

**WILDLIFE & COUNTRYSIDE ACT 1981 – SECTION 53**

**KIRKLEES COUNCIL (HOLMFIRTH 60 – WOLFSTONES ROAD TO BROWN HILL, NETHERTHONG),  
DEFINITIVE MAP MODIFICATION ORDER 2021**

**DEPARTMENT FOR ENVIRONMENT FOOD & RURAL AFFAIRS ('DEFRA')**

**PINS (DEFRA CASEWORK) REF: ROW/3321757**

**PROOF OF EVIDENCE**

**OF**

**MR. ANDREW DUNLOP**

**JANUARY 2026**

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1. I am **Andrew Dunlop**. [REDACTED]  
[REDACTED] I am a rights of way  
campaigner and advisor, having also attended and provided witness evidence to several dozen  
public inquiries around the country. My experience includes committees, hearings, inquiries,  
Magistrates, Coroners, Crown and High Court.
2. I am not a registered expert nor legally qualified but have had extensive experience of public rights  
of way disputes going back over 35 years and have an in-depth knowledge of the formation of  
Definitive Maps around the country. I was an IPROW Member but more recently have not  
continued my membership as it was unnecessary.
3. My involvement in PROWs began when my own property was impacted back in the early 1990s,  
culminating in the rights of way court case: *Dunlop v Secretary of State for the Environment [1995]  
70 P&CR 307*. Following this I was approached to provide advisory services and representation and  
have been doing so extensively since.
4. I have studied the West Yorkshire DMS process extensively over many years and can offer insight  
as to how it was formed and rebut some of the alleged statements of fact made at the earlier  
Inquiry in July 2025, parts of which I watched remotely. I provide this statement due to concern  
following the Inquiry in July 2025, into the Definitive Map Modification Order ('DMMO') on  
HOL/60.
5. I watched the Inquiry in July 2025 purely out of interest. I am not employed by the landowner. I do  
not know Mr. or Mrs. Butterfield and have never met them. I know HOL/60 and have walked it  
(incidentally and as an aside I also saw vehicles and farming items on that southern side of the  
track), as well as the diversion route, which incidentally as a user I hope is eventually a success.
6. I have seen the two letters submitted by Mr. Scanlon dated 4<sup>th</sup> August 2025 and their enclosures. I  
have also seen the statement to this Inquiry from Mrs. Bradley. I refer to the same documents  
which they both reference.
7. I first became involved with Kirklees Council because of a dispute regarding HUD/231, which goes  
through land owned by Mr. and Mrs. Bradley. I was fully involved in that matter from 2014 until its  
conclusion in 2025. I have had dealings with Mr Champion at Kirklees and his previous employment  
with Calderdale. I have met him and his predecessors/colleagues at Kirklees  
on numerous occasions in various settings.

8. There is a misconception that a four-foot width was a requirement for public paths. This is untrue. The minimum requirement for a path's width was not introduced until a 1990 amendment to the Highways Act 1980. From that point newly confirmed footpaths were to be recorded as 1m wide for cross field and 1.5 field edge. Prior to that common law applied except where statute-created paths came into being. Many Enclosure-created paths were set out at 3-feet wide and limitations were recorded as narrower than those today.
9. Mr. Champion has stated at the Inquiry that the 1954 Memo had not been considered previously at any inquiry. That is not true and it is concerning that Mr. Champion would state this. Only several months prior to July 2025 a Secretary of State Inspector had reported directly on this point and dismissed the 1954 Memo in February 2025, following an inquiry at which Mr. Champion was also the OMA's witness. Mrs. Bradley's Statement identifies the relevant parts of that Inspector's (Ms. Kathryn Saward's) Decision.
10. As a result of Mr. Champion stating something untrue in evidence, I understand that Mr Scanlon was contacted by Angela Bradley following closing of the Inquiry in July 2025, who rightly pointed out that Mr. Champion had not told the truth. Mrs. Bradley provided Mr. Scanlon not only with memos but also the HUD/231 Inquiry decision from February 2025, which Mr. Champion was also the OMA's main witness for. Those documents provided showed that the approach of Huddersfield and West Yorkshire was flawed, going back to 1954 and through to 1984, and beyond.
11. A Rights of Way professional objectively reporting an application for a DMMO, and indeed defending the OMA's position at an Inquiry, would in my view have provided such information, in the interests of balance and transparency if nothing else.
12. Relevant evidence has not been considered or reported by the Council as the OMA. It is my view that there is a possibility that this may even have been deliberately withheld, as it did not (and still does not) align with what I view as a deliberate narrative presented by the Council.
13. The inclusion of the 1954 Memo and its reference to HOL/60 is hopeless but also goes to what I view as partisan reporting of evidence, ignoring shortcomings in the DMS as it exists. My view is that the primary aim of the OMA, assisted by Mr. Leader (who used to be employed by the Council, but I see is not supported here by the Peak and Northern Footpaths Society here), is to use this present Inquiry to gain traction for the 1954 Memo to cover all of West Yorkshire. Cynically, though justifiably it would appear given Mr. Champion's evidence, it seems that this is so that it can use elsewhere to justify widening PROWs.
14. Incidentally, the Council's more immediate narrative for this re-opened inquiry is that this is all somehow a misunderstanding based on historic administrative Council borders. This is misconceived and in my view masks what the Council has tried to do here, particularly around the 1954 Memo. That, or Mr. Champion and the Council are *barking up the wrong tree*, misunderstanding the implications of what has been submitted post-Inquiry and why the Inspector has elected to re-open it.
15. For example, the 1965 documents referred to, purport by the Council to be an internal memorandum to the old County Borough of Huddersfield only and may not apply to the Holmfirth UDC area. However, there is no conclusive evidence that it does not. It is submitted that it is possible that these may have informed what became the DMS, though of course the counter to that is that Kirklees Council was not created until 1974. Mr. Scanlon's First Letter of 4<sup>th</sup> August 2025 provides further information on how this has come to inform the present day DMS, leaving questions rather than answers.
16. The 1974 Memo, written after 1<sup>st</sup> April 1974, as well as responding to correspondence post-1<sup>st</sup> April 1974, does post-date the onset of Kirklees Council. Kirklees covers the previous Holmfirth UDC area.

