

DPI/Z4718/21/6

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

INQUIRY NOTE 1

1. After sitting on 24 – 27 August 2021 I adjourned the Inquiry and indicated to the participants that the following approach would apply in connection with the Inquiry’s resumption to hear closing submissions from Kirklees Council and the Applicant and to hold, if necessary, a roundtable discussion on any Unilateral Undertaking:

Closing Submissions

2. Given the nature of the written evidence and comments made throughout the Inquiry I am concerned that there is the potential for the closing submissions of the Council and Applicant to be the subject of significant and repeated challenge from the opposing side in terms of their accuracy.
3. Consequently, in advance of the resumption of the Inquiry, I am requiring the Applicant and Council to exchange written copies of their closing submissions with the aim of reaching agreement over their accuracy. These parties are, of course, unlikely to agree on the merits of the Stopping-Up and Diversion Order; however, I expect them to make **every effort** to reach agreement that the closing submissions accurately reflect what was said and happened at the Inquiry. Once agreement has been reached both parties should

advise me of this in writing via the Programme Officer, attaching the agreed submissions. Arrangements will then be put in place to resume the Inquiry as soon as possible.

4. If the Council and Applicant are unable to agree the accuracy of the closing submissions by 31 December 2021, then I should be advised of this in writing attaching the closing submissions and clear written statements from each party as to the parts of the other's statement the accuracy of which they challenge and the reasons for that. Arrangements will then be put in place to resume the Inquiry as soon as possible, at which the closing submissions of each party would be presented. There will be no opportunity for the Applicant or Council to verbally challenge the accuracy of the other's submissions. **However, I emphasise that I expect both parties to make every effort to agree the submissions before 31 December 2021.**
5. The closing submissions of each party should also make clear which, if any, parts of them relate directly to verbal evidence given by the Council's witness in "evidence in chief".

Unilateral Undertaking

6. Should the Applicant wish to put a Unilateral Undertaking before the Inquiry, a final draft of this must be submitted to the Programme Officer no later than 2 weeks prior to the resumed Inquiry. An executed version of the undertaking must be submitted to the Programme Officer no later than 2 weeks after the close of the resumed Inquiry.

Costs Applications

7. Whilst I am not inviting any costs applications should any party be intending to make one then this must be submitted in writing via

the Programme Officer before the closure of the resumed Inquiry. The relevant party will be given the opportunity to respond in writing and the costs applicant will then be able to make final written comments on the costs application. Arrangements and deadlines for these written comments will be set out at the resumed Inquiry but, otherwise, there will be no discussion of the costs application(s) at the Inquiry.

Malcolm Rivett

INSPECTOR

31 August 2021