



Report of the Strategic Director of Place to the meeting of Executive to be held on 4 January 2022

Subject:

AP

A650 Tong Street Highway Improvement Project

Summary statement:

To provide Executive an update on the development of the A650 Tong Street Highway Improvement project as part of the West Yorkshire+ Transport Fund (WY+TF) and Department for Transport (DfT) Major Road Network (MRN) fund seeking Executive's endorsement of the schemes further development, benefits and proposals.

It will also request that delegated authority be given to the Strategic Director Place in consultation with the portfolio holder to progress a range of issues to ensure delivery of the scheme within the required timescales, including the use of compulsory purchase powers to achieve the desired objectives.

EQUALITY & DIVERSITY:

An Equality Impact Assessment has been carried out. It was concluded that there will be benefits in terms of improved crossing facilities for those in the age, disability, pregnancy and maternity characteristics through safer crossing opportunities. Overall, reduced journey times, improved journey time reliability and cycling / public transport facilities will benefit all road users contributing to the Equality Objective: Employment and Skills by improving connectivity and maximising access to jobs and creation of new jobs through economic growth.

Jason Longhurst
Director of Place

Report Contact: Richard Gelder,
Highway Services Manager
Phone: (01274) 437603
E-mail: Richard.gelder@bradford.gov.uk

Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

- 1.1 The A650 Tong Street Highway Improvement project is one of a package of schemes included in the West Yorkshire Plus Transport Fund (WY+TF) programme, which was established as part of the 2014 City Deal between West Yorkshire, York and Central Government to stimulate housing, employment and economic growth across the Leeds City Region.
- 1.2 This current scheme comprises of highway capacity and efficiency improvements along with enhancements to public transport, pedestrian and cycle provision. The scheme aims to stimulate economic growth and unlock key development sites, particularly in South East Bradford, through tackling transport and accessibility issues. The project focuses on a 1.5 km section of the A650 Tong Street between Knowles Lane and Westgate Hill (A651), which envisages:
- To improve Journey times along Tong Street, allowing general traffic (particularly commercial vehicles and buses) to get to their destinations more efficiently and improving journey time reliability;
 - Central islands with turning areas;
 - Segregated cycle route;
 - Improvements to existing pedestrian crossings and signalled junctions
 - Rationalisation of side road entry points to minimise traffic turning conflicts;
 - Review of on-street parking arrangements to minimise the impact on journey times; and
 - Green infrastructure improvements.
 - Improved air quality
- 1.3 This report provides details of the scheme as developed through the Outline Business Case (OBC) that is subject to change through a further developed and refined OBC with a greater emphasis on:
- sustainable transport
 - public transport
 - green infrastructure
 - active travel

2. BACKGROUND

- 2.1 The A560 Tong Street Highway Improvement project obtained an Outline Business Case (OBC) approval from the West Yorkshire Combined Authority in 2019. Due to funding pressures, Bradford Council sought additional funding from the Department for Transport's (DfT) Major Road Network (MRN) programme.
- 2.2 Additional funding was confirmed subject to a re-submission of an Outline Business Case in accordance with DfT / MRN and further stages of the approvals process. The development will require a review of the existing OBC to determine if it is still fit for purpose, compliant with current standards and policies and to seek necessary approvals from both funding organisations including Bradford Council's Executive before advancing to the next stages of development, refined OBC and Full Business Case (FBC).

2.3 Location of Scheme

- 2.4 The current project (2019 OBC) is focused on a section of Tong Street A650 approximately 1.6km in length, located between the Tong Leadership Academy access onto the A650 Westgate Hill Street (postcode: BD4 6NR) and Knowles Lane (postcode: BD4 9PZ). The scheme lies within the administrative boundary of the City of Bradford Metropolitan District Council.
- 2.5 Through further development of the scheme, the location may extend beyond the located areas as described above.

2.6 Projects funding objectives

2.7 West Yorkshire Plus Transport Fund (WY+TF)

www.westyorks-ca.gov.uk/projects/west-yorkshire-plus-transport-fund/

- 2.8 The Fund is targeted at enabling key development areas across West Yorkshire and will help to create about 20,000 new jobs over the next 10 years. A number of strategic transport projects will be delivered to facilitate growth identified in the Strategic Economic Plan (SEP), which encompass:
- Improved motorway access
 - Orbital road improvements
 - Radial improvements on corridors for better public transport options into our urban centres
 - Road and rail improvements between district hubs to provide capacity and better connectivity
 - Enhanced rail station gateways with increased car parking capacity for park and ride.

