

THE NETWORK RAIL (HUDDERSFIELD TO WESTTOWN (DEWSBURY) IMPROVEMENTS) ORDER 20[]

Transport and Works Act Order

Request for Deemed Planning Permission

Application for Certificate in Relation to Acquisition of Rights over Open
Space

Applications for Listed Building Consent

Note of Pre-Inquiry Meeting

1. Introduction

- 1.1 At the start of the meeting **Paul Singleton BSc MA MRTPI** introduced himself as the Inspector appointed by the Secretaries of State to conduct the public inquiry into Network Rail's proposals in relation to the upgrading and improvement of the railway network between Huddersfield and Westtown in Dewsbury. He explained the broad scope of the Inquiry and the purpose of the Pre-Inquiry Meeting (PIM).
- 1.2 The Inspector advised that his role is to review and consider the objections to the draft Order and related applications, to review and assess the evidence presented orally and in writing, and to submit a report and recommendations to the Secretary of State for Transport (in respect of the proposed Transport and Works Act Order (TWAO) and related compulsory acquisition) and the Secretary of State for Housing, Communities and Local Government (in respect of the application for deemed planning permission, the Listed building Applications and the Certificate in relation to the acquisition of land designated as Public Open Space). The Secretaries of State will issue their decisions on these matters following their receipt and consideration of the Inspector's report.

2. Programme Officer and Inquiry Website

- 2.1 **Mrs Joanna Vincent** has been appointed as the Programme Officer (PO) for the Inquiry. She is a neutral officer of the Inquiry, responsible to the Inspector. Her main duties, under the direction of the Inspector are:

- 1) keeping records of those attending the pre-Inquiry meeting and Inquiry;
- 2) organising and keeping under review the Inquiry programme;
- 3) organising practical arrangements for the Inquiry, including co-ordinating and advising on appearances;
- 4) acting as a contact between participants and the Inspector;
- 5) co-ordinating the receipt and distribution of documents;

6) holding a master set of all documents (inc. Inquiry Library) and maintaining document lists; and
7) planning site visits.

2.2 She will play no part in the Inspector's report to the Secretary of State beyond helping with the collation of lists of those appearing at the Inquiry and of Inquiry documents, which will be appended to it.

2.3. The PO's contact details are given below:

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| Mrs Joanna Vincent | |
| Telephone No. | 01483 230164 |
| Mobile No. | 07483 133975 |
| Email address | Joanna.vincent@gateleyhamer.com |
| Postal address | 2000 Cathedral Square, Cathedral Hill, Guildford GU2 7Y |

Website

2.4 The PO is in the process of setting up an Inquiry website where all the Inquiry documents including Core Documents, Proofs of Evidence and the most up to date version of the Inquiry Programme will be available for everyone to see.

2.5 The website can be accessed via the <https://gateleyhamer-pi.com/en-gb/huddersfield-westtown/>.

3. Purpose and Scope of the Public Inquiry

3.1 The Inquiry has been convened to consider the applications made by Network Rail in relation to its proposals for the upgrading and improvement of that part of the Transpennine railway between Huddersfield and Westtown in Dewsbury. These applications include:

- An application under the TWA 1992 for powers to construct and operate the new railway with those powers being comprised in an order made under the Act which, if made, would be known as the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order. As part of that Order, NR also seeks powers of compulsory acquisition to enable the acquisition of land or rights in, under or over land which it considers necessary to facilitate the works for the improvement of the railway. The rights sought in relation to some parcels of land are for temporary rather than permanent possession of the land.

- In connection with the TWA Order, an application for a certificate from the SoS in respect of the proposed acquisition of rights over land which is designated or used as POS.
- In connection with the TWA Order, a request for deemed planning permission for those parts of the works that require planning permission.
- Nine applications for listed building consent in relation to those parts of the proposed works that directly relate to various listed buildings and structures along the route of the railway.

4. Purpose of PIM

4.1 The purpose of the PIM was to discuss the procedural matters relating to the running of the Inquiry and to try and identify all of those interested parties who wish to appear and be heard at the Inquiry. At the Inspector's direction there was no discussion of the merits of Network Rail's applications or the representations that have been made for or against those proposals. Those matters will be for consideration at the Inquiry itself.

