

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

Noel Scanlon

Wed 26/01/2022 01:06

To:

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

This message was sent with high importance.

You forwarded this message on 26/01/2022 22:22.

1 attachment

Dear Mrs. Haigh

Following the Inquiry Programme Officer's email below, whilst not compelled, it would obviously assist all parties if the Council would respond to the questions in my letter of 24th January 2022, issued to you by email and attached by way of reminder.

The Council is to be the recipient of monies to contribute towards the specific purposes of works to the verge on Wolfstones Road and so despite its position, has an interest in how matters are concluded with the planning obligation.

Please, where you are going to respond to the letter, could I politely ask you to do so by 17:00 on Thursday 27th January 2022, so that all information is received prior to the Inquiry re-convening the following day. Should we not hear from you by this time, then we shall presume that you do not wish to respond to the said letter.

Again, it is understood in advance that the Council is under no obligation to provide a response. Where that is your intention, it would be helpful if you could please simply notify through a short email response to that effect.

Thank you in advance, in either case.

Yours sincerely

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

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

Sent: 25 January 2022 16:27

To: Noel Scanlon

Cc: 'Sandra Haigh'; 'Anthony Gill'

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

Dear Mr Scanlon

In response to your emails over the past few days:

The third sentence of the Inspector's Update Note makes absolutely clear that the Applicant will have the 'final word' on the matter of the UU – "The Council has already submitted written comments on the UU and, in line with Inquiry Note 1, the Applicant should now submit an

*executed version of the undertaking by **12 noon on Friday 11 February 2022 together with any written response to the Council's comments he wishes to make.***"

This case is proceeding by formal Public Inquiry, not an informal hearing. Whilst an open discussion would have been suitable to briefly discuss the UU had it been largely uncontroversial, the Inspector considers it is not an appropriate means of airing the level of disagreement which clearly exists in respect of it. It is not for advocates to present verbal evidence at a formal Public Inquiry nor to cross examine each other and you have not requested to recall a witness to give evidence on the UU. In any case, having seen the draft UU, the Council's comments on it and your initial (although not final) response to those comments, the Inspector is satisfied that dealing with this matter in writing will be the most appropriate and expeditious way of him considering it.

The Inspector appreciates your concern in respect of the Council having had the "last comment" in closing submissions. Consequently, he has indicated that you are welcome to read out a brief addendum to your closing submissions at the Inquiry, addressing (and only addressing) the points set out in red "track changes" in the Council's closing submissions. A written copy of this addendum will be required to be submitted by **5pm on Thursday 27 January 2022**.

Finally, I would like to remind you of the Inspector's request for a response to his queries on paragraph 289 of the Applicant's Closing Statement by **5pm on Wednesday 26 January 2022**.

Many thanks

Kind regards
Yvonne Parker
01282 450522 / 0781 333 4305
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