- 2.9 The core objective of the WY+TF is to:

“Increase employment productivity and economic growth through investment in transport schemes”

2.10 Major Road Network (MRN)

www.gov.uk/government/publications/major-road-network-and-large-local-majors-programmes-investment-planning

MRN Fund Objective	Criteria
Reducing congestion	Alleviate congestion Take account for impacts on air quality, biodiversity, noise, flood risk, water quality, landscape and cultural heritage sites
Support economic growth and rebalancing	Industrial strategy: supports regional strategic goals to boost economic growth
Support housing delivery	Support the creation of new housing developments by improving access to future development sites and boosting suitable land capacity
Support all road users	Delivering benefits for public transport and non-motorised users, including cyclists, pedestrians and disabled people Safety benefits: Ability to reduce the risk of deaths / serious injuries for all road users of the MRN
Supporting the Strategic Road Network (SRN)	Improved end to end journey times across both networks Improved journey time reliability Improved SRN resilience

2.11 Strategic Context

- 2.12 The A650 Tong Street serves as a major route connecting Bradford to parts of Leeds and Kirklees, including Dewsbury, Batley and Morley, carrying on average 37,000 vehicles on a typical weekday. It provides a secondary means of access onto the UK's Strategic Road Network (via the M62 Junction 27) after the M606, as well as a diversionary route in the event of an incident on the M606 and M62. The corridor is a key access route providing onward access to Bradford city centre and key housing and employment sites. Recognising its significance to the district of Bradford, Tong Street is part of West Yorkshire's Key Route Network and has previously been identified as one of the highway improvement schemes to be included in the West Yorkshire Plus Transport Fund (WYTF) programme.
- 2.13 Despite Tong Street's significance to Bradford and the surrounding area, there are several issues with the current highway, which can be summarised as follows:

- Severe congestion and poor journey time reliability in the am and pm peak periods;
 - Delays and unreliable journey times for bus services;
 - High levels of through traffic and rat-running in adjacent residential areas;
 - Peak time access difficulties to employment and housing sites along the Tong Street corridor, and in neighbouring authorities;
 - Poor air quality;
 - Road safety issues; and
 - Severance issues due to the limited pedestrian and cycle provision.
- 2.14 The above all contribute to an increasingly inefficient highway network, resulting in unreliable travel opportunities and presenting a barrier to economic growth through inhibiting the viability of strategic growth sites in proximity to the corridor and those spread across Bradford. The additional impacts of severance and poor air quality presented by Tong Street further damage the quality of life for existing and future residents of the city. Taken in combination, each of the issues identified above demonstrate the need to undertake an intervention on Tong Street.
- 2.15 An efficient highway network, particularly on key accesses and radial routes into major urban centres like Tong Street, which is free from excessive delays and accommodating to multiple transport modes, can suitably lift perceptions on an area-wide basis. Given the vital role Bradford plays to the wider city region and mindful of the number of organisations calling Bradford home, ease of movement of people and goods via the highway network helps attracting inward investment, encouraging good growth, improving connectivity and maximising access to jobs. Delivery of improvements on Tong Street will help to facilitate economic growth and housing development.
- 2.16 Delivering improvements on A650 Tong Street fully aligns with and helps to realise the achievement of the Leeds City Region's Strategic Economic Plan (2016) and Bradford's Economic Strategy. Good growth in West Yorkshire is underpinned by the objectives set out in the Strategic Economic Plan (SEP). The SEP identifies four strategic priorities:
- Priority Area 1: Growing business;
 - Priority Area 2: Skilled people, better jobs;
 - Priority Area 3: Clean energy and environmental resilience; and
 - Priority Area 4: Infrastructure for growth.
- 2.17 Together the above priorities are reinforced by the core value of 'Good Growth,' which aims to deliver the "*right quantity and right quality of growth; creating a strong productive and resilient economy where a radical uplift in business competitiveness, productivity and profit goes hand in hand with access to good jobs that pay higher wages and where all residents have access to opportunity and enjoy improved quality of life.*"