5. Parties present and Appearances at the Inquiry

5.1 The Inquiries Procedure Rules confirm that the persons entitled to appear at an Inquiry are:

- the applicant, in this case Network Rail (NR);
- any statutory objector to the Order;
- any other person who has served a Statement of Case under Rule 7.

It is a matter for the Inspector to determine whether any other person may appear or be heard at the Inquiry.

5.2 Details of those who attended the PIM and identified themselves as representing parties who wish to appear at the Inquiry and their proposed representation at the Inquiry, where known, are appended at Appendix 1.

5.3 In most cases each party has a reference number reflecting the nature of their interest; for example: OBJ/ (objector), SUPP/ (supporter) or REP/ (neutral representation).

5.4 Please note that the non-attendance of any interested party from the pre-Inquiry meeting does not preclude their participation at the Inquiry. If any interested party who was unable to attend the PIM does wish to appear at the Inquiry or to reserve their right to do so they are requested to confirm this intention, as soon as possible, by email to the PO.

5.5 People who do not need or wish to speak at the Inquiry will, nonetheless, be welcome to attend as observers and may (subject to NR being able to

confirm the arrangements prior to the commencement of the Inquiry) be able to access a live streaming of the Inquiry.

- 5.6 In considering the Order, the Inspector and Secretaries of State will take account of all the representations already made, the evidence heard at the Inquiry, and any written representations received in accordance with the deadlines set for receipt of further evidence. However, greater weight can be attached to evidence given at the Inquiry which is open to testing through cross-examination.

6. Inquiry Venue and Facilities

- 6.1 The inquiry is to be held in the Fantastic Suite at the John Smith Stadium, Stadium Way in Huddersfield.
- 6.2 The Applicant confirmed that there is ample parking at the venue and that there is a café on the ground floor of the facility which can provide refreshments.
- 6.3 It is intended that the Inquiry will be run primarily as live event with all interested parties attending in person. The ongoing situation with regard Covid 19 case numbers was, however, raised and it was agreed that there remains a risk that parties who wish to appear at the Inquiry may possibly be prevented from doing so due to the need to isolate or may be unwilling to attend of their personal concerns about the risks of infection.
- 6.4 It was agreed that the Applicant should seek to make arrangement for IT facilities to be installed at the venue which would allow for participants to make their contributions (should it become necessary) by means of a video link rather than in person. Further information on these arrangements and the proposal to arrange for the Inquiry to be live streamed so the proceedings can be followed by interested parties who do not wish to participate in the Inquiry will be publish on the Inquiry website in due course.
- 6.5 If any Interested Party who wishes to appear at the Inquiry has immediate concerns about their ability to attend in person because of Covid 19 related concerns they are requested to make the PO aware of those concerns as soon as possible.

7. Inquiry Dates and Times

- 7.1 The Inquiry will commence at **10.00 am on Tuesday 2 November**. It is currently scheduled to sit for 6 weeks which gives a possible closing date of Friday 10 December. A draft Programme for the Inquiry will be published before opening and this will be updated throughout the Inquiry as appropriate (see section 12 below).
- 7.2 The Inquiry will normally sit from Tuesday to Friday each week. On sitting days the Inquiry will normally commence at 10.00 am (or an earlier time if agreed and indicated in advance of that session) and be adjourned at about 4.30 to 5.00pm. There will normally be a lunch break of about an hour and comfort/refreshment break in mid-morning and mid-afternoon.

The timing of these will be flexible so that breaks are taken at a convenient point in the evidence. When the Inquiry is sitting on a Friday the Inspector will seek to adjourn at lunchtime or early afternoon to allow those who need to travel back home do so.

8. Inquiry Procedure and Site Visits

8.1 The Inquiry will be conducted in accordance with the Transport and Works (Inquiries Procedure) Rules 2004 (Procedure Rules). A copy of those rules will be published on the Inquiry website so that all parties can look at those if they wish. There is also helpful guidance on the Department for Transport (DfT) website about the TWA procedures and inquiry process.

8.2 In accordance with Procedure Rules, the general order of events is expected to be:

1) Inspector's Opening Announcements;

2) (Subject to the comment in paragraph 8.3 below) Opening Statement by Network Rail (NR) as the Applicant, outlining its case;

3) Opening Statements by others parties who are entitled to appear, in the following order:

- supporters of the proposed Order;
- objectors;
- other interested parties;

4) Evidence in the same general order as opening statements (subject to detailed programming of Inquiry days to make best use of the time available). The evidence of each witness will be open to cross-examination by opposing parties who are entitled to appear and there may be re-examination to clarify answers given in cross-examination. The Inspector may put questions to witnesses during or at the end of their evidence in chief.

