

DPI/Z4718/21/6

**Stopping-Up and Diversion Order – Holmfirth, West Yorkshire,
Footpath 60**

NOTE OF PRE-INQUIRY MEETING (HELD 3 AUGUST 2021)

1. Introductions

- a. The Inspector, Malcolm Rivett, introduced himself, explained the purpose of the Pre-Inquiry Meeting (to discuss practical and procedural issues for the Inquiry and not the merits of the order) and the role of the Programme Officer, Yvonne Parker. He then asked the other participants to introduce themselves.

2. Definitive Map Modification Order (DMMO) – current situation and implications for this Inquiry

- a. There is disagreement between the applicant and Kirklees Council as to the effects and implications of the proposed DMMO, were it to be confirmed and were the s247 order to be made.
- b. However, in the light of a specific request from the Council, the Department for Transport has not chosen to postpone this Inquiry. Furthermore, the applicant has indicated that he does not wish to

withdraw the stopping-up application or request that the Inquiry is postponed.

- c. In respect of the submission of objections and statements of case/proofs of evidence the Department of Transport advised all parties of the process and deadline dates a number of months ago.
- d. In the light of this the Inspector concludes that there is no reason why the Inquiry should not proceed as planned commencing on 24 August 2021.

3. Virtual Inquiry Procedure

- a. The Inspector explained that the Inquiry would be held virtually on MS Teams and that it is likely to sit for three sessions of around 1.5 hours each day.

4. Inquiry Participants (promoter and interested parties)

- a. The applicant will be represented by an advocate and will present 6 witnesses.
- b. Kirklees Council will be represented by an advocate and will present 1 witness.
- c. A number of other parties (not represented by advocates) will speak either in support of or objection to the order, most of whom were at the Pre-Inquiry meeting.
- d. Any other person wishing to speak at the Inquiry who has not already advised the Programme Officer of this should do so immediately.

5. Inquiry format and programme

- a. The following format for the Inquiry will be followed:
 - i. Opening of Inquiry by the Inspector;

- ii. Opening Statement on behalf of the applicant;
 - iii. Opening Statement on behalf of Kirklees Council;
 - iv. Presentation of evidence by other parties who do not wish to stay for the whole Inquiry;
 - v. Evidence in chief, cross examination and then re-examination of the applicant's witnesses;
 - vi. Evidence in chief, cross examination and then re-examination of the Kirklees Council witness;
 - vii. Presentation of evidence by other parties who have not already spoken;
 - viii. Closing Statement on behalf of Kirklees Council;
 - ix. Closing Statement on behalf of the applicant;
 - x. Arrangement for further site visit (if necessary);
 - xi. Close of Inquiry.
- b. Written rebuttal statements are not required but will be accepted if submitted by 18:00 on 17 August 2021.
 - c. Advocates should provide the Programme Officer with time estimates for the presentation of evidence by their witnesses and for cross examination of each witness by 18:00 on 17 August 2021.
 - d. Following receipt of the time estimates a programme for the Inquiry will be published by the Programme Officer.

6. Main Issues for the Inquiry

- a. The main issues on which the Inspector wishes to hear evidence at the Inquiry are (i) whether the stopping-up and diversion of the footpath are

necessary to enable the implementation of an extant planning permission and (ii) whether any disadvantage arising from the stopping-up and diversion would justify not making the order.

- b. In the light of the nature of some of the written evidence submitted and comments made at the Pre-Inquiry Meeting, the Inspector wishes to politely emphasise to all parties that it is evidence directly relating to the benefits and disbenefits of the footpath stopping-up/diversion that he needs to read and hear and not comments on the motivations of any party.

7. Core Document Library

- a. All documents and evidence for the Inquiry are available on the Inquiry website - <https://programmeofficers.co.uk/holmfirth/>

8. Site Visit(s)

- a. The Inspector advised that he had already visited the area and walked the relevant sections of path and road. He will indicate at the close of the Inquiry whether or not he sees the need to undertake a further site visit.

9. Key Deadlines

- a. Submission of statements of case/proofs of evidence – 23:59 on 3 August 2021 (already passed)
- b. Submission of time estimates from advocates – 18:00 on 17 August 2021
- c. Submission of any written rebuttal statements – 18:00 on 17 August 2021

d. Opening of Inquiry – 10:00 on 24 August 2021
(subsequent days may commence at 09:30)

Malcolm Rivett, Inspector

4 August 2021