

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

PUBLIC INQUIRY

INSPECTOR'S DIRECTIONS

On Friday I adjourned the Inquiry until 10.00 AM on Thursday 9 December. This date and time for the resumption of the Inquiry will hold good unless I am advised by 5.00 PM on Wednesday 8 December that agreement has been reached between the Environment Agency (EA) and Network Rail (NR) with regard to the outstanding concerns over the Flood Risk Assessment and that the EA's objection on this matter has been withdrawn.

Since the Inquiry Programme was first published in draft at the end of October it has indicated the 2 or 3 December as being the likely Inquiry closing date. It is, therefore, of considerable concern that details of what has transpired to be a significant objection to the Order Scheme should be brought to my attention at such a late stage in the Inquiry programme. It is clear to me that the EA's failure to adhere to the Transport and Works (Inquiries Procedure) Rules 2004 has been a significant contributing factor to this situation having arisen. In these circumstances and in the interests of not further extending the length of the Inquiry I consider that it would be helpful to the parties for me to confirm that expectations that I set out verbally before the adjournment in the form of written directions.

In setting out these Directions I consider that it is also appropriate to draw attention to the costs regime in respect of the Inquiries process. Further advice on that regime can be found in the National Planning Practice Guidance.

My directions are as follows:

1. In the anticipation that a resumption of the Inquiry will be necessary, the EA is to produce a witness who has the necessary qualifications and sufficient personal knowledge of the detailed issues of concern about the flood risk modelling in this case to be able to explain these in a coherent manner and to respond to any questions that Counsel for NR or I may wish to put to them.

2. By 6.00 PM on Tuesday 7 December the selected witness shall send to NR and to the Inquiry Programme Officer a written summary of the main points of concerns with regard to the modelling issues. This can be written in a brief and concise form as long as the concerns are clearly outlined but should be presented as a Summary Proof of Evidence which includes the witness's qualifications and experience and position within the EA and a Statement of Truth. This is necessary to ensure that the evidence presented represents the personal evidence and professional judgement of the witness.

3. In view of the unsatisfactory manner in which the EA presented its evidence on 2 December, I shall require that witness to attend the Inquiry in person to present their evidence and to be subject to any cross examination that Counsel for NR may wish to undertake. In the event that I am notified that the witness is unable to attend through illness or because of need to isolate or for other good reason connected to the Coronavirus pandemic I shall need to consider whether a further adjournment is required such that the witness can attend in person.

4. If the parties are able to resolve the outstanding issues, such that the EA is in a position to withdraw its objection on this matter, that withdrawal must be made in writing and shall be accompanied by short statement signed by both parties briefly summarising the basis on which an agreement has been reached. I shall need to receive the withdrawal and accompanying statement by 5.00 PM on Wednesday 8 December in order for me to confirm, via the Programme Officer, that the Inquiry session programmed for Thursday 9 December will not need to go ahead. In that eventuality I would propose to close the Inquiry in writing.

Paul Singleton

INSPECTOR

6 December 2021