17. This is followed by the information in the Mr. Scanlon's second letter, being the red ink annotated cover of the Draft Revision of the Special Review of the Definitive Map. Of course, the WCA 1981 had taken over by this point. This document means little on its own without the context of, for example, the 1965 documents and the 1974 Memo. What it does show though, is the example of officers not following due legal processes and modifying the DMS without authority or formal Order. The statement: "...WYMCC will make Orders for non-controversial paths if necessary" is striking, reinforcing the power that officers believed they had and still have.
18. The process adopted by West Yorkshire as detailed in the 1954 Memo was to take the original survey and vary the findings to increase or reduce the widths to 4-feet all paths submitted to them.
19. In the example being the case of HUD/231, where the status of the route went through many unlawful changes, the only thing that could be relied upon (as detailed in the Decision Letter now produced) was in the Inspector's opinion that the original survey for the area was beyond reproach and held good. There is literally nothing, even following extensive checking in archives, that suggests that the walking surveys in the former Holmfirth UDC area were incorrect in terms of recording of widths.
20. This all goes to the way that the DMS in the current Kirklees Council is informed. Examples from unlawful changes in relation to HUD/231 alone highlighted other issues with the DMS for West Yorkshire and latterly Kirklees Council.
21. Those examples include HUD/231 moving from FP, to CRF, to RUPP, to BOAT without any evidence to support nor lawful Order to authorise. Sometime post the 1983 General Order 231 was coloured in black but remained on the OS as a RUPP until post-1998 when without any paperwork it became shown as a BOAT. The working copy of the DM had arrow heads added to turn the black line to BOAT, but these were later "pinked" out. A black line in the DM is usually associated with a stopped-up route but again no Order exists to authorise such a move. I enclose the DM extracts in **Schedule AD1** of this statement.
22. By way of further example, A limited review of the DMS before and after the 1983 review identifies at least 13 Byways Open to All Traffic ('BOATS') that have been upgraded to this status, without any Order nor authority to have made such an Order. The Council and particularly Mr. Champion and his colleague Mr. Cheetham (now retired), know this, yet it is unreported and unevicenced. The majority of those were claimed as FPs or BWs along private or common way farm tracks.
23. In relation to Footpath HOL/60 the pre-1983 DMS lists and shows a Wicket Gate ('WG') on the route but post-1983 whilst the WG remains in the statement it has been removed from the map, without an Order.
24. Such applied examples of failures of process by Kirklees Council and its predecessors are not limited to just the official records of the DMS, but were also clearly authorised informally by officers, with no legal powers to make such decisions. For instance, Mr Leader when employed by the Council as a PROW officer, without any lawful authority nor consultation with users, permitted a 20-foot byway to be obstructed by a long pedestrian bridge that prevents ridden horse or vehicle use. I enclose examples of such information as part of a FOI Request in January 2015 at **Schedule AD2**, with the relevant response to that Request in **Schedule AD3**, including attachments at **AD3(a), (b), (c) and (d)**. The Inspector will note that only item 1 of the four FOI requests was responded to.
25. Thus, in relation to the matter of Holmfirth Footpath 60, I am pleased to see that the Council has at least accepted at the Inquiry in July that the route was recorded as 3 feet wide, beginning its life on the northern side of that track. I see that Mr. Butterfield (and evidently previous landowners before him) have accepted and even acquiesced that the footpath is four feet in width on the north

side of the track. However, the fact is that HOL/60 was, unlawfully, without evidence or Order, increased the width to those four feet from the original three feet.

