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Ms. Yvonne Parker
Programme Officer, Programme Officer Services Ltd.
Programme Officer for Public Inquiry on Holmfirth Footpath 60 Stopping Up and Diversion)

By email only: yvonneparker@programmeofficers.co.uk

15th December 2021

Dear Yvonne

Application under Section 247 Town and Country Planning Act 1990 ('TCPA') for Stopping Up and Diversion of Part of Holmfirth Footpath 60 - Public Inquiry Closing Submissions Definitive Map Modification Order ('DMMO') on Part of Holmfirth Footpath 60 (the 'Footpath')

I write specifically in relation to the above matter, being the separate DMMO application relating to allegations on alignment and width of part of Holmfirth Footpath 60, part of which is the subject of this application under Section 247 TCPA.

I would be grateful if you could please pass this letter immediately to the Inspector, so that Mr. Gill and I may be guided in exchanging draft Closing Statements, the first exchange of which is on Friday 17th December 2021.

My apologies to seemingly be so late in raising this, but it has transpired during my preparation of the first draft of Closing that all parties would need to be clear on the position. Otherwise, things that would ordinarily be put into the Closing Statement would be inadvertently omitted, or vice versa things, insofar as things that should not be in the Closing Statements would be included unnecessarily.

Issues pertaining to the separate DMMO pervaded the Inquiry in parts. However, the Inspector was helpful during the Inquiry on this point, insofar as it was explained that the DMMO, which relates to allegations on alignment and width of the Footpath (which is unconfirmed and it would appear some considerable way from being examined), was not a matter for him or the Secretary of State in determining the application.

More specifically, on the final afternoon of the Inquiry before it was paused on 27th August 2021, at the latter stages of cross-examination of the Council's only witness, the Inspector intervened and clearly stated that, quite simply, he was not going to take any evidence at all that related to the separate DMMO application.

We (the applicant's representatives) take this to be all-encompassing, insofar as no party should submit any such evidence, or in the alternative, any evidence relating to the DMMO application that is submitted will not be considered as part of the recommendation and determination of this application pursuant to Section 247 TCPA.

Please, if possible, and without in any way wishing to be discourteous or overstep any boundaries, could you ask the Secretary of State Inspector to clarify that he will not be taking into account any evidence or considering any matter relating to the separate DMMO application in his reporting and recommendations to the Secretary of State.

In the alternative, should I have misinterpreted his position as stated on the final afternoon of Witness Examination at the Inquiry (in which case please again do accept my apologies), please could I ask the Inspector to clarify his position before final Closing Submissions are submitted on 31st December 2021.

Of course, it goes without saying that the Inspector is not in any way obliged to respond or assist here. Nevertheless, he can hopefully see that this would assist all concerned and potentially streamline the Closing Submissions.

I have copied Mr. Gill and his instructing KMC Legal Officer, Ms. Haigh, in the interests of form, but also so that they too may be guided prior to us finalising and agreeing (or agreeing as to where we disagree) our respective Closing Statements for submission by 31st December 2021.

Thank you for your assistance and for that of the Inspector.

Yours sincerely

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

Director & Consultant

For and on behalf of NSCL

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Cc.: Mr. A Gill, of Counsel, and Mrs. S. Haigh, KMC Legal (by email only): agill@ ;
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