- 2.18 The highway improvements on the A650 Tong Street scheme are closely aligned with Priority 4: Infrastructure for Growth. Under this priority are four key actions areas:
- Integrated spatial priority areas
 - Transport infrastructure and services
 - Integrated flood risk reduction
 - digital infrastructure.
- 2.19 The majority of the scheme's anticipated outcomes and impacts are focused on achieving enhanced transport infrastructure and services. Nevertheless, the scheme will complement the realisation of integrated spatial priority and integrated flood risk reduction through its longer term impacts.
- 2.20 Investment in highway capacity improvements along the A650 Tong Street corridor will directly facilitate the realisation of the Bradford Core Strategy aspirations and growth targets, through the scheme's role in unlocking a number of residential and commercial development sites, particularly in South East Bradford. The adopted Core Strategy sets a target for 6,000 homes in South East Bradford with associated community facilities, in particular open space and recreation facilities together with employment opportunities. Holme Wood has been identified as a long standing comprehensive regeneration and investment priority area – delivering improvements to the local environment together with housing and economic growth. The Council is preparing a new Local Plan for the District. The emerging draft plan proposes a significant level of housing growth within an expanded city centre (7000 homes) and within Bradford South East of least 2200 new homes by 2038. Although the emerging Local Plan is at an early stage of development, Holme Wood remains a key priority for regeneration and growth.
- 2.21 Delivery of the Tong Street highway improvement scheme will complement WYCA's small scale investment in tackling hotspots along one of Bradford's key bus routes as part of the realisation of the West Yorkshire Bus Strategy, which is a key component of the West Yorkshire Transport Strategy (WYTS). The WYCA-led initiative was known as 'Bus 18' and has been subsumed into WYTS. This partnership initiative between the Association of Bus Operators West Yorkshire (ABOWY), First, Arriva, Transdev and WYCA delivered a range of improvements across bus services in West Yorkshire initiated or completed by 2018. The initiative focuses on a number of pledges that will make bus travel better, with the ultimate aim of encouraging more people to use the bus. The West Yorkshire Bus Strategy objectives were established and were split into the following themes:
- **Ticketing:** to increase the range of multi-operator tickets available
 - **Network stability:** to reduce the number of service changes and to improve consultation with bus users
 - **Young People:** to encourage more young people to travel by bus
 - **Punctuality and reliability:** to provide a more reliable service
 - **Information:** to make it easier for customers to access transport information

- **Customer service:** to enable bus services to provide a high standard of customer service.
- 2.22 Each of the above objectives are to be realised through a series of investment packages focused on each of the themes. Investment in Punctuality and Reliability improvements is spread across a number of key bus corridors across West Yorkshire, including the Northwest to South East Bradford (Toller lane to Knowles Lane), located immediately upstream of the Tong Street highway improvement scheme. The aforementioned corridor has benefited from approximately £125k of investment in small ‘quick win’ improvements such as highway re-lining, bus stop improvements and minor civils work, aimed at improving the passenger experience, and improving journey time punctuality and reliability. These works were delivered by 2019.
- 2.23 The Tong Street Improvement scheme will complement the upstream investments by tackling the known bottlenecks through the proposed improvements, thus improving journey times and reliability for general traffic which use the Wakefield Road / Tong Street section of the A650, including buses.
- 2.24 Adaptations to this corridor under the Tong Street scheme prefigure the corridor’s designation as a key corridor for bus priority improvements as part of WYCA’s Bus Network Review and formalised in the West Yorkshire Connectivity Plan.

2.25 Existing Problems and Issues

2.26 Congestion issues

- 2.27 The Tong Street corridor carries a high volume of traffic in excess of 37,600 vehicles using the road on a typical weekday. Peak time traffic levels average 2,400 vehicles in the morning peak period and 2,600 in the PM peak period. It is a key commuter route carrying traffic to and from Bradford city and other parts of the district towards Leeds, Kirklees and the Strategic Road Network, via the M62. It also provides a primary access for large trip generators in Southeast Bradford including Weaverthorpe Industrial Estate, Tong Leadership Academy and the Hallmark Cards’ Headquarters and manufacturing & distribution centre which is located off Dawson Lane.
- 2.28 The capacity constraints on Tong Streets and the demand placed upon it results in significant levels of congestion and delay at peak travel times. Traffic queues often exceed 2km in length, stretching beyond the Knowles Lane junction in the north of the corridor and Bradford Road / A651 junctions in the peak periods. During the morning peak period, journey times in the inbound direction can increase by nearly 50% compared to the PM and inter-peak periods. Conditions are noticeably worse in the PM peak where outbound journey times more than double that of the inter-peak, with over 4 minutes added to the typical journey time during this period. The average traffic speeds along Tong Street fall between 7mph and 17mph during the peak periods.

