

From: [Alasdair Inglis](#)
To: [TRANSPORTINFRASTRUCTURE](#)
Subject: Network Rail (Cambridge South Infrastructure Enhancements) Order. Land at Barwick Road Garforth [WRIG-wrigleyswork.FID403397]
Date: 29 August 2023 15:47:18
Attachments: [Network Rail licence plan \(Garforth Allotments\).pdf](#)
[REDACTED]
[NetworkRail.pdf](#)

To
Secretary of State for Transport
C/O Transport Infrastructure Planning Unit

Dear Sirs

We act for John Michael Chapman, Andrew Christopher Chapman and David Alan Leeming, the registered proprietors of land registered under Title Number [REDACTED] ("Owners"). [REDACTED]. We have been instructed on their behalf to object to a Notice of an Application for an Order to Acquire Land/Rights in Land Compulsorily, to Use Land, for Powers to Carry Out Protective Works to Buildings, and to Extinguish Right Over the Land. A copy of the said notice is attached.

The grounds for the objection are as follows:-

1. The Owners are currently negotiating a Promotion Agreement in respect of the Property. The agreement anticipates a planning application being made for residential development by a developer. Whilst the agreement has not been exchanged, it has already been fairly heavily negotiated, and it is hoped that agreement will be reached soon. Once it has been, the developer will under terms of the Promotion Agreement make an application for planning permission and that land could well include the land which is subject to the order. The precise scheme for development of the Property is not yet known, but there is a danger that the order could have the effect of sterilising or adversely affect the proposed development.
2. Part of the Property is used by users of allotment gardens situated on the north side of the railway track off Barwick Road. This could be interfered with by the plans for the Property. Access is over the land coloured brown on the attached plan marked "Network Rail licence plan (Garforth Allotments.)" The arrangement was put in place following closure of a nearby level crossing.
3. Network Rail also have a licence to occupy the land shown on the attached plan which is marked "Network Rail licence plan (Garforth Allotments)". Network Rail contacted the Owners approximately 2 years ago to formalise this arrangement. However, since contacting the Owner, no serious attempt has been made by Network Rail to complete agreement. The Owner's agent has made several attempts to make progress but attempts of contact have been unsuccessful. The contact at Network rail is James Holroyd, based at Toft Green in York. Various correspondence sent by my client's agent have been ignored. In addition, there is a licence fee due under the licence to occupy which is in arrears.

Correspondence relating to this objection should be sent to Wrigleys LLP at 3rd Floor, Wellington Place, Leeds, LS1 4AP marked for the attention of Alasdair Inglis

Yours faithfully

Alasdair Inglis | Partner

[Wrigleys Solicitors LLP](#)

