

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

REBUTTAL PROOF RELATING TO PROOF OF EVIDENCE
HARGREAVES (GB) LTD, NEWLAY ASPHALT LTD,
NEWLAY READYMIX LTD, NEWLAY CONCRETE,
DEWSBURY SAND AND GRAVEL LTD, AND WAKEFIELD
SAND AND GRAVEL LTD (OBJ/18-22,29)

David Vernon – Needs Case

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1. INTRODUCTION

1.1 Introduction

1.1.1 The following are Network Rail's responses to the Proofs of Evidence of the following:

- Hargreaves (GB) Ltd, Newlay Asphalt Ltd, Newlay Readymix Ltd, Newlay Concrete, Dewsbury Sand and Gravel Ltd, and Wakefield Sand and Gravel Ltd (OBJ/18-22,29)

2. NETWORK RAIL'S REBUTTAL OF OBJECTOR'S EVIDENCE

2.1 Hargreaves (GB) Ltd, Newlay Asphalt Ltd, Newlay Readymix Ltd, Newlay Concrete, Dewsbury Sand and Gravel Ltd, and Wakefield Sand and Gravel Ltd (OBJ/18-22,29)

Introduction

2.1.1 The following are Network Rail's responses to the Proof of Evidence of Hargreaves (GB) Ltd, Newlay Asphalt Ltd, Newlay Readymix Ltd, Newlay Concrete, Dewsbury Sand and Gravel Ltd, and Wakefield Sand and Gravel Ltd.

2.1.2 The matters covered in this rebuttal are as follows:

- Lack of consultation and engagement on the TWAO scheme

Network Rail Response

2.1.3 In Justin Owen's Proof of Evidence (ref OBJ/19/JO/1), the objector references a lack of consultation and engagement from Network Rail on the grade separation issue and for the TWAO Scheme.

2.1.4 As stated in my Proof of Evidence (NR/PoE/DV/1.2) in section 8, there has been a full and comprehensive consultation to support the Transport and Works Act Order, with both the community and affected landowners and stakeholders. Paragraph 9.2 in my proof deals with the individual conversations I have had with the objector regarding the Scheme in October 2019 when NR was consulting on a range of issues, including the which grade separation option stakeholders and the community would like taken forwards.

2.1.5 I can confirm that the form of grade separation was discussed at the meeting in October 2019, with potential high-level impacts highlighted, such as greater requirement for land take associated with flyover than diveunder, albeit the designs were not finalised and detailed at that point in time.

2.1.6 Network Rail engaged further with the objector's legal advisers, Lupton Fawcett. On 5 November 2020 at their office in Leeds, when I met with Daniel McCormack. I reported progress on the project and requested information from the site operators to understand how the site functioned and whether there was the opportunity to mitigate any impacts going forwards. No response to this request was forthcoming at that time.

2.1.7 Network Rail engaged further with the objector's legal representatives in January 2021 via email with the TRU stakeholder team and myself with Natasha Wright of Lupton Fawcett. We requested the opportunity to visit the site, to meet the site team, in order to gain a full understanding of site

operations and options to mitigate. A response was received on 1 February 2021 from Natasha Wright at Lupton Fawcett to state that legal advice was being sought, and meeting would be arranged in due course. Having had no response to the meeting request, Network Rail sent the letter dated 17 March 2021 to the objectors in advance of the TWAO submission. This letter is included as Appendix 2 to Richard Asher's Witness Statement.

2.1.8 A summary of Network Rail's engagement with the objectors in addition to the formal public consultation process is included in Appendix A in my rebuttal below.

2.1.9 Given the impact of the grade separation on this particular business, I highlighted this element of the Scheme when I met with representatives of the objectors on 23 October 2019. The importance of the grade separation as a topic in phase one of the consultation is also borne out by the many press releases and media coverage of the consultation at that time, including articles by the BBC¹, Huddersfield Examiner², and Yorkshire Live³, as well as many rail media outlets⁴, all referencing the decision that is required for grade separation for Ravensthorpe along with the other works proposed.

2.1.10 Engagement has been ongoing since phase one of consultation, as per the process set out in Section 8 in my proof, and Mr Nigel Billingsley's proof of evidence (NR/PoE/NB/5.2) also shows the engagement NR have had with the objectors regarding their concerns.