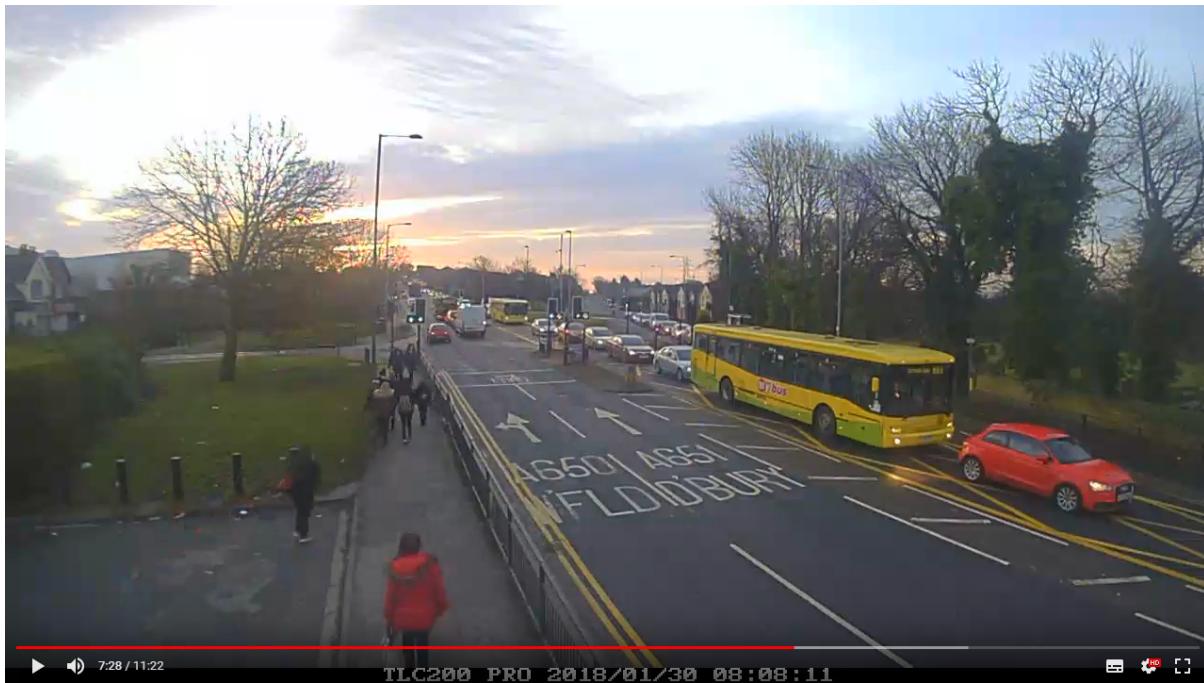


Fig 1: typical AM peak time conditions at the Westgate Hill on the A651 Bradford Road / Tong Street A650 junction. Facing south towards traffic travelling inbound/northbound heading into Bradford (sourced from junction video survey undertaken by Tracsis, January 2018).

- 2.29 The corridor is well served by public transport, with 5 bus services running a combined frequency of 5-6 buses per hour (OBC). The occurrence of peak time congestion has a negative impact on the operation of bus services, through reduced journey time reliability, service delays and increased running costs, therefore making them less attractive for bus users.
- 2.30 As part of the OBC, a stakeholder engagement exercise was undertaken in the Spring 2017, with a number of businesses and commercial enterprises in the vicinity of Tong Street contacted to give their views on the current conditions of Tong Street. Most were generally supportive of the scheme, identifying the current congestion along Tong Street A650 as significant issues and representing barriers to future growth.
- 2.31 Safety Issues
- 2.32 An analysis of personal injury accidents on lengths of road in Bradford district in September 2017 identified Tong Street as a length of highway which has a significant accident history. The length concerns the section of Tong Street between Knowles Lane/Knowles Street and Westgate Hill Street. Tong Street was found to have an accident rate 16% higher than the comparable national rate.
- 2.33 A review of the collision history found that there have been 64 recorded road traffic collisions between 2012 and 2017 on this section (lengths) of Tong Street.
- 2.34 The junction of the A650 Tong Street with Knowles Lane and Knowles Street to the

north of the corridor has been identified as a Site for Concern in terms of road accidents. The annual Road Accident Sites for Concern 2012 - 2016 report highlighted the occurrence of 10 accidents at the site in the five-year period.

