

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURES)
RULES 2004
NETWORK RAIL (HUDDERSFIELD TO WESTTOWN
(DEWSBURY) IMPROVEMENTS) ORDER

PROPERTY
SUMMARY PROOF OF EVIDENCE
NIGEL BILLINGSLEY

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Author	Network Rail
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1. INTRODUCTION

- 1.1.1 I am a member of The Royal Institution of Chartered Surveyors (RICS) and a partner at Bruton Knowles, I have acted for a number of acquiring authority clients and claimants affected by projects including CPOs, DCOs and TWAOs.
- 1.1.2 The Draft Order relates to an eight-mile section of the route between Huddersfield and Dewsbury in West Yorkshire

2. HUMAN RIGHTS

- 2.1.1 Article 1 of the First Protocol to the European Convention on Human Rights provides for the protection of a person's property, however the article also provides for the State to lawfully enforce laws including those which deprive a person of his possessions subject to that being compellingly in the public interest, striking a fair balance and being provided for by law.
- 2.1.2 The Draft Order strikes a fair and proportionate balance between the private interests of the landowners and the public interest in securing the benefits of the Scheme to the national railway network.

3. POWERS SOUGHT BY NETWORK RAIL (NR)

3.1.1 Powers to acquire land and rights are set out in the Draft Order, they are;

- acquisition of land and existing and new rights in land.
- ground anchor rights.
- acquire subsoil and impose restrictive covenants.
- acquire subsoil or airspace only.
- rights over or under streets.
- possession of land on a temporary basis.
- access on a temporary basis to undertake maintenance works.
- for access on a temporary basis.
- to fell and lop trees & access for survey;

4. COMPENSATION PROVISIONS

4.1.1 The Draft Order provides for compensation to be paid to affected landowners. The Draft Order incorporates the key elements of the legislation which makes up the Compensation Code. including

4.1.2 The compensation provisions in the Draft Order vary depending upon the rights being acquired or extinguished which I detail by reference to each right.

4.1.3 The Compensation Code provides ordinarily for payment of compensation for the value of land taken, injurious affection/severance and disturbance.

4.1.4 In the event that agreement cannot be reached then one or both parties can make a reference to the Upper Tribunal (Lands Chamber).

5. NEGOTIATIONS TO ACQUIRE PROPERTY & RIGHTS

5.1.1 As part of the process of consultation and engagement NR consulted and sought to engage with those parties who held land interests that were at risk of being included within the Draft Order, presenting an opportunity for discussions on land acquisition at this stage in the process.

6. CONSIDERATION OF OUTSTANDING OBJECTIONS

6.1.1 Some 753 separate legal entities hold an interest land affected by the Scheme; these are included in the Book of Reference (NR08). Of these 47 parties have objected to the Scheme.

6.1.2 I summarise and comment upon the property and compensation aspect of objections lodged by those with an interest in the scheme below.

6.1.3 There are a number of general points with regard to each of the cases below, the land and property interests are scheduled in the appendix to my main proof at NB01 and in one case NB04.

6.1.4 In all cases where land and property interests are acquired or land is temporarily possessed the objector has recourse to compensation provisions with the Draft Order as set out in Section 4 of my proof of evidence should they suffer loss or disturbance.

6.1.5 A number of objectors have expressed concerns regarding the continuance of access during and after the works and long term impact of the Scheme on their property.

- Objection No 1 – Lawton Yarns Ltd & P41 Ltd
- Objection 7 – Shackletons Ltd
- Objection 9 – Bramall Properties Ltd
- Objection 10 - WPC REIT Stretch 41 BV
- Objection 11 – Frank Marshall Estates Ltd (FMEL)
- Objection 13 – JJIG Limited and Buy It Direct Limited
- Objection 14 – Yorkshire Childrens Centre
- Objection 15 – Kinder Properties Limited
- Objection 16 – DP Realty Ltd Trading as Dominoes
- Objection 17 - The Kingdom Hall Trust (Jehovah's Witness) (KHT)
- Objection 23 – HD1 Limited
- Objection 24 - Rosemary Elizabeth Carr & Others
- Objection 26 – Dr Reddy's Laboratories (EU) Ltd (Dr Reddy's)
- Objection 27 – Citiclient (Cof) Nominees Limited and Citiclient (Cpf) Nominees No 2 Limited ("The Charities Property Fund")
- Objection 30 – DG Asset Enterprises Ltd
- Objection 32 - Tanvir and Qadeer Ahmed (Furniture Bazaar)

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- Objection 34 – Taurus Investments Ltd
- Objection 36 – Dewsbury Riverside
- Objection 37 – Mamas & Papas
- Objection 39 – British Bung Manufacturing Company Limited
- Objection 38 – Huddersfield Town Football Club Ltd
- Objection 42 – Veolia Ltd
- Objection 43 – Cubico UK Ltd
- Objection 44 – Mrs D Newton
- Objection 45 - R&D Yorkshire Limited

6.1.6 Objection 39 There are three objectors who are statutory utility providers, the objectors are seeking additional protective measures, in each case NR has offered commitments to ameliorate the concerns of the objectors, these are;

- Objection 5 - Northern Powergrid (Yorkshire) Plc
- Objection 12 – Northern Gas Networks Ltd (NGN)
- Objection 35 – Canal and Rivers Trust (CRT)

6.1.7 They can continue to operate with any additional disturbance due to the works being subject to a claim form compensation under the compensation Code.

6.1.8 Hargreaves (GB) Limited; Newlay Asphalt Limited; Newlay Readymix Limited; Newlay Concrete Limited; Dewsbury Sand & Gravel Limited, and Wakefield Sand & Gravel Limited (objection 18 to 22 and 29) have expressed concern regarding the continued operation of a minerals processing plant at Ravensthorpe. NR have sought to restrict the area of land required to facilitate the Scheme and also have demonstrated that there are realistic options for reconfiguring the objectors' operational land and enabling minerals processing operations to continue by relocating fixed plant and other works within the objectors' land.

6.1.9 West Yorkshire Combined Authority (Objection 40) has raised a number of concerns regarding the Scheme and NR have offered an agreement which ameliorates the concerns of the objector.

7. CONCLUSIONS

7.1.1 I am satisfied that NR have sought to minimise the impact of the scheme upon the objectors and that compensation provisions within the TWAO will ensure that the objectors are fully and fairly recompensed as far as is possible with money to offset the impact of the Scheme.

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- 7.1.2 My proof of evidence includes my declaration as an expert witness which also applies to my summary of my evidence.

A handwritten signature in black ink, appearing to read 'Nigel Billingsley', written in a cursive style.

Nigel Billingsley

29th September 2021