

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

Date: 13 May 2021

Our ref: 142314.041

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By email to transportinfrastructure@dft.gov.uk

Dear Sir,

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order

I am writing on behalf of Kinder Properties Limited, Oak Walk, St Peter, Jersey, E3 7EF ("Kinder"), freehold owner of the Castlegate Retail Park, Huddersfield.

Kinder does not oppose the principle of the proposals underlying the proposed Transport and Works Act Order, however we would like to register an objection for the following reasons:

1. Plot numbers 4-004, 4-005, 4-007, 4-008, 4-009, 4-010, 4-017, 4-019, 4-020, 4-025, 4-026, 4-033, 4-039, 4-041 and plot 4-049 in relation to freehold interests and plot number 4-046 as an occupier interest by Kinder are set out in the Book of Reference to the above Order

A Rule 15 Notice dated 31 March 2021 was served on Kinder c/o Walker Morris LLP at 12 Kings Court Leeds LS1 2HL. This Notice cites plot numbers 4-020, 4-041, 4-046 and 4-049, which relates to a strip of land in Kinder's ownership immediately abutting the west side of the viaduct carrying the Huddersfield to Dewsbury railway line, immediately to the north of viaduct arch 4 within the Castlegate Retail Park carpark.

This is the only Rule 15 Notice received by Kinder.

Clarification is required as to whether the Rule 15 Notice dated 31 March 2021 relating to the four plots 4-020, 4-041, 4-046 and 4-049 is the total extent of Kinder's land required to be used for the scheme.

2. Clarification is required as to the nature and duration of any permanent and/or temporary land take(s) required for the scheme. This is not clear from the Book of Reference Schedule, or from the application, plans and other documents available on Network Rail's website.

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3. Clarification is required as to the nature of proposed vehicle protection measures that are referred to on Drawing Number 151667-TSA-30-MVL3-DRG-T-LP-163100 and the impact of the same on the exit to the Castlegate Retail Park carpark.
4. A pre-order application letter was sent to Kinder's managing agents, Fletcher King, by Network Rail, under reference 151667-TSA-00-TRU-LTR-W-LP-000396 on 18 March 2021. This letter was accompanied by a plan which together suggested that the whole of the Castlegate Retail Park complex was to be included in the Order and utilised in one way or another by Network Rail for the scheme.

The letter referred to the acquisition of airspace rights, temporary possession of the retail car park to undertake 'renewal works', potential crane oversail rights and amendments to the one-way entry and exit traffic management system currently in operation at the car park.

If our understanding as to the extent of the land that has been made subject to the Order by way of the Rule 15 Notice is correct, then those plots outside of the strip of land referred to in paragraph number 1 (i.e. plots 4-020, 4-041, 4-046 and 4-049), have not been included in the operative entry provisions of a Rule 15 Notice.
5. Further, if it is proposed to temporarily change the entry and exit arrangements to the retail park we will need to ensure that an exit on to St John's Road will be possible. We have concerns as to whether it is possible and safe to make a right hand turn exit on to St John's Road from the retail park. Likewise we will need to ensure that a single entry and exit point will not adversely impact deliveries to the retail traders and customer parking. We require significantly more information than has presently been provided.

In submitting this objection Kinder wish for it be noted that they will work collaboratively with Network Rail. A key requirement of this is a full and thorough understanding of the nature, impact and duration of the works to be undertaken and the extent of land to be occupied.

Yours faithfully,



David Strafford

For and on behalf of Gateley Hamer Limited