

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

Our Ref: MSH/AF/2855/41749

16 May 2021

BY EMAIL: transportinfrastructure@dft.gov.uk

Dear Sirs

Re: The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order

Claimants: Rosemary Elizabeth Carr & Other

RELATING TO NOTICE OF APPLICATION TO ACQUIRE LAND OR RIGHTS IN LAND COMPULSORILY, TO EXTINGUISH RIGHTS OVER LAND, TO TEMPORARILY TO USE LAND AND FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO BUILDINGS, ROADS AND APARATUS OF A STATUTORY UNDERTAKER

15-010, 15-012, 15-016, 15-026, 15-028, 15-040, 15-021, 15-024, 15-025, 15-027, 15-029, 15-031, 15-032, 15-033, 15-035, 15-036, 15-037, 15-038, 15-039, 15-041, 15-043, 15-044, 16-001, 16-002, 16-005, 16-006, 16-007, 16-008

RELATING TO NOTICE OF APPLICATION TO TEMPORARILY USE LAND, ACQUIRE RIGHTS ONLY IN LAND COMPULSORILY AND FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO BUILDINGS, ROADS AND APARATUS OF A STATUTORY UNDERTAKER.

14-004, 15-005, 15-006, 15-007, 15-011, 15-014, 15-011, 15-024, 15-025, 15-027, 15-029, 15-031, 15-033, 15-036, 15-038, 15-041, 15-043, 16-002, 16-005, 16-006

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RELATING TO NOTICE OF APPLICATION TO ACQUIRE RIGHTS IN LAND COMPULSORILY, TO EXTINGUISH RIGHTS OVER LAND, TO TEMPORARILY USE LAND AND FOR POWERS TO CARRY OUT PROTECTIVE WORKS TO BUILDINGS, ROADS AND APARATUS OF A STATUTORY UNDERTAKER.

14-007, 15-003, 15-006, 15-007, 15-042, 16-003, 16-004

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

Whilst our client is supportive of the proposed rail improvement works in general, they are concerned that the Scheme in its current form will have a detrimental impact on parts of their land and business interests. Other design options should be available and considered which would ensure the delivery of the rail improvement works without being detrimental to our client's interests.

For the reasons set out in this letter, Rosemary Elizabeth Carr and Other formally objects to the CPO.

1. General

In view of the multiplicity of plot numbers identified, it is not possible to produce individual objections for each plot. However, a primary concern is the affect on their business interests particularly residences which are let and a Title Number WYK786201 and the potential for delay concerning a commercial development proposed under Planning Application No: 2019/94165 as it relates to Title Number WYK786201.

2. Negotiations

There has been no engagement with our clients concerning discussions for alternatives or indeed compensation prior to the formal Notices being received and 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 interests.

It is an established principle of 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.

3. Human Rights

It is our opinion that the proposed Order is also an infringement of our clients 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 to the owners and occupiers of the Order land. 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 struck between the individuals rights and the wider public interest.

4. Conclusion

On this basis it is Rosemary Elizabeth Carr and Other view that the Order in its current form should not be confirmed by The Secretary of State.

Whilst the above represents our client's objections to the aforementioned Transport and Works Act Order, we reserve the right to add or to amend our client's case on receipt of further evidence and information.

Yours faithfully

A handwritten signature in purple ink, reading "Mark S. Hanson".

Mark S. Hanson FRICS
Hanson Chartered Surveyors