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for Transport

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Your Ref: TGP.108813.3
Our Ref: NATTRAN/Y&H/HAO/240
Date: 14 November 2025

Dear Mr Phillips

THE BOROUGH COUNCIL OF CALDERDALE (HALIFAX TOWN CENTRE) (HIGHWAY IMPROVEMENTS) (WEST YORKSHIRE PLUS TRANSPORT FUND, A629 PHASE 2) (SIDE ROADS) ORDER 2020 (“the SRO”)

THE BOROUGH COUNCIL OF CALDERDALE (HALIFAX TOWN CENTRE) (HIGHWAY IMPROVEMENTS) (WEST YORKSHIRE PLUS TRANSPORT FUND, A629 PHASE 2) COMPULSORY PURCHASE ORDER 2020 (“the CPO”)

THE BOROUGH COUNCIL OF CALDERDALE (HALIFAX TOWN CENTRE) (HIGHWAY IMPROVEMENTS) (WEST YORKSHIRE PLUS TRANSPORT FUND, A629 PHASE 2) SUPPLEMENTAL COMPULSORY PURCHASE ORDER 2021 (“the supplemental CPO”)

SECRETARY OF STATE’S DECISION – ORDERS TO BE CONFIRMED, WITH MODIFICATIONS

1. I refer to your application, submitted on behalf of Calderdale Council (“the Council”), for confirmation of the above-named Orders. The Secretary of State for Transport (“the Secretary of State”) has decided to confirm the Orders with modifications and this letter constitutes her decision to that effect.
2. The confirmed SRO, CPO and supplemental CPO will, respectively, authorise the Council to:
 - i. improve highways; stop up highways; construct new highways; and provide new means of access, all in the vicinity of the Classified Roads of the A629, C5951, C5954 and C5955 in Halifax, West Yorkshire which the Council propose to improve;

- ii. purchase compulsorily the land for the purposes of the improvements to the above Classified Roads including the creation or improvement of highways intended to connect to the Classified Roads, the improvement or development of frontages and landscaping, the construction of works for drainage of highways and mitigating any adverse effects from these works; and
- iii. purchase compulsorily the land for use by the acquiring authority in connection with the construction and/or improvement of the highways and the provision of new means of access, and landscaping.

CONSIDERATIONS FOR DECISION

3. As 2 statutory objections to the Orders remained outstanding, it was decided that a local Public Inquiry should be held for the purposes of hearing those objections. An independent Inspector, David M H Rose BA(Hons) MRTPI, was appointed by the Secretary of State and held the Inquiry at Halifax Town Hall, Crossley Street, Halifax, West Yorkshire HX1 1UJ on 4 March 2025. The Inspector reports that an unaccompanied site inspection was also carried out on 3 March 2025.

4. The Inspector considered all representations and objections about the Orders during the Inquiry and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. The Secretary of State has given careful consideration to the Inspector's report, to the objections and representations received and also to a number of relevant issues, as set out in *The Highways Act 1980* and *Guidance on Compulsory purchase process and The Crichel Down Rules*, in reaching her decision on the Orders. These are set out below. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations set out in the Inspector's report and the reasons given for the Secretary of State's decision are those given by the Inspector in support of the conclusions and recommendations.

5. The Secretary of State needs to be satisfied:

In relation to the SRO, namely that:

- i. where a highway is to be stopped up, another reasonably convenient route is available or will be provided before the highway is stopped up; and
- ii. where a private means of access to premises is to be stopped up either no access to the premises is reasonably required or another reasonably convenient means of access to the premises is available or will be provided.

In relation to the CPO and Supplemental CPO, namely that:

- i. whether there is a compelling case in the public interest to justify conferring on the Council, as the acquiring authority, powers to compulsorily acquire and use land for

the purposes of the scheme, including whether reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement;

- ii. whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to the Human Rights Act 1998);
- iii. the acquiring authority should have a clear idea of how it intends to use the land that it wishes to acquire;
- iv. sufficient resources should be available to complete the compulsory acquisition within the statutory period following confirmation of the Order, and to implement the scheme; and
- v. there should be a reasonable prospect of the scheme going ahead and it should be unlikely to be blocked by any impediment to implementation.

CONCLUSIONS

6. The Secretary of State notes and agrees with the Inspector's conclusion at IR 4.24 that no party would be materially disadvantaged by the provisions of the SRO. The Secretary of State is further satisfied that in relation to the SRO, where a highway is to be stopped up, another reasonably convenient route is available or will be provided.