2.1.11 Appendix A includes a summary of the correspondence that has taken place between Network Rail and the objector.

¹ <https://www.bbc.co.uk/news/uk-england-leeds-49404824>

² <https://www.examinerlive.co.uk/news/west-yorkshire-news/last-chance-say-1bn-huddersfield-17121333>
<https://www.examinerlive.co.uk/news/west-yorkshire-news/key-huddersfield-road-facing-two-17099830>
<https://www.examinerlive.co.uk/news/west-yorkshire-news/1bn-plans-transform-train-travel-16780752>

³ <https://www.examinerlive.co.uk/news/local-news/huddersfield-direct-rail-link-london-17905890>

⁴ <https://www.railadvent.co.uk/2019/10/consultation-into-rail-upgrades-in-huddersfield-ends-this-week.html>
<https://www.railwaygazette.com/uk/consultation-on-trans-pennine-route-modernisation/54388.article>
<https://www.networkrailmediacentre.co.uk/news/public-consultation-on-major-rail-upgrade-to-begin-in-west-yorkshire>
<https://www.networkrailmediacentre.co.uk/news/west-yorkshire-residents-encouraged-to-submit-feedback-as-public-consultation-ends-this-week>

3. WITNESS DECLARATION

3.1 Statement of declaration

3.1.1 Each named witness hereby declares as follows:

- (i) This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- (ii) I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.
- (iii) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.

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APPENDIX A – HARGREAVES/NEWLAY CORRESPONDENCE SUMMARY

Date	Objector	Type	From	To	Description
2021.10.08	OBJ 18-22,29	Email	Gurpreet Rathore	Natasha Wright	Update on objection
2021.10.05	Newlay Concrete	Letter	Paul Lynch	Natasha Wright sent the letter to Penny Carter	Feasibility Survey Paul Lynch
2021.10.05	OBJ 18-22,29	Letter	David Beaumont	Natasha Wright sent the letter to Penny Carter	PoE Appendices David Beaumont
2021.10.05	OBJ 18-22,29	Letter	James Taylor	Natasha Wright sent the letter to Penny Carter	PoE Appendices James Taylor
2021.10.05	OBJ 18-22,29	Letter	David Beaumont	Natasha Wright sent the letter to Penny Carter	PoE David Beaumont
2021.10.05	OBJ 18-22,29	Letter	James Taylor	Natasha Wright sent the letter to Penny Carter	PoE James Taylor
2021.10.05	Newlay Concrete	Letter	Paul Lynch	Natasha Wright sent the letter to Penny Carter	Summary Feasibility Survey Paul Lynch
2021.10.05	OBJ 18-22,29	Letter	David Beaumont	Natasha Wright sent the letter to Penny Carter	Summary PoE David Beaumont
2021.10.05	OBJ 18-22,29	Letter	James Taylor	Natasha Wright sent the letter to Penny Carter	Summary PoE James Taylor
2021.10.05	OBJ 18-22,29	Letter	Elizabeth Green	Natasha Wright sent the letter to Penny Carter	Summary Witness Statement Elizabeth Green
2021.10.05	OBJ 18-22,29	Letter	Richard Asher	Natasha Wright sent the letter to Penny Carter	Summary Witness Statement Richard Asher
2021.10.05	OBJ 18-22,29	Letter	Elizabeth Green	Natasha Wright sent the letter to Penny Carter	Witness Statement Elizabeth Green
2021.10.05	OBJ 18-22,29	Letter	Richard Asher	Natasha Wright sent the letter to Penny Carter	Witness Statement Richard Asher
2021.10.05	OBJ 18-22,29	Letter	Richard Asher	Natasha Wright sent the letter to Penny Carter	Witness Statement of Richard Asher Appendix
2021.10.05	Newlay Readymix	Letter	Claire Finney	Natasha Wright sent the letter to Penny Carter	Summary of Proof of Evidence
2021.10.05	Newlay Readymix	Letter	Claire Finney	Natasha Wright sent the letter to Penny Carter	Proof of Evidence
2021.10.04	Newlay	Meeting	N/A	N/A	Meeting between Network Rail and Natasha Wright

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Date	Objector	Type	From	To	Description
2021.09.30	Newlay	Email	Alex Davies/ Natasha Wright	Email Chain	Network provided requested info and plans
2021.09.21	OBJ 18-22,29	Email/Lett ers	Lupton Fawcett	Network Rail	Lupton Fawcett support to other objectors
2021.09.17	Newlay	Email	Gurpreet Rathore	Natasha Wright	Reconfiguration option plans
2021.09.17	Newlay	Email	Alex Davies	Natasha Wright	Ravensthorpe Option Selection Evidence
2021.09.16	Newlay	Email	Gurpreet Rathore/ Natasha Wright	Email Chain	Meeting arrangement
2021.09.07	OBJ 18-22,29	Email	Gurpreet Rathore/ Natasha Wright	Email Chain	Draft HoT's discussion
2021.08.20	Newlay Concrete	Meeting	N/A	N/A	Meeting between Network Rail/Newlay
2021.08.18	Newlay Concrete	Email	Gurpreet Rathore	Natasha Wright	Fly over vs Dive under presentation
2021.08.10	OBJ 18-22,29	Email	Natasha Wright	Gurpreet Rathore	Information and Meeting chaser
2021.08.05	OBJ 18-22,29	Email	Gurpreet Rathore/Natash a Wright	Email Chain	Request for flyover information
2021.08.05	OBJ 18-22,29	Email	Nigel Bilingsley	Richard Asher (Savills)	Discussion of Wharf development
2021.07.22	Newlay	Meeting	N/A	N/A	Meeting between Network Rail and Dan McCormack
2021.07.19	OBJ 18-22,29	Email	Natasha Wright	Alex Davies	Request for additional info
2021.07.15	OBJ 18-22,29	Email	Alex Davies	Natasha Wright	Clarifying NPG details