4). There will be a session to allow discussion of any proposed modifications to the draft Order and a session to discuss proposed conditions to the deemed planning permission and the listed building consents which are sought by the Applicant;

5). Each party who has given evidence may make closing submissions, summarising their cases in light of the evidence. This is not an opportunity to introduce new evidence. They may do this either at the end of their individual evidence or at the end of the Inquiry;

5). Closing submissions at the end of the Inquiry will be heard in the following order:

- other interested parties;
- objectors;
- supporters;

- NR (As Applicant, NR has the right to be give their closing submissions last.

6) Copies of the closing submissions will need to be submitted to the PO in writing, preferably before they are read out.

- 8.3 Some parties (for example parties objecting only to the compulsory acquisition of their land) may wish to present a discrete case to the Inquiry relating to their specific concerns which does not impact on the other evidence concerning the wider merits or demerits of NR's proposal. In response to a question from one of the advocates, the Inspector agreed that, as far as is practicable, the Inquiry programme would be arranged so that such parties can present their opening statement, evidence and closing submission in a single day (or over 2 days if necessary) to avoid the need for attendance on multiple days of the Inquiry. Mr Mould (advocate for NR) confirmed that NR supported that approach.
- 8.4 On behalf of the Council, Ms Hutton raised the question of some topics being dealt with by means of a round table discussion (for example the highway concerns that the Council has raised) rather than by formal evidence and cross examination. The Inspector indicated that he did not rule out that possibility but would need to be reassured that there was agreement between NR and the other party(ies) involved in that part of the Inquiry that this procedure would allow for the evidence to be tested to a satisfactory degree.

Site Visits

- 8.3 The Inspector hopes to have time, as part of his preparation for the Inquiry, to view the key sections of the line where works are proposed where this is possible from public vantage points in order to familiarise himself with the lie of the land before the commencement of the Inquiry.
- 8.4 He also intends to make an accompanied visit (or series of visits if that is more appropriate) either following the close of the Inquiry or towards the end of the proceedings when he has heard most of the evidence. An itinerary for this visit(s) will be agreed before it is carried out.
- 8.5 If any party wishes the Inspector to go to a particular location as part of the site visit or to see a specific aspect of the site context at a particular time of day they should please submit that request to the PO. This will then be copied to NR as the Applicant so that one of their team can put together a first draft of a proposed route and itinerary that enables the Inspector to do the SV in a time efficient and effective manner. Requests for the Inspector to visit particular locations should be made in writing to the PO before the Inquiry opens and, in any event, no later than **Friday 29 October**.

9. Main Issues to be considered at the Inquiry

- 9.1 On behalf of the Secretaries of State the DfT Transport Casework Team has issued a Statement of Matters (SOM) which set out the matters which

the SoS wish to be informed about in my report to them following the inquiry. This has been sent to all IPs including all those who have objected to the Order or the LB applications and will be published on the Inquiry website.

- 9.3 The SOM effectively provides an agenda for the inquiry and should serve as a useful tool for all parties when preparing your written and/or oral evidence to the inquiry. The Inspector asked that those producing written evidence for the Inquiry to address those matters which are relevant to their case and arrange their evidence accordingly (adopting the headings in the SOM) to set out all the points they wish to make under each of those headings.
- 9.4 The Inspector noted that the SOM as issued does not identify the key matters to be addressed in respect of the application for the Certificate under Section 19 of the Acquisition of Land Act 1981. It is understood that this is because the objection period in respect of that part of the application started and ended at a later date than that in respect of the TWAO and the Inspector has not yet been advised whether the SoS intends to issue a supplementary note to set out what the main matters in relation to this component of the proposals are. However the key tests that the Inspector and the SoS will need to address in considering this application are clearly set out Section 19 of the Act itself, a copy of which is included as Appendix B to this note.
- 9.4 The issue by the SoS of the Statement of Matters does not prevent other issues being addressed in evidence but if they are pertinent and relevant to the case that you are seeking to put. The Inspector will consider and report on these if he considers them to be relevant and important to the consideration of the applications by the Secretaries of State.
- 9.5 On behalf of Kirklees Borough Council, Ms Hutton noted that Section 13 of the SOM includes reference to any other matters that may be raised at the Inquiry which may be important and relevant to the SoS's decision. She advised, in this context, that the Council intend to submit evidence in relation to its concerns about highway structures and highway design and the effect of NR's proposals on access to 2 of the Council's waste handling facilities.

