

**NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY)  
IMPROVEMENTS) ORDER**

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)  
(ENGLAND AND WALES) RULES 2006**

**RULE 15 – NOTICES TO OWNERS AND OCCUPIERS**

**NOTE ON BEHALF OF NETWORK RAIL**

1. In objections made on behalf of Kinder Properties Ltd (OBJ/15), DP Realty (OBJ/16) and R&D Yorkshire Ltd (OBJ/45), concern was raised as to whether notices under rule 15 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 [**‘the Rules’**] had been served effectively on owners and occupiers of land affected by the proposed Transport and Works Act Order [**‘the Order’**].
2. Neither Kinder Properties Ltd, nor DP Realty Ltd nor R&D Yorkshire Ltd have appeared at the public inquiry to pursue their objections to the making of the Order. By email dated 11 November 2021 (timed at 16.38) to the Programme Officer, their professional representative, Mr Strafford, confirmed that they had reached agreement with Network Rail and hoped shortly to have concluded a Compromise Agreement, and on that basis would not be appearing at the public inquiry.
3. In his email of 11 November 2021, Mr Strafford referred to his concerns about the effectiveness of service of rule 15 notices on his clients. He mentioned two particular points –
  - (1) The bulk certificate of posting exhibited to the Affidavit of Owen Kelly (**INQ/4 – Appendix 11**) sworn on 15 June 2021 do not bear the official stamp of Post Office Limited, which is said to be required in order to validate the certificate.
  - (2) The rule 15 notice received by DP Realty Ltd did not refer to the car park at the Castlegate Retail Park.
4. The purpose of this note is to respond to Mr Strafford’s two particular points at the request of the Inspector.

**Statutory Background**

5. The relevant statutory requirements are set out in rules 15 and 27 of the Rules.

6. Rule 15 states –

*15(1) The applicant shall, forthwith after the application has been made, serve a notice in the form of Form 5 in Schedule 2 to these Rules (in this rule referred to as “Form 5”) upon all those, other than the applicant and the owner of any Crown interest, named in the book of reference described in rule 12(8).*

7. Rule 27(1) states –

*27(1) Notices or documents required or authorised to be served or sent under any of the provisions of these Rules may be sent—*

*(a) by post; or*

*(b) subject to paragraphs (2) to (5), by electronic transmission.*

**Factual background**

8. In the case of the Order, the rule 15 notices were served by ordinary first class post. Paragraph 2.10 of the Compliance Pack (Document INQ/4 – 2 November 2021) gives the following information –

*2.10 In accordance with Rule 15(1) of the Applications Rules, notices (in the form of Form 5 in Schedule 2 to the Application Rules) of the application were served by first class post on 31 March 2021 upon all those named in the Book of Reference (NR08) accompanying the application for the Order. The sworn affidavit (referred to in paragraph 5.1 below) of Owen Kelly (WSP), Technical Director for and on behalf of Network Rail which contains an example of the notices so served is attached at **Appendix 11** together with a postal list of the persons and bodies served.*

9. Paragraph 3 of the affidavit of Owen Kelly sworn on 15 June 2021 attested to the service of rule 15 notices in the prescribed form on 31 March 2021. Mr Kelly exhibited specimens of the rule 15 notices as exhibit “C” to his affidavit. Mr Kelly also included a list of persons served with rule 15 notices in exhibit “C”. The names of those persons served by post with rule 15 notices shown on that list included Kinder Properties Ltd, DP Realty Ltd and R&D Yorkshire Ltd. In each case, the entry showed the address of service by post and the postcode.
10. Appendix 2 of the proof of evidence of Nigel Billingsley (NR/PoE/NB/5.3) includes a witness statement made by Owen Kelly on 1 October 2021. In paragraphs 21 to 22 of his witness statement, Mr Kelly provides further information as to the service by first class post of rule 15 notices on owners and occupiers of land and premises at Castlegate Retail Park. In paragraphs 23 to 25 of his witness statement, Mr Kelly provides

information as to hand delivery of notices and placing of site notices at and in the vicinity of Castlegate Retail Park on and after 31 March 2021.