26. The DMS in Kirklees is a mess, as evidenced. However, apart from the questionable formation and withheld or untrue evidence, the Council as OMA is maintaining a position that the historic evidence submitted has no bearing on HOL/60 due to it not applying to the old Holmfirth UDC area.
27. The documents submitted post-Inquiry through Mr. Scanlon on 4<sup>th</sup> August 2025, whether relevant to the former Holmfirth UDC area or not, showed that the approach of Huddersfield and West Yorkshire was deeply flawed going back to 1954 and through to 1984.
28. In simple terms, the process adopted by West Yorkshire as detailed in the 1954 Memo, was to take the original survey and vary the findings to increase or reduce the widths to 4-feet all paths submitted to them.
29. In the Case of Mrs. Bradley's matter on HUD/231, where the status of the route clearly went through many unlawful changes, the only thing that could be relied upon according to Inspector Saward (as detailed her Decision Letter of 3<sup>rd</sup> February 2025) was that the original survey in that area was beyond reproach and held good.
30. Following that, the same must apply to HOL/60. The HOL/60 route was recorded as 3-feet wide, but unlawfully and without evidence, increased to 4-feet. Following the revealing of the finding of Inspector Saward in February 2025, I respectfully submit that the present Inspector should follow the same logic and start with the presumption that the original surveyors for the Holmfirth area were correct in their findings.
31. This DMMO cannot be confirmed based on the evidence of the OMA in my view.

I believe that the facts and information stated in this proof of evidence are true.

Signed: 

**Andrew Dunlop**

Dated: 30<sup>th</sup> January 2026

472  
L60 9.5.03

DIVISION  
PARTIAL  
FEB 22  
HOL 22

10 DIVISION 1  
6.8.03  
10 DIVISION  
6.9.03

66 UPGRADED  
TO A BW  
1.5.95 R.D.

225 ADD MOD  
10.5.12

24 PERSON  
1.2.90



EAST BORO CONST

Huddersfield East  
Boro Const  
Kirkburton UD  
Kirkburton CP

HOLMFIRTH UD & CP  
LAT 53° 36'

Honley







229

7

Nopper Road

230

Hadden Farm

Moor End Farm

Walker Syke

Intake Lane

233

Nether Moor

Dean Wood

231

Greengate Knoll

Sunny Bank

Stony Batter

School H

223

229

Const Bdy

Turbid Lane

Top of Hill

223

229

228

South Crosland

Church

Church Lane

War Meml

228

8

Arborary Lane

816

9

Whitehead Lane

56

3

James Lane

Crosland Spring Rd

2

GAP

GAP

GAP

1



field

30

648

Round Wood

Kennels

Delves Wood

Sandy Lane

Path

231

Nether Moor Road

222

222

Delves Cottages

233

705

Nether Moor

Dean Wood

Path

222

231

Greengate Knoll

223

Sunny Bank

path

692

642

Stony Batter

School

223

GP

228

Path

222

Tunnel

CHAPEL STREET

HOSLYN AVENUE

THE WOOD

222

## SCHEDULE AD2

In the Proof of Evidence of Mr. Andrew Dunlop

REF: ROW/3321757

January 2026

### Verbatim copy extract of FOI/EIR Request to Kirklees Council (16 January 2015)

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**From:** Andrew Dunlop [REDACTED]

**Sent:** 16 January 2015 11:07

**To:** Lindsay.Foody@kirklees.gov.uk

**Subject:** 4 new Fol requests

Good morning Lindsey,

Today, in support of our claim that the Definitive Map of Kirklees is fundamentally flawed, I am seeking information in relation to public paths recorded on the Definitive Map.

Could you please supply details and copies of relevant documents that relate to:

1. Path 233. This is a Public Footpath and Byway Open to All Traffic. I am interested in the Byway section at the north end where it now passes between two parts of a quarry. A bridge has been erected that prevents use of the Byway. I would like to see the documents and Orders the Council holds in relation to the construction of this bridge.
2. Path 230. This path has been reclassified to a Byway Open to All Traffic on the Definite Map but I can find no trace of a relevant Modification Order. Could you please supply me with it.
3. Path 229. This is a slightly more complicated issue in that this Path appears to have been modified twice on the Definitive Map but I cant find any trace of either Order.

I seek the original Order that reclassified the southern section from South Crosland to the junction with path 56 as a bridleway and from that junction to the north it as a Byway Open to All Traffic.

I further seek the next Order that at some point later modified the map again to show the path, from the junction with path 56 to the junction north where it crosses the tarmac road, as a bridleway, extending the James Lane bridle path but deleting vehicular rights.

4. It is normally the case the Authorities supply details to the Ordnance Survey of any modification they have made to the Definitive Map where it alters the recording of rights. I would like a copy of all such notifications that the Definitive Map Authority has made in relation to paths.

I look forward to your responses.

Andy

## SCHEDULE AD3

### In the Proof of Evidence

of

Mr. Andrew Dunlop

#### Verbatim copy extract of FOI/EIR Response from Kirklees Council (16<sup>th</sup> February 2015)

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---Original message---

From : [Freedom.Info@kirklees.gov.uk](mailto:Freedom.Info@kirklees.gov.uk)

Date : 16/02/2015 - 10:50 (GMTST)

To : [REDACTED]

Subject : EIR 10169 - Definitive map of Kirklees - Path 233

Dear Mr Dunlop

I am writing in response to your request dated 16 January 2015. This has been dealt with under the Environmental Information Regulations 2004.

You asked for the following information:

***Today, in support of our claim that the Definitive Map of Kirklees is fundamentally flawed, I am seeking information in relation to public paths recorded on the Definitive Map.***

***Could you please supply details and copies of relevant documents that relate to:***

***1. Path 233. This is a Public Footpath and Byway Open to All Traffic. I am interested in the Byway section at the north end where it now passes between two parts of a quarry. A bridge has been erected that prevents use of the Byway. I would like to see the documents and Orders the Council holds in relation to the construction of this bridge.***

In response to your request, the Council attaches a copy of the letter to the Council ("footpaths") from Johnsons Wellfield's architect of 5 May 2000 seeking "your approval of the bridge construction and any outstanding authorisation under footpath regulations for the works carried out at the quarries". We also attach plan and elevation drawings submitted with that letter, along with a letter reply from the Council of June 2000. It appears from this correspondence that the bridge had already been erected.

The bridge is noted on highways structures records as K6326, a private structure. The bridge in question appears to be connected to development of land for mineral extraction and landfill. There is a cutting (which forms a haulage road linking 2 areas of the quarry) which is crossed by the bridge on Huddersfield BOAT 233 at OS grid reference 1182 1406. The bridge appears to be approximately 15+ years *in situ*. We have checked our records and hold no further information regarding the construction or authorisation of this structure.

Planning application 92/05699 granted conditionally 30/4/97 with later variation of condition 2002/92247 (also 20022247-2 (HDC KP20H) pdf attached) - the access to the waterholes extension area was originally indicated as being via a tunnel under Sandy Lane directly from Moorfield Quarry in the 92/05699 submission and not from the former waterholes quarry via a bridged cutting as currently occurs. The subsequent planning permission 2002/92247 was submitted principally to vary the phasing arrangements approved under 92/05699 but did not seek to vary the access arrangements.

If you are not content with the handling of your request, you have the right to ask for an internal review. Requests for internal reviews should be submitted **within 40 working days of the date of receipt**

**of the response to your original request** and should be addressed to the Monitoring Officer, Civic Centre I, PO Box 1274, Huddersfield HD1 2WZ. Alternatively, you can send an email to: [monitoring.officer@kirklees.gov.uk](mailto:monitoring.officer@kirklees.gov.uk).

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of any review you have the right under section 50 of the 2000 Act to apply to the Information Commissioner for a decision as to whether your request for information has been dealt with in accordance with the requirements of the Act. The Information Commissioner's website is at [www.ico.org.uk](http://www.ico.org.uk) and gives more information about the role and duties of the Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

Lindsay Foody

**Information Access Team**

**Legal, Governance & Monitoring**

Email: [freedom.info@kirklees.gov.uk](mailto:freedom.info@kirklees.gov.uk)

Telephone: 01484 221000 (voice activated switchboard – please ask for Lindsay Foody)

**This email and any attachments are confidential. If you have received it in error - notify the sender immediately, delete it from your system, and do not use, copy or disclose the information in any way. Kirklees Council monitors all emails sent or received.**

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[June 2000 letter reply to ONE17 AD.PDF 266 KB](#)

[May 2000 bridge letter plans.pdf 151 KB](#)

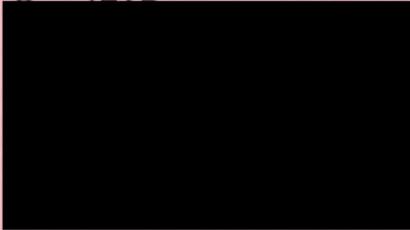
[May 2000 bridge letter.pdf 369 KB](#)

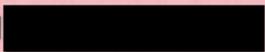
[20022247-2.pdf 81 KB](#)

Our Ref: 872/7/230/AL4367/NR  
Your Ref: 965/01/SB050500

Date: 27 JUN 2000

Stuart Beaumont



This matter is being dealt with by Mr A Leader, Direct Dial 

Dear Sir

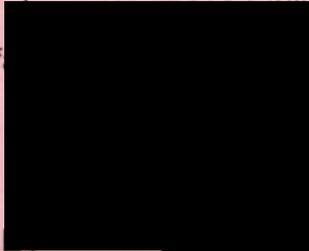
**HUDDERSFIELD BYWAY 230 JOHNSONS WELLFIELD QUARRIES  
CROSLAND HILL, HUDDERSFIELD**

I refer to your letter dated 5 May 2000 concerning that and apologise for the delay in replying.

