



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

Our Ref: CP0382/AJ

Your Ref:

13 May 2021

Via email only: [transportinfrastructure@dft.gov.uk](mailto:transportinfrastructure@dft.gov.uk)

Dear Sirs

**The Network Rail (Huddersfield To Westtown (Dewsbury) Improvements) Order**  
**Claimants: JJIG Limited and Buy It Direct Limited**  
**Plot Numbers: 9-131a, 9-131, 10-008, 10-025, 9-134, 10-010, 9-135, 9-136**

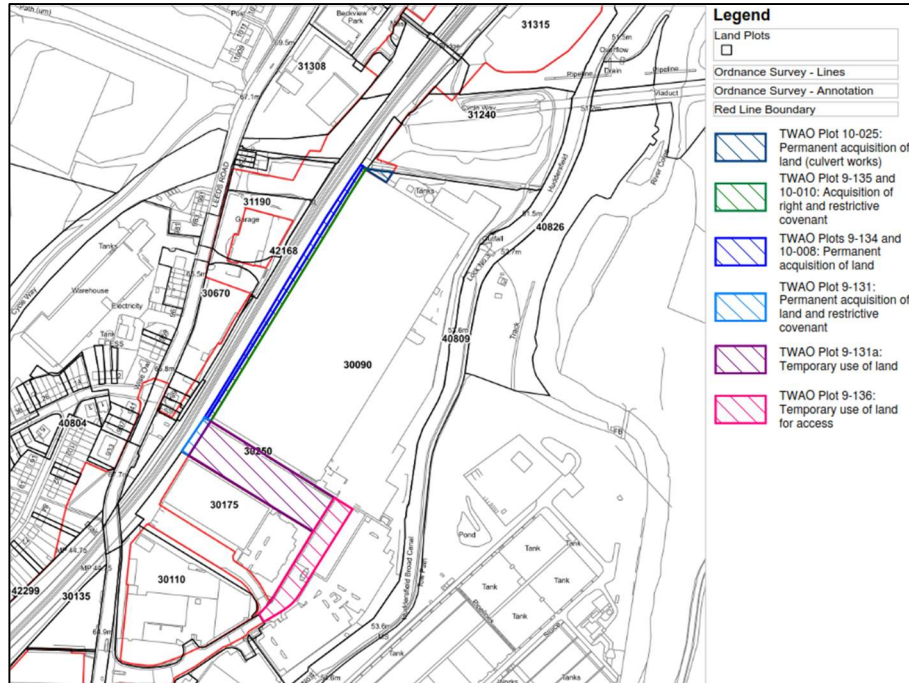
We act on behalf of JJIG Limited and Buy It Direct Limited in respect to the aforementioned Transport and Works Act Order being promoted by Network Rail. We can confirm that our clients wish to **oppose** The Network Rail (Huddersfield To Westtown (Dewsbury) Improvements) Order (the Order) as currently proposed. We would be grateful if you would accept this letter as an objection on their behalf.

Whilst JJIG Limited and Buy It Direct Limited are supportive of the proposed rail improvement works in general, they are genuinely concerned that the scheme in its current form will have a significant detrimental impact on their own land and business interests. Other design options are available which would ensure the delivery of the rail improvement works without being detrimental to a key employer within the Huddersfield area. An alternative option could also generate significant cost savings for Network Rail. We are concerned that Network Rail has failed to enter into any form of engagement and has failed to recognise the potential impact of their proposals on a key employer.

For the reasons set out in this letter, JJIG Limited and Buy It Direct Limited formally object to the CPO.

**1. Impact on JJIG Limited and Buy It Direct Limited**

Our client's objection principally relates to the proposed temporary use of land contained within Plot 9-131a and access over Plot 9-136, shown edged and hatched purple and pink respectively on the plan below:



Since July 2020, a building extending to 56,510 sq ft (5,250 sq m) has occupied Plot 9-131a, as shown below. The land on which the building sits is subject to a 9-year lease between JJIG Limited and Buy It Direct Limited from 01 August 2020. The building provides critical expansion space for Buy It Direct Limited who occupy the adjoining warehouse which extends to approximately 348,000 sq ft (32,300 sq m).



**Building occupying Plot 9-131a**

To provide some context, Buy It Direct Limited is one of the UK's largest online retailers, making an operating profit of £8.4m in 2020. With over 778 direct employees, the Company is a big employer for the local area. Actively looking to grow, the Company fully utilises all their space at Trident Business Park, including all of the new 56,510 sq ft building adjoining their HQ building.

It is unclear why Network Rail require temporary use of Plot 9-131a. On the assumption that it is for use as a compound whilst works are being undertaken, this would likely require the demolition of the existing building. A significant amount has been invested in the construction of this building and it would be necessary for Network Rail to put the property back into the existing condition at the end of the temporary possession period. This would be at a significant cost for Network Rail.

