to be given reasonable advanced notice of periods when work would be carried out at night.
- 13.10 Construction of the Scheme is scheduled to commence in 2019/2020 and due for completion in 2021. The work programme will be finalised with the appointed contractors for the Scheme.

14. Air Quality

The air quality assessment for the Scheme indicates that the Junction changes will make air quality both slightly better and slightly worse at relevant locations in the immediate locality. Any negative impacts are considered to be due to the realignment of the roads, which will bring traffic physically closer to some of the receptors. However, an important point to note is all concentrations in the study area are predicted to be well below the EU objective for relevant pollutants. Consequently, it can reasonably be expected that there will be an overall improvement of air quality due to the Scheme, as the improvements in the immediate locality are more beneficial than any adverse impacts. This is due to the increased throughput of traffic at the Junction and which in turn, reduces congestion in the area and a reduction in the emissions associated with standing traffic. The resultant overall reduction in exposure to pollutants as a result of the Scheme is in line with the aims of the Bradford Low Emission Strategy (2013) to reduce transport emission improving air quality and health.

15. Scheme Traffic Noise and Ancillary Factors

- 15.1 The Council has undertaken an operational noise assessment to understand the projected impacts of the Scheme on the surrounding area.
- 15.2 The objectives of the Noise Impact Assessment were to -
- Identify the noise-sensitive receptors (NSRs) likely to be affected by the Scheme and to determine the baseline ambient noise climate at the subject site.
 - Determine the noise impact of the Scheme with reference to pertinent guidelines.
 - Identify dwellings that could qualify under the Noise Insulation Regulations 1975 (as amended).

15.3 Findings of the assessment are summarised below -

- Dwellings within those sections of Harrogate Road lying to both the north and south of the Junction and the section of New Line lying to the west of the Junction are predicted to experience an increase of 0.3 dB in road traffic noise levels due to increased traffic volumes. Changes of this magnitude are categorised as ‘negligible’ in accordance with the DMRB guidance and as a result a detailed assessment of noise nuisance is not needed.
- Dwellings affected by the section of New Line lying to the east of the Junction and the P-Loop Junction section of the Scheme are predicted to experience a 1.5–1.6 dB increase in road traffic noise levels in the short term due to increased traffic volumes and proximity to the highway. Although changes of this magnitude are categorised as ‘minor/low’ in accordance with the DMRB and again no detailed assessment of noise nuisance is needed.
- In the long term do-minimum (i.e. without the Scheme) scenario, the percentage of people bothered very much or quite a lot by traffic noise at dwellings affected by the section of New Line lying to the east of the Junction and the P-Loop Junction section of the Scheme is not set to increase.
- In the do-something (i.e. with the Scheme) scenario, the percentage of people bothered very much or quite a lot by traffic noise at dwellings affected by the section of New Line to the east of the Junction is set to increase by 21% in the short term (considered worst case), and by 6% in the long term.
- In the do-something scenario, the percentage of people bothered very much or quite a lot by traffic noise at dwellings affected by the P-Loop Junction section of the Scheme is set to increase by 35% in the short term (considered worst case), and by 5% in the long term.

15.4 Construction activities and noise attenuation techniques and controls will be agreed in advance with the Council’s environmental health department and form part of the construction contract specification. Contractors’ method statements for individual activities will be required prior to execution of the individual components of the Scheme, including compliance with noise requirements. On site monitoring of construction noise will be carried out throughout the Scheme construction period.

15.5 The Council further intends to undertake noise measurements after the Scheme is implemented.

15.6 In summary, the noise impact of the Scheme will be more noticeable in the short term, whereas the long-term impact will lessen over time.

Traffic Modelling

15.7 A traffic modelling technique known as the “Aimsun Micro Simulation Traffic Model (“**Model**”) is computer software used for the modelling of road networks. It facilitates the appraisal and development of different design proposals by simulating real world performance, taking into account factors including traffic demands, road layout, driver behaviour, traffic signal controls and the proportion of light and heavy vehicles.

- 15.8 The Model enabled the Council to establish an early Scheme strategy and to support an economic case for the Scheme as part of an outline business case (known as Gateway 1) submission to the Combined Authority.
- 15.9 Using the Model it was possible to test and assess various Junction options and included do-minimum and future growth scenarios to see what impact changes to the Junction layout would have on journey times. Data from the original model was used by both air quality and noise consultants to support the Scheme planning applications. The Model was later amended to include committed housing developments in the local area and revised traffic growth forecasts but based on 2014 data (but still within the three year window for traffic assessments).
- 15.10 During detailed Scheme design, access arrangements for two retail developments changed and access links to retail sites were not included in the Model, as at the time it was not deemed necessary. Since the original Model was undertaken, there have also been minor changes the location of bus stops etc; as part of the detailed design process.
- 15.11 To reflect Scheme design changes, the Council appointed Fore Consulting Limited, (“FORE”) to develop a new micro simulation model of the Junction. The new model was designed to and has been used to carry out a fresh traffic modelling survey in order to calibrate, validate and measure traffic flows and produce an assessment of the impact of implementing the Scheme on an already congested highway network and which included all retail accesses (including access to the New Line Retail Park) and was extended to include peak Saturday flows in addition to peak weekday flows and took into account future year traffic growth.
- 15.12 The new micro simulation model referred to above at paragraph 5.11, demonstrates that the Scheme will provide significant journey time benefits for all movements through the Junction.

16. Planning Statement

16.1 The main components of the Scheme involve a combination of

- road widening;
- new pedestrian and cyclist facility provision
- a new link road at the Harrogate Road/New Line Junction
- Landscaping
- Improvements in signalisation
- Rationalisation and enhancement of bus shelter provision.

16.2 Under The Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”) (as amended) express planning permission will not be required for parts of the Scheme in instances where Class A, Part 9, Schedule 2 of the GPDO permits the carrying out by a local highway authority of works required for or incidental to the maintenance or improvement of the highway on both existing highway land and land outside but adjoining the boundary of an existing highway. The permitted development rights granted by Part 9 of the GPDO would cover all such works where all

such works are required for the improvement of the highway and are located on land which is either currently used as a highway or land adjoining the existing highway.