11. Against the background of this evidence, I turn to the two particular points raised by Mr Strafford.

### **Certificates of Posting**

12. Mr Strafford is correct to point out that the bulk certificate of posting exhibited by Owen Kelly as exhibit “C” to his Affidavit of 15 June 2021 has not been validated as it does not bear the official stamp of Post Office Limited.
13. Network Rail has asked Mr Kelly to explain the absence of the official Post Office stamp from the bulk certificate of posting exhibited to his Affidavit. Mr Kelly has responded that, in his experience, the Post Office do not stamp postal lists for items being sent by ordinary first class post. For this reason and in knowledge of this, Mr Kelly reports that WSP UK Ltd have put in place their own procedures whose purpose is to assure the process of service of notices under the Rules; and to ensure that service by post of rule 15 notices on owners and occupiers has been carried out effectively in accordance with rules 15 and 27 of the Rules.
14. In summary, those procedures for the purpose of the Order were as follows –
  - (1) WSP prepared rule 15 notices on their bespoke database system, PinPoint. Individual PDFs containing all of the rule 15 notices to be served on each owner and occupier were prepared and assured by WSP. The individual PDFs contained all of the rule 15 notices that were generated for each owner or occupier on particular plots of land (since due to the nature of the notices served, there were slightly different notice templates for the Rule 15 notices depending upon the effect of the Order).
  - (2) WSP then issued the PDFs of the rule 15 notices to their long-standing printing sub-contractor, Apogee. Apogee provide bulk printing services to WSP and have done so for many key infrastructure schemes delivered over the last number of years without issue. WSP have an excellent working relationship with Apogee. Apogee fully understand the statutory service requirements of various notices for the different types of schemes for which they sub-contract services to WSP. In accordance with their established practice WSP provided Apogee with a full briefing of printing and service requirements for the Order.
  - (3) Following WSP’s issue of the PDFs to Apogee, a full assurance process was carried out by Apogee to confirm and sign off that they had received and printed what was issued to them by WSP. In total, 753 notices were then issued via first class post and included on the postal lists (740 standard sized letters, 7 large letters and 6 sent to international addresses within the EU). Each of these items is accounted for on the receipt provided by the Royal Mail to Apogee on 30 March 2021 to confirm receipt of the 753 items for postal delivery. A copy of that receipt is provided with this note.

## **Rule 15 notices served on DP Realty Ltd**

15. Two rule 15 notices dated 31 March 2021 were served by post on DP Realty Ltd. Copies of those notices are provided with this note. Taken together, the rule 15 notices mention those plots for which DP Realty Ltd was identified as holding an interest in the Book Of Reference (Core Document NR08). Those plots are plot 4-008 “lessee or reputed lessee” (page 79/426) and plot 4-020 “tenant and occupier” (page 83/426). In short, the rule 15 notices served on DP Realty Ltd correspond exactly to the Book of Reference, as required by rule 15 of the Rules.
16. DP Realty Ltd is not shown in the Book of Reference as holding any interest as owner, lessee or reputed lessee, tenant or occupier in plot 4-010 – the Castlegate Retail Park car park (page 80/426). For that reason, the rule 15 notices served on DP Realty Ltd did not mention plot 4-010, there being no requirement to do so for the purpose of fulfilling the requirements of rule 15 of the Rules (see paragraph 6 above).
17. In summary, the rule 15 notices dated 31 March 2021 and served on DP Realty Ltd were correct in both form and content. In particular, the plots identified in those notices corresponded correctly to the entries in the Book of Reference in respect of DP Realty Ltd.
18. Moreover, the rule 15 notices dated 31 March 2021 and served by ordinary first class post on Kinder Properties Ltd and R&D Yorkshire Ltd did identify plot 4-010 (the Castlegate Retail Park car park). Again, that correctly reflected the entries in the Book of Reference: page 80/426 identifies Kinder Properties Ltd as both the freehold owner or reputed freehold owner, and as a tenant and occupier, of plot 4-010. R&D Yorkshire Ltd is identified as one of the tenants and occupiers of plot 4-010.

## **Conclusion**

19. In conclusion –
  - (1) Mr Strafford is correct to point out that the bulk posting certificates exhibited by Owen Kelly as evidence of service of the rule 15 notices under the Rules have not been validated by the official stamp of the Post Office. However, Mr Kelly and WSP UK Ltd are both aware that it is not the practice of the Post Office to certify postal lists for items sent by ordinary first class post and have procedures in place to assure the effective service by post of notices under rule 15 of the Rules. WSP UK Ltd and their sub-contractors Apogee followed those procedures in the case of the Order.
  - (2) The rule 15 notices issued in respect of Kinder Properties Ltd, DP Realty Ltd and R&D Yorkshire Ltd each correspond correctly to the entries shown for those persons in the Book of Reference, including for plot 4-010, the Castlegate Retail Park car park.