Statements of Common Ground

- 9.5. Mr Mould indicated that NR hopes to be able to agree a Statement of Common Ground (SoCG) with the Council and that discussions are underway with regard to the form and content of this. It is also intended that a SoCG will be sought with the main parties who have made comments on the initial lists of draft conditions in respect of the deemed planning permission and Listed Building Consent (LBC) applications.
- 9.6 Following discussion with the Inspector, Mr Mould agreed that NR team would also give consideration as to whether there was scope for SoCG to be entered into with Historic England (HE) and the Environment Agency (EA) with the objective narrowing the areas of concerns raised by those

parties. The Inspector gave his encouragement for those discussions to take place.

- 9.6 In accordance with the Inquiry Rules, a signed copy of any SoCG agreed between NR and any other party should be submitted to the PO by **Tuesday 5 October**. The Inspector wishes these to be agreed as soon as possible so that witnesses can avoid dealing with matters that are agreed in their proofs of evidence.

10. Nature, Format and Submission of Evidence

Statements of Case

- 10.1 With reference to Rule 7 of the Procedure Rules, Statements of Case (SOC) should by now have been submitted by NR, objectors and any other interested party who wishes to appear at the inquiry.
- 10.2 Any party who has served a SOC may comment on another party's SOC where this is relevant to its case. Any such comments need to be made in writing, not later than **6 weeks before the start of the Inquiry, i.e. by 21 September**. Such comments should be submitted to in writing to the Secretary of State (TWA Orders Unit at the Department for Transport), the applicant and the party whose SOC is the subject of the comment if that party is not the applicant. Please also copy any comments to the PO as they will reach the Inspector more quickly if you do so.
- 10.3 Mr Mould indicated that NR had not received a copy the SOC submitted by Huddersfield Unlimited and Huddersfield Civic Society and the PO agreed to forward this to NR.
- 10.5 Where objectors are interested parties have raised similar issues or concerns there is scope for them to liaise and collaborate with a view to presenting a joint case on some of the issues that they have raised. The Inspector encouraged any such discussions as these may help to avoid duplication of evidence at the Inquiry and to make best use of the time available.

Inquiry Library

- 10.5 In the run up to and during the course of the Inquiry, all of the documents submitted in evidence will be available for inspection on the Inquiry library website administered by the Programme Officer.
- 10.6 The Applicant has prepared a list and a set of Core Documents (CD) and these will also be published on that website. The list could be added to between now and the start of the Inquiry if necessary and the Inspector requested that all parties to use the correct CD reference in their written evidence when they are referring to any of these documents.
- 10.7 A hard copy set of the CD is available for public use and inspection at the following locations:

- Mirfield Library - East Thorpe Lodge, Huddersfield Road, Mirfield WF14 8AN
- Greenwood Centre - Huddersfield Road, Ravensthorpe, Dewsbury WF13 3JR

Proofs of Evidence

- 10.8 Where a party proposes to give evidence at the Inquiry by reading from a document (known as a 'proof of evidence'), this should be submitted no later than 4 weeks in advance of the start of the Inquiry; **i.e. Tuesday 5 October.**
- 10.9 Proofs of evidence should be succinct and to the point. Additional evidence may be given orally, though as far as possible important material should be included in the proofs.
- 10.10 If proofs are longer than 1500 words, summaries of the proof must be submitted at the same time as the proofs themselves. Summaries should be no more than 1500 words. Only summaries will be read at the Inquiry, but the full proofs will count as evidence and be open to cross-examination.
- 10.11 If, in evidence, reference is made to any other document, which is not included in the list of core documents, a copy of that document (or the relevant extract plus the cover page), must be submitted as an appendix to the proof of evidence. Hyperlinks should not be used, as the content of websites can change, and it is important that the Inspector and the Secretaries of State see the information the witness intends them to see.
- 10.12 Proofs should be paginated and securely bound with paragraph numbers clearly marked. If appendices are submitted these should be bound separately from the proof and should be internally paginated for ease of reference during the inquiry.