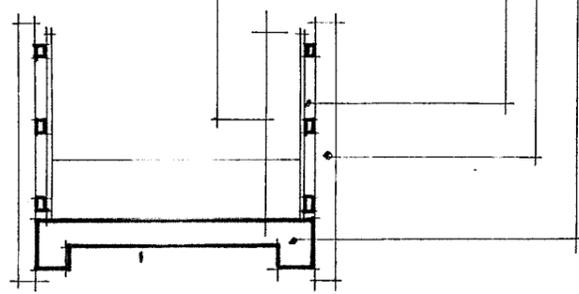
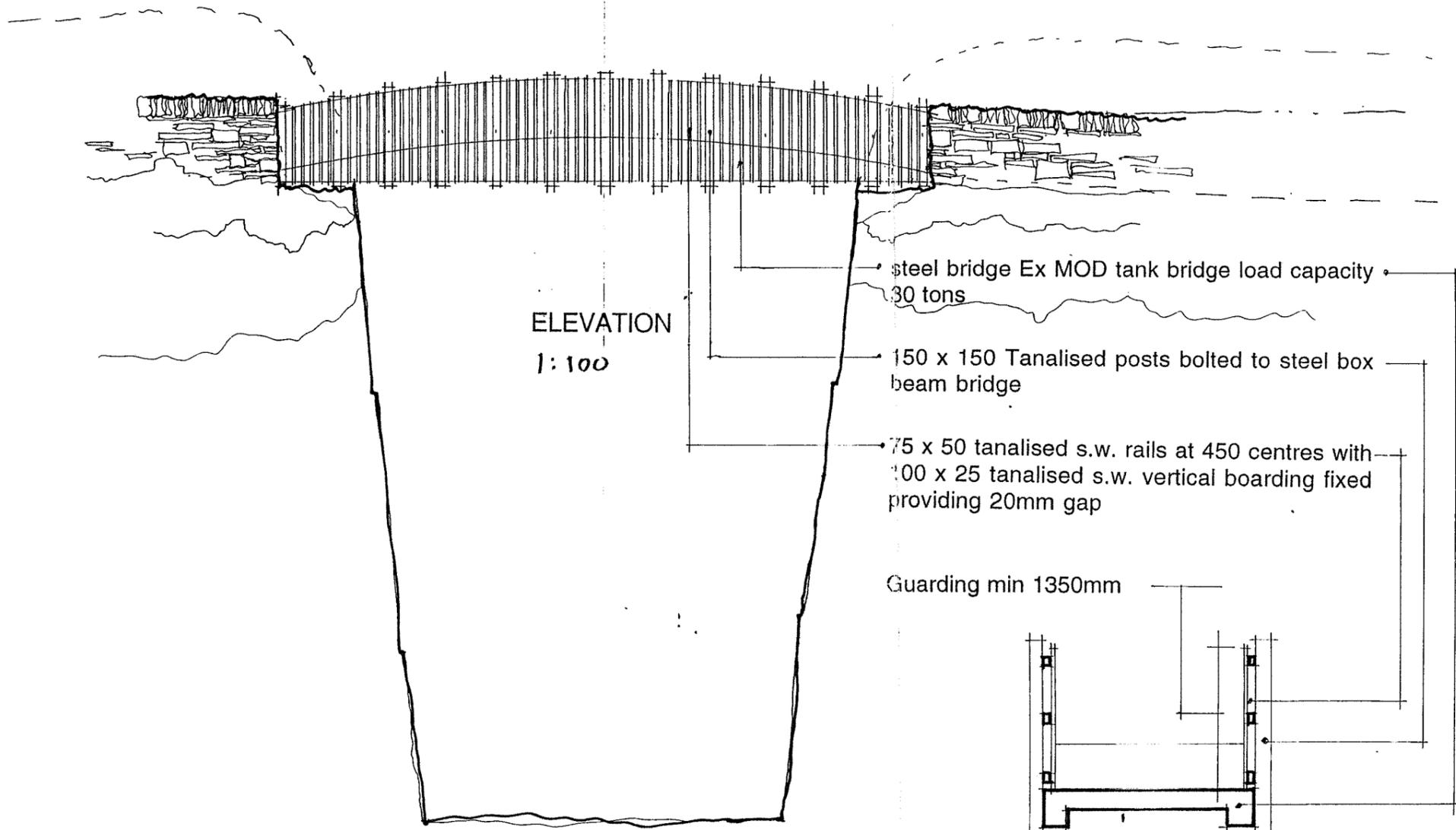
I am not in a position to answer your query without sight of calculations relating to the structural capability of the bridge and would ask that these be forwarded to Slim Chaudary Design and Construction.

On receipt of the above I will contact you again.

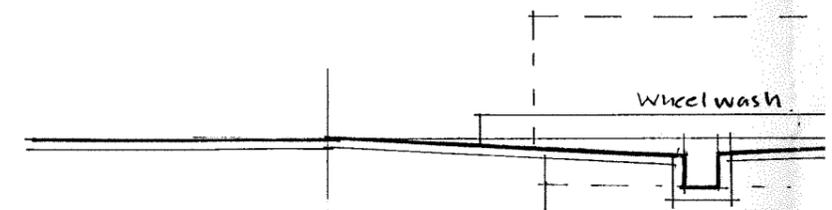
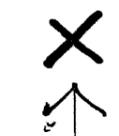
Yours f



R DAIL  
on behalf of D H GILL  
Chief Engineer, DC



SECTION Y - Y

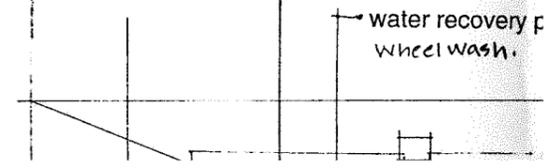


SECTION  
1:200  
X - X

WATER RECOVERY P



Access to Landfill site  
exact position to be agree  
Landfill operator



water recovery p  
wheel wash.

QUARRY HAIL ROAD



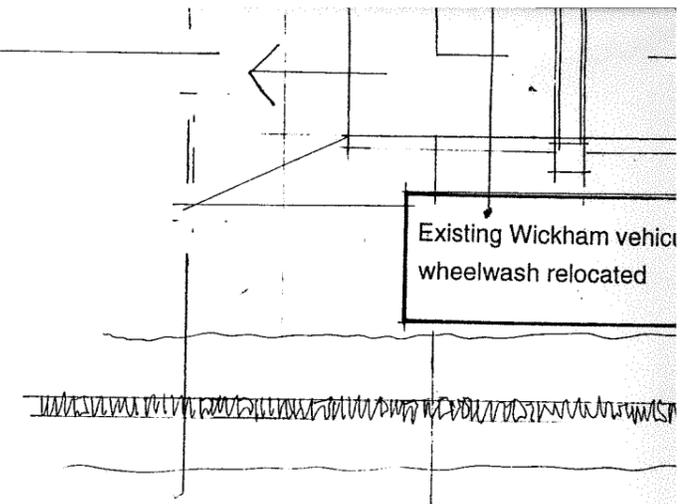
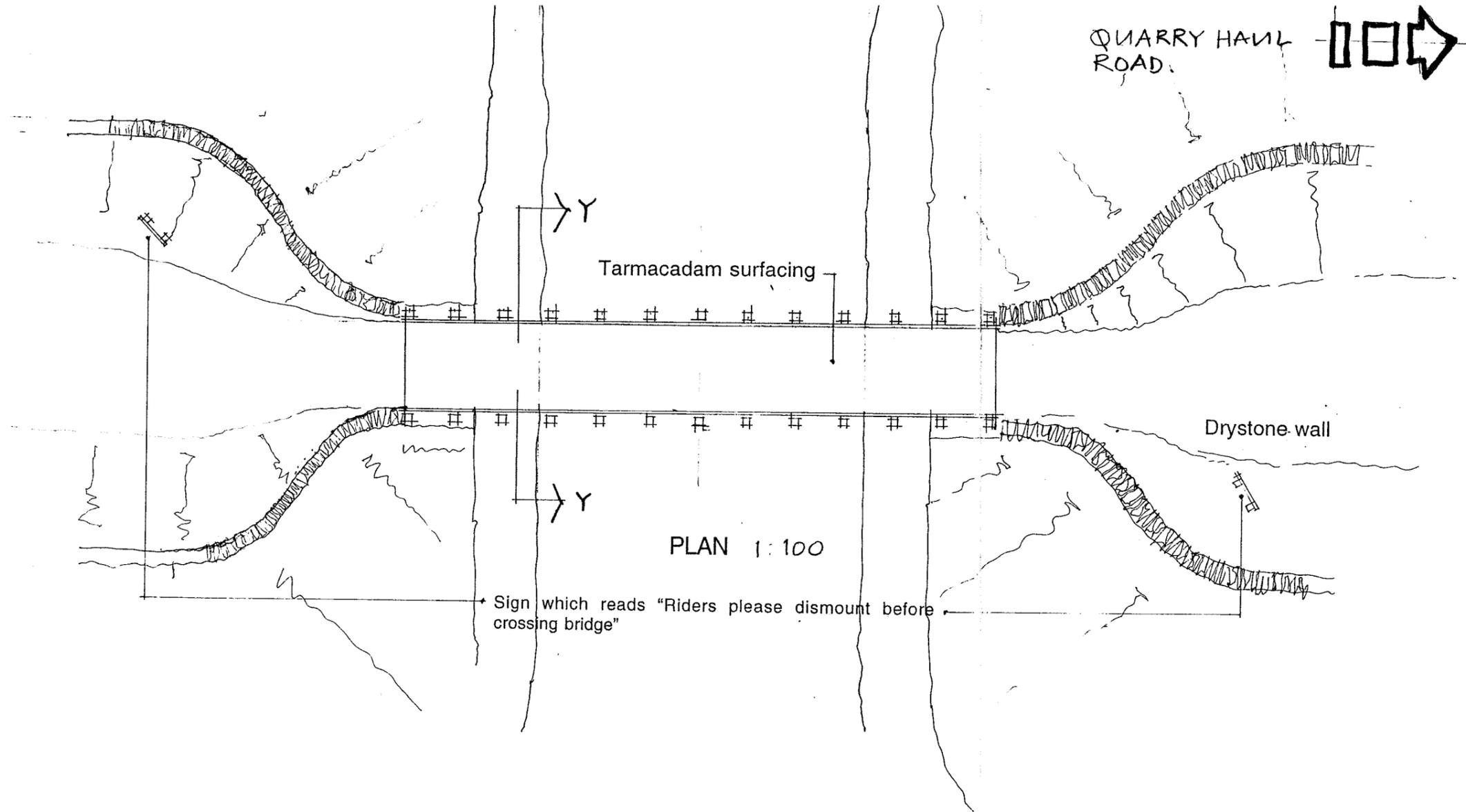
Existing Wickham vehicle wheelwash relocated