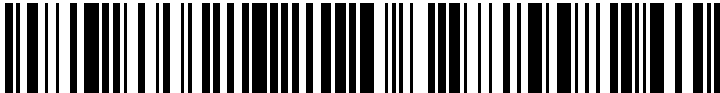
20. It is demonstrably the case that Mr Trafford has been able to represent the interests of Kinder Properties Ltd, DP Realty Ltd and R&D Yorkshire Ltd in pursuing their respective, substantive objections to the Order. Mr Trafford has notified the Inspector that he has agreed acceptable terms with Network Rail which are to be confirmed in a Compromise Agreement.

Timothy Mould QC  
Landmark Chambers  
180 Fleet Street  
London EC4A 2HG

30 November 2021

Confirmed Sales Order

Thank you!  
Your order was received and is being processed.



049138400090004862665104848644

with us it's personal®

Order:	5104848644 from 30.03.2021	Overall Status:	Confirmed
Emanifest ID	14:28:16	Confirmed Date:	30.03.2021 14:28:16
(mandatory) / Your Reference (optional):	azh29030	Total Net Price:	1,170.89 GBP
Your Description:	WSP 77830	Shipping Costs:	0.00 GBP
		Taxes:	229.32 GBP
		Total Gross Price:	1,400.21 GBP
		Terms of Payment:	30 Days

Poster number:	9000486266	Account name:	APOGEE CORPORATION TD
Poster name:	APOGEE CORPORATION LIMITED	Account number:	0491384000
Poster address:	, , LONDON, EC2A 4BX	PPI number:	HQ57461

Additional Order Data

Payment Method	
Selected Payment Method:	Invoice

Item	Product: Description/Details	QTY	Surcharge	Net Price	VAT	Total Price	VAT Code	Status
10	<b>UNA: BUSINESS MAIL ACCOUNT 1C UNSORTED</b> Your Configuration: Class of Mailing: First Class Royal Mail Format: Lge.Letter Total number of Items: 7 Average Item Weight [Grams]: 750 Amended Posting Date: 30.03.2021 Your notes: Department: Customer Ref:	7	0.00 GBP	17.37 GBP	3.47 GBP	20.84 GBP	T	Open
20	<b>OLA: INTERNATIONAL STANDARD ON ACCOUNT</b> Your Configuration: International Format: Lge Letter Country Description: LARGE LETTERS EUROPEAN UNION Average Item Weight [Grams]: 199 Amended Posting Date: 30.03.2021 Your notes: Department: Customer Ref:	6	0.00 GBP	24.30 GBP	0.00 GBP	24.30 GBP	Z	Open
30	<b>UNA: BUSINESS MAIL ACCOUNT 1C UNSORTED</b> Your Configuration: Class of Mailing: First Class Royal Mail Format: Lge.Letter Total number of Items: 740 Average Item Weight [Grams]: 199 Amended Posting Date: 30.03.2021 Your notes: Department: Customer Ref:	740	0.00 GBP	1,129.22 GBP	225.85 GBP	1,355.07 GBP	T	Open

VAT Summary for Posting Location

VAT Code	VAT Description	Net Price	VAT	Total Price
T	STD RATED 20%	1,146.59 GBP	229.32 GBP	1,375.91 GBP
Z	ZERO RATED 0%	24.30 GBP	0.00 GBP	24.30 GBP
Total		1,170.89 GBP	229.32 GBP	1,400.21 GBP

Close

Print

**The Transport and Works Act 1992****The Transport and Works (Applications and Objections Procedure)  
(England and Wales) Rules 2006****The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order**

To: The Secretary  
DP Realty Limited  
1 Thornbury  
West Ashland  
Milton Keynes  
MK6 4BB

**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 APPARATUS OF A STATUTORY UNDERTAKER**

Network Rail Infrastructure Limited ("Network Rail") of 1 Eversholt Street London NW1 2DN has applied to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992 for the above mentioned Order under sections 1 and 5 of that Act.

The draft Order seeks to authorise Network Rail to construct a new railway, including the upgrade and reconstruction of the existing railway, railway electrification works and associated works between Huddersfield and Westtown (Dewsbury). The draft Order also seeks to authorise Network Rail to construct station improvement works at Huddersfield and works for the construction or reconstruction of stations at Deighton, Mirfield and Ravensthorpe.

