

Angela Foster

08/08/18

From: Helen Wilson <HZW@WEETABIX.COM>
Sent: 01 August 2018 11:41
To: TRANSPORTANDWORKSACT
Subject: Network Rail Notice Numbers 1754860/2 17544860/4 and 1754860/9
Attachments: file.pdf

Importance: High

Dear Sir

Please see attached objection sent by post and email from BL Marketing Limited and Weetabix Limited.

Kind regards

Helen Wilson

Head of Legal

hzw@weetabix.com

Weetabix Limited, Weetabix Mills, Burton Latimer, Kettering, Northamptonshire, NN15 5JR

Mobile: +44(0)7715004841

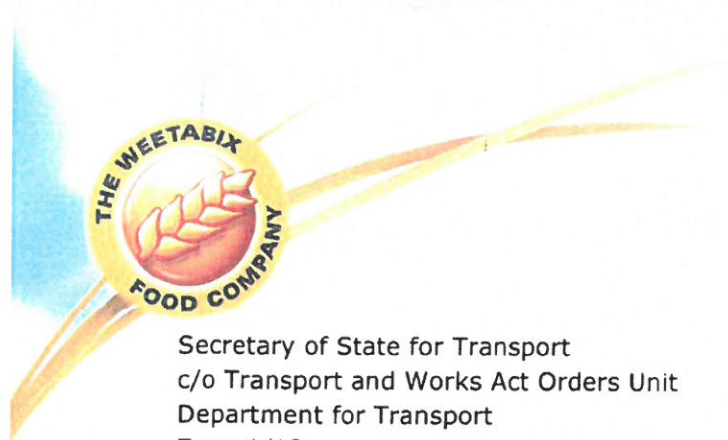
www.weetabixfoodcompany.co.uk

Weetabix Limited is registered in England with registered number 00267687 and VAT registered number 823839803. Our registered office is at Weetabix Mills, Burton Latimer, Kettering, Northamptonshire, NN15 5JR. A list of our Directors is open to inspection at our registered office.

This message is intended solely for the addressee and may contain confidential information. If you have received this message in error, please send it back to us, and immediately and permanently delete it. In such circumstances, you may not use, copy or disclose the information contained in this message or in any attachment.

Please note, that for security, compliance and our business purposes, we monitor certain incoming and outgoing communications (including the contents of incoming and outgoing emails).

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Secretary of State for Transport
c/o Transport and Works Act Orders Unit
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Sent by post and email: transportandworksact@dft.gsi.gov.uk

31 July 2018

Dear Sir

Network Rail (London to Corby) (Land Acquisition, Level Crossing and Bridge Works) Order

Notice Numbers 1754860/2, 1754860/4 and 1754860/9

Objection of BL Marketing Limited and Weetabix Limited

BL Marketing Limited ("BL Marketing") has received the above notifications of the application by Network Rail Infrastructure Limited ("Network Rail") to the Secretary of State under section 6 of the Transport and Works Act 1992 for an Order under sections 1 and 5 of that Act in respect of the alteration and improvement of the Midland Mainline railway between London and Corby ("the Notices").

This letter is a formal objection to the powers sought in the above application and is submitted on behalf of BL Marketing and Weetabix Limited ("Weetabix") ("the Companies"). Please note that Weetabix has a lease over land affected by the Notices and is also the owner of land identified in the application documentation as parcel 713. However, Weetabix has not received any formal documentation in respect of the application whatsoever.

The Notices relate to the following parcels of land identified in Schedule 1 to each respective notice as follows:

Notice 1: 1754860/4

parcel 715 – *All interests in land forming the south eastern part of the Weetabix Limited factories car park to the west of the car park entrance, east of the Midland Main Line railway, Isham.*

parcel 716 – *All interests in land forming part of Weetabix Limited factories car park, south of the former station building, east of the Midland Main Line railway, Isham.*

parcel 717 – *All interests in land surrounding and including disused former station building located on the Weetabix Limited factories car park, east of the Midland Main Line railway, Isham.*

Notice 2: 1754860/2 **parcel 718** – *All interests in grass covered area in the south east corner of the Weetabix Limited factories car park, east of the Midland Main Line railway, Isham.*

Notice 3: 1754860/9 **parcel 719** – *Air rights over land which covers the central area of Weetabix limited factories car park and its entrance, north of Station Road, Isham.*

BL Marketing is the freehold owner of all of the above mentioned parcels, and Weetabix is the occupier of the parcels pursuant to a lease dated 4th August 2011.

