

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit
Department for Transport
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17 May 2021

By Email: transportinfrastructure@dft.gov.uk

Dear Sirs

Citiclient (Cof) Nominees Limited and Citiclient (Cpf) Nominees No 2 Limited ("The Charities Property Fund")

All those interests of the Charities Property Fund in Plot Nos. 10-056, 10-059, 10-063, 10-064, 11-004, 11-007, 11-013 to 11-016, 11-037, 11-040, 11-041 referred to in the Applications's Book of Reference ("The Charities Site")

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006/1466 ("the Rules")

The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order ("the Order")

The construction, operation and maintenance of works on the Transpennine Line between Huddersfield and Westtown (Dewsbury) as set out more fully in Schedule 1 of the Order ("the Project")

We represent the Charities Property Fund, this objection and representation is submitted under Rule 21 of the Rules. The Charities Property Fund wishes to object to the compulsory purchase of its interests in the Site for the purposes of the Project, for the reasons set out below.

The Charities Property Fund (the "Fund") is a Common Investment Fund which is an open-ended investment vehicle, similar to unit trusts, but designed specifically for charities and established under Section 24 of the Charities Act 1993 (now Section 96 of the Charities Act 2011). This Fund is categorised as a non-mainstream pooled investment and cannot be marketed to the general public. Units in this Fund are available only to such charities that may be lawfully promoted to under COBS 4.12.4(5)(Category 3) of the FCA Handbook.

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The Charities Property Fund helps 1,700 charities to invest in commercial real estate in an ethical and responsible way. The Fund's objective is to invest in property throughout the UK to provide a balanced and diversified portfolio to deliver a high and secure level of income and to maintain the capital value of assets held over the long term to the benefit of the charities and good causes invested in it.

Accordingly, any detrimental impacts on the Fund in respect of their rental income has a direct impact on the charities that it supports and the beneficiaries of those charities. The charitable sector is under enormous pressure as a result of the pandemic with many charities reporting a drastic reduction in income. The Fund must therefore be distinguished from the private sector and offered a greater degree of income protection to protect its beneficiaries.

The Charities Site is in a very constrained position. To the north is the single lane access road used by its tenants and others on this industrial site, this is the only way in and out of the site. On the other side of this access road, also to the north is the railway line. One of the buildings in The Charities Site is essentially in a dead end with a verge sloping upwards to the east to Colne Bridge Road. To the south of The Charities Site is a canal. The Charities Site is contained on what effectively is an island.

Grounds of Objection

The Fund considers that an excessive amount of land is being taken (including both permanent and temporary acquisition) to facilitate the works under the Order. The constrained nature of the Charities Site has been outlined above, meaning that our clients tenants have no alternative access to be able to continue their operations. Access to the buildings and the hardstanding areas is vital for deliveries and shipments, this cannot be disrupted. Where access is disrupted, our clients tenant is able to suspend rental payments. Network Rail has not explained what alternative options were considered and why this option was considered to be the most feasible.

The configuration of the building within The Charities Site that lies immediately to the west of Colne Bridge Road, is such that the delivery and turning space between the end of the building and Colne Bridge Road is vital for the tenant's continuing operation. Any impact on the use of this area as a turning circle and delivery point has economic implications for our clients tenant, in what are already quite challenging economic circumstances, as a result of the pandemic.

It also remains unclear to us why Network Rail chose to include in its plans the proposed demolition of the Colne Bridge Road bridge, which is a listed structure. The structure will be demolished in its

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totality. Paragraph 195 of the National Planning Policy Framework states that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, such proposals should be refused unless it can be demonstrated that the total loss is necessary to achieve substantial public benefits to outweigh that loss. It is not considered that the test in paragraph 195 has been met.

Our client considers that the Order is unnecessary and an excessive step as they have been and continue to be willing to engage in negotiations to grant rights that are necessary and proportionate. Although Network Rail has approached our client, this was undertaken at a very late stage at the end of 2020, leaving little time for negotiation. There are other businesses that operate at this site. Given the unusual site constraints, it is essential that the relevant protective provisions be put in place to protect the operation of the wider site to ensure it remains attractive to businesses.

In light of the above, it is vital that Network Rail provides binding assurances that The Charities Site be protected as follows:-

- Given the lengthy construction period of the Project, sufficient vehicular access must be provided to all vehicles during operational hours. We would expect Network Rail to assign a liaison officer to maintain effective communication with our client and their tenant in respect of its construction programme.
- The unusual constraints of The Charities Site have been outlined above. Access to this site must be maintained and reasonable access granted to our client's tenant.
- In particular, the tenant's effective operation at The Charities Site must be preserved to protect our client's economic interests and the benefits delivered to its beneficiaries.
- We will also require assurances that the bridge over the railway line (which provides the only access into and out of the site) must remain open during our tenant's operational hours.

In accordance with Rule 21 (1)(e) any correspondence relating to this Objection should be sent by email or post to:

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FARRER&Co

17 May 2021

anthony.mcnamee@farrer.co.uk

We consider that the written representations procedure is the appropriate mechanism to determine this application. Please acknowledge receipt of this objection and confirm that it has been validly made in accordance with the Rules.

We look forward to hearing from you.

Yours faithfully

A handwritten signature in blue ink that reads "Farrer & Co LLP." The signature is written in a cursive style and is underlined.