

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our Ref: ABE/11279.32
Your Ref:
Date: 07 May 2021
Email: AmandaBeresford@schofieldsweeney.co.uk
Direct: 0113 849 4027

Dear Sirs

Re: Transport and Works Act 1992 and the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 ,The Network Rail (Huddersfield to Westtown(Dewsbury) Improvements) Order (the ‘ Draft TWAO’) . Plots 10-011, 10-013, 10-014, 9-098 (‘Notice 1’) ; 10-001,10-002, 10-003 (‘Notice 2’) ;10-001, 10-002, 10-003, 10-004, 10-006, 10-009, 10-0012, 9-133 (‘Notice 3’)

We act for Bramall Properties Limited (‘BPL’) and all correspondence in respect of this matter should be sent to us at the above postal or email address.

We refer to the three Regulation 15 notices (Notice 1, Notice 2 and Notice 3 – together referred to as the ‘Notices’) dated 31st March 2021 and served on BPL in respect of the plot numbers referred to above. BPL own a legal interest in the land comprised in these plots (the ‘Land’) and object to the Draft TWAO on the grounds set out below. The land owned by BPL, of which the Land is a part, is an operational Volkswagen dealership (the ‘Garage’) and includes showroom, workshop and parking .

1. Paragraph 2 of the Governments Guidance on Compulsory Purchase and the Crichel Down Rules states - ‘ The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the draft order by agreement.’ Network Rail has not taken any steps to acquire the Land and/or rights over it by agreement.
2. The provisions of the Draft TWAO do not contain sufficient protection to ensure the continued operation of the Garage. In particular –
 - a. There are insufficient protections as to the timing of the proposed temporary possession of part of the Land, notice requirements and hours the works will be carried out.
 - b. There are no provisions to ensure continued use of the Garage air conditioning unit, fire exits, footpaths, and external stairs.
 - c. There are no provisions to ensure security at the Garage during the proposed works.

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- d. There are no provisions to minimise the impact on the car park and to ensure the operational efficiency of the Garage.
 - e. There are no provisions to ensure continued access to the basement level parking from the lower deck level car park.
 - f. There are no provisions that would regulate the new permanent rights to be acquired over part of the land that would protect the continued operation of the Garage.
3. Not all of the land take, rights and permanent and temporary possession of or in the Land as proposed by the Draft TWAO are necessary for the Scheme. Less, with appropriate protective provisions and compensation would enable both the Scheme to proceed and the Garage to continue to efficiently operate.

The Draft TWAO makes no mention in the Schedules of plots 10-011,10-013,10-014 or 9-098 and the Draft TWAO is defective

Yours faithfully

Schofield Sweeney

Schofield Sweeney LLP