3rd Floor, 3 Wellington Place, Leeds LS1 4AP

0113 204 1105

0754 710 4895

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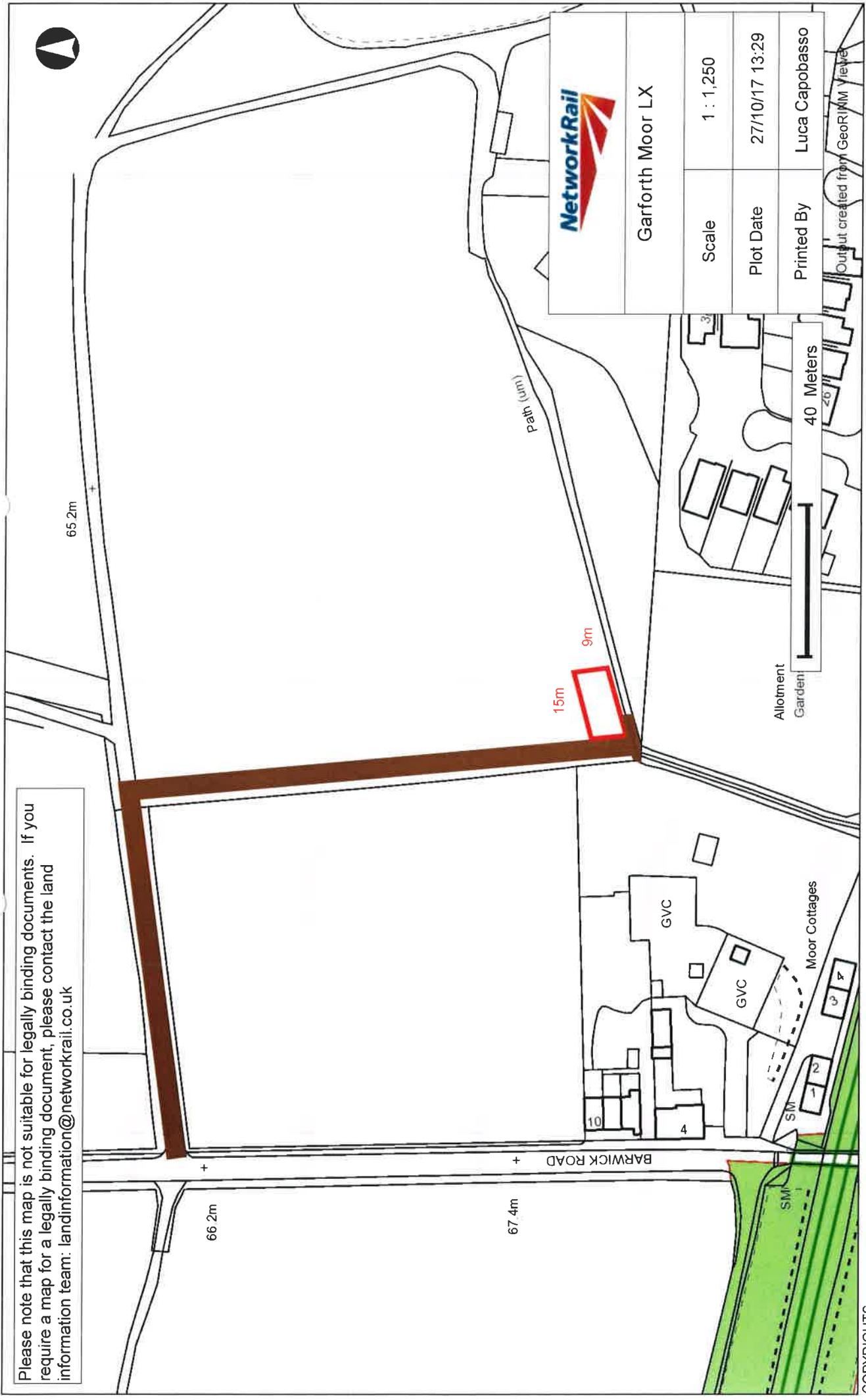
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Please note that this map is not suitable for legally binding documents. If you require a map for a legally binding document, please contact the land information team: landinformation@networkrail.co.uk



	
Garforth Moor LX	
Scale	1 : 1,250
Plot Date	27/10/17 13:29
Printed By	Luca Capobasso

Output created from GeoRIM Viewer

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Andrew Christopher Chapman
[REDACTED]

Network Rail
George Stephenson House
Toft Green
York
YO1 6HP

T: [REDACTED]

E: penny.carter@networkrail.co.uk
Our ref: TRU-SUB-007

17 July 2023

Dear Andrew Christopher Chapman

Transport and Works Act 1992
The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
The Network Rail (Leeds to Micklefield Enhancements) Order 2023

NOTICE OF AN APPLICATION FOR AN ORDER TO ACQUIRE LAND/RIGHTS IN LAND COMPULSORILY, TO USE LAND, FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO BUILDINGS, AND TO EXTINGUISH RIGHTS OVER LAND

Network Rail Infrastructure Limited (**Network Rail**) has applied to the Secretary of State for Transport under Section 6 of the Transport and Works Act 1992 for the above mentioned Order under Sections 1 and 5 of that Act.

As the application includes land in which it is believed you have an interest, we are required to serve on you the enclosed notice pursuant to Rule 15 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

Accordingly, please find enclosed by way of service upon you, the notice pursuant to Rule 15 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

Any objections to, or other representations about, the proposals in the application should be sent to the Secretary of State for Transport c/o Transport Infrastructure Planning Unit, Great Minster House, 33 Horseferry Road, London SW1P 4DR or by email to: transportinfrastructure@dft.gov.uk.

Any objection or other representation must be received by the Secretary of State on or before 29 August 2023.

The enclosed Notice sets out further information/details relating to the draft order, details of where and how the application and supporting documents can be viewed and details which must be included as part of any objection and/or written representation. The attached plan or plans identify the land referred to in the notice Schedule by plot number. The table on the attached plan(s) also identify (by reference to plot numbers), whether the land is to be acquired permanently, for temporary possession and/or whether new rights to be acquired. Please note

where the table identifies land as being within the work limits of deviation, the draft Order allows for the use of compulsory acquisition of land or rights or temporary use of such land.

If you require any further information in relation to the above application then please contact Penny Carter by e-mail penny.carter@networkrail.co.uk or as otherwise detailed in the attached notice.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

Encs.

