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11 May 2021

Our Ref: JB/ZM/999947.20596

By email: transportinfrastructure@dft.gov.uk and by post

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
S1P 4DR

Dear Sirs

The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order, Transport and Works Act 1992

Application to acquire rights in land compulsorily, to extinguish rights over land, to impose restrictive covenants or other covenants over land, to temporarily use land and for powers to carry out protective works to buildings roads and apparatus of a statutory undertaker in respect of Plots 10-010 and 9-135 (Hardstanding adjoining commercial building at Trident Business Park)

Application to temporarily use land, acquire rights only in land compulsorily and for powers to carry out protective works to buildings roads and apparatus of a statutory undertaker in respect of Plots 10-010 and 9-135 (Hardstanding adjoining commercial building at Trident Business Park)

Application to acquire land or rights in land compulsorily, to extinguish rights over land, to temporarily use land and for powers to carry out protective works to buildings roads and apparatus of a statutory undertaker in respect of Plots 10-008, 10-025 and 9-134 (Hedgerow and hardstanding adjoining commercial building at Trident Business Park)

We act on behalf of WPC REIT Stretch 41 BV, the freehold owner of the land referenced above.

Our clients object to the above Order on the following grounds:

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General

The above proposals render the rear fire escape routes from our client's property at Unit 1, Trident Business Centre, Leeds Road, Huddersfield HD2 1UA ("the Property"), which run along the rear elevation and down either side of the building, unusable and would unacceptably impact our client's (and the occupier's) ability to access the Property along its entire boundary and perimeter for the purposes of servicing, repair and maintenance. The maximum escape travel distances laid down under The Building Regulations 2010 (as amended) would not be met which would render the rear part of the Property and therefore potentially the entire unit unusable.

These proposals also impact the only entrance to the Property, known as Neptune Way. We understand that Network Rail is looking for Neptune way to be used as their primary means of access to this area of the proposed works, for equipment, materials and personnel however the occupier's access to the Property cannot be prevented or impeded at any time without a severely detrimental impact on the operation of the occupier's business and therefore unrestricted access to any third party, even if on a temporary basis (although no indication of the period, type or nature of such access has been provided, nor whether or not such access is intended to be exclusive), cannot be allowed.

Our client has raised these issues with Network Rail direct and we understand that the occupier of the Property has done so as well, however despite this, no alternative formal proposals have been put forward and no formal changes to the proposal or mitigation arrangements have been offered to address these material and legitimate concerns.

Lack of Consultation

Our client has attempted to discuss the proposed scheme and explain its impact on its land and the business which operates from the Property and to propose amendments and mitigation arrangements. Our client has previously submitted formal objections in respect of the scheme. We understand that the occupier has also objected accordingly.

There has been no proper attempt by Network Rail to resolve any of the issues raised nor to offer any formal accommodation arrangements, mitigation alternatives or way forward. This demonstrates a lack of proper consultation and constitutes a breach of the relevant guidance which is not in the public interest.

We note that supporting information submitted by Network Rail refers to a second phase of consultation taking place in March 2020 to which no response was received. Our clients wish to record that there were not aware of any such contact having been made at that time.

We further note that Network Rail have stated in their supporting information that in response to initial landowner consultations they committed to further contact once the design had developed, and where possible, feedback would influence the design to address areas of concern. They have also stated that mitigation measures have been put in place to reduce the impacts. This is simply not the case with our client and no account appears to have been taken of its suggestions to mitigate the impact of the proposals on the Property.

CPO powers should be used only as a last resort in the event that efforts to acquire land by negotiation fail however there has been very little attempt to progress negotiations with either our client or the occupier of the affected land. This Order is therefore premature.

The CPO Scheme

Our client considers that the purposes of the scheme as set out in the Statement of Reasons do not present a compelling reason to permit the compulsory acquisition of the stated land or rights over the land.

It has not been demonstrated that the proposed acquisitions referred to above are required for this scheme.

There is no compelling case in the public interest to outweigh the harm caused to our clients in this instance and we therefore ask that this Order is not confirmed.

Our client reserves the right to add to and extend this objection when further information and evidence becomes available.

Please respond to Julia Berry of Reed Smith using the contact details set out above copying in Jonathan Powell of Colliers, our client's agent (Jonathan.Powell@colliers.com).

Yours faithfully

Reed Smith LLP

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