



STATEMENT IN SUPPORT OF FOOTPATH DIVERSION APPLICATION

Footpath: Public Footpath HOL/60/20 (Part)
Location: Adj. Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorkshire HD9 3UU
Applicant: Mr. Richard Butterfield
Date: 29th March 2019

1.0 BACKGROUND

- 1.1 This Statement is submitted on behalf of Mr. Butterfield in support of an application pursuant to Section 257 of the Town and Country Planning Act 1990 (as amended) ('TCPA'), for the diversion of part of the existing public right of way ('PROW'), being Footpath HOL/60/20 ('Footpath 60' or 'the Footpath') which currently crosses land ('the Site') that is owned by the applicant.
- 1.2 Two planning permissions are being implemented and are well advanced into construction phase on both sides (south and north) of the Footpath. The relevant planning permissions Planning permissions have been granted pursuant to Local Planning Authority references: 2014/92814 and 2017/91374, as amended by two respective non-material amendment permissions under Section 96A TCPA, being 2018/NMA/93302 and 2018/NMA/93277. The planning permissions, including the NMAs shall from hereon in be referred to as the 'Permissions'.
- 1.3 The application for a diversion of part of Footpath 60 is in order that the Permissions can be implemented in full. This cannot occur without the diversion of part of the Footpath, being a length of 160 metres to its westerly termination point, identified at point 'A' from point 'B' on the plan accompanying this application, compiled by Messrs ADP Architects (the 'Plan').

2.0 FOOTPATH HOL/60/20 ('Footpath 60' or 'Footpath')

- 2.1 Footpath 60 runs from Netherthong Village to Wