

Inspector's Note Dated 24 November 2017

On the morning of the third day of the inquiry the Inspector was advised by the Department for Transport that the Land Agents for Network Rail had undertaken an audit of the Book of Reference which had revealed that a number of parties had not been served notice of the application contrary to the requirements of rule 15 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. The audit revealed that 12 new parties had not been served notice of the application, that 12 existing parties had not been served notice in relation to land in which they had an interest and that 8 mortgage companies had not been served notice in relation to land in which they had an interest. In total 60 additional notices were required to be served.

The failure of Network Rail to fully carry out its statutory obligations caused the Inspector, in the interests of fairness and natural justice, to adjourn the inquiry so that affected parties would have the benefit of the 42-day statutory period of notice in which to fully consider the implications of the application as it affects their landholdings and to make objections or representations to the Order.

The Inspector has been advised that on the 8th November, 14 new notices were served by Network Rail. These were served on 12 new interests in relation to 6 plots of land. These interested parties, who were served notice on 8th November, have until 20th December to object to or make representations to the Secretary of State.

Regretfully the process to resolve the issues means that it will not be possible to resume on the date of 9 January 2018 as announced and it now seems likely that the inquiry will not resume any earlier than late summer 2018. The new date when announced will allow for a bespoke timetable for the submission of statements of case and proofs of evidence to be devised for those on whom notice has subsequently been served.

Parties will be advised of the venue and precise date for the resumed inquiry as soon as possible.