- 2.35 An additional analysis of personal injury accidents in the surrounding residential areas of Holmewood, Toftshaw and East Bierley identified that accident rates double in the AM and PM peak periods compared to off-peak hours.

2.36 Air Quality issues

- 2.37 The occurrence of congestion and slow moving traffic queues result in increased vehicle emissions, exacerbating air quality and levels of pollution in the local area, which features several residential property frontages directly onto Tong Street. Tong Street has been identified as an area for concern in terms of air quality, both in terms of nitrogen dioxide and particulate matter due to high levels of airborne pollutants observed in environmental monitoring. This poses health risks in terms of respiratory illness for residents living in proximity to Tong Street and non-motorised road users, as well as hinders the realisation of strategic objectives such as the West Yorkshire Transport Strategy's objective of '*having a positive impact on our built and natural environment -increasing longer term resilience against climate change.*'
- 2.38 Kerbside air quality monitoring in the vicinity of the site has recorded an annual mean in excess of 40ug/m³ in Nitrogen Dioxide (NO²) for 2016 which exceeds the legal national standard. Real time continuous analyser monitoring in the vicinity of the Broadstone Way junction indicate NO² levels regularly exceeding 40ug/m³ in the peak periods on a daily basis (2019 OBC).

2.39 The impact of do nothing

- 2.40 Left unchecked the impact of a 'do-nothing' scenario will be sub-optimal growth for Bradford. The future growth of the district hinges upon the creation of the necessary strategic transport infrastructure. Failure to deliver the necessary transport infrastructure improvements, including the A650 Tong Street improvements, is likely to hinder further economic and housing growth in the area.
- 2.41 Bradford is currently home to a number of significant national and international organisations, an important foundation in which to grow the district's economy. Without investment in Bradford's strategic highway network to ease the movement of people and goods, there is a chance that this will be hindered due to poor impressions and regular frustrations. This could have a continued knock-on effect on the ability of Bradford to retain its existing business portfolio, and in securing future investment in the district, unless investment is made in improving the area's Key Route Network, including Tong Street.
- 2.42 Without the improvements required on Tong Street, congestion and journey time delay is expected to worsen as forecast traffic growth increases. We also miss an opportunity to improve sustainable transport including public transport journey times and reliability, pedestrian and cycling improvements, improving road safety, air quality and implementing green infrastructure along the corridor.
- 2.43 In light of the existing and future issues identified, there is a clear need for investment

in improvements on the A650 Tong Street corridor.

2.44 Further development

2.45 Due to the current approval status (2019 OBC) of this project within the Combined Authority's Assurance Process, further funding was sought from the MRN (Major Routes Network) via the DfT up to £50m. The Council will be expected to deliver a fully compliant LTN1/20¹ and Bus Back Better² design within its proposals in order to secure this funding. In addition to this we are also ensuring the following:

- Impact / compliance with new and / or updated legislation such as LTN 1/20 and National Bus Strategy, termed "Bus Back Better"
- To consider the councils emerging policies such as the creation of Sustainable transport and Active travel
- Requirements as a result of Covid 19 – permanent changes to network layouts
- Carbon Management / reduction / capture
- Managing expected challenges from lobby groups
- Utilisation of the new Bradford STM
- Interface with the South East Bradford Access Road Project, new Transport Policy and Local Plan / Holme Wood
- Land acquisition and CPO timescales / costs
- Understanding extent of planning requirements
- Robustness of costings, in particular development and material costs (taking into account rising costs as a result of Brexit)
- Implications of Mass Transit
- Implementation of "Green" infrastructure

2.46 There are several existing plots of land adjacent to Tong Street that have been acquired by the Council over a significant period of time with an aspiration to deliver an improvement scheme at some point. Notwithstanding this there remain considerable sections that have adjacent land and properties in 3rd party ownership. As such the requirement for land acquisition is still significant. This is more prevalent on the north east side of Tong Street.