The draft Order provides for the compulsory purchase of rights in land, the extinguishment of rights over land rights and rights to temporarily use land and provides for rights to carry out protective works to buildings, roads and apparatus of a statutory undertaker on land within the limits of the draft Order.

The land described in the Schedule to this notice in which it is believed you have an interest is subject to the exercise of the compulsory powers provided for in the draft Order as described above.

The application is to be made subject to an environmental impact assessment.

The application contains a statement that a direction for deemed planning permission is being applied for.

A copy of the application, and of all plans and other documents submitted with it, may be viewed and downloaded from Network Rail's website at <https://www.networkrail.co.uk/TranspennineEngagement> from 31 March 2021. Copies of the documents may also be obtained from Penny Carter, Network Rail Infrastructure Limited, 3rd Floor, Square One, 4 Travis Street, Manchester M1 2NY (email: Penny.Carter@networkrail.co.uk). A reasonable copying charge may apply up to a maximum of £500 for the full suite of documents. Copies of individual documents are also available on request.

Further information about the proposals can also be obtained by telephoning Network Rail's national helpline on 03457 11 41 41.

Any objections to, or other representations about, the proposals in the application should be sent to the Secretary of State for Transport c/o Transport Infrastructure Planning Unit, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR (e-mail: [transportinfrastructure@dft.gov.uk](mailto:transportinfrastructure@dft.gov.uk)).

An objection or other representation MUST (i) be received by the Secretary of State on or before 17 May 2021, (ii) be made in writing (whether sent by post or e-mail), (iii) state the grounds of the objection or other representation, (iv) indicate who is making the objection or other representation, and (v) give an address to which correspondence relating to the objection or other representation may be sent. (If you are sending your objection or other representation by e-mail, please provide a postal address.)

Where an objection is made (and not withdrawn) by a person who is an owner, lessee, tenant or occupier of any land which is subject to compulsory purchase in the draft Order, and that person so requests in writing, the Secretary of State must hold a public local inquiry or otherwise give that person an opportunity to be heard. However, this rule will not apply where an objection appears to the Secretary of State to be frivolous or trivial, or to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information contained in them, and will copy them to the applicant for the order.

Signed: 

On behalf of: Network Rail Infrastructure Limited

Date: 31 March 2021

Name and Status of Signatory: Alex Davies, Head of Consents & Environment

#### SCHEDULE

Description of land and/or buildings affected by the proposed compulsory powers

No. on attached plan	Extent and description of land
4-020	Private road and footway (Green Street, Huddersfield)





THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY) IMPROVEMENTS) ORDER

Sheet No. 4

WORK NO. 1C (For section of Work No. 1C, see Sheet No. 28)

KEY

CENTRE LINE OF WORK

CENTRE LINE OF SUBSURFACE WORK

LIMIT OF DEVIATION

LIMIT OF LAND TO BE ACQUIRED OR USED

PROTECTIVE WORKS LIMIT

DISTRICT BOUNDARY

COMMENCEMENT OF WORK

TERMINATION OF WORK

COMMENCEMENT OF WORK AND TERMINATION OF WORK

NEW / IMPROVED ACCESS

EXISTING OR ALLEGED PUBLIC RIGHT OF WAY

NEW RIGHT OF WAY TO BE PROVIDED (EXCEPT WHERE PROVIDED OVER A SCHEDULED WORK)

Note: The area enclosed by any limit of deviation or by any limit of land to be acquired or used is the area extending to the outer edges of the line marking those limits.

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The draft Order also includes provision for the temporary use of land, the compulsory acquisition of rights only in land and rights to carry protective works to buildings, roads and apparatus of a statutory undertaker on land within the limits of the draft Order.

The land described in the Schedule to this notice in which it is believed you have an interest is subject to the exercise of the compulsory powers provided for in the draft Order as described above.

The application is to be made subject to an environmental impact assessment.

The application contains a statement that a direction for deemed planning permission is being applied for.

