

IN THE MATTER OF THE NETWORK RAIL (HUDDERSFIELD TO  
WESTTOWN (DEWSBURY)) IMPROVEMENT ORDER 20[XX]

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**LETTER OF OBJECTIONS  
ON BEHALF OF NEWLAY ASPHALT LIMITED**

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To the Secretary of State for Transport c/o Transport Infrastructure Planning Unit, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR (e-mail: [transportinfrastructure@dft.gov.uk](mailto:transportinfrastructure@dft.gov.uk)).

These are the objections of Newlay Asphalt Ltd (“the Objector”) to the Network Rail (Huddersfield to Westtown (Dewsbury)) Improvement Order 20[XX] (“the Order”). The Objector holds a tenancy or other arrangement to occupy land, which lands are identified as being required to be compulsorily acquired in the Order. The following plot numbers identified in the land acquisition plans and the Schedule are those sought to be acquired from Objector, namely Plot Nos. 21-013, 21-019, 21-001, 21-004, and 21-017 (“the Plots”).

The address of the Objector is c/o the name and address of the writer of this letter.

The Objector uses the land to be acquired for the principal purposes of the manufacture and distribution of Asphalt.

12 operatives are employed on the site, and the Objector has 12 employees. 8 mixer vans (2 extra on order). Some 8 contractors daily provide delivery services to the site per day.

By reason of the above interests of the Objector, the Objector makes the following objections to the Order.

1. The use of compulsory purchase powers is unnecessary and no compelling case has been made to acquire all the land specified in the Plots from the Objector as the same is not necessary for the Order as the project underlying the Order can be achieved without the acquisition of all of the Objector's lands.

2. The Order fails to consider that the acquisition of all of the Objector's land will mean that a viable business will cease and all employees and other operatives will be dismissed or have their contracts terminated, the majority live in the local community. This is contrary to the advice underlying *Compulsory Purchase Process and the Crichel Down Rules: Guidance* (MHCLG July 2019) at paras 12. 13 and in particular 19. The termination of these contracts and employments will have an economic impact on the local community.

3. The acquisition of the Objector's land will effectively extinguish a viable business in the construction manufacturing sector as the business cannot operate on half of the land, as it is very unlikely to be possible to relocate it, despite extensive searching. But if relocation is possible the costs are likely to be of the order of £2.5m.

4. Contrary to the advice in Section 9 of the NPPF to promote sustainable transport (paras 102(d) and 108(c)), the effect of the acquisition and any

relocation of the Objector's business, if such relocation is possible, will be to extend journey distances and times to meet the business requirements of existing customers from alternative sources which are some 7 to 10 miles away.

5. Contrary to the advice in the NPPF at section 17 (para 204(e)) to safeguard existing sites for the processing of minerals, the manufacture of asphalt and concrete products, and the processing and recycling of secondary aggregate material, the acquisition of the whole of the Objector's land will cause such activities to cease or be severely curtailed.

6. The Order fails to have regard to the Planning Practice Guidance (Minerals) of the Department of Housing, Communities and Local Government, para 006, ref ID:27-006-20140306, that planning authorities should safeguard existing storage, handling and transport sites, and accordingly the Network Rail is failing to ensure that the land used by the Objectors, and not essential for the Order, will remain available for existing purposes.

7. The use of compulsory purchase powers is unnecessary and no compelling case has been made to acquire all the land sought to be acquired from the Objector as Network Rail has failed to minimise the acquisition of land contrary to the advice in *Compulsory Purchase Process and the Crichel Down Rules: Guidance* (MHCLG July 2019). Network Rail has gone beyond what is necessary or essential.

8. Without prejudice to the other objections herein, Network Rail has failed to engage in any substantive way for the acquisition of the interest of the Objector and accordingly Network Rail has failed to show a compelling case.

SIGNED:

A handwritten signature in dark ink, consisting of a large, stylized 'R' followed by a horizontal line and a vertical stroke.