2.47 The scheme will therefore require acquisition of third party land. In line with the processes adopted on previous West Yorkshire+ Transport Fund programmes once a preferred solution has been identified through the OBC approval, the Council will need to complete all statutory approvals processes through the development of the FBC. As there are parcels of land required outside of Council ownership it is highly likely that the use of Compulsory Purchase Order (CPO) and Side Roads Order (SRO) powers will be required to complete the necessary land assembly.

2.48 Procurement decisions beyond the £2m value of Contract Standing Orders will be required for both the refined OBC and potential future FBC development. Endorsement of the further development and scheme proposals by Executive will be essential to ensure that the scheme can be progressed within its current timescales of delivery (start of construction in 2025).

¹ Cycle Infrastructure Design (LTN1/20), Department for Transport, July 2020

² Bus Back Better: National Bus Strategy for England, Department for Transport, March 2021

2.49 Timescales

Date	Activity
Autumn 21 to Spring 22	Council committee approvals and procurement of Outline Business Case / Full Business case
Spring 22 to Autumn 23	Refinement of Outline Business Case and approval
Autumn 23 to Autumn 25	Development of Full Business Case and approval
Autumn 25 to Autumn 27	Delivery

Table 1: Project Timescales

3. OTHER CONSIDERATIONS

- 3.1 Planning consent will be sought for the project once the design is further developed in the FBC stage.
- 3.2 The project is likely to undertake two procurement exercises, both in excess of £2 million for the next stages of development and construction of the project and reported to the Overview and Scrutiny Committee in accordance with the requirements of Contract Standing Order 7.2.1 (CSO 2021/22).
- 3.3 A Communication Management Plan will be prepared as part of the development of the scheme's refined OBC. Communications with key stakeholders and land owners will need to be carefully managed, particularly because of the risks associated with land acquisition.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The projects estimated cost in 2019 was circa £25.5m
- 4.2 The refined OBC provides the opportunity to revisit budgets set in 2019. The project's cost is likely to be up to £50m when re-assessed through further development and allowing for inflation, increased land values and 20% increase in construction costs.
- 4.3 The bid from DfT MRN can be up to £50m and match funding via the West Yorkshire Combined Authority's WY+TF programme is circa £8m. This scheme will be fully funded from external resource.
- 4.4 The staff resources and specialist technical services required to develop the project will be funded through the scheme budget.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 A Risk Management Strategy has been prepared within the OBC. This sets out how risks will be identified, assessed and managed for the project. The Risk Management Strategy will manage risks such that their impact on cost, programme and quality are maintained and that the impact of opportunities can be maximised where appropriate.
- 5.2 Project & Programme Board meetings consider the risks associated with scheme delivery and provide appropriate mitigating direction.

6. LEGAL APPRAISAL

- 6.1 The scheme can be implemented through the Council's powers as Highway and Traffic Regulation Authority.
- 6.2 An important part of the scheme design process is the need to ensure that the rights of the individual are recognised and that due regard has been given to human and public sector equality rights which are particularly relevant to the scheme.
- 6.3 Legislation recognises that "*regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole*". Project officers are of the view that in designing the scheme options, careful consideration will be given to the balance to be struck between individual rights and the wider public interest. Any interference with the human rights of an individual is considered in the circumstances to be justified in order to secure the economic, social, physical and environmental benefits that the highway scheme is expected to deliver.
- 6.4 Moreover, project officers believe that the scheme will be in the public interest and the acquisition and interference with third party land and rights needed for the scheme and that any interference with any human rights is considered to be justifiable, in order to secure the public benefits that the highway scheme will bring to the highway network, local communities and wider area.
- 6.5 This Report recommends that the Executive at this stage approves in principle the making of a compulsory purchase order ("CPO") and to also make a side roads order ("SRO") if alterations are needed to adjoining highways to support the highway scheme and to delegate to the Strategic Director: Place, in consultation with the Portfolio Holder: Regeneration, Planning and Transport a final decision on whether it is necessary for a CPO and SRO to be made, if there is little or no prospect of the land needed for the scheme being acquired through voluntary negotiations. In any event the Council should continue to promote a CPO and SRO in parallel with negotiations".

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

- 7.1.1 Improvements to the traffic flow on the A650 Tong Street will assist in reducing the level of harmful pollutant emissions from vehicles and lead to improved air quality for local residents. Improved air quality means greater health benefits for the people that live there.