16.3 Nevertheless, specific planning applications have needed to have been made and which are described below –

16.4 A full planning application (17/00916/FUL) was submitted on 24th February 2017. The application proposed a ‘Construction of a new one way ‘P-Loop Junction’ link road between Harrogate Road and New Line, including two 60m long vehicle lanes, a new pedestrian footpath, a 1.5m cycle lane, two pedestrian crossings, new street lighting, new street planting and an Urban Traffic Control (UTC) layby. The application also included the construction of an access to the existing “Farmfoods Limited” store with associated car parking, situated at No. 921 Harrogate Road, Bradford (shown as Plots 10 and 21 on the CPO Order Map). The planning application was approved under delegated powers on the 20th April 2017.

16.5 Two listed building consent (“LBC”) applications were also submitted to the local Planning Authority on the 24th February 2017 -

- The first LBC application (application number: 17/00919/LBC) was for the realignment of external front boundary wall and gate piers and rebuild using retained stone from existing wall and retained gate piers at Greengates House, No. 830 Harrogate Road.
- The second LBC application (application number: 17/00918/LBC) was for the relocation and reconfiguration of “Greengates War Memorial”, in the “Garden of Remembrance” at Greengates War Memorial, Harrogate Road, Bradford. Both LBC applications were approved on 21st April 2017.
- Planning permission was granted on the 24th August 2017 for planning application 17/03441/REG, to close the existing access to New Line Retail Park from New Line and to amend the existing access to Sunnyfield Nursery and “New Works” Units A & B from New Line in order to include access to the New Line retail Park. Alterations to existing parking within the New Line Retail Park. Removal of external walls to No. 70 New Line between existing columns on the west elevation to form new openings to accommodate 4 car parking spaces, including a replacement bin store.

16.6 No judicial review or any other legal challenge was made against the aforementioned planning decisions.

16.7 As the area of works to deliver the Scheme by means of the permitted development rights and approved planning application was over 1ha, the Scheme was considered to constitute Schedule 2 development under the Environmental Impact Assessment (EIA) Regulations 2017. An application EIA screening opinion request was submitted to the Council in its separate capacity as local highway authority, to which it was judged the Scheme is not EIA development, as it is not within a Sensitive Area¹ and is not likely to have significant effects on the environment within the meaning of the Regulations.

¹ Sites of Special Scientific Interest and European sites; National Parks, the Broads and Areas of Outstanding Natural Beauty; and World Heritage Sites and scheduled monuments.

Planning Policy Framework

- 16.8 Under the provisions of Section 38 of the Planning and Compulsory Purchase Act of 2004 there is a duty placed on the decision maker dealing with planning applications and appeals whereby the decision has to be made in accordance with relevant policies in the adopted development plan, unless other material considerations indicate that a different decision should be made. For the purposes of the planning applications, the development plan includes the ‘saved’ policies of the City of Bradford Replacement Unitary Development Plan (“**RUDP**”) (adopted in 2005), insofar as the policies are in accordance with the National Planning Policy Framework (“**NPPF**”) and the Local Plan Core Strategy (adopted in 2017).
- 16.9 Following the receipt of the Planning Inspector’s Report the Local Plan Core Strategy (“**Plan**”) was found to be sound. The Plan was adopted by the Council in July 2017 (with no legal challenge received during the statutory 6 week period) and forms part of the statutory planning framework for Bradford District, in combination with the ‘saved’ policies from the Council’s Replacement Unitary Development Plan. The Plan was adopted by the Council in July 2017 These policies shall be continued to be ‘saved’ until the adoption of the Allocations Development Policy Document.
- 16.10 ‘Saved’ Policy TM20 relates to planned transport and highways improvements and states that *‘the council will safeguard land required for transport and highway improvement schemes as shown on the proposals map’*.
- 16.11 The Scheme also closely relates to the core planning principles of the NPPF seeking ways to enhance and improve the places in which people live their lives (NPPF, Paragraph 17). The NPPF requires local authorities to plan positively and ‘assess the quality and capacity of infrastructure for transport, and its ability to meet forecast demands’ (NPPF, Paragraph 162); The Scheme is a result of such assessment and a major commitment by the Council to required infrastructure delivery as identified in its Local Infrastructure Plan. This is also a transport investment planned in collaboration with neighbouring authorities and other important stakeholders and is deemed necessary to support strategies for the growth of travel demand in this area (NPPF, Paragraph 31).
- 16.12 Successful delivery of the Scheme would help achieve the objectives of achieving sustainable development in all three dimensions as stipulated within the NPPF (NPPF, Paragraph 7) i:e economic, environmental and social roles.
- 16.13 In economic terms, the Scheme will deliver a significant improvement within the existing transport network, which will create better transport links and enhance connectivity and positively impact upon businesses across the area through unlocking potential employment sites, creating more jobs and ‘relieving barriers to investment’ (NPPF, Paragraph 160). Consequently the Scheme will act as catalyst to promoting sustainable transport and building a strong and competitive economy as advocated by the NPPF.
- 16.14 The Scheme can also be considered as a cost effective measure that will limit any potentially significant impacts of any future development in the area (NPPF, Paragraph 32).
- 16.15 In terms of environmental benefits, the Scheme will assist in reducing congestion and promoting sustainable development through providing better public transport, pedestrian and cycle links, thus improving local air quality and contributing towards meeting the challenges

of climate change by means of the resulting reduction in the greenhouse gas emission. This is another key component of achieving sustainable development through promoting sustainable transport (NPPF, Section 4) and meeting the challenge of climate change (NPPF, Section 10) as highlighted in the NPPF.

