

Re: NATTRAN/Y&H/ S247/4337 - Closing Statement - Stopping Up and Diversion of part of Holmfirth Footpath 60

Noel Scanlon

Mon 24/01/2022 15:20

To:

Sandra Haigh <Sandra.Haigh@kirklees.gov.uk>;

yvonneparker@programmeofficers.co.uk;

Cc:

Anthony Gill <AGill@kingschambers.com>;

Phil Champion <Phil.Champion@kirklees.gov.uk>;

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3 attachments

Dear Mrs. Haigh (Yvonne, I am writing to you separately, following receipt of your email this morning) Please find attach a letter with relevant enclosures/attachments in response to your correspondence below on Friday 21st January 2022, which contains a number of questions for the Council.

Yours sincerely

Noel

Noel Scanlon *Solicitor, BA(Hons), MSc, MCIWM*

Director & Consultant

NSCL

Tel: [07921 385901](tel:07921385901)

Email: noel.scanlon@nsconsult.co.uk

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From: Sandra Haigh <Sandra.Haigh@kirklees.gov.uk>

Sent: 21 January 2022 13:55

To: yvonneparker@programmeofficers.co.uk

Cc: Noel Scanlon; Anthony Gill; Phil Champion

Subject: RE: NATTRAN/Y&H/ S247/4337 - Closing Statement - Stopping Up and Diversion of part of Holmfirth Footpath 60

Dear Yvonne

As requested I am attaching the Council's written comments on the U/U.

Kind regards

Sandra Haigh

Kirklees Council Legal Services
High Street Buildings
High Street
Huddersfield
HD1 2ND

From: yvonneparker@programmeofficers.co.uk <yvonneparker@programmeofficers.co.uk>
Sent: 18 January 2022 15:11
To: 'Noel Scanlon' <noel.scanlon@nsconsult.co.uk>
Cc: 'Anthony Gill' <AGill@kingschambers.com>; Sandra Haigh <Sandra.Haigh@kirklees.gov.uk>
Subject: RE: NATTRAN/Y&H/ S247/4337 - Closing Statement - Stopping Up and Diversion of part of Holmfirth Footpath 60
Importance: High

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Good afternoon

The Inspector would like the Council's written comments on the UU as soon as possible and their comments at the same time as on Mr Scanlon's email; the latter to be submitted only if the Council believe this to be strictly relevant to my recommendation on the Order.

The Inspector does not then envisage accepting any more written evidence and anything further on the UU can be raised at the resumed Inquiry.

Kind regards

Yvonne Parker

01282 450522 / 0781 333 4305

Programme Officer Services Limited

www.programmeofficers.co.uk

From: Noel Scanlon <noel.scanlon@nsconsult.co.uk>
Sent: Friday, January 14, 2022 4:00 PM
To: yvonneparker@programmeofficers.co.uk
Cc: 'Anthony Gill' <AGill@kingschambers.com>; Sandra Haigh <Sandra.Haigh@kirklees.gov.uk>
Subject: Re: NATTRAN/Y&H/ S247/4337 - Closing Statement - Stopping Up and Diversion of part of Holmfirth Footpath 60

Dear Yvonne

As has been requested, please find attached a Draft s.106 Unilateral Undertaking, with:

- Two written and up to date quotations for the proposed verge works - the proposed Verge Works Contribution of being based on the higher quote, inclusive of VAT, rounded up to the nearest £1,000
- HMLR Office Copy Entries, though the plan is showing the HMLR 'MapSearch' area only, as the plan is far too large - we are making arrangements to be able to email this when final documents are submitted, as will the Register
- Appendix 1 Plan of the Verge areas relative to the owner's land
- Appendix 2 Draft Order Plan for reference in the UU

Please note that we have also sent a tracked changes version to the Council following earlier exchanges, but the Council has now informed that it will be resisting the works and not applying the sum proposed under the UU. The Inspector should note that copies of all correspondence between NSCL and the Council representatives can be issued without difficulty.

Please could I ask you to kindly acknowledge receipt of this email and its attachments.

Thank you in advance.

