

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

Our Ref: ABE/9202.15
Your Ref:
Date: 12 May 2021
Email: AmandaBeresford@schofieldsweeney.co.uk
Direct: 0113 849 4027

Dear Sirs

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 11-005,11-006,11-021,11-024,11-027 and 11.033.

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

We refer to the Regulation 15 notice dated 31st March 2021 and served on FMEL in respect of all but the last of the plot numbers referred to above (the Notice). FMEL objects to the Draft TWAO on the grounds set out below.

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 or rights it requires from FMEL by agreement.
2. There are insufficient protections as to the timing of the proposed temporary possession of part of FMEL’s site, notice requirements and hours the works will be carried out etc to minimise the impact on FMEL’s site.
3. The Notice is defective because FMEL owns plot 11.033 and this is not included in the Schedule to the Notice and no other notice has been served on FMEL in respect of Plot 11-033.
4. There are insufficient protections of FMEL’s interests, and it would be possible to provide these without having an unacceptable impact on the Scheme.

5. The road affected by plots 11-024 and 11-0026 are routes for customers, occupiers, and staff to access FMEL's site and there is insufficient protection of their continued access to the site.

Yours faithfully

Schofield Sweeney

Schofield Sweeney LLP