- 16.16 The Scheme will also help realise many social benefits, in particular through providing improved road safety for vulnerable road users (e.g. cyclist and pedestrians) and improving journey times to work and community facilities and thereby contributing to wider sustainability and health objectives (e.g. safe and accessible environment, legible pedestrian routes, reduced noise level etc), as promoted by the NPPF (NPPF, Paragraph 69 refers). The City of Bradford has been identified as an area of significant housing growth within the Local Plan: Core Strategy and delivery of the scheme will assist in achieving one of the Core Planning Principles of the NPPF by demonstrating the Council is actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable promoting the use of sustainable transport modes (NPPF, Paragraph 17). The Council is of the opinion that the Scheme will help promote healthy communities by providing a safe and accessible environment within the local area, thus enhancing quality of life and addressing elements of deprivation that the surrounding communities have been suffering (NPPF, Paragraph 69 refers
- 16.17 In terms of local development plan and strategies, the Scheme will help achieve strategic objectives of the adopted Local Plan: Core Strategy (“CS”), in terms of improving and developing excellent public transport and highway systems to increase the level of accessibility within the District and establishing good connections with other parts of the Leeds City Region and beyond by ensuring safety, efficiency and sustainability (Paragraph 3.15 (9) of the adopted CS).
- 16.18 The economic benefits of the Scheme, as highlighted in paragraph 16.12 above, are also considered compliant with and supported by CS Policies EC1, EC2, EC4, EC5, H1, ID4, ID5 and ID8.
- 16.19 The environmental benefits of the Scheme, as highlighted in paragraph 16.14, are also considered compliant with and supported by CS Policies SC2, TR6 and EN8 of the Core Strategy.
- 16.20 The social and overall transport benefits of the Scheme, as highlighted in paragraph 16.15, are also considered compliant with and support by CS Policies DS3, DS4, DS5, TR1, TR3, TR5, TR6 and TR7.

Corporate Strategy

- 16.21 In 2016 the Council adopted a new community strategy, the Bradford Council Plan 2016-2020 (“BCP”), which sets out how the Council will work with others to contribute to priorities set out in the Bradford District Plan 2016-2020. The BCP sets out how the Council is to deliver the community strategy and where the Council will provide leadership and work in partnership with others to achieve shared ambitions.

16.22 The BCP contains six main objectives -

- Better skills, more good jobs and a growing economy
- Decent homes that people can afford to live in
- A great start and good schools for all our children
- Better health, better lives
- Safe, clean and active communities
- A well-run Council, using all our resources to deliver our priorities.

16.23 The Scheme has been designed to assist the Council in achieving all the objectives set out within the BCP. The economic benefits of the Scheme, as highlighted in paragraph 16.12 will assist in creating new business start-ups and grow existing businesses within the area by providing by improving transport links with enhanced access across Bradford District and to the Leeds City region. The investment in this key piece of infrastructure will also help support new housing development within the area. The social and environmental benefits of the Scheme, as highlighted in paragraph 16.15, will provide safer routes to local schools and improving the pedestrian environment of the local area, encouraging better health and lives of residents and a safer, cleaner and more active community.

Cultural Heritage Considerations

16.24 In terms of Cultural Heritage considerations, the Heritage Statement (Document Reference: QU-0297/1) notes that the War Memorial and No. 830 Harrogate Road , both being Grade II listed buildings, will be impacted upon by the Scheme through the realignment of the boundary wall and associated landscaping. However, as the proposals include the reconstruction of the boundary walls from the original stone and the utilisation of the original railings/gate piers, this loss will be mitigated. The Heritage Statement concludes that there will be a minor adverse/negligible impact on the contribution that the core setting provides the significance of these two listed buildings.

16.25 The Heritage Statement notes that the “Aldo’s Italian Restaurant”, a Grade II listed building will be indirectly impacted upon by the Scheme, as this building will be visible through views to the north-east and north-west of the site. The statement assesses this impact as negligible/neutral due to the fact that these views will be limited and read in conjunction with the existing modern built form of the area. Additionally, the core of the listed building’s significance is its forms and fabric which will be unaffected.

Planning Conclusion

16.26 The Scheme is a designated and committed development under ‘saved’ Policy TM20 of the RUDP and adopted Policies BD1 and TR7 of the Core Strategy and will assist in the facilitation of economic growth at sites across West Yorkshire under the principles of the region’s strategic economic plan.

16.27 The Council is therefore satisfied that there will be no planning impediments to the implementation of the Scheme and that the Scheme accords with relevant local, regional and national planning policies.

17. Funding Statement

- 17.1 The Transport Fund Programme (“**Transport Fund**”) was allocated significant levels of Government funding through the Governments Growth Fund (“**Growth Fund**”) in July 2014. “**Growth Deals**” were established to provide funds to local enterprise partnerships or (“**LEPs**”) (partnerships between local authorities and businesses) for projects that benefit the local area and economy. In March 2014 the Leeds City Region LEP submitted a Strategic Economic Plan (**SEP**) (Leeds City Region Strategic Economic Plan 2016 – 2036) which included how the proposed Transport Fund would support economic growth across West Yorkshire and York. In July 2015, £1 billion was allocated to deliver the priorities included in the Transport Fund. This was allocated over a 20 year period 2015 to 2034. The Growth Fund settlement was the largest in the Country and the bid was supported by the strategic analysis demonstrating need and then determining strategically the best value for money projects.
- 17.2 The LEPs funding is held and spent by the Combined Authority on behalf of the LEPs. In short, the Combined Authority is the vehicle through which the SEP is implemented, as well as being the statutory, publicly accountable decision-making body. The Combined Authority endorsed a funding strategy which added locally generated funds to establish a £1 billion fund, as well as a mechanism to use the 20 year Growth Fund allocation to deliver the programme in 10 years. The Transport Fund programme and funding strategy was endorsed by the Combined Authority in December 2014 and by all District Councils (including Bradford) during early 2015. The Scheme was included as a priority within the Transport Fund programme and was allocated funding for delivery before 2021.
- 17.3 The objectives of the Transport Fund were to maximise gross value added (**GVA**) benefits and to ensure that at a package level carbon impacts were neutral (despite an increase in commuting from additional employment) and benefits (in terms of an increase in the number of accessible employment opportunities) were distributed across all District partners and that accessibility benefits to residents from deprived areas were higher than the average. GVA is a measure of the local economic (monetary) value of employment, based around the types of jobs, business productivity, efficiency and ease of doing business. It is affected by transport conditions, particularly those affecting connectivity, levels of congestion and the ability to recruit workers, supply goods or services to market and the choices commuters have about where they work.
- 17.4 The Transport Fund programme was developed using an objective led needs based approach. A strategic land use and transport interaction (“**LUTI**”) model, combined with a regional econometric model of employment forecasts, was used to predict the scale and distribution of where future transport ‘costs’ (including the impact of road congestion, rail over crowding and rising fares and fuel costs) would constrain the potential for employment growth. That strategic spatial analysis enabled a long list of potential transport projects to be identified, as having good potential to deliver the Transport Fund’s objectives. A long list of over 120 projects was sifted into a medium list of 60. All the potential projects on that list were then tested discretely using the strategic LUTI model and a package of prioritised projects was identified based on affordability (up to the £1 billion funding level) of each individual project. This approach was based on an early sifting and appraisal process. In order to maximise the impact on investment from within the available funding, projects were ranked based on their GVA/£ ratio. For each project, much local economic uplift could be expected