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Signed: 

On behalf of: Network Rail Infrastructure Limited

Date: 31 March 2021

Name and Status of Signatory: Alex Davies, Head of Consents & Environment

### SCHEDULE

Description of land and/or buildings affected by the proposed compulsory powers

No. on attached plan	Extent and description of land
4-008	Commercial building and hardstanding (Unit A, Castlegate Retail Park, St. John's Road, Huddersfield, HD1 5AT)
4-020	Private road and footway (Green Street, Huddersfield)



THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY) IMPROVEMENTS) ORDER

Sheet No. 4

WORK NO. 1C (For section of Work No. 1C, see Sheet No. 28)

KEY

CENTRE LINE OF WORK

CENTRE LINE OF SUBSURFACE WORK

LIMIT OF DEVIATION

LIMIT OF LAND TO BE ACQUIRED OR USED

PROTECTIVE WORKS LIMIT

DISTRICT BOUNDARY

COMMENCEMENT OF WORK

TERMINATION OF WORK

COMMENCEMENT OF WORK AND TERMINATION OF WORK

NEW / IMPROVED ACCESS

EXISTING OR ALLEGED PUBLIC RIGHT OF WAY

NEW RIGHT OF WAY TO BE PROVIDED (EXCEPT WHERE PROVIDED OVER A SCHEDULED WORK)

Note: The area enclosed by any limit of deviation or by any limit of land to be acquired or used is the area extending to the outer edges of the line marking those limits.

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**The Transport and Works Act 1992****The Transport and Works (Applications and Objections Procedure)  
(England and Wales) Rules 2006****The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order**

To: The Secretary  
Kinder Properties Limited  
c/o Walker Morris LLP  
Kings Court  
12 King Street  
Leeds  
LS1 2HL

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The application contains a statement that a direction for deemed planning permission is being applied for.

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Further information about the proposals can also be obtained by telephoning Network Rail's national helpline on 03457 11 41 41.

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On behalf of: Network Rail Infrastructure Limited

Date: 31 March 2021

Name and Status of Signatory: Alex Davies, Head of Consents & Environment

### **SCHEDULE**

Description of land and/or buildings affected by the proposed compulsory powers

<b>No. on attached plan</b>	<b>Extent and description of land</b>
4-020	Private road and footway (Green Street, Huddersfield)
4-041	Footway and hardstanding (Green Street, Huddersfield)
4-046	Footway to the north east of Green Street, Huddersfield
4-049	Footway to the north of Green Street, Huddersfield



THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN  
(DEWSBURY IMPROVEMENTS) ORDER

Sheet No. 4

WORK NO. 1C (For section of Work No. 1C, see Sheet No. 28)

KEY

- |             |  |
|-------------|--|
| _____       | CENTRE LINE OF WORK  |
| -----       | CENTRE LINE OF SUBSURFACE WORK   |
| - - - - -   | LIMIT OF DEVIATION   |
| -----       | LIMIT OF LAND TO BE ACQUIRED OR USED   |
| -----       | PROTECTIVE WORKS LIMIT   |
| -----+----- | DISTRICT BOUNDARY  |
| ○           | COMMENCEMENT OF WORK   |
| ●           | TERMINATION OF WORK  |
| ◐           | COMMENCEMENT OF WORK AND TERMINATION OF WORK                                     |
| A           | NEW / IMPROVED ACCESS  |
| _____       | EXISTING OR ALLGIED PUBLIC RIGHT OF WAY  |
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To: The Secretary  
Kinder Properties Limited  
c/o Walker Morris LLP  
Kings Court  
12 King Street  
Leeds  
LS1 2HL

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Where an objection is made (and not withdrawn) by a person who is an owner, lessee, tenant or occupier of any land which is subject to compulsory purchase in the draft Order, and that person so requests in writing, the Secretary of State must hold a public local inquiry or otherwise give that person an opportunity to be heard. However, this rule will not apply where an objection appears to the Secretary of State to be frivolous or trivial, or to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information contained in them, and will copy them to the applicant for the Order.

Signed: 

On behalf of: Network Rail Infrastructure Limited

Date: 31 March 2021

Name and Status of Signatory: Alex Davies, Head of Consents & Environment

### SCHEDULE

Description of land and/or buildings affected by the proposed compulsory powers

No. on attached plan	Extent and description of land
4-004	Commercial building (Unit 1, Castlegate Retail Park, St. John's Road, Huddersfield, HD1 5AN)
4-005	Private road and footways (Green Street, Huddersfield)
4-007	Commercial building (Unit B, Castlegate Retail Park, St. John's Road, Huddersfield, HD1 5AN)
4-008	Commercial building and hardstanding (Unit A, Castlegate Retail Park, St. John's Road, Huddersfield, HD1 5AT)
4-009	Commercial building (Unit 2, Castlegate Retail Park, St John's Road, Huddersfield, HD1 5AN)
4-010	Car park (Castlegate Retail Park, St John's Road, Huddersfield)
4-017	Commercial building (Castlegate Retail Park, St John's Road, Huddersfield)
4-019	Commercial building (Unit 3, Castlegate Retail Park, St. John's Road, Huddersfield, HD1 5AN)