Written Representations

- 10.13 If any party not intending to give evidence at the Inquiry wishes to submit further written representation to expand on what they have already said in their objection or letter of support this should be submitted not later than **5 October.**

Rebuttal proofs of evidence

- 10.14 There is no reference in the Procedure Rules to rebuttal proofs. However, they can sometimes be helpful to deal with complex evidence raised for the first time in the proofs of evidence, particularly if they deal with points that could reduce the need for cross-examination and so reduce the Inquiry time. However, they should not be seen as an opportunity to withhold evidence until a late stage and should not be used to introduce wholly new evidence that was not addressed in the main proof.

- 10.15 Following submission of the main proofs of evidence, the Inspector will consider requests for the submission of rebuttal proofs. Any request must set out a clear justification as to why they are necessary and helpful to the Inquiry and why the information could not have been submitted with the main proofs.
- 10.16 If any are to be submitted, rebuttal proofs should be submitted to the PO and circulated to others 2 weeks after main proofs. The deadline for submission of any rebuttal will be **Tuesday 19 October**.
- 10.17 All proofs and rebuttals should be submitted to the PO and copied, at the same time, to the other parties who are giving evidence on the matters covered by that evidence.
- 10.18 In response to a query from Mr Denyer Green QC, the Inspector agreed that any witness statements that have already been submitted with SOC would be accepted as being part of the written evidence to be considered at the Inquiry and that it was not necessary that these be resubmitted.

Scope of Evidence

- 10.19 The Inspector made the following comments/points about the scope of the evidence to be submitted which are based on his background reading of the case documents that he has undertaken so far.

Objections to Draft Order

- 10.20 The applicant will need to respond within their written evidence to each and every objection to the draft Order and the grounds of that objection.

Compulsory Acquisition (CA)

- 10.21 The Applicant was asked to produce a schedule setting out what negotiations with parties affected by the proposals for CA are ongoing and the current position with regard to those negotiations and to update as appropriate as we go forwards. The first version of the Schedule is to be submitted alongside the proofs of evidence; i.e. by **Tuesday 5 October**.

Listed Building Applications

- 10.22 The Inspector indicated that he had seen only one objection to the LBC applications which had been forwarded to him by the Department, this being from Mrs Newton but that the concerns raised in that objection appear to be related more to the effect of the proposals on access to her property than the effect on the significance of the heritage asset. As NR appear not to have received that objection it was agreed that it would be forwarded to them by the PO. The Inspector requested that NR should confirm: (1) that there are no other objections to the LBC applications, and (2) whether Mrs Newton is affected by the proposed compulsory acquisition and whether (and if so how) her concerns are being addressed by NR.

10.23 The Inspector asked that he should be informed about the following matters in the written evidence on heritage matters:

- 1) The Applicant, Council and HE all refer to the proposed use of a CIMP (Conservation Implementation Management Plan) for each set of LB works in order to control the detail of the works and it is proposed that these be required by conditions attached to the consents if they are granted. The Inspector indicated his view that it is very important that these documents have the right form and quality in order to provide the necessary assurances and that it may be that the SoS would like to know that this is going to be delivered. NR, the Council and HE were asked to consider whether it would be possible, either to produce some sort of agreed specification for these documents or to progress one of them to a working draft stage before the close of the Inquiry. NR and the Council agreed to action this matter.
- 2) As many of the works have not reached detailed design stage this raises the issue, where there is harm to, and particularly the total loss of the significance of the heritage asset, as to how the quality of the replacement is to be taken into account in the balancing assessment. The Inspector requested that those witnesses who are producing evidence on heritage issues should please set out their views on this matter.
- 3) Where the loss of the whole or a significant part of the heritage asset is proposed the Inspector wishes to be informed as to what, if any, mechanism(s) would be put in place to ensure that the proposed development will go ahead after the loss has been incurred – this is with reference to paragraph 204 of the revised (July 2021) National Planning Policy Framework (NPPF) (paragraph 198 in the previous version).
- 4) The Inspector referred to notes/ minutes of the Council’s Strategic Planning Committee meeting at which the LBC applications were considered. He noted that the Councillors had made a number of detailed comments about the works and in some cases had sought greater justification for some of the adverse effects on the assets. He asked the Council to confirm that all relevant concerns had been picked up in its SOC and intended evidence and Ms Hutton agreed to check that this was the case.