1. Objection 1: Lack of Information in the Notices

- 1.1 Notice 1 states that the draft Order provides for “temporary use of the land” and “temporary use of that air space”.
- 1.2 Notice 2 states that the draft Order provides for the “temporary use of land”.
- 1.3 Notice 3 states that the draft Order provides for the “compulsory purchase of rights” and “temporary use of that airspace”.
- 1.4 It is not clear from the Notices or the draft Order how the proposed powers will be applied, and specifically:
 - 1.4.1 what rights are sought over parcel 719 compulsorily; and
 - 1.4.2 whether the temporary use is proposed to be exercised exclusively.
- 1.5 Our concerns in relation to this are explained in further detail below, but we must express the importance of our continued use of the access to the factory car park (specifically parcel 719).
- 1.6 In addition, there are 4 car charging points on parcel 716, access to which would be prevented for an unknown period. It is also unclear whether the charging points will remain or be removed under the Order. There is only one other charging point on our site and there is a need for all of our charging points, which are used daily.
- 1.7 It is not clear whether it is proposed to remove the building on parcel 717.
- 1.8 Network Rail has not explained whether any other powers in the draft Order apply to any of the land owned by the Companies and we therefore cannot understand how the proposed powers affect our business or use of the land.
- 1.9 In addition, as mentioned above, Weetabix has not received any notifications and we therefore do not understand what is proposed on parcel 713.

2. Objection 2: Access

- 2.1 All of the parcels referred to in the Notices form part of the main car park to our factory.
- 2.2 The continued use of the access to the factory car park is essential since it is the only vehicular access to the main car park, and therefore exclusive possession of the access by Network Rail would prevent not only the use of the parcels proposed to be subject to powers under the Order, but would also prevent the use of the rest of the car park

(319 spaces in total). As noted at paragraph 4 below, failure to access the car park would result in our inability to comply with contractual obligations to provide onsite car parking spaces for certain of our employees.

- 2.3 We are concerned that it is not clear how the proposed use of our land, and particularly parcel 719, would operate in conjunction with our own use of the access. This also raises safety concerns, explained at paragraph 3 below.
- 2.4 The Weetabix factory operates on a 24/7 basis and access to the car park is required, unimpeded, at all times.
- 2.5 There is no alternative vehicular access to the main car park.
- 2.6 There is an additional car park at the eastern side of the factory, accessed from Polwell Lane. This car park is almost fully utilised and is also the only access suitable for Heavy Goods Vehicles (HGVs), having compulsory weigh bridges for the HGVs on entry and exit. HGVs must use the weigh bridges both on entry and on exit, which does cause delays and traffic implications on Polwell Lane (a busy road).
- 2.7 We are therefore very concerned in respect of ability to access and park on site.

3. **Objection 3: Safety**

- 3.1 As noted above, the continued use of our main car park and its access is required at all times. We understand that it is proposed to operate a crane over the land specified in the Notices (being the temporary use of air space). Clearly this raises safety concerns for access to and egress from the car park and specifically we would like to understand the proposed management of employee vehicle movements when the crane is in use.
- 3.2 We are also concerned in relation to the movement of cranes and construction vehicles in this area and the potential danger to our employees.

4. **Objection 4: Impact on ability to comply with employee contracts**

- 4.1 As mentioned above, we have contractual obligations to provide onsite car parking spaces. The temporary use of parcels 715, 716 and 717 would prevent the use of approximately 50 car parking spaces, for a period of time which is currently unknown.

5. **Objection 5: CPO should be a last resort**

- 5.1 The Companies had been in advanced legal negotiations with Network Rail in relation to the proposed works since mid-March 2018. Those negotiations had resulted in an advanced draft licence for the use of land and the provision, by Network Rail, of an alternative car park, proposed to be on what is shown as parcel 718, now proposed to be subject to temporary possession for carrying out development under the Order. Those discussions did not allude to any requirement of Network Rail to utilise the access to our car park.
- 5.2 In mid May 2018 progress on the discussions appeared to come to a halt and the Companies were then made aware of the current proposals, through the Notices (albeit Weetabix is only aware of the Notices by default, having the same contact details as BL Marketing), which clearly abandon the previous indications by Network Rail that alternative parking would be provided.

We therefore have no option but to strongly object to the proposals, since, as currently proposed, the Companies could be left with no access to the main car park resulting in the relocation of potentially 319 vehicles. As a large manufacturing site within Burton Latimer (a largely residential area) which operates on a 24/7 basis we do require access to site to maintain production and our high health and safety standards.

Please address all correspondence relating to this Objection Letter, or anything else regarding this matter to Helen Wilson, Head of Legal, Weetabix Limited, Weetabix Mills, Burton Latimer, Kettering, Northamptonshire, NN15 5JR.

Yours faithfully



RICHARD MARTIN

DIRECTOR

for and on behalf of

BL Marketing Limited



SALLY ABBOTT

DIRECTOR

for and on behalf of

Weetabix Limited