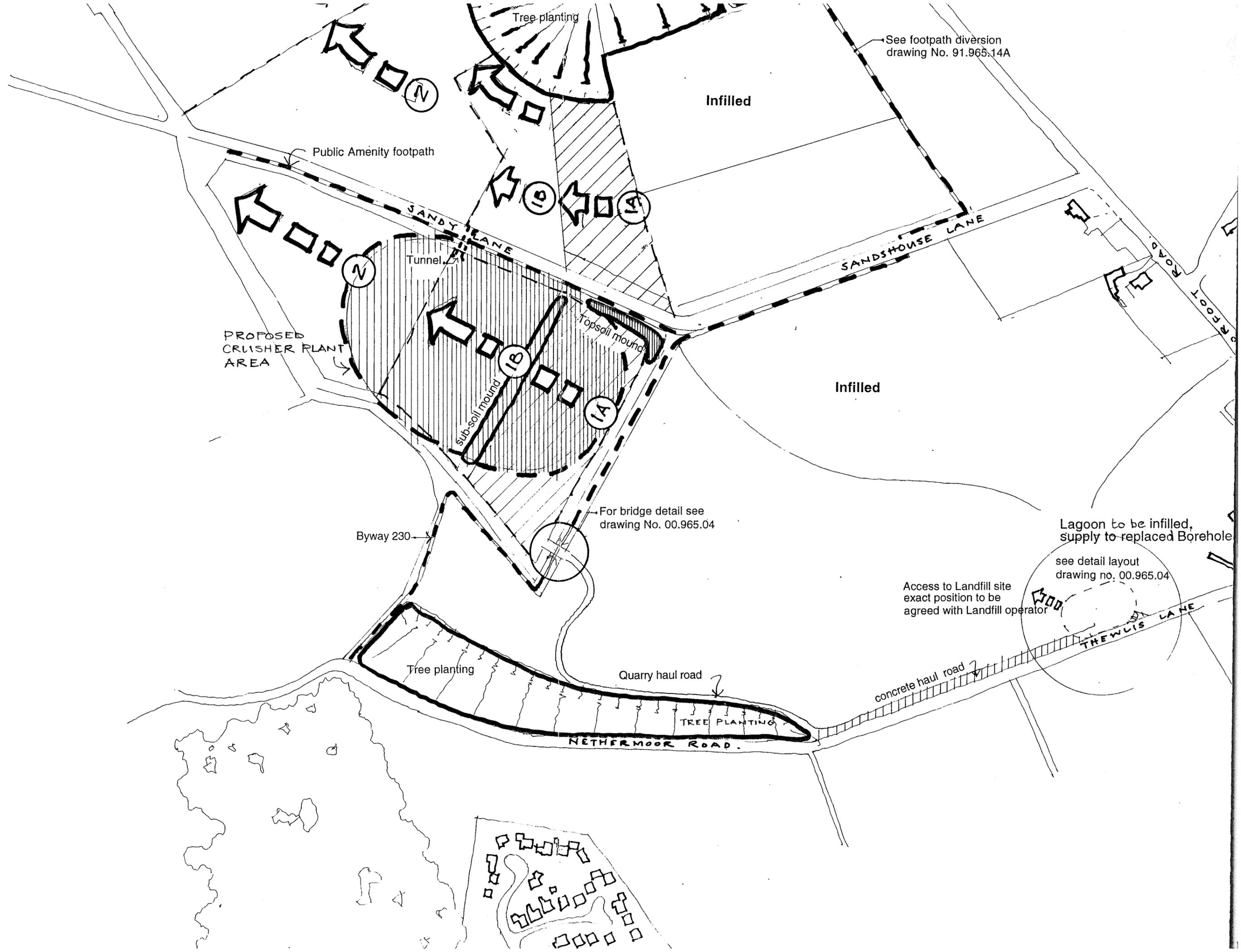
Tarmacadam surfacing

Drystone wall

PLAN 1:100

Sign which reads "Riders please dismount before crossing bridge"





See footpath diversion drawing No. 91.965.14A

Infilled

Public Amenity footpath

Tunnel

PROPOSED CRUSHER PLANT AREA

Infilled

For bridge detail see drawing No. 00.965.04

Byway 230

Lagoon to be infilled, supply to replaced Borehole

see detail layout drawing no. 00.965.04

Access to Landfill site exact position to be agreed with Landfill operator

Tree planting

Quarry haul road

concrete haul road

TREE PLANTING

NETHERMOOR ROAD.

THEWLIS LANE



965/D1/SB/050500

5 May 2000

KIRKLEES M.C. HIGHWAYS SERVICE FLINT STREET			
ATTN <i>SA</i>	- 8 MAY 2000		POST No <i>04367</i>
	REPLY? <input checked="" type="checkbox"/>	TARGET DATE	No. REQS

10 MAY 2000

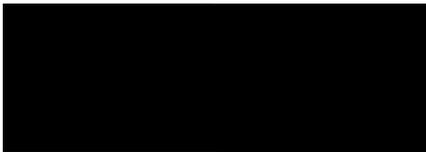
Dear Sirs

**Approved Stone Extraction  
Johnsons Wellfield Quarries, Crosland Hill Huddersfield  
Retrospective Highway application**

The quarry operator has recently constructed a bridge on Byway 230 in the location and to the details as indicated on the enclosed three copies of drawing number 00.965(0-)03 and 04. The bridge solution was discussed and agreed with local residents as a sensible means of accessing the new quarry area and reducing the impact of noise generated by surface quarry haulage vehicles.

A similar bridge has recently been approved by Highway services at the operators Rockingstones quarry Wholestone Moor. Calculations are currently being prepared to justify the structural capability of the bridge and these will be passed onto you as soon as they are available.