- 7.1.2 To improve road safety for all users by reducing the rate of traffic collisions along the Tong Street corridor and surrounding residential areas.
- 7.1.3 Improving active travel, sustainable transport facilities, public realm and green infrastructure features to encourage the growth in walking and cycling trips along the corridor by encompassing where possible the principles and requirements of LTN 1/20.
- 7.1.4 The project is likely to lead to improvements in journey times and journey time reliability for public transport operations immediately after opening.
- 7.1.5 The combined measures aim to improve the quality of life within the area whilst protecting the environment.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

- 7.2.1 The project is likely to lead to a slightly beneficial impact to greenhouse gas emissions by an increase in walking, cycling and public transport usage.
- 7.2.2 Greenhouse gas emissions impact on the proposed scheme will be included within the FBC.

7.3 COMMUNITY SAFETY IMPLICATIONS

- 7.3.1 The proposed project will provide long-lasting benefits for the community, through improved safety, public transport / cycling and pedestrian connectivity, and improved corridor by reducing traffic volumes in surrounding residential areas.

7.4 HUMAN RIGHTS ACT

- 7.4.1 Please refer to 6. Legal Appraisal.

7.5 TRADE UNION

- 7.5.1 There are no Trade Union implications arising from this report.

7.6 WARD IMPLICATIONS

- 7.6.1 Members and the local community will be consulted as the project reaches appropriate stages of development.
- 7.6.2 The project is located within the Tong Ward.

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

- 7.7.1 Not applicable

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

- 7.8.1 There are no implications for children and young people associated with the contents of this report.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

- 7.9.1 There are no issues arising from the Privacy Impact assessment which will be reviewed through the projects development.

8. NOT FOR PUBLICATION DOCUMENTS

- 8.1 Not applicable

9. OPTIONS

- 9.1 The Executive have the following options:

- a) Executive could choose to support the recommendations which would ensure that the project could be developed and delivered subject to approvals from the DfT and West Yorkshire Combined Authority through the Assurance framework
 - b) Executive could choose not to support the recommendations but this would jeopardise the delivery and achievement of the project objectives as described.
 - c) Executive could choose to make additional resolutions related to the project.
- 9.2 If the Council was to rely on land negotiations alone and only seek to authorise a CPO and SRO if negotiations break down, valuable time would be lost. By making a CPO and SRO for the scheme at the FBC stage, it demonstrates that the Council is serious in its intentions to promote the scheme with the support of CPO and SRO powers and which in turn, might encourage those whose land is affected to enter into more meaningful negotiations.
- 9.3 In essence the Council can either make a CPO and SRO in accordance with the recommendations below at the FBC stage whilst continuing to explore whether the scheme land can be acquired by voluntary means and if not, to use CPO and SRO powers as a last resort, or;
- 9.3 Not authorise a CPO and SRO to be made to acquire the scheme land and to make highway alterations and instead to continue to rely on voluntary negotiations, notwithstanding that there is at present, little indication of all the land needed being able to be acquired by voluntary negotiations. As a result, the Executive is strongly invited to authorise a CPO and SRO to be made in accordance with the recommendations below.

10. RECOMMENDATIONS

10.1 *Recommended -*

10.2 That the Executive approve the following recommendations:

10.2.1 Support and approve the proposals including further development as the preferred approach to the delivery of the A650 Tong Street Highway Improvement Project.

10.2.2 That the Strategic Director: Place be authorised to manage the scheme programme as appropriate to meet changing circumstances.

10.2.3 That the Strategic Director: Place be authorised to make any necessary applications to obtain planning permission for any aspect of the scheme that may require such consent.

10.2.4 That the Strategic Director: Corporate Resources be authorised to promote and take whatever action is necessary to submit the CPO and SRO to the Secretary of State for Transport for confirmation.

10.2.5 That further update reports are presented to Executive following approval of the Full Business Case by the DfT and / or West Yorkshire Combined Authority.