Kind regards

Noel Scanlon *Solicitor, BA(Hons), MSc, MCIWM*

Director & Consultant

NSCL

Tel: [07921 385901](tel:07921385901)

Email: noel.scanlon@nsconsult.co.uk

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From: yvonneparker@programmeofficers.co.uk <yvonneparker@programmeofficers.co.uk>

Sent: 05 January 2022 12:09

To: Noel Scanlon; 'Anthony Gill'

Subject: RE: NATTRAN/Y&H/ S247/4337 - Closing Statement - Stopping Up and Diversion of part of Holmfirth Footpath 60

Noel/Tony

Please submit the UU by 5pm on Friday 14 January 2022.

Many thanks

Kind regards

Yvonne Parker

01282 450522 / 0781 333 4305

Programme Officer Services Limited

www.programmeofficers.co.uk

From: Noel Scanlon <noel.scanlon@nsconsult.co.uk>

Sent: Tuesday, January 4, 2022 2:26 PM

To: yvonneparker@programmeofficers.co.uk

Subject: Re: NATTRAN/Y&H/ S247/4337 - Closing Statement - Stopping Up and Diversion of part of Holmfirth Footpath 60

Hello Yvonne

Yes there is. In accordance with the Inspector's request in Inquiry Note 1, we are submitting that in substantial draft form two weeks before the Inquiry reconvenes for one day.

As we have put in Closing, the Council has said that they are not going to engage with the UU and will not be accepting it, but we are just giving it a chance to change its mind this week, because it is possible that the draft UU has been completely dismissed based on a misunderstanding as to when it had to be submitted to the Inspector. I am chasing the Council for a response this week.

I have received your separate email on the proposed dates for that and have responded separately.

Kind regards

Noel

Noel Scanlon *Solicitor, BA(Hons), MSc, MCIWM*

Director & Consultant

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Tel: [07921 385901](tel:07921385901)

Email: noel.scanlon@nsconsult.co.uk

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From: yvonneparker@programmeofficers.co.uk <yvonneparker@programmeofficers.co.uk>

Sent: 04 January 2022 13:39

To: Noel Scanlon

Subject: RE: NATTRAN/Y&H/ S247/4337 - Closing Statement - Stopping Up and Diversion of part of Holmfirth Footpath 60

Noel

Is there a UU to be submitted?

Thanks

Kind regards

Yvonne Parker

01282 450522 / 0781 333 4305

Programme Officer Services Limited

www.programmeofficers.co.uk

From: Noel Scanlon <noel.scanlon@nsconsult.co.uk>
Sent: Friday, December 31, 2021 4:25 PM
To: yvonneparker@programmeofficers.co.uk
Cc: Anthony Gill <AGill@kingschambers.com>; Noel Scanlon <noel.scanlon@nsconsult.co.uk>; nationalcasework@dft.gov.uk
Subject: NATTRAN/Y&H/ S247/4337 - Closing Statement - Stopping Up and Diversion of part of Holmfirth Footpath 60
Importance: High

Dear Yvonne
Please find attached:

1. Final Closing statement on behalf of the Applicant
2. Case reports for Judgments referred to in Applicant Closing, being:
 - *R (ex p Network Rail Infrastructure Ltd) v Secretary of State for the Environment, Food and Rural Affairs [2017] EWHC 2259 (Admin)*; (**NB.** also attached for completeness the subsequent affirming Court of Appeal case: *[2018] EWCA Civ 2069*)
 - *Scottish Widows plc v Cherwell DC [2013] EWHC 3968 (Admin)*
 - *R (ex p BeeBee) v Poole BC [1990] 12 WLUK 320* (**NB.** summary only available)
3. Kirklees Council Delegated Authority Report dated 15 Dec 2021, concerning the Section 106 Unilateral Undertaking
4. 'Final Comment on Respective Closing Submissions' agreed between myself and Mr. Gill outlining outstanding disagreement with each other's Closings (as requested by the Inspector in Inquiry Note 1)

I thought that it was better to have the areas of outstanding disagreement as one document, for ease of reference by the Inspector. Mr. Gill has completed this with me and the document is agreed between us, which I am sure he will confirm.

Although shared with and seen already by me, in the interests of propriety, Mr. Gill (cc'd) will send you his final Closing for the Council separately.

I would be grateful if you could please kindly acknowledge receipt.

Other than this, have a very good New Year's Eve.

Kind regards

Noel

Noel Scanlon *Solicitor, BA(Hons), MSc, MCIWM*

Director & Consultant

NSCL

Tel: 07921 385901

Email: noel.scanlon@nsconsult.co.uk

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