The Transport and Works Act 1992

**The Transport and Works (Applications and Objections Procedure)
(England and Wales) Rules 2006**

THE NETWORK RAIL (LEEDS TO MICKLEFIELD ENHANCEMENT) ORDER 2023

**NOTICE OF AN APPLICATION FOR AN ORDER TO ACQUIRE LAND/RIGHTS IN LAND
COMPULSORILY, TO USE LAND, FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO
BUILDINGS AND TO EXTINGUISH RIGHTS OVER LAND**

To: Andrew Christopher Chapman, [REDACTED]

Network Rail Infrastructure Limited ("**Network Rail**") of Waterloo General Office, London SE1 8SW has applied to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992. The draft Order makes provision for the following:

- (a) authorisation to construct, enhance, operate and maintain works on the Transpennine Line between Leeds and Micklefield for the purposes of increasing capacity and improving journey time and performance reliability of rail services on the Transpennine Line between York, Leeds and Manchester, including works to facilitate the upgrade of the existing railway, railway electrification works and associated works between Leeds and Micklefield;
- (b) the demolition and reconstruction and construction of overbridges and highways on the Transpennine Line between Leeds and Micklefield;
- (c) powers to compulsorily acquire interests in and rights over land, extinguish rights over land and to use land temporarily for the purposes of the works authorised by the Order and associated works;
- (d) the disapplication of legislative provisions and provision regarding the application of local railway enactments and the application of existing agreements;
- (e) powers to execute street works, temporarily and permanently stop up and/or divert, footpaths and highways, alter the layout of streets, provide access to works, make traffic regulations and provisions relating to streets. The Order also makes provision for the closure of level and accommodation crossings; and
- (f) powers relating to the operation and use of the railway, a defence to proceedings in respect of statutory nuisance, the felling or lopping of trees overhanging the proposed works and the prevention of obstruction of the construction of works and ancillary provisions.

The application contains a statement that a direction for deemed planning permission is being applied for. The application is not to be made subject to an environmental impact assessment.

The draft order provides for the compulsory purchase of land and new rights, right to use land, for powers to carry out protective works to buildings, and extinguishment of rights in and over land, described in the Schedule below, in which it is believed you have an interest.

A copy of the application, and of all plans and other documents submitted with it, may be inspected free of charge at The Leeds Library, 18 Commercial Street, Leeds, LS1 6AL between the hours of 10:00 and 18:00 Monday to Wednesday and 10:00 and 19:00 on Thursdays and 10:00 and 17:00 on Fridays and 10:00 and 16:00 on Saturdays as well as, Garforth Library and One Stop Centre, Lidgett Lane, Garforth, Leeds, LS25 1EH between the hours of 09:00 and 17:00 on Mondays, Thursdays and Fridays and 10:00 and 17:00 on Tuesdays and 09:00 and 19:00 on Wednesdays and 10:00 and 16:00 on Saturdays. The documents submitted will also be available to view and download online at www.networkrail.co.uk/leeds-micklefield.

Copies of that information may be obtained from the Project Manager (Consultation), Network Rail (e-mail: penny.carter@networkrail.co.uk or write to: FAO Penny Carter, Project Manager (Consultation) Network Rail, Ground Floor, Square One, 4 Travis Street, Manchester M1 2NY). A charge may be payable.

Any objections to, or other representations about, the proposals in the application should be sent to the Secretary of State for Transport c/o Transport Infrastructure Planning Unit, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR (email: transportinfrastructure@dft.gov.uk). An objection or other representation MUST:

- (i) be received by the Secretary of State on or before **29 August 2023**;
- (ii) be made in writing (whether sent by post or e-mail and please state "Network Rail (Cambridge South Infrastructure Enhancements) Order" in the subject of the correspondence);
- (iii) state the grounds of the objection or other representation;
- (iv) indicate who is making the objection or other representation; and
- (v) give an address to which correspondence relating to the objection or other representation may be sent (if you are sending your objection or representation by e-mail please provide a postal address).

Where an objection is made (and not withdrawn) by a person who is an owner, lessee, tenant or occupier of any land which is subject to compulsory purchase in the draft order, and that person so requests in writing, the Secretary of State must hold a public inquiry or otherwise give the person an opportunity to be heard. However, this rule will not apply where the objection appears to the Secretary of State to be frivolous or trivial, or to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information contained in them, and will copy them to the applicant for the order.

Dentons UK and Middle East LLP, One Fleet Place, London EC4M 7WS



Solicitors on behalf of Network Rail Infrastructure Limited

17 July 2023

Schedule

Description of lands and/or buildings affected by the proposed compulsory powers

10-003	2385.56 square metres of private road verge, hedgeows agricultural land and public footpath (Garforth 7), situated to the east of public adopted highway (Barwick Road) and north of Allotment Gardens, in the ward of Garforth and Swillington, Leeds City Council
10-004	39.27 square metres of private road verge, field access and hedgerow, situated to the east of public adopted highway (Barwick Road) and south of Rose Cottage, in the ward of Garforth and Swillington, Leeds City Council