11. Document Numbering and Availability

11.1 Every proof and document that is not a CD should be numbered using a simple reference system using the following format

Objector Number/Witness Initials/Doc number- e.g. OBJ3/ANO/1

Parties were asked to agree with the PO in advance how you propose to number your documents so that we maintain some consistency and avoid confusion.

Copies

11.2 The Inspector indicated that he will require a hard copy of all proofs and appendices. Hard and hard copies should also be made available to go into the hard copy libraries at the local libraires. An electronic copy of all documents should also be sent to the PO for inclusion on the Inquiry website.

12. Inquiry Programming

12.1 The PO will be contacting all parties who indicate that they intend to appear to gain the information needed to draw up a programme for the Inquiry. In any event, information must be submitted to the Programme Officer by 2 weeks prior to the commencement of the Inquiry; i.e. by **Monday 18 October 2021**, by all those who intend to appear at the Inquiry as to the time estimates for:

- The duration of any opening and closing statements if any are to be made;
- The duration of evidence in chief for each of their own witnesses; and,
- The duration of cross-examination of opposing parties' witnesses.

12.2 The draft Programme will be available on the website and in the Inquiry Library when the Inquiry is sitting. It will remain as a live document and is likely to be subject to some change throughout the Inquiry. It is important that people who are schedule to appear are available when required, and the onus will be on them to keep in touch with the progress of the Inquiry. If they are not there when required, the Inquiry may proceed without them.

13. Costs

13.1 Normally, parties are expected to meet their own expenses in attending the Inquiry. However, the Secretary of State has the discretionary power to make an order as to the costs of parties at an Inquiry, in effect to award costs to one party against another. Costs may be awarded where a party is found to have behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense.

13.2 Everyone has a responsibility to meet the deadlines set for the submission of evidence. The procedure is designed to secure maximum disclosure and exchange of information before the Inquiry takes place, so the proceedings can be conducted efficiently and effectively. The Inspector will seek to ensure that no one gains advantage by withholding evidence until a late stage. For example, if late evidence is admitted, it may be necessary to adjourn the Inquiry to give others the opportunity to

consider and prepare to deal with it. Such circumstances may give rise to an award of costs, associated with wasted or otherwise unnecessary expense, against the party who has submitted the late evidence and caused a delay.

- 13.3 If any application for costs is to be made this must be submitted in writing in good time in advance of the close of the Inquiry so that party against whom the application is made can reply in writing and the final comments from the applicant can be made in writing before the Inquiry is closed.

14. Other Matters Raised

- 14.1 A concern was raised by Mr Strafford (representing Kinder Properties) that the requisite notices required under Rule 15 of the TWA (Applications and Procedures) Rules 2006 may not have been served on all occupiers of the Castlegate Retail Park affected by the proposals. For NR, Mr Mould indicated that his understanding was that all those who needed to be served notice had been notified but agreed that this would be checked again. The Inspector asked that NR liaise with Mr Strafford to seek agreement on this matter.
- 14.2 In response to an question from the Inspector, Mr Mould indicated that, at this stage, NR had not identified any need to propose any modifications to the draft Order but noted that some changes may need to be put forward as negotiations with other parties are progressed. It was also noted that other parties may wish to suggest modifications that might address their concerns. It was agreed that NR and any other party wish to put forward possible amendments should make that intention known to the Inspector as soon as possible and that the outline of any proposed modification and the reason for that change would be published on the Inquiry website at the earliest practicable opportunity.

APPENDIX 1: STATED INTENTIONS OF THOSE ATTENDING THE PIM WITH REGARD TO APPEARANCE AT THE INQUIRY

| Ref | Name | Representative | Intentions |
|--------------------------------|---|---|--|
| | Network Rail | Tim Mould QC Jacqueline Lean of Counsel | Currently intend to call 10 witnesses |
| SUPP/03 | Huddersfield Unlimited and Huddersfield Civic Society | Geoff Hughes (Chairman) | Possible appearance by 2-3 members |
| REP/03 | Environment Agency | Ms L Griffiths | Ongoing negotiations with NR with a view to reducing issues but possible appearance by up to 3 officers |
| OBJ/9 | Bramall Properties | Amanda Beresford Schofield Sweeney Solicitors | re land at Leeds Road, Huddersfield. Negotiations ongoing but reserve right to appear. AB to represent at Inquiry |
| OBJ/11 | Frank Marshall Estates | Amanda Beresford Schofield Sweeney Solicitors | re land at Colne Bridge Road, Huddersfield. Negotiations ongoing but reserve right to appear. AB to represent at Inquiry |
| OBJ/14 | Yorkshire Children's Centre | Richard Farr Sanderson Weatherall | Discussion ongoing but reserve right to appear. Counsel to be instructed; possibly 1 expert and 1 lay witness |
| OBJ/15 OBJ/16 | Kinder Properties DP Reality | Mr D Strafford Gateley Hamer | Currently intend to appear with possibly 2 witnesses |