In addition to the physical requirements of the site, temporary possession of Plot 9-131a will have a direct impact on the Buy It Direct Limited business. Replacement alternative accommodation would be required whilst Plot 9-131a was in use by Network Rail. Given there is no further expansion land available at the subject site, this would have to be provided elsewhere. The efficiencies and cost savings which are generated by operating from one site would be lost, having a direct detrimental impact on the profitability of the business. If Buy It Direct Limited were unable to secure alternative temporary premises, they would need to review current business operations, likely resulting in them holding less stock on site. This could result in a substantial loss of profits claim which could in turn result in a number of local jobs being put at risk, especially given the scarcity of warehousing in the vicinity.

Whilst reinstatement of the physical building and business losses could be provided for by way of compensation, a much more cost-effective approach would surely be for Network Rail to identify a vacant parcel of land which does not already accommodate a building.

In addition to the foregoing, a further issue arises in terms of the proposed temporary access to Plot 9-131a, which is to be derived via Plot 9-136. As the sole access to the entire Buy It Direct Limited premises, this plot has a significant number of articulated lorry movements every day. The business model depends upon a high-volume turnover and therefore it is imperative that existing access is not impeded to the building at any time. Should access be obstructed or result in delays, this could negatively affect business profitability, which as highlighted above, will not be insignificant.

A final point of note in relation to access is the presence of the gate house on Neptune Way. This is necessary to ensure that lorries can be directed to the appropriate loading bay for the main Buy It Direct Limited premises as well as providing security for the site. With a significant number of vehicle movements each day, it is vital to ensure that visitors to and from the site are logged. It is not feasible for Network Rail contractors to avoid this gatehouse and there is concern that a significant increase in the number of vehicle movements will result in congestion on Neptune Way as they queue to pass through the gatehouse check. This could result in lorries and vehicles backing up and affecting access to adjoining sites, as well as causing delays to deliveries and collections from the main Buy It Direct Limited premises. In addition, the increase in third party visitors will increase security concerns, especially as the company stores for resale high value electricals such as phones and laptops.

## **2. Implications for the Fire Escapes of the Buy It Direct Limited's premises**

Plot 9-135 and Plot 10-010 are noted as being required for "acquisition of right and restrictive covenant" whilst Plot 9-134 and Plot 10-008 are required for the "permanent acquisition of land". These plots run along the north-western perimeter of the main Buy It Direct Limited's premises and access is required for the purposes of servicing, repair and maintenance.

In addition, there are currently six fire exists which egress immediately onto this land. Access must be maintained over this land by Buy It Direct Limited so as to ensure they comply with fire safety requirements under The Building Regulations 2010 (as amended). Failure to do so would render the entire Buy It Direct Limited premises unusable. Consequently, they would be forced to relocate, resulting in a substantial compensation claim.

### **3. Negotiations**

There has been no engagement with our clients and neither JJIG Limited or Buy It Direct Limited were made aware of the requirement for either the permanent or temporary acquisition of any of the land included within the Order until formal notices were received, dated 31 March 2021. Our clients have not received a single proposal or offer from Network Rail in respect to the acquisition of their land interest.

It is an established principle that compulsory purchase should be regarded as a method of last resort. In view of the lack of communication and negotiation, the Order is premature and is not a method of last resort. Further time is required to engage with affected owners and occupiers prior to the use of compulsory purchase powers.

### **4. Human Rights**

It is our considered opinion that the proposed Order is also an infringement of our client's human rights under the Human Rights Act 1998. The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order land. Under Article 1 of the First Protocol, no one shall be deprived of his possessions except in the public interest.

In *Prest v Secretary of State for Wales* (1982) it was ruled that:

*"In any case where the scales are evenly balanced – for or against compulsory acquisition – the decision – by whomsoever it is made – should come down against compulsory acquisition."*

We consider that there are sufficient grounds to call into question whether Network Rail has presented a compelling case in the public interest for the possession and utilisation of Plot 9-131a and Plot 9-136 in particular. As such, there is inadequate justification for interfering with the human rights of the owners and occupiers affected by this proposed scheme. The balance has not been struck between the individual rights and the wider public interest.

For the reasons set out above, we do not consider that the current land take as proposed is fully in the public interest. There is inadequate justification for interfering with the human rights of the owners and occupiers affected by this proposed Scheme. The balance has not been struck between the individual rights and the wider public interest.

### **5. Conclusion**

In conclusion, JJIG Limited and Buy It Direct Limited are supportive of the delivery of the proposed rail improvement works, but they are concerned that the proposed temporary land take which affects their interests has not been fully thought through.

Network Rail have demonstrated a lack of consideration for wider issues and an inflexibility to deliver a scheme whilst minimizing the impact on private landowners. They have failed to show joined up thinking in terms of discharging their functions and have failed to adequately engage with affected landowners. They have not demonstrated that there is a compelling case in the public interest which justifies overriding the private's right in the land sought to be acquired.

On this basis, it is JJIG Limited and Buy It Direct Limited's view that the Order in its current state should not be confirmed by the Secretary of State.

The above represents our client's objection to the aforementioned Transport and Works Act Order. We reserve the right to add to or expand our client's case upon site of further evidence and information being made available by the Acquiring Authority.

Yours faithfully



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**For and on behalf of**  
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