

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

Our Ref: ABE  
Your Ref:  
Date: 18 August 2021  
Email: [AmandaBeresford@schofieldsweeney.co.uk](mailto:AmandaBeresford@schofieldsweeney.co.uk)  
Direct: 0113 849 4027

By email

Dear Sirs

**Transport and Works Act 1992 and the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order (the 'Draft TWAO') . Plot 4-0007.**

We act for Cubico UK Limited ( 'Cubico' ) . Cubico occupy premises at Unit B Castlegate Retail Park , St Johns Road Huddersfield ( 'Unit B' ) ( the 'Premises' ) for the business of trading bathroom products.

It has recently come to Cubico's attention that the Premises are affected by the Network Rail Huddersfield to Westtown (Dewsbury) (Improvements) Order (the 'Order') and that therefore notices should have been served on Cubico regarding the making of the Order however, no such notices were served. Not having been notified of the Order Cubico did not have the opportunity to object before the deadline. Cubico do however wish to object on the following grounds-

1. Notice of the Order should have been served on Cubico. It is clear that Network Rail ('NR') knew that Cubico occupied the Premises and that the Premises were affected by the Order. The book of reference which accompanies the Order identifies the Premises as plot 4-0007 and describes it as '*281 Sqm of commercial building unit 8 Castlegate Retail Park*'. It identifies the leaseholder as '*Cubico UK Limited trading as Easy Bathrooms Limited*'. NR therefore knew that Cubico had an interest in the Premises when the Order was made.
2. The Order itself refers to plot 4-0007 in Schedule 16. Schedule 16 identifies plots of which temporary possession is intended to be taken. In respect of plot 4-0007 it states, '*working site and access for construction and temporary protective works to building*'. No protective provisions have been included in the Order to minimize the impact on Cubico's business at the Premises and to allow for its continued operation and trading and for continued access by customers and suppliers.
3. NR have not approached Cubico to discuss acquiring any rights by agreement.

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4. NR have not approached Cubico to discuss what rights NR require.
5. NR have not discussed with Cubico what protective provisions may be appropriate.

A copy of this letter by email is sent to NR.

In view of the above please can you confirm this email is accepted as a late objection to the Order and will be considered by the Inspector in deciding whether to confirm the Order. Cubico is still considering the position but for the time being wishes to reserve a right to appear at the Inquiry.

Yours faithfully

*Schofield Sweeney*

**Schofield Sweeney LLP**

CC Penny Carter at Network Rail