7. In considering the CPO and Supplemental CPO, the Secretary of State agrees with the Inspector that the Council has a clear purpose for the land to be acquired (IR 4.26) and there is nothing to suggest land or rights being acquired in excess of what is necessary for the facilitation and maintenance of the overall scheme (IR 4.24). Furthermore, the Secretary of State agrees with the Inspector that the Council have taken reasonable steps to acquire the land and rights through agreement prior to compulsory acquisition (IR 4.22).

8. Like the Inspector, the Secretary of State is satisfied that the scheme benefits from planning permission (IR 2.29 - 2.34) and that the necessary funding for the scheme, including any compulsory acquisition, is in place (IR 4.23). Furthermore, she is content that there are no identified impediments which are likely to block or delay the scheme (IR 4.26).

9. The Inspector considered that the benefits of the overall scheme, to remodel the congested road infrastructure of Halifax Town Centre and to realise sustainable, social, safety, environmental and economic benefits, were substantial (IR 4.21). He therefore concluded that to enable these benefits, there is a compelling case in the public interest to compulsorily acquire the land within the Orders and that the benefits of doing so significantly outweighed any private losses of those with an interest in the land (IR 4.27). The Secretary of State agrees with these conclusions.

10. The Secretary of State has carefully considered whether the purposes for which the CPO and Supplemental CPO are required, sufficiently justify interfering with the human rights of those with an interest in the affected land. In particular, consideration has been given to the provisions of Article 1 of The First Protocol to the European Convention on Human

Rights. As the Secretary of State has agreed with the Inspector that the public benefits of the scheme are substantial, she also agrees with the Inspector's conclusions at IR 4.25 that the interference with the human rights of those affected is proportionate and justified in the circumstances.

11. Section 149 of the Equality Act 2010 includes a public sector "general equality duty" setting out the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. The Secretary of State notes that in pursuit of the Orders, the Council have undertaken a Social and Distributional Impact Assessment of the Scheme (IR 2.26) and an Equality Impact Assessment, which finds that the completed scheme is expected to have largely positive outcomes for people with protected characteristics (IR 2.27). The Secretary of State is therefore satisfied that the Council has had due regard to their duties under the Equality Act 2010. In reaching her decision on the Orders, the Secretary of State has had due regard to the public sector equality duty.

12. Having considered all matters, the Secretary of State is satisfied that no compelling reasons have been brought forward which would justify not confirming the Orders. Accordingly, the Secretary of State agrees with the Inspector's recommendations at IR 5.1 - 5.3 and has decided to confirm 'The Borough Council of Calderdale Halifax (Halifax Town Centre) (Highway Improvements) (West Yorkshire Plus Transport Fund, A629 Phase 2) (Side Roads) Order 2020', 'The Borough Council of Calderdale (Halifax Town Centre) (Highway Improvements) (West Yorkshire Plus Transport Fund, A629 Phase 2) Compulsory Purchase Order 2020', and 'The Borough Council of Calderdale (Halifax Town Centre) (Highway Improvements) (West Yorkshire Plus Transport Fund, A629 Phase 2) Supplemental Compulsory Purchase Order 2021' as modified by her.

13. In confirming the Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements, or correspondence, as being factually correct. Confirmation is given on this basis.

MODIFICATIONS

14. The Secretary of State has made the modifications to the Orders as proposed by the Council and recommended by the Inspector at Annex A to his report. The Secretary of State has also made additional modifications to the Order to correct typographical errors, for ease of reference and to reflect changes made to the Orders throughout the process. A list of all modifications made is provided at Annex A to this letter.

COMPENSATION

15. Details of compensation arising as a consequence of confirmation of a CPO are a matter for negotiation with the Council, as the acquiring authority, and not the Secretary of State. Accordingly, qualifying persons in relation to the land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land. If the amount cannot be agreed the matter may be referred for determination by the Upper Tribunal (Lands Chamber) under the Lands Tribunal Act 1949 and

the Land Compensation Act 1961 and 1973, as amended by the Planning and Compulsory Purchase Act 2004.

AVAILABILITY OF DOCUMENTS

16. A copy of this letter, together with a copy of the Inspector's report, have been sent to those parties who appeared at the Inquiry, other interested parties, and relevant Members of Parliament. Copies will be made available on request to any other persons directly concerned.

17. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at <https://new.calderdale.gov.uk/streets-and-transport/transport-initiatives/a629-phase-2-public-inquiry-2025> and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at the address shown on this letter within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report.

RIGHT OF CHALLENGE

18. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming them may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such an application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours sincerely,



TIM BRIMELOW

Authorised by the Secretary of State for Transport
to sign in that behalf