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| OBJ/18 | Hargreaves (GB) Ltd | Barry Denyer Green QC | Currently expects to call 2 lay and 3 expert witnesses |
| OBJ/19 | Newlay Asphalt Ltd | | |
| OBJ/20 | Newlay Readymix Ltd | | |
| OBJ/21 | Newlay Concrete Ltd | | |
| OBJ/22 | Dewsbury Sand and Gravel Ltd | | |
| OBJ/29 | Wakefield Sand and Gravel Ltd | | |
| OBJ/23 | HD1 Developments Ltd | D Walton Walton & Co | re listed warehouse at Huddersfield Station. Counsel to be instructed and 3 witnesses likely to be called |
| OBJ/24 | Rosemary Carr & others | Mr M Hanson Hanson | Reserve right to appear |
| OBJ/25 | Kirklees Cycling Campaign | Chas Ball | are in discussion with NR re concerns but reserve right to appear, possibly with 2 members of the group giving evidence |
| OBJ/33 | Kirklees BC | Victoria Hutton of Counsel | Intend to appeal with up to 8 witnesses to be called |
| OBJ/35 | Canal & River Trust | Tim Bettany Simmons | Hope to reach agreement on outstanding concerns but reserve right to appear. Possibly 3 witnesses to be called |
| OBJ/38 | Huddersfield Town AFC | Mr M Blackburn Gordon's Solicitors | Negotiations ongoing but reserve right to appear. MB to represent with 2 witnesses possible |
| OBJ/40 | West Yorkshire Combined Authority | Francis Tyrell Pinsent Masons | Concerns re effect on Huddersfield Bus Station. Hope |

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| | | | to reach agreement on key matters but reserve right to appear. Not currently intending to instruct counsel and expect to call 3 witnesses if appearance is necessary |
| OBJ/43 | Cubico Limited | Amanda Beresford Schofield Sweeney Solicitors | Occupier of Castlegate Retail Park. Negotiations ongoing but reserve right to appear. AB to represent at Inquiry |

APPENDIX B: TEXT OF SECTION 19 OF THE ACQUISITION OF LAND ACT 1981

19.— Commons, open spaces etc.

(1) In so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

(a) that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, or

[(aa) that the land is being purchased in order to secure its preservation or improve its management.]¹

(b) that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public, and certifies accordingly.

(2) Where it is proposed to give a certificate under this section, the Secretary of State shall [direct the acquiring authority to]² give public notice of his intention so to do, and—

(a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and

(b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made, the Secretary of State may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who held the inquiry, give the certificate.

[(2A) Notice under subsection (2) above shall be given in such form and manner as the Secretary of State may direct.]³

(3) A compulsory purchase order may provide for—

(a) vesting land given in exchange as mentioned in Subsection (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and

(b) discharging the land purchased from all rights, trusts and incidents to which it was previously subject [...]⁴

[except where the Secretary of State has given a certificate under subsection (1)(aa) above.]⁴

(4) In this section—

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,

“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act, Acquisition of Land Act 1981 Page 29

“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

Notes

1 Added by Planning and Compensation Act 1991 c. 34 Sch.15(l) para.12(1)(a) (September 25, 1991)

2 Words added by Planning and Compensation Act 1991 c. 34 Sch.15(l) para.12(1)(b) (September 25, 1991)

3 Added by Planning and Compensation Act 1991 c. 34 Sch.15(l) para.12(1)(c) (September 25, 1991)

4 Words added by Planning and Compensation Act 1991 c. 34 Sch.15(l) para.12(1)(d) (September 25, 1991)

Commencement Pt III s. 19: January 30, 1982 (1981 c. 67 Pt VII s. 35(2)) Extent Pt III s. 19(1)-(4) definition of "open space": England, Wales (this Act extends to England and Wales only, except so far as Schedule 4 amends any enactment which extends to Scotland or Northern Ireland)