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

LETTER OF OBJECTIONS
ON BEHALF OF NEWLAY CONCRETE LTD

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).

These are the objections of Newlay Concrete 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. 19-024, 21-013, 21-018, 21-019, 21-022 and 21-023, and also 19-011, 19-029, 21-001, 21-002, 21-003, ("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 precast concrete building blocks, aggregate processing & waste processing (under a bespoke waste permit). The business was formed in 1948 and is the last remaining block maker in Kirklees.

48 operatives are employed on the site, and the Objector has 102 employees. 20 HGVs operate from the Objector's land. Some 50 contractors provide services.

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 C*ompulsory 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 it is very unlikely to be able to relocate it, despite extensive searching. But if relocation is possible the costs are likely to be of the order of £5m to £8m.

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 14 and 27 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 concrete 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 C*ompulsory 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: 

DATED: 13/5/21

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

WITNESS STATEMENT OF ...David Michael Beaumont

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 Concrete Limited* to the Network Rail (Huddersfield to Westtown (Dewsbury)) Improvement Order 20XX ("the Order.

My Role

1. I am a shareholder and managing director of the Company. I have been involved since the business was formed in 2008. 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. 19-024, 21-013, 21-018, 21-019, 21-022 and 21-023, and also 19-011, 19-029, 21-001, 21-002, 21-003,

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

3. The business manufactures precast concrete blocks. We also hold a bespoke waste permit and process very large quantities of recycled aggregates which are used in the manufacturing process. The companies' claim to fame has been in utilising many hundreds of thousands of tonnes of waste

materials, which would otherwise have gone to landfill. The land is fully utilised for the above and also for the storage of vital raw materials and finished products. We also run a fleet of HGV vehicles and the site has its main HGV operating centre here. The head office is based here, which controls all companies in the Hargreaves Group, Dewsbury Sand & Gravel Limited, Humberside Blocks Limited and Wakefield Sand and Gravel Limited.

4. The total number of employees affected is 104.

5. Since 1948, the company has supplied builders' merchants, and housebuilders with precast concrete blocks which are an essential component in the construction sector. All raw materials arrive by bulk tippers and tankers. Finished products are delivered by crane off-load vehicles. All goods in or out, are by road.

Effect of the proposed compulsory acquisition

6. The business could not continue to operate.

7. The business cannot be relocated.

8. All 104 employees and, approximately 25 sub-contractors would lose their jobs.

9. If a suitable site was available, within a 5 mile radius of the existing site, the cost of relocation would be approx. £6.5M.

10. We doubt an alternative site will be available in this area. The location of this site has been key for our dedicated workforce and our loyal customer base for over 75 years. The profits of the business on an EBITDA basis pre-covid was £1.5M. This is forecasted to increase to £2.1M in 2022.

Land unnecessarily proposed to be acquired

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

History of any engagement

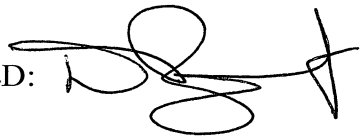
12. Newlay Concrete Limited instructed Lupton Fawcett LLP to act on its behalf in respect of this matter. Lupton Fawcett LLP attended a public consultation on 13 October 2020 regarding the proposals for the Trans-Pennine upgrade and also met David Vernon of Carter Jones on 5 November 2020, who is managing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

Network Rail were made aware by email on 27 May 2021 of the recent investments that Newlay Concrete Limited has made and a virtual meeting took place on 1 July 2021 with Network Rail, Lupton Fawcett LLP and Newlay Concrete 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: 

DATED: 6/7/21