

From: David Strafford <

Sent: 11 November 2021 16:38

To: Joanna Vincent <>; Brenda Taplin <>

Cc: Carter Penny <>

Subject: Huddersfield to Dewsbury TWA0 - Objectors15 (Kinder Properties Limited), 16 DP Realty Limited and 45 (R&D Yorkshire Limited) [GATELEY-GHAM.FID53950]

Joanna,

I am reviewing the recordings of the Inquiry from the course of this week and I have noted that the Inspector and Mr Mould discussed my query in relation Mr Owen Kelly's witness statement (I believe that may have been at 1h 13m into the Inquiry on 9th November).

In the course of that exchange Mr Mould expressed his understanding that I have not disputed the issuance of the Rule 15 Notices, rather than the content of the Notices in relation to the Castlegate car park.

For the avoidance of doubt and to provide clarity on the issue of concern set out in my clients' objections. I can confirm that we do have concerns regarding the effective issue of the Rule 15 Notices in relation to the Castlegate Retail Park.

In the case of Kinder Properties Limited only one of two Rule 15 Notices was received.

In the case of DP Realty Limited a Rule 15 Notice was received. That Notice omitted reference to the car park.

In the case of R&D Yorkshire Limited, no Rule 15 Notice was received.

Whilst I am not instructed by Cubico, I am aware that they also did not receive a Rule 15 Notice.

We therefore have a 'mixed feast' in relation to Rule 15 Notices that were either partially received or not received at all. The point in relation to the car park is that this will be the major area of affection and it appears to have been absent from all of those Notices that were received and clearly unknown to the parties that received no Notice at all. The result of this is that until I undertook the background research, given the 'absent' information, none of the Castlegate Parties were aware of NR's intended occupation of the car park.

My reason for wishing to cross examine Mr Owen was that the Bulk Certificates of Posting set out in his affidavit and witness statement do not appear to be officially stamped and endorsed by Post Office Limited as required by the health warning set out at the head of each Bulk Certificate of Posting, which is required in order to be valid.

As you are aware we have reached agreement with Network Rail and will hopefully shortly have in place a Compromise Agreement, and on that basis I will not be appearing at the inquiry. However, I thought it useful for the Inspector and Mr Mould that I clarify my position given the apparent confusion as to the issue of concern.

Kind regards,

David

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for Gateley Hamer