10.2.6 That the Executive is satisfied that the A650 Tong Street Highway Improvement Project is in the public interest and that any harm caused by the use of CPO/SRO powers to acquire and interfere with third party land and rights needed for the scheme is outweighed by the public benefits which the improvement scheme will generate, having also taken into account at this stage, the Council's statutory obligations under the Equality Act 2010 in relation to the differential impact a CPO/SRO might have on various groups of persons with protected different characteristics;

10.2.7 That in principle, the following Orders be made -

- a. The City of Bradford Metropolitan District Council (Tong Street, Bradford) (Highway Improvement Scheme) Compulsory Purchase Order 2022, pursuant to Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and Section 1 of the Localism Act 2011 and Section 40 of the Road Traffic Regulation Act 1984 for the purpose of relieving or preventing congestion of traffic by providing off-street parking places together with means of entrance to and egress from them and all other relevant and enabling powers to secure the compulsory acquisition of such land and rights that are needed to promote the scheme.
- b. The City of Bradford Metropolitan District Council (Tong Street, Bradford) (Highway Improvement Scheme) (Side Roads) Order 2022, pursuant to Sections 14 and 125 of the Highways Act 1980.

10.3 That the Strategic Director: Place in consultation with the Portfolio Holder for Regeneration, Planning and Transport be given delegated authority to:

- a. Progress and develop the scheme proposals through the DfT's and West Yorkshire Combined Authority's Assurance Processes and undertake consultation on scheme proposals.
- b. As may be required, secure the procurement of specialist external services having regard to the Council's Contract Standing Orders and national procurement legislation in order to advise the Council on matters relating to the delivery of the A650 Tong Street Highway Improvement Project.
- c. Investigation of land ownership of land required for the delivery of the A650 Tong Street Highway Improvement Project.
- d. Undertake negotiation with land owners to secure by private treaty any land required outside of Council ownership for the delivery of the A650 Tong Street Highway Improvement Project.
- e. Where necessary, issue requisition notices requiring those believed to have an interest in relevant property to provide title information and details of their interest in land.
- f. Determine whether and the extent to which a CPO and SRO are needed to be made and submitted to the Secretary of State for Transport for confirmation, subject to being satisfied that there is sufficient justification to support the making of a CPO and SRO and that there is evidence that due diligence and probity of governance has been correctly followed and observed in complying with all relevant statutory procedures, including but not limited to the Council's statutory duties and obligations under human rights and public sector equality legislation;
- g. vary and determine the exact statutory powers to make the CPO and SRO and if necessary, to make minor or technical amendments to each of the Orders to determine and settle the extent of the land needed to be included in the CPO and the extent of any associated highway alterations in the SRO, including varying and finalising the exact CPO boundary and highway alterations to be placed in the SRO;
- h. modify and settle the draft "Statement of Reasons" to justify the use of compulsory purchase powers, the CPO Map and CPO Schedule and all other legal documentation necessary to support and accompany the CPO and SRO to the Secretary of State for Transport for confirmation;
- i. authorise if necessary, an application to be made to the Secretary of State for Levelling Up, Housing and Communities or any other appropriate Secretary of State pursuant to Section 19: Acquisition of Land Act 1981 to obtain approval to include in the CPO any additional land needed to be acquired to replace land currently used for open space recreation, allotment land and any disused burial sites and any other special kinds of

land where such statutory approval is needed to replace such land being lost as a result of the scheme;

- j. approve agreements with landowners setting out the terms for withdrawal of any objections to the CPO, including where appropriate, seeking exclusion of land from the CPO and highway alterations from the SRO;
- k. confirm the CPO if satisfied that it is appropriate to do so, in the event that the Secretary of State for Transport notifies the Council that the Council has been given the power to confirm the CPO;
- l. promote any modifications to the CPO and SRO if felt expedient to do so;
- m. take all and any necessary action, as the case may be to continue or open negotiations with persons for the acquisition of land and rights needed to facilitate the scheme and any other interests included in the CPO and SRO and any other land and rights needed for the scheme and to authorise acquisitions by agreement where the use of compulsory purchase powers is in contemplation and to approve the purchase price, advance payments and all other compensation payments;
- n. take all necessary steps in relation to any statutory blight proceedings instituted against the Council for the acquisition of land claimed to be blighted by the threat or presence of the CPO or requests for the Council to exercise its statutory discretionary powers to acquire land and rights and any other interests on "hardship and compassionate" grounds
- o. take all necessary action, should the quantum of compensation flowing from the threat or use of compulsory purchase powers be in dispute and be referred to the Upper Tribunal (Lands Chamber) or other form of arbitration;
- p. to take and do all things necessary or incidental to the implementation of the above resolutions; and

10.4 that all land acquired for the scheme be held for highway purposes.

11. APPENDICES

11.1 None

12. BACKGROUND DOCUMENTS

- A650 Tong Street Highway Improvement Project Outline Business Case
- Project File 102579 Tong St