We respectfully request your approval of the bridge construction and any outstanding authorisation under footpath regulations for the works carried out at the quarries.



Stuart Beaumont

Mr Andy Leader  
Kirklees M C  
Highway Services Footpath Section  
Flint Street  
off Leeds Road  
Huddersfield

cc J. Myers  
S. Berry  
E Woulds



PROPOSAL	Modifications to conditions attached to planning permission 92/62/05699/W0	HDC Ref. NO.	K 2 – 16 /6
		Highway Officer	GRAHAM THOMAS
		O.S. Ref	SE 114 140
LOCATION	Johnsons Wellfield Quarries Ltd Blackmoorfoot Road Crosland Road	Date received	07/08/02
		Date returned	30/09/02
		Decision	APPROVED
APPLICANT	BARTON WILLMORE	Route No.	-
		Adopted	YES
		Public Footpath	NO
		Highway scheme	NO
		Checked by/date	TB 08/08/02
*			

I refer to your e-mail dated 30/09/02. Provided the underpass is deleted from the current application I am prepared to support the granting of permission subject to :-

**CD39** The development shall not commence until provision has been made to the satisfaction of the Local Planning Authority for the parking, loading and unloading of contractors' plant and equipment and the parking of vehicles of the workforce within the site.

**REASON** In the interests of the safe and free use of the highway.

**CD41** Facilities shall be provided and retained at the exit from the site for the washing of vehicle wheels **and cleaning of the highway** to the satisfaction of the Local Planning Authority.

**REASON** In the interests of the safe and free use of the highway.

On behalf of  
D H Gill - Chief Engineer  
Highways Development Control

HDC REF