- per £ invested. Those projects with a higher GVA per £ invested ratio would offer better value in delivering and maximising the impact of that investment in the local economy. The calculations in the GVA/£ invested ratio came from the LUTI model, which calculated the wider economic impacts of improved connectivity and quantified that its overall increase the £ value of GVA. The cost of the investment was based on an estimate of the whole life costs of the project including land assembly, design, construction and maintenance.
- 17.5 The prioritised package included 33 projects and the Scheme was ranked at 25 best across West Yorkshire.
- 17.6 The total cost of the Scheme is estimated to be £8.69million and is to be met from a combination of funding supported by the Combined Authority and the previously mentioned S.106 commuted sum payments.
- 17.7 The Scheme is currently programmed for delivery by 2021. Funding of £4.9m is available from the Transport Fund. Growth Deal funding is allocated to projects subject to stage gate approval mechanisms being satisfactorily achieved. At present, there is no reason to think that future funding decision points will not be the subject of favourable decisions and that funding will be available to cover all reasonable project development and delivery costs associated with this key Scheme.
- 17.8 The Transport Fund and Growth Deal will help to accelerate economic growth across the entire Leeds City Region by improving local transport links, accelerating housing growth and town centre regeneration, developing a skilled and flexible workforce, supporting growing businesses and building a resource-efficient City Region.
- 17.9 A funding allowance of £1.3m has been approved by the Combined Authority to cover development and design phases of the Harrogate Road/New Line project. This funding is available to draw down via a “**Funding Agreement**” between the Council and the Combined Authority. The next decision stage for the project is for the Council to submit to a full business case with detailed costs. This business case will be evaluated and funding approval sought will be considered by the Combined Authority Investment Committee and Combined Authority Board.
- 17.10 If the project costs, benefits and outputs are within set tolerances, the Funding Agreement will be amended and the funds will be available to draw down on an incurred costs basis via quarterly claims. If, total project costs exceed the Transport Fund programme budget allocation for the project, the Council will need to seek an approval revision for the project to demonstrate the project delivers the required benefits and can still be considered as “Value for Money”, in terms of a “benefits cost ratio calculation”.
- 17.11 If approved, this revised figure would then form the basis of the Funding Agreement. If delivery costs exceed the level of approved funding set out in the Funding Agreement, the Council potentially could allocate its own capital resources to the project so as to provide the necessary ‘gap’ funding for the delivery of the Scheme.

- 17.12 Internally, the Council's capital investment plan contains an allocation of £3.96m (over the 2018/19 to 2019/20 financial years) for the development and delivery of strategic transport infrastructure priorities, of which Harrogate Road/New Line junction improvement is one such project. The allocation of funding from this provision is subject to the approval of the Council's Director of Finance.

Compulsory Purchase Order

Introduction

- 18.1. The Scheme requires the acquisition of land and rights for which the Order has been made.
- 18.2 The Council has been and is continuing to engage in negotiations with the landowners to purchase land and rights by agreement to ensure that all the land and rights required for the Scheme is available at the appropriate time.
- 18.3 The Orders have been made and have been submitted to the Secretary of State for Transport for confirmation pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981.

Powers under which the CPO Order is made

- 18.4 The CPO Order is required to acquire the land and rights necessary for the construction of the Harrogate Road/New Line junction improvement scheme and will enable acquisition of all interests in the CPO Order Land and CPO Order Rights (except mining interests and others specifically excluded) as stated in the CPO Order Schedule and within the area shown coloured pink and new permanent rights over the land coloured blue on the CPO Order Map for the purpose of facilitating the improvements.
- 18.5 The CPO Order can only be made if there is a compelling case in the public interest. The Council after careful consideration considers that a compelling case exists.
- 18.6 The CPO Order is made under sections 239, 240, 246, 250, and 260 of the Highways Act 1980 and section 40 of the Road Traffic Regulation Act 1984 -
- Section 239, the Council as a local highway authority for the area may acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense, as well as any land required for the improvement of a highway.
 - Section 240 the Council as the highway authority may acquire land required for use in connection with construction or improvement of a highway and the carrying out of a diversion or other works to watercourses.
 - Section 246, the Council as highway authority can acquire land for the purpose of mitigating any adverse affect which the existence or use of a highway constructed or improved by them has or will have on the surroundings of the highway.
 - Section 250 allows the Council as the highway authority to acquire rights over land, both by acquisition of those already in existence and by the creation of new rights.