DATED:

13/5/21

IN THE MATTER OF THE NETWORK RAIL (HUDDERSFIELD TO  
WESTTOWN (DEWSBURY)) IMPROVEMENT ORDER 20[XX]

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**WITNESS STATEMENT OF David Michael Beaumont**

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I, *David Michael Beaumont* of *2, Hayfield Close, Scholes, Holmfirth, Huddersfield, HD9 1XQ* make this witness statement in support of the Objections made by *Newlay Asphalt Limited* to the Network Rail (Huddersfield to Westtown (Dewsbury)) Improvement Order 20XX (“the Order).

**My Role**

1. I am a shareholder and director of Newlay Asphalt Limited. I have been involved since the business was formed in 2013. I have known the locality and sites used by the company and the land to be compulsorily acquired or used since 1985.

**Land proposed to be acquired from the Company**

2. Plot Nos. 21-013, 21-019, 21-001, 21-004, and 21-017

**Description of business of the Company, and use made of the land to be acquired**

3. The business manufactures high quality asphalt products for collection or delivery. The process involves drying specially selected aggregates and then coating the stone with very hot bitumen. The company owns and operates a fleet of 6 HGV insulated tippers which are specially designed to maintain product temperature during delivery. The business was

formed in 2013 and began trading in 2015 and has grown year-on-year. Major expansion is currently underway, with significant investment recently made available by the shareholders. The company enjoys an excellent reputation for quality and service and have excellent customer relationships, which extends to on-site customer parking – thus reducing thousands of miles of travel.

4. The total number of employees affected is 12, with a further 10 jobs planned.

5. We supply many tarmacadam contractors (both large and small), local authorities, utility companies & housebuilders. Should we be forced to close, many of our customers would have to travel to Bradford or Leeds – this would result in higher costs and a much greater carbon footprint. All raw materials and products enter and exit on HGV and LGV vehicles.

#### **Effect of the proposed compulsory acquisition**

6. The business could not continue to operate.

7. If a suitable site was located within a 3 mile radius, the business could be re-located. There are a small number of sites currently available, however, any potential lease or purchase would have to be subject to planning permission.

8. All 12 employees and, approximately 10 sub-contractors, together with 10 planned jobs, would be lost.

9. If a suitable site was available in the general locality of the existing site, the re-location cost would be between £2.5M and £3.5M. The business would, however, lose certain advantages and synergies, including cost benefits of working with the related companies on the same site.

10. The EBITDA, that is the profits, of the business is currently running at £1.3M, and is forecast to increase to £1.6M in 2022.

**Land unnecessarily proposed to be acquired**

11. As I understand the plans and plots, the following plots would not appear to be necessary for the construction of the railway itself: 21-013, 21-018, 21-022, 21-023, 19-029, 21-001, 21-002, 21-003.

**History of any engagement**

12. Newlay Asphalt Limited instructed Lupton Fawcett LLP to act on its behalf in respect of this matter. Lupton Fawcett LLP attended a public consultation on 13 October 2020 regarding the proposals for the Trans-Pennine upgrade and also met David Vernon of Carter Jones on 5 November 2020, who is managing the Network Rail project. There has been an open dialogue of correspondence between Lupton Fawcett LLP and Network Rail since early 2021. A virtual meeting took place on 1 July 2021 with Network Rail, Lupton Fawcett LLP and Newlay Asphalt Limited.

13. In consequence of the meeting on 1 July 2021, and further research by Richard Asher FRICS, our surveyor, I first became aware of the design options for the proposed scheme near Raventhorpe Station.

I have no record of any engagement with the Company regarding the “fly over” or “dive under” design options for the railway near Raventhorpe Station. If I had been consulted, I would have pointed out the serious consequences to the Company of the acquisition of land for the “fly over” option, as the Company's business would have to cease, as relocation is unlikely or impossible. I understand that all the land to be acquired from the

Company at Calder Road, would not have been necessary for the 'dive under' option, the only land required would have been a small area at the west end, which would not have affected the business. I am advised that the Company should have been consulted about these options. I am very annoyed that the Company was not consulted, and it is possible that had Network Rail considered the cost and other consequences of the acquisition of land for the 'fly over' option, it might have chosen the 'dive under' one.

SIGNED:

A handwritten signature in black ink, consisting of a series of loops and a final vertical stroke.

DATED:

6/7/21