



STATEMENT OF CASE OF THE OBJECTOR

NATIONAL CHILDREN'S CENTRE (TRADING AS YORKSHIRE CHILDREN'S CENTRE)

Prepared by Sanderson Weatherall LLP

**Network Rail (Huddersfield to West Town) (Dewsbury)
Improvements) Order 2021 (the Order)**

5th July 2021

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Background

Yorkshire Children's Centre are the Freeholder of Brian Jackson House and rights scheduled in the Order as follows:

Plot Number	Extent and Description of Land	Description of Interest/Rights
3-057	1667Sqm building, multi storey car park, hardstanding, footway and verge	The right of access for pedestrians and vehicles and the right to park vehicles.
3-078	445Sqm commercial building and grassland (Brian Jackson House 2 New North Parade Huddersfield)	The freehold owner occupier.
3-079	25Sqm electricity substation (New North Parade Huddersfield)	The freeholder.
3-084	641Sqm commercial building (Brian Jackson House 2 New North Parade Huddersfield)	The freehold owner occupier.
3-090	6Sqm Hedgerow	The freeholder

Grounds for Objection

The Order, if made, would give powers for the permanent acquisition of land and rights owned and occupied by The National Children's Centre.

In response to Network Rail Infrastructure Ltd ("**Network Rail**") notices of 31 March 2021 in respect of the abovementioned land the following objections are raised to the order.

1. The WYCA and Local Authority have ringfenced £10 million to fund the station connection from St Georges Quarter, construction of a park and ride/transport hub, external staircase, and lift. The relationship between Network Rail, WYCA and the local authority is unclear and ill-defined drawing into doubt whether the scheme as proposed represents optimal design and appropriate use of public funds. Consent of the Order should not be granted for a scheme which precludes future comprehensive design of the site, a part of which will achieve a desirable aim of bringing the Warehouse back into a viable use.
2. Permanent access – the route of the permanent right of access is ill-conceived and should be incorporated into the whole scheme design. A dedicated road for Network Rail is unnecessary, and it has not been demonstrated by Network Rail that there is a compelling case in the public interest for such compulsory acquisition. No reasonable steps have been taken by Network Rail to acquire such land by private agreement.
3. The scheme will result in the St Georges Quarter redevelopment being deferred for at least five-year giving rise to significant loss of to the economy. Network Rail has failed to demonstrate adequate source or timing of funding to deliver the scheme and, in any event, Network Rail is required to demonstrate both that full funding is available for the scheme and also that the scheme can be delivered.

4. Loss of vehicular access and ability to deliver goods and services to and from Brian Jackson House.
5. The scheme as proposed results in the loss of a key access to Brian Johnson House. The loss of access will result in significant restriction on the use to which the building can be put in the future. In so doing the supply of commercial premises in the locality is reduced with potential adverse impact on employment and the local economy.
6. The acquiring authority have approached the objector but have not entered into meaningful negotiation with regard to the opportunity for redesign of the access and removal of the plot from the order. Insufficient information or explanation has been provided to the objector to enable a proper understanding and why the inclusion of the land is required for the scheme
7. From the limited information provided to date there is no supporting evidence to demonstrate the benefits of restricting access of objectors land as opposed to using alternative means of access or as to whether any alternative method could have been considered to reduce the impact on the objectors interest
8. Health and safety - As part of our Fire plan access cannot be lost as proposed in the order. This will represent a serious risk to life and potentially result in the building being incapable of beneficial occupation.
9. The waste disposal collection point from the property would also be lost.
10. Parking - The charity originally purchased the building from Network Rails forerunner in the 1980's. Next to the property on Network Rail land is parking for 18 vehicles, where access to this has been agreed and enjoyed for over 30 years. The charity asserts adverse possession over this area of land for parking.
11. Losing the parking for the charity's staff will have both a performance and financial cost.
12. Attracting staff to a city centre location and operating the charity without parking, would give rise to inefficiencies and contradicts the stated aim of regeneration upon which the scheme is based.
13. Time would be lost as staff have to travel to and from the sourced parking. This has an impact on the capacity of staff to deliver their services
14. Repair and Maintenance of Brian Jackson House - The restriction on access imposed by the scheme draws into question whether it remains physically possible to gain access to 3 of the 4 elevations to maintain the listed structure. Planned maintenance is scheduled over the next five years in respect of the windows.
15. Window – opening restrictions with related ventilation - It is understood that there will be a restriction on opening the windows. Full details have not been provided and it is not clear whether it will be possible to maintain adequate ventilation to facilitate occupation and whether the restriction on opening windows is in perpetuity. It is not clear whether as a consequence of the restriction on the opening of windows will be possible to continue to use Brian Jackson House as offices and if mechanical ventilation is required how this maybe installed have regard to the fact that the building is a Grade 2 listed structure.

16. Beneficial Occupation of Brian Jackson House - The restriction on access reduces demand from potential occupants increasing the probability of voids and restricting the rent which the building can command. In the medium and long term this will result in a lack of capital expenditure on the building resulting in disrepair and potential dereliction.
17. The proposed restriction on access contradicts one of the key objectives of the scheme being that of regeneration of the area and existing structures.
18. From the limited information provided to date there is no supporting evidence to demonstrate the benefits of using the objectors land as opposed to using alternative sites or as to whether any alternative method could have been considered to reduce the impact on the objectors land.
19. There has been no formal engagement between the acquiring authority and the objector to discuss the Order the potential acquisition of the objector's land/interests or design and implementation of accommodation works to mitigate the impact of the order. No offer has been made that has enabled appropriate discussions that could have engaged earlier acquisition by agreement before resorting to making the Order which contravenes the guidance set out in MHCLG's Guidance on the Compulsory Purchase Process and the Crichel Down Rules.
20. This Statement of Case is prepared having regard to the facts known at the date of writing. If following formal engagement with the acquiring authority previously undisclosed information is revealed the objector reserves the right to amend, extend or withdraw this statement of case accordingly.
21. The objector maintains their fundamental objection to the Order and wish to exercise their right to be heard by an independent inspector at a Public Inquiry.