- Section 260 allows the Council as highway authority to override restrictive covenants and third party rights where land acquired by agreement is included in a compulsory purchase order.
 - Section 40: Road Traffic Regulation Act 1984 allows off street car parking provision to be provided as replacement car parking lost to the Scheme.
- 18.7 The stopping up of a length of footpath and the stopping up and provision of new private means of access to premises together with the construction of a new highway, is contained in the Side Roads Order under Section 14 and 125 of the Highways Act 1980;
- 18.8 Confirmation and the subsequent operation of the Orders will enable acquisition of all interests in the Order Land (except mining interests and others specifically excluded) as stated in the CPO Order Schedule and within the area shown coloured pink and new rights over the land coloured blue on the CPO Order Map for the purpose of facilitating the Scheme.
- 18.9 The Council will continue to ensure that all reasonable attempts are made to acquire the CPO Order Land and CPO Order Rights by agreement in parallel with the compulsory purchase process. This approach of making the CPO Order whilst at the same time, conducting negotiations to acquire land by agreement, is designed to facilitate delivery of the scheme and is in accordance with Government guidance.

The CPO Order Land

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

The CPO Order Land Requirements

- 18.11 The CPO Order Land is shown on the CPO Order Map. The boundaries of the CPO Order Land include areas of land and property interests that are required to enable the Scheme to be implemented.
- 18.12 In addition to the acquisition of land and rights needed for the construction of the Scheme, the CPO Order authorises the Council to acquire rights over additional land. Land required temporarily during the construction period will if possible be obtained under license by agreement and title to the land would not be required.
- 18.13 All owners and occupiers with an interest in land have been approached to ask if they would be prepared to enter into negotiations with the Council for the purchase of their interest and/or grant of the rights needed. Detailed negotiations are taking place with a number of landowners and occupiers. Nevertheless the Council has concluded that acquisition by agreement is unlikely to occur in all cases within sufficient time to ensure that the programme for the construction of the Scheme is met.
- 18.14 To ensure the Scheme is delivered, it is necessary for the Council to rely on the use of compulsory purchase powers as a last resort.

- 18.15 Full details of the CPO Order Land appear in the CPO Order Schedule along with details of purported interests in the CPO Order Lands where known and details of the CPO Order Rights.
- 18.16 The CPO Order Schedule includes the last known and present occupiers of interests within the CPO Order Land and has been prepared after diligent enquiry by the Council's land referencing agent and upon information gained through HM Land Registry title document, owner land questionnaires, site inspection, notices and information provided by the public. The CPO Order Map shows the individual parcels of land and the extent of the CPO Order Land.
- 18.17 Interests set out in Table 2 of the CPO Order Schedule comprise persons who do not have an interest in the CPO Order Land itself. Inclusion of an interest in the CPO Order Schedule does not constitute any admission by the Council of liability to pay compensation and any party seeking to make a claim under section 10: Compulsory Purchase Act 1965 will be required to prove their claim, with each case being dealt with on the particular merits.
- 18.18 In preparing the CPO Order the Council has had regard to the distance limits prescribed in section 249 of and schedule 18 to the Highways Act 1980 and the CPO Order covers all outstanding land requirements necessary to complete the Scheme.

The need for compulsory purchase

- 18.19 The Council has given very careful consideration to the need to include each parcel of land shown on the CPO Order Map.
- 18.20 In particular, the Council is satisfied that the CPO Order is required for the purposes of site assembly to facilitate delivery of the Scheme and that the Side Roads Order is equally necessary to alter highways and private means of access affected by the CPO Order.
- 18.21 The Council will continue to ensure that all reasonable attempts are made to acquire the required CPO Order Land by agreement in parallel with the compulsory purchase process. This approach of making the CPO Order and in parallel, conducting negotiations to acquire land by agreement is designed to facilitate delivery of the Scheme and is in accordance with Government guidance.

19. CPO Order Land Negotiations

- 19.1 Under the compulsory purchase regime for drafting compulsory purchase orders, there is no scope to differentiate between (a) land where title to a parcel of land is required by the acquiring authority and (b) where it is only necessary to enter the same land for a limited period to facilitate for example, works to widen a highway and to obtain rights for future highway maintenance.
- 19.2 Where therefore the Council only wishes to enter land for a limited period under licence, the Council will be looking to enter and if necessary, to obtain any permanent rights needed to complete the Scheme by agreement, without having to acquire title to the whole of the land through the use of compulsory purchase powers.

- 19.3 Set out in **Appendix 5** to this Statement is a description of the main plots of land in third party ownership and/or occupation as contained in the CPO Order Land and CPO Order Rights and a summary of the status of negotiations..
- 19.4 Set out in **Appendix 6** to this Statement is a list of the land that has so far been acquired to facilitate the Scheme and/or where terms have been agreed.
- 19.5 The Council will continue to work with all potentially affected owners and occupiers to ensure that the impact of the Scheme on residential and business premises and operations will be mitigated as much as is reasonably possible.
- 19.6 The Council and its contractor will ensure that a communication strategy is in place before and during the highway works. This will name specific people who will be responsibility in liaising with residents and businesses throughout this period.
- 19.7 Typical measures that will be discussed with stakeholders and other affected third parties will include –
- Retaining vehicular access for servicing and deliveries
 - Temporary signage/advertising;
 - Keeping temporary road closures to a reasonable minimum;
 - Retaining pedestrian access.
- 19.8 Matters of compensation are governed by the national compensation code as applied to the Orders and set out in a series of enactments including in particular, the Land Compensation Act 1961, Land Compensation Act 1973, Compulsory Purchase Act 1965, Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004. Disputes as to the level of compensation may be referred to the Upper Tribunal (Lands Chamber) for determination.
- 19.9 Every effort has been made and will continue to be made to acquire land required for the Scheme by agreement whilst the CPO Order is being promoted. The CPO Order Land consists of mainly commercial premises or land and residential land. A conscious endeavour within the design has ensured the number of residential dwellings to be demolished or required for the Scheme has been minimised.

