

Re: Footpath 60 Section 247 Public Inquiry - Section 106 Unilateral Undertaking for Proposed Works to the Verge on Wolfstones Road

Noel Scanlon

Fri 08/10/2021 13:27

To:

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

Cc:

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

Ayoob Akhtar <Ayoob.Akhtar@kirklees.gov.uk>;

Mark Scarr <Mark.Scarr@kirklees.gov.uk>;

Deborah Wilkes <Deborah.Wilkes@kirklees.gov.uk>;

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You forwarded this message on 26/10/2021 21:38.

Dear Mrs. Haigh

We were reaching for the Council's assistance so far as works to the verge are concerned and this is why proposals were provided in advance.

Again, there is no reason that your Engineers could not comment on this now; this has in fact been the case since 17th September and your message now appears to be a departure from that of Ms. Wilkes' holding response on 17th September. The Council's message now appears to be that your Engineers will not comment until it is formally included as part of a draft UU.

Therefore, we shall simply send a more substantial UU with the same proposed works in the relevant schedule. We have commissioned a new architect plan to specifically identify the verges. I am informed that this will arrive on Monday/Tuesday next week, at which point I shall send the draft UU.

The only thing that will be missing is the financial contribution, because that is dependant on your/the Council's Engineers' opinion on the verge works proposed. That of course does not prevent your Engineers from offering their own justified opinion on the financial sum required, should they agree or accept the proposed works.

Kind regards

Noel

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

Sent: 06 October 2021 17:32

To: Noel Scanlon

Cc: Phil Champion; Ayoob Akhtar; Mark Scarr; Deborah Wilkes

Subject: RE: Footpath 60 Section 247 Public Inquiry - Section 106 Unilateral Undertaking for Proposed Works to the Verge on Wolfstones Road

Dear Mr Scanlon

Thank you for your email.

For clarification any feedback from the council including the engineers would be in response to any drafted unilateral undertaking that you submit and not prior to then.

As I said in my earlier email the council will review your unilateral undertaking once received and if you send it to me I can circulate for review.

Kind regards

Sandra Haigh

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

From: Noel Scanlon [mailto:noel.scanlon@nsconsult.co.uk]

Sent: 06 October 2021 16:48

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

Cc: Phil Champion <Phil.Champion@kirklees.gov.uk>; Ayoob Akhtar <Ayoob.Akhtar@kirklees.gov.uk>; Mark Scarr <Mark.Scarr@kirklees.gov.uk>; Deborah Wilkes <Deborah.Wilkes@kirklees.gov.uk>

Subject: Re: Footpath 60 Section 247 Public Inquiry - Section 106 Unilateral Undertaking for Proposed Works to the Verge on Wolfstones Road

Dear Mrs. Haigh

I think respectfully we might be talking at crossed purposes.

A Section 106 UU is just about drafted and I am waiting for feedback from you/your engineers to include the relevant works in the relevant Schedule, so that you may have a more substantial draft UU.

My enquiry was about the type of surfacing/works your Highways engineers would ideally like to see, given that this is a slight departure from the usual by-the-book pavement, it is simply a change of surface on the areas of the verges. My approach was such that this could be agreed (or not) by the Council's Highways Engineers. Where it was agreed, the amount of monies that would come forward could be ascertained. Where it was not agreed, then the Council would explain why and either (i) Mr. Butterfield would look to alternative surface works that would satisfy the Council following that feedback; or (ii) submit based on his own advice without the Council's Engineers' input.

We are trying to work with the Council to establish a surface change it would be satisfied with. This is why I sent the initial email to John Chapman on 17 September 2021 at 15:18 (attached for reference).

Are you able to provide any feedback on that, so that I may consider it for inclusion in the draft UU before I send it to you?

Where of course the Council does not wish to engage in this, then as I have said already in the attached email to Mr. Chapman on 17th September, please could you let us know immediately and, ideally, please explain why for the purposes of the Inquiry to be reconvened for this matter and closing submissions in due course. On that basis, we shall simply submit a form of s.106 UU with appropriate money undertakings for works and explain that the Council has not wished to engage in the process of its compilation or content, as of course is the Council's right here.

Thank you in advance.

