

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

LETTER OF OBJECTIONS
ON BEHALF OF DEWSBURY SAND & GRAVEL 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 Dewsbury Sand & Gravel Ltd (“the Objector”) to the Network Rail (Huddersfield to Westtown (Dewsbury)) Improvement Order 20[XX] (“the Order”). The Objector is the owner of the following interests: (1) a Lease of minerals and mining rights dated 19 June 2014 registered title No.YY35778; (2) a lease dated 19 June 2014 registered as title No.WYK35646. These interests are held together for the purposes of the Objector’s use of the lands.

Parts of these lands are identified as being required to be compulsorily acquired in the Order. The following plot numbers identified on the land acquisition plans and the Schedule to the Order are those sought to be acquired from the Objector, namely Plot Nos.23-046, 23-054, 23-058, 23-070, 24-006, 24-008 and 24-009 (“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 quarrying, processing and distribution of sand & gravel. The Objector also has permission to import 228,000 tonnes of inert waste.

9 operatives are employed on the site, with 15 HGVs used each day as hauliers operating transport facilities and there are 5 contractors providing 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 proposed rail line as the project underlying the Order can be achieved without the acquisition of all of the Objector's land. Plot 23-054 will not be used for the new railway line.

2. The Order fails to consider that the acquisition of the Plots will mean that a viable business will cease and 9 operatives and 15 hauliers, plus contractors will be dismissed or have their contracts terminated as the business cannot operate on the retained land without the Plots. 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 mineral processing sector, as it is not possible to relocate it.

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 of the Objector's business will be to extend journey distances and times to meet the business requirements of existing customers from alternative sources which are some 45 and 46 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 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: 

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 Dewsbury Sand & Gravel Limited (“DS&G”) to the Network Rail (Huddersfield to Westtown (Dewsbury)) Improvement Order 20XX (“the Order).

My Role

1. I am a shareholder and managing director of DS&G. I have been involved since the business was formed in 2013. I have known the locality and the land to be compulsorily acquired or used since 2010.

Land proposed to be acquired from the Company DS&G

2. Plot Nos.23-046, 23-054, 23-058, 23-070, 24-006, 24-008 and 24-009

Description of business of DS&G, and use made of the land to be acquired

3. DS&G is a quarrying company, extracting high quality sand and gravels for use in the local construction sector. It excavates material and transports it on site to a washing, screening and crushing plant. Almost all of the land is used. There is a permit to import 224,000 tonnes of inert waste for restoration. Once the quarry is exhausted, the company has a restoration obligation for the entire site.

4. If Network Rail's scheme is approved, 10 employees would lose their jobs.

5. DS&G supplies related companies - Newlay Concrete & Newlay Readymix, and also builders' merchants, groundworkers, and housebuilders. All products leave by bulk tippers. All inward material also enters the site by bulk tipper.

Effect of the proposed compulsory acquisition

6. The business could not operate if Network Rail's scheme is approved and the land is acquired.

7. It is not possible to relocate the business.

8. All 10 people employed on the site, plus approx. 5 sub-contractors would lose their jobs.

9. The EBITDA of the business pre-covid was £228K (EBITDA is an accountant's method of identifying earnings or profits). (please note; Newlay Concrete purchased the tipping rights from DS&G and has a beneficial interest in that regard. Newlay Readymix purchase sand from DS&G at beneficial rates).

Land unnecessarily proposed to be acquired

10. As I understand the plans and the plots, the following plots are not necessary for the railway line itself: 23-054, 24-006, 24-008, 24-009.

History of any engagement

11. DS&G 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 myself for DS&G.

12. 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 Companies located at Calder Road of the acquisition of land for the "fly over" option, as the businesses of those Companies would have to cease, as relocation is unlikely or impossible. I understand that all the land to be acquired from the Companies 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. The closure of these businesses will affect this Company as it supplies products they use. 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