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Date	Objector	Type	From	To	Description
2021.07.13	Newlay and Sand & Gravel	Email	Alex Davies	Natasha Wright	Information pack from 1st July meeting
2021.07.13	OBJ 18-22,29	Email	Natasha Wright	Alex Davies	Pre meeting info
2021.07.12	OBJ 18-22,29	Email	Alex Davies	Natasha Wright	Organising a meeting
2021.07.08	OBJ 18-22,29	Email	Natasha Wright	Alex Davies	Follow up from 1st July meeting
2021.07.06	OBJ 18-22,29	Letter	Lupton Fawcett	Natasha Wright sent the letter to Penny Carter	Ravensthorpe Option Selection
2021.07.06	Hargreaves	Letters	David Beaumont	Natasha Wright sent the letter to Penny Carter	Witness Statement of David Beaumont for OBJ 18-22,29
2021.07.06	OBJ 18-22,29	Email	Natasha Wright	Penny Carter	Natasha Wright Statement of Case email
2021.07.06	OBJ 18-22,29	Letter	Richard Asher	Natasha Wright sent the letter to Penny Carter	Witness Statement of Richard Asher
2021.07.06	Newlay Readymix	Letter	Claire Finney	Natasha Wright sent the letter to Penny Carter	Witness Statement of Claire Finney
2021.07.05	OBJ 18-22,29	Letter	Lupton Fawcett	Natasha Wright sent the letter to Penny Carter	Statement of Case
2021.07.02	OBJ 18-22,29	Email	Alex Davies/ Natasha Wright	Email Chain	Follow up discussion from meeting
2021.07.01	OBJ 18-22,29	Email	Network Rail meeting presentation	Natasha Wright	Meeting Presentation
2021.07.01	OBJ 18-22,29	Meeting	N/A	N/A	Meeting between Network Rail/Natasha Wright
2021.06.24	OBJ 18-22,29	Email	Penny Carter	Natasha Wright	Discuss the future of the site
2021.05.13	OBJ 18-22,29	Letters	Lupton Fawcett	Network Rail	Objections 18-22,29
2021.05.10	Newlay Asphalt	Letters	Justin Owen	Natasha Wright sent the letter to Penny Carter	Proof of Evidence from Justin Owen
2021.03.17	Newlay	Letter	Network Rail	Daniel McCormack	Follow up from 5th November meeting

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Date	Objector	Type	From	To	Description
2021.02.04	Dewsbury Sand & Gravel	Email	Tim Troman (Forge Lane Partnership)	Gianluca Capobasso	Description of site visit
2021.02.03	Dewsbury Sand & Gravel	Email	Gianluca Capobasso	Tim Troman (Forge Lane Partnership)	Up to date plans
2021.02.01	OBJ 18-22,29	Email	Natasha Wright	Dave Vernon	Clients position on the project
2021.01.26	OBJ 18-22,29	Email	David Vernon/Natasha Wright	Email Chain	Discussion about arranging a meeting
2021.01.19	OBJ 18-22,29	Email	Natasha Wright	Olu Adeboye	Confirmation Natasha Wright now dealing with objection
2020.12.09	OBJ 18-22,29	Email	Olu Adeboye	Daniel McCormack	Follow up from phone call, meeting organising
2020.12.07	OBJ 18-22,29	Email	Olu Adeboye/ Daniel McCormack	Email Chain	Information plus Lupton Fawcett requesting a meeting
2020.11.27	OBJ 18-22,29	Email	Olu Adeboye/ Daniel McCormack	Email Chain	Legal Costs and sharing link to NR website for plans
2020.11.05	Newlay	Meeting	N/A	N/A	Meeting between Dave Vernon and Daniel McCormack
2020.09.22	Dewsbury Sand & Gravel	Email	Tim Troman (Forge Lane Partnership)	Gianluca Capobasso	Updated Plan
2020.09.21	Dewsbury Sand & Gravel	Email	Gianluca Capobasso/Tim Troman (Forge Lane Partnership)	Email Chain	Planning permission plan

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Date	Objector	Type	From	To	Description
2020.09.18	Dewsbury Sand & Gravel	Email	Gianluca Capobasso	Tim Troman (Forge Lane Partnership)	Draft plans pre-meeting
2020.09.18	Dewsbury Sand & Gravel	Meeting	N/A	N/A	Meeting between Gianluca Capobasso and Tim Troman (Forge Lane Partnership)
2019.10.23	Newlay Concrete	Meeting	N/A	N/A	Scheme Overview meeting between Dave Vernon and David Beaumont
2019.01.30	Dewsbury Sand & Gravel	Email	Paul Taylor/ Tim Troman (Forge Lane Partnership)	Email Chain	Contact Confirmation