4-020	Private road and footway (Green Street, Huddersfield)
4-025	Commercial building (Unit 4, Castlegate Retail Park, St. John's Road, Huddersfield, HD1 5AN)
4-026	Commercial building (Castlegate Retail Park, St John's Road, Huddersfield)
4-033	Hardstanding adjacent to Unit 4 Castlegate Retail Park, to the north of Green Street, Huddersfield
4-039	Storage unit (Unit 4, Castlegate Retail Park, St John's Road, Huddersfield, HD1 5AN)
4-041	Footway and hardstanding (Green Street, Huddersfield)
4-043	Hardstanding to the north of Green Street, Huddersfield
4-046	Footway to the north east of Green Street, Huddersfield
4-049	Footway to the north of Green Street, Huddersfield

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THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY) IMPROVEMENTS) ORDER

Sheet No. 4

WORK NO. 1C (For section of Work No. 1C, see Sheet No. 28)

KEY

CENTRE LINE OF WORK

CENTRE LINE OF SUBSURFACE WORK

LIMIT OF DEVIATION

LIMIT OF LAND TO BE ACQUIRED OR USED

PROTECTIVE WORKS LIMIT

DISTRICT BOUNDARY

COMMENCEMENT OF WORK

TERMINATION OF WORK

COMMENCEMENT OF WORK AND TERMINATION OF WORK

NEW / IMPROVED ACCESS

EXISTING OR ALLEGED PUBLIC RIGHT OF WAY

NEW RIGHT OF WAY TO BE PROVIDED (EXCEPT WHERE PROVIDED OVER A SCHEDULED WORK)

Note: The area enclosed by any limit of deviation or by any limit of land to be acquired or used is the area extending to the outer edges of the line marking those limits.

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**The Transport and Works Act 1992****The Transport and Works (Applications and Objections Procedure)  
(England and Wales) Rules 2006****The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order**

To: The Secretary  
R&D Yorkshire Limited  
Eagle House  
Stonebridge Road  
Eagle Way  
Northfleet  
Gravesend  
DA11 9BJ

**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 APPARATUS OF A STATUTORY UNDERTAKER**

Network Rail Infrastructure Limited ("Network Rail") of 1 Eversholt Street London NW1 2DN has applied to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992 for the above mentioned Order under sections 1 and 5 of that Act.

The draft Order seeks to authorise Network Rail to construct a new railway, including the upgrade and reconstruction of the existing railway, railway electrification works and associated works between Huddersfield and Westtown (Dewsbury). The draft Order also seeks to authorise Network Rail to construct station improvement works at Huddersfield and works for the construction or reconstruction of stations at Deighton, Mirfield and Ravensthorpe.

The draft Order provides for the compulsory purchase of rights in land, the extinguishment of rights over land rights and rights to temporarily use land and provides for rights to carry out protective works to buildings, roads and apparatus of a statutory undertaker on land within the limits of the draft Order.

The land described in the Schedule to this notice in which it is believed you have an interest is subject to the exercise of the compulsory powers provided for in the draft Order as described above.

The application is to be made subject to an environmental impact assessment.

The application contains a statement that a direction for deemed planning permission is being applied for.

A copy of the application, and of all plans and other documents submitted with it, may be viewed and downloaded from Network Rail's website at <https://www.networkrail.co.uk/TranspennineEngagement> from 31 March 2021. Copies of the documents may also be obtained from Penny Carter, Network Rail Infrastructure Limited, 3rd Floor, Square One, 4 Travis Street, Manchester M1 2NY (email: Penny.Carter@networkrail.co.uk). A reasonable copying charge may apply up to a maximum of £500 for the full suite of documents. Copies of individual documents are also available on request.

Further information about the proposals can also be obtained by telephoning Network Rail's national helpline on 03457 11 41 41.

Any objections to, or other representations about, the proposals in the application should be sent to the Secretary of State for Transport c/o Transport Infrastructure Planning Unit, Department for

Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR (e-mail: transportinfrastructure@dft.gov.uk).

