

**From:** [Emma Thomas](#)  
**To:** [A63 Castle Street](#); [Robert Ranger](#)  
**Cc:** [Beckley, Bernice](#); [Leeming, James](#); [LEEDHAM-TURNER Felicity](#); [AngusWALKER@bdbpitmans.com](#); [David Ryan](#)  
**Subject:** Hull DCO - Mytongate Development Company Limited  
**Date:** 18 July 2019 10:02:19  
**Attachments:** [image806094.png](#)  
[image217531.png](#)  
[Hull DCO - Ref TR010016 - Mytongate Development Company Limited.msg](#)  
[RE MDC Undertaking.msg](#)

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Dear Sir,

Further to my email correspondence of 17 July 2019 (attached), I am writing to update the Inspector with regard to the current position. I have received an undertaking from Highways England (attached) which confirms that Highways England will enter into the Settlement Agreement in the form agreed today between the parties and that it will pay our client's costs on this matter.

On that basis I believe that it would not assist the examination proceedings today to make further representations on behalf of my client, but do wish to maintain my client's objection to the Scheme pending completion of the Settlement Agreement.

I also request to reserve the right on behalf of our client to make further representations prior to the closing of the examination proceedings should Highways England fail to honour the undertaking provided.

I have copied this email to Highways England and their Solicitors and trust that this is acceptable.

Kind regards,

Emma



Emma Thomas  
For and on behalf of Shulmans LLP  
10 Wellington Place  
Leeds  
LS1 4AP

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**From:** Beckley, Bernice <Bernice.Beckley@highwaysengland.co.uk>  
**Sent:** 18 July 2019 09:33  
**To:** Emma Thomas  
**Subject:** RE: MDC Undertaking  
**Attachments:** MDC Undertaking 18072019.pdf

Emma

Revised undertaking attached. I am unable to sign and issue this as a hard copy. Please accept this as the Undertaking.

Please also confirm whether your client and their agent wish their fees to be paid to them directly or through you.

Kind regards

Bernice

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**From:** Beckley, Bernice  
**Sent:** 17 July 2019 16:35  
**To:** 'ethomas@shulmans.co.uk' <ethomas@shulmans.co.uk>  
**Subject:** RE: MDC Undertaking

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**Highways England Company Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF | <https://www.gov.uk/government/organisations/highways-england> | [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)**

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Our ref: Scheme Number TR010016  
Your ref: EZT/BA/M40909828.1

Emma Thomas  
For and on behalf of Shulmans LLP  
10 Wellington Place  
Leeds  
LS1 4AP

Highways England  
Major Projects, RIP Y&NE  
Lateral  
8 City Walk  
Leeds LS11 9AT  
Direct Line: 0300 470 2336

18 July 2019

Dear Emma

Highways England confirms that it will undertake to pay the agents fees of £2,500.00 plus VAT, £4,250 for the costs incurred by the representatives of the company and the reasonable legal costs in relation to the Settlement Agreement for 'A63 Castle Street Improvement DCO' (the Matter). The reasonable legal fees referred to above are subject to the following terms and conditions:

1. The amount payable by us will not exceed £8,000.00 plus VAT.
2. The sum referred to in condition 1 above is not an estimate but an upper limit beyond which our agreement shall not apply.
3. Our agreement to pay is subject to you first making available evidence of the sums incurred (including full breakdowns of rates and time incurred) and all legal work undertaken being solely related to the Matter.
4. Where in your opinion your legal fees will exceed the sum referred to in condition 1 above, you may notify us of a proposed revised upper limit and cease to progress matters until we have provided you with our confirmation as to whether we are prepared to pay your costs in respect of the revised upper limit. In the event of our refusal to meet your additional costs up to the proposed revised upper limit, we will pay all sums required to be paid in accordance with this agreement to date (in accordance with condition 5 below).
5. All sums required to be paid in accordance with this agreement as to your legal costs shall be paid on receipt of an invoice prior to completion of the settlement agreement, or immediately after our notification to you that the Matter will not proceed.

Highways England also confirms that it will complete the settlement agreement as agreed between the parties on 18 July 2019, within 4 weeks of the date of this letter.

We trust this is sufficient for your purposes.

Finally, please note that Highways England's agreement to pay your reasonable legal costs in relation to this this Matter should not be taken to set a precedent in relation to any future matters.

Yours sincerely

Bernice Beckley  
Project Manager  
A63 Castle Street Improvements  
Email: [A63CastleStreet.Hull@highwaysengland.co.uk](mailto:A63CastleStreet.Hull@highwaysengland.co.uk)