Kind regards

Noel

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From: Sandra Haigh <Sandra.Haigh@kirklees.gov.uk>
Sent: 06 October 2021 16:07
To: Noel Scanlon
Cc: Phil Champion; Ayoo Akhtar; Mark Scarr; Deborah Wilkes
Subject: RE: Footpath 60 Section 247 Public Inquiry - Section 106 Unilateral Undertaking for Proposed Works to the Verge on Wolfstones Road

Dear Mr Scanlon

Thank you for your emails of the 17 and 30 September.

I have been in contact with colleagues on your emails and I am responding to let you know that whilst the council will review any unilateral undertaking you submit it will need to be your drafted document.

If you submit your drafted unilateral undertaking I can then circulate for review

Kind regards

Sandra Haigh

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

Tel 01484 221000(Automated switchboard ask for officer by name)

From: Noel Scanlon [<mailto:noel.scanlon@nsconsult.co.uk>]
Sent: 06 October 2021 10:54
To: Sandra Haigh <Sandra.Haigh@kirklees.gov.uk>
Cc: Phil Champion <Phil.Champion@kirklees.gov.uk>
Subject: Fw: Footpath 60 Section 247 Public Inquiry - Section 106 Unilateral Undertaking for Proposed Works to the Verge on Wolfstones Road

Dear Mrs. Haigh
Please may I hear from you on this matter. Have you received feedback from your Highways Engineers?
Thank you in advance.
Kind regards
Noel

Noel Scanlon *Solicitor, BA(Hons), MSc, MCIWM*
Director & Consultant
NSCL
Tel: 07921 385901
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From: Noel Scanlon
Sent: 30 September 2021 10:17
To: Deborah Wilkes
Cc: Sandra Haigh; Phil Champion
Subject: Re: Footpath 60 Section 247 Public Inquiry - Section 106 Unilateral Undertaking for Proposed Works to the Verge on Wolfstones Road

Thank you for the response Deborah. I look forward to hopefully hearing from Sandra Haigh today.
Kind regards
Noel

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From: Deborah Wilkes <Deborah.Wilkes@kirklees.gov.uk>
Sent: 30 September 2021 08:47
To: Noel Scanlon
Cc: Sandra Haigh; Phil Champion
Subject: RE: Footpath 60 Section 247 Public Inquiry - Section 106 Unilateral Undertaking for Proposed Works to the Verge on Wolfstones Road

Hello. Thanks for your email. This matter is my colleagues, Sandra Haigh..I was minding it during her annual leave, but shes back now so Im copying this to her. Regards, Deborah

From: Noel Scanlon <noel.scanlon@nsconsult.co.uk>
Sent: 29 September 2021 15:09
To: Deborah Wilkes <Deborah.Wilkes@kirklees.gov.uk>
Cc: Phil Champion <Phil.Champion@kirklees.gov.uk>; Sandra Haigh <Sandra.Haigh@kirklees.gov.uk>
Subject: Re: Footpath 60 Section 247 Public Inquiry - Section 106 Unilateral Undertaking for Proposed Works to the Verge on Wolfstones Road

Dear Deborah
Thank you for your email below. Have you heard back from the Highways Engineers yet?
I have a first draft Section 106 UU just about ready to send to you, but was hoping to have as much information as possible from you/your Engineers to include the schedule of proposed works.
I look forward to hearing from you. Many thanks in advance.
Kind regards
Noel

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From: Deborah Wilkes <Deborah.Wilkes@kirklees.gov.uk>
Sent: 17 September 2021 16:49
To: Noel Scanlon
Cc: Phil Champion; Sandra Haigh
Subject: Footpath 60 Section 247 Public Inquiry - Section 106 Unilateral Undertaking for Proposed Works to the Verge on Wolfstones Road

Hello, thank you for your email of 17th September. The Council is asked as set out below.

Please could you therefore take instructions from your Highways Engineers on the above. The form of draft s.106 will follow for your consideration next week. Obviously the works proposals will form part of the Schedule for that s.106 UU.

I note your request but the council is not able to meet your timescale. The relevant highways officer has said that he will not be able to consider this until mid-next week. Given the adjourned inquiry I trust that timescale is acceptable for an initial response.

Regards, Deborah

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