An objection or other representation MUST (i) be received by the Secretary of State on or before 17 May 2021, (ii) be made in writing (whether sent by post or e-mail), (iii) state the grounds of the objection or other representation, (iv) indicate who is making the objection or other representation, and (v) give an address to which correspondence relating to the objection or other representation may be sent. (If you are sending your objection or other representation by e-mail, please provide a postal address.)

Where an objection is made (and not withdrawn) by a person who is an owner, lessee, tenant or occupier of any land which is subject to compulsory purchase in the draft Order, and that person so requests in writing, the Secretary of State must hold a public local inquiry or otherwise give that person an opportunity to be heard. However, this rule will not apply where an objection appears to the Secretary of State to be frivolous or trivial, or to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information contained in them, and will copy them to the applicant for the order.

Signed: 

On behalf of: Network Rail Infrastructure Limited

Date: 31 March 2021

Name and Status of Signatory: Alex Davies, Head of Consents & Environment

#### SCHEDULE

Description of land and/or buildings affected by the proposed compulsory powers

No. on attached plan	Extent and description of land
4-020	Private road and footway (Green Street, Huddersfield)



THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN  
(DEWSBURY) IMPROVEMENTS) ORDER

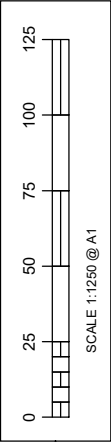
Sheet No. 4

WORK NO. 1C (For section of Work No. 1C, see Sheet No. 28)

KEY	
	CENTRE LINE OF WORK
	CENTRE LINE OF SUBSURFACE WORK
	LIMIT OF DEVIATION
	LIMIT OF LAND TO BE ACQUIRED OR USED
	PROTECTIVE WORKS LIMIT
	DISTRICT BOUNDARY
	COMMENCEMENT OF WORK
	TERMINATION OF WORK
	COMMENCEMENT OF WORK AND TERMINATION OF WORK
	NEW / IMPROVED ACCESS
	EXISTING OR ALLEGED PUBLIC RIGHT OF WAY
	NEW RIGHT OF WAY TO BE PROVIDED (EXCEPT WHERE PROVIDED OVER A SCHEDULED WORK)

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(England and Wales) Rules 2006****The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order**

To: The Secretary  
R&D Yorkshire Limited  
Eagle House  
Stonebridge Road  
Eagle Way  
Northfleet  
Gravesend  
DA11 9BJ

**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 APPARATUS OF A STATUTORY UNDERTAKER**

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The draft Order also includes provision for the temporary use of land, the compulsory acquisition of rights only in land and rights to carry protective works to buildings, roads and apparatus of a statutory undertaker on land within the limits of the draft Order .

The land described in the Schedule to this notice in which it is believed you have an interest is subject to the exercise of the compulsory powers provided for in the draft Order as described above.

The application is to be made subject to an environmental impact assessment.

The application contains a statement that a direction for deemed planning permission is being applied for.

A copy of the application, and of all plans and other documents submitted with it, may be viewed and downloaded from Network Rail's website at <https://www.networkrail.co.uk/TranspennineEngagement> from 31 March 2021. Copies of the documents may also be obtained from Penny Carter, Network Rail Infrastructure Limited, 3rd Floor, Square One, 4 Travis Street, Manchester M1 2NY (email: Penny.Carter@networkrail.co.uk). A reasonable copying charge may apply up to a maximum of £500 for the full suite of documents. Copies of individual documents are also available on request.

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Signed: 

On behalf of: Network Rail Infrastructure Limited

Date: 31 March 2021

Name and Status of Signatory: Alex Davies, Head of Consents & Environment

### SCHEDULE

Description of land and/or buildings affected by the proposed compulsory powers

No. on attached plan	Extent and description of land
4-005	Private road and footways (Green Street, Huddersfield)
4-008	Commercial building and hardstanding (Unit A, Castlegate Retail Park, St. John's Road, Huddersfield, HD1 5AT)
4-010	Car park (Castlegate Retail Park, St John's Road, Huddersfield)
4-020	Private road and footway (Green Street, Huddersfield)





THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY) IMPROVEMENTS) ORDER

Sheet No. 4

WORK NO. 1C (For section of Work No. 1C, see Sheet No. 28)

KEY

CENTRE LINE OF WORK

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