20. Side Roads Order

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

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

The City of Bradford Metropolitan District Council (Harrogate Road/New Line Junction Improvements) (Side Roads) Order 2017

A copy of the Side Roads Order plan (**Plan 7**) is appended hereto as **Appendix 7**, which shows the extent to which it is necessary to carry out works to existing and potential private means of access to properties that are likely to be affected by the Scheme.

The need for the Side Roads Order

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

Side Roads Order Alterations

20.4 The proposed alterations to existing highways and private means of access that would be affected by the Scheme are detailed in the Schedule attached to the Side Roads Order and shown diagrammatically on the Side Roads Order plan.

20.5 The Side Roads Order and the necessary changes to the highways affected by the Order is an integral part of the proposed construction of the Scheme, which is designed to relieve traffic congestion.

20.6 Set out at **Appendix 8** is a summary description of the highway alterations contained in the Side Roads Order which are necessary to help facilitate the Scheme and which are described by reference to the Plan annexed to the Side Roads Order and reproduced as **Appendix 7** to this Statement.

21. Papers in support of the Orders

The following is a list of documents that have been relied upon as reference papers in the preparation of this Statement and which the Council may refer to or put in evidence at any local public inquiry held to consider the CPO Order and Side Roads Order –

- 21.1.1 Report of the Strategic Director (Regeneration) to the Executive of Bradford MDC and the meeting of Council dated 9th October 2012.
- 21.1.2 Decisions of the Executive held on 9th October 2012.
- 21.1.3 Decisions of the meeting of Council held on 16th October 2012.
- 21.1.4 Report of the Strategic Director (Regeneration) to the Executive of Bradford MDC and the meeting of Council dated 12th March 2013.
- 21.1.5 Decisions of the Executive held on 12th March 2013.
- 21.1.6 Decisions of the meeting of Council held on 26th March 2013.
- 21.1.7 Report of the Strategic Director (Regeneration) to the Executive of Bradford MDC dated 13th January 2015.
- 21.1.8 Decisions of the Executive held on 13th January 2015.
- 21.1.9 Report of the Strategic Director (Regeneration) to the Executive of Bradford MDC dated 1st December 2015.

- 21.1.10 Decisions of the Executive held on 1st December 2015.
- 21.1.11 Report of the Strategic Director (Regeneration) to the Executive of Bradford MDC dated 14th June 2016.
- 21.1.12 Decisions of the Executive held on 14th June 2016.
- 21.1.13 Report of the Strategic Director (Regeneration) to the Executive of Bradford MDC dated 7th March 2017.
- 21.1.14 Decisions of the Executive held on 7th March 2017.
- 21.1.15 The City of Bradford Metropolitan District Council (Harrogate Road/New Line Improvement Scheme) Compulsory Purchase Order 2017.
- 21.1.16 The Order Map referred to in the City of Bradford Metropolitan District Council (Harrogate Road/New Line Improvement Scheme) Compulsory Purchase order 2017.
- 21.1.17 The City of Bradford Metropolitan District Council (Harrogate Road/New Line Improvements) (Side Roads) Order 2017.
- 21.1.18 The Order Plan referred to in the City of Bradford Metropolitan District Council (Harrogate road/New Line Improvements) (Side Roads) Order 2017.
- 21.1.19 West Yorkshire Plus Transport Fund website.
- 21.1.20 Department for Transport overseeing organisation, Highways England, standards and advice notes contained in the Design Manual for Roads and Bridges (introduced 1992).
- 21.1.21 West Yorkshire Local Transport Plan (updated October 2012).
- 21.1.22 West Yorkshire Combined Authority Gateway 1 Review (November 2014).
- 21.1.23 Local Transport Plan 3 - Bradford MDC approved 24th June 2011.
- 21.1.24 Local Government Associations Considerate Constructor Scheme (May 2011).
- 21.1.25 Local Air Quality Management Technical Guidance (LAQM.TG16) (published April 2016).
- 21.1.26 Calculation of Road Traffic Noise (published 1988).
- 21.1.27 The National Planning Policy Framework (published April 2016).
- 21.1.28 Bradford MDC Local Infrastructure Plan (2016 update).
- 21.1.29 Bradford MDC Core Strategy Development Plan (July 2017).
- 21.1.30 Bradford MDC Unitary Development Plan (October 2005).
- 21.1.31 Bradford MDC Equality and Diversity Statement.
- 21.1.32 West Yorkshire Transport Strategy, Integrated Sustainability Assessment (July 2016).
- 21.1.33 Bradford MDC Scheme Equality Impact Assessment (December 2014).
- 21.1.34 Air Quality Assessment - Harrogate Road & New Line Junction Improvement Scheme (October 2017).
- 21.1.35 Noise Impact Assessment for the proposed Junction Improvement Scheme – Harrogate Road / New Line Junction, Greengates, Bradford (February 2017).
- 21.1.36 Arboricultural Survey – Harrogate Road / New Line Junction (December 2015).
- 21.1.37 Bat Survey - Harrogate Road & New Line Junction Improvement (August 2016).
- 21.1.38 Bradford Metropolitan District Council Harrogate Road – New Line Aimsun Model – Harrogate Road Model Validation Report (October 2017).
- 21.1.39 Proposals for the Harrogate Road / New Line Junction Improvement Scheme - Statement of Community Involvement (December 2016).
- 21.1.40 Metro Bus Stop Infrastructure Standard 2008.
- 21.1.41 Department for Transport Manual for Streets (2007).
- 21.1.42 Bradford Council Plan 2016 – 2020.
- 21.1.43 Bradford District Plan 2016 – 2020.
- 21.1.44 Bradford MDC Low Emission Strategy (2013).
- 21.1.45 Leeds City Region Strategic Economic Plan 2016 -2036.
- 21.1.46 West Yorkshire Transport Strategy adopted by the Combined Authority 2017.
- 21.1.47 Scheme Consultation Feedback Response Table.

- 21.1.48 830 Harrogate Road, War Memorial and Aldo's Italian Listing Descriptions.
- 21.1.49 Telegraph & Argus advert dated 25th January 2018 of Notice of the making of the CPO Order by Bradford MDC.
- 21.1.50 Planning Permissions referenced in paragraph 6.9.
- 21.1.51 Harrogate Road / New Line Junction Improvement Scheme Planning Permissions.
- 21.1.52 Harrogate Road / New Line Junction Improvement Scheme Road Safety Audit Stage 1.
- 21.1.53 Harrogate Road / New Line Junction Improvement Scheme Listed Building Consents.
- 21.1.54 Harrogate Road / New Line Junction Improvement Scheme Heritage Statement.

21.2 A copy of the Orders, CPO Order Map and this Statement of Case and the documents referred to in the list of supporting documents can be inspected during normal office hours at Bradford MDC City Hall, Centenary Square, Bradford, BD1 1HY

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

<https://www.bradford.gov.uk/transport-and-travel/major-highways-schemes/harrogate-road-and-new-line-junction-improvement-scheme/>

(Note: The aforementioned documents are identified on the Council's Scheme Web site by the corresponding paragraph numbers of the documents listed).

21.4 A copy of the Orders and this Statement of Case can also be inspected during normal office hours at the following Council's Offices:-

21.4.1 The City of Bradford Metropolitan District Council, City Hall (Reception), Centenary Square, Bradford, BD1 1HY

21.4.2 Eccleshill Library, Bolton Road, Bradford BD2 4SR.

Opening times - 9.00 am to 7.00 pm Monday to Thursday and 9.00 am to 5.00 pm Friday and Saturday.

21.4.3 Idle Library, Wright Watson Enterprise Centre, Thorpe Garth, Idle, Bradford BD10 9LD.

Opening times – 9.00 am to 7.00 pm Monday and Tuesday and 1.00 pm to 7.00 pm Wednesday.

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

21.6 Interested parties affected by the Orders who wish to discuss matters with the Council should contact Ben McCormac, Scheme Project Manager or Mark Baker, Senior Engineer, Highway Services, 4th Floor, Britannia House, Broadway, BD1 1HX Tel No. : 01274 43 7178 or 01274 434951 respectively.

or by e-mail to ben.mccormac@bradford.gov.uk or mark.baker@bradford.gov.uk

or by post to City of Bradford Metropolitan District Council, Planning, Transportation and Highways Service, Highway Services, 4th Floor, Britannia House, Broadway, Bradford BD1 1HX (marked for the attention of Ben McCormac or Mark Baker).

22. The Mining Code

It is not proposed in the CPO Order to reserve powers to acquire any minerals or mineral rights and therefore the CPO Order will incorporate Parts II and III of Schedule 2 to the Acquisition of Land Act 198, subject to a modification that references in that said Parts II and II to the undertaking are to be construed as a reference to the works to be constructed on the land authorized to be purchased.

23. Special Considerations

- 23.1 Whilst not within the CPO Order, part of the garden area to the War Memorial on land situate at the junction of Harrogate Road and New Line is required to increase the number of traffic lanes on New line and which would not otherwise be achieved and result in the junction having a much reduced traffic volume capacity. The land is owned by the Council, and there are no impediments to the Council being able to carry out the necessary works.
- 23.2 The CPO Order Land also includes part of the front garden of a listed building at No. 830 Harrogate Road. Without this land the required road widening could not be accommodated without reducing the number of lanes, which would negate the benefit of the Scheme and make it unviable.
- 23.3 In both of the above cases, the Council is working with landscape architects to put-back the land to match the existing characteristics, protect and preserve the heritage elements and enhance the land where possible.
- 23.4 The CPO Order Land is not in a Conservation Area and as such, no special considerations apply.

24. Council Owned Land – New Link Road.

- 24.1 A new link road is proposed to be constructed at the junction between Harrogate Road and New Line, Bradford. The link road will be constructed wholly within land owned and purchased by the Council for highway purposes and which continues to be held for this purpose.
- 24.2 The Council intends to construct the link road to support and facilitate the Scheme.
- 24.3 Local community groups have been permitted to help maintain and landscape the Council owned land and have done so with the full knowledge and permission of the Council and this form of activity will be allowed to continue at the discretion of Council should community groups or individuals wish to recreate on land which is not needed for the Scheme once the link road has been constructed and which is situated outside of the then adoptable highway boundary..

25. Associated Orders

- 25.1 Traffic regulation orders pursuant to the Road Traffic Regulation Act 1984, are required in order to impose waiting restrictions and restricted turns at Harrogate Road and New Line. As part of the wider consultation that ran from the 30th August 2016 until 23rd September 2016

with local residents, businesses and statutory consultees, reference was made to the proposed need for traffic regulation orders to be introduced. A decision as to whether or not to make the traffic regulation orders and subsequent formal consultation will be made dependent upon the progress of both the CPO Order and Side Roads Order. Additional traffic regulation orders will also be made as necessary.

25.2 There are no other statutory orders associated with the promotion of the Orders.

26. Human Rights

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

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

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

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

- the statutory procedures for obtaining the Orders are followed and there is a compelling case in the public interest for the Orders to be confirmed and brought into operation; and
- any intervention with the Convention right is proportionate to the legitimate aim served.

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

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

Article 1 of the First Protocol - protects the right to peaceful enjoyment of possessions, including property. This protection does not diminish the right of the Council to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The European Court of Human Rights has recognised, in the context of Article 1 that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole.” The Council recognises that

powers of compulsory purchase must be exercised proportionately. Both public and private interests must be taken into account in the exercise of the Council's powers and duties as a local authority and no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. As with Article 8 below, any interference with possessions must be proportionate and in determining whether a particular measure is proportionate a fair balance must be struck between the public benefit sought and the interference with the rights in question.

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

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

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

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

27. Public Sector Equality Statement

- 27.1 In formulating and promoting the Orders, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 and in particular, to its obligations under sections 149 and 150 of the said Act, in taking into account the differential impact the Orders will have on various groups of persons with different characteristics and has done so by reference to documents that the Council has relied upon and which are noted at paragraphs 21.1.31, 21.1.32, 21.1.33 and 21.1.46 above and are namely the Council's "Equality and Diversity Statement", the West Yorkshire Transport Strategy, Integrated Sustainability Assessment (2016) and the Council's Scheme Equality Impact Assessment.
- 27.2 An initial "Equalities Impact Assessment" was undertaken in December 2014, the results of which stated that the Scheme will have no negative impact upon any protected social groups.

28. Status of Statement of Case

This Statement of Case has been prepared for the purposes of presenting evidence at the Public Inquiry to substantiate the case of the use of compulsory purchase powers and the carrying out of associated highway alterations to support the Scheme and is not intended to discharge the Council's obligations under the appropriate rules and at the appropriate time indicated under 'The Highways (Inquiries Procedure) Rules 1994 (S.I. 1994 No.3236)' and 'The Compulsory Purchase (Inquiries Procedure) Rules 2007 (S.I. 2007 No.3617)'.

29. Objections to the CPO Order and Council Rebuttals

- 29.1 As indicated above, 7No. objections have been received by the Secretary of State in respect of the CPO Order as follows -
- 29.1.1 Wilkinson Greengates Properties Limited, situate at "Core Gym", No. 80 Harrogate Road, Bradford – a copy of the objection and the Council's rebuttal are annexed hereto as **Appendix 10**;
- 29.1.2 St Paul's Street Investments Limited of No. 911 Harrogate Road, Bradford – a copy of the objection and the Council's rebuttal are annexed hereto as **Appendix 11**;
- 29.1.3 Sriven Services Limited, trading as "Subway", situate at No. 74 New Line, Unit 2, New Line Retail Park, Bradford – a copy of the objection and the Council's rebuttal are annexed hereto as **Appendix 12**;
- 29.1.4 Ladbrokes Coral Group Plc situate at No. 913 Harrogate Road, Bradford – a copy of the objection and the Council's rebuttal are annexed hereto as **Appendix 13**;
- 29.1.5 Optegra Eye Health Care Hospital situate at No. 937 Harrogate Road, Bradford – a copy of the objection and the Council's rebuttal are annexed hereto as **Appendix 14**;
- 29.1.6 Mr and Mrs A Lock of No. 140 New Line, Greengates, Bradford – a copy of the objection and the Council's rebuttal are annexed hereto as **Appendix 15**.

- 29.2 Each Appendix contains a copy of the relevant objection and provides details of the grounds of objection and the Council's rebuttal response to the individual objections.
- 29.3 The Council has considered the letters of objection and remains satisfied as to the justification of the Orders and the extent of the CPO Order Land and reserves the right to alter and add to the rebuttals in the presentation of its evidence at the Public Inquiry to substantiate its responses to the individual objections and to justify the case for the Orders to be confirmed by the Secretary of State.
- 29.4 Nevertheless, the Council is continuing to explore with the objectors whether it will be possible to reach agreement to enable the objections to be withdrawn prior to the Public Inquiry.

30. Conclusion

- 30.1 The Council is promoting the –

The City of Bradford Metropolitan District Council (Harrogate Road/New Line Junction Improvement Scheme) Compulsory Purchase Order 2017 to secure the much needed Scheme and is accompanied by –

The City of Bradford Metropolitan District Council (Harrogate Road/New Line Junction Improvements) (Side Roads) Order 2017 to enable related highway measures and private means of access alterations to be undertaken in support of and as a direct consequence of the proposed highway improvements to Harrogate Road/New Line, Bradford

- 30.2 Confirmation of the Orders would enable the implementation of the highway improvements and associated landscaping.
- 30.3 The Scheme is of central importance to the enhancement of the highway network and connectivity within the wider area.
- 30.4 It is expected that the Scheme will act as a driver for further economic activity, boosting local prosperity.
- 30.5 In the event that the Orders are confirmed by the Secretary of State for Transport it should be noted -
- that there are no barriers to the implementation of the Scheme
 - funding for the Scheme is in place and
 - there are no planning obstacles to prevent the Scheme being implemented.
- 30.6 If however this opportunity to secure the much needed highway improvements is not taken, the funding to acquire the CPO Order Land and to implement the Scheme may well be lost and the Council would not in such circumstances be in a position to achieve the desired objectives to improve the highway network connectivity and free flow of traffic and pedestrians in the vicinity of the Scheme.

- 30.7 It will be evident that the Council considers that it has advanced a compelling case in the public interest for the compulsory acquisition of all of the CPO Order Land to support the Scheme.
- 30.8 Negotiations have taken place and shall continue with those holding remaining land interests, in order to achieve the maximum possible permissions and land take by way of voluntary agreement.
- 30.9 The Council is satisfied that the Orders have been promoted in the public interest and that it is fully compliant with the strategic planning and corporate policy planning and highway frameworks of the Council.
- 30.10 Moreover, the Council considers that the CPO Order and the Side Roads Order, if confirmed, would strike an appropriate balance between public and private interests. The rights of owners of interests in the CPO Order Land under the Human Rights Act 1998 (including the rights contained in Article 8 and Article 1 of the First Protocol) have been taken into account by the Council when considering whether to make the Orders and when considering the extent of the interests to be comprised in the Orders. In addition, having regard to the provisions of the Highways Act 1980 and Government guidance, the Council considers that the acquisition of the CPO Order Land will facilitate the carrying out of the Scheme and the implementation of the Side Roads Order and will bring about and achieve the desired objectives of the Scheme and as such, the Council considers that there is a compelling case in the public interest for confirmation of the CPO Order and Side Roads Order.
- 30.11 Accordingly, the Council contends that it has advanced a compelling case in the public interest in promoting the Orders and that the Orders, if confirmed, would strike an appropriate balance between public and private interests.

The Secretary of State for Transport is therefore respectfully invited to confirm the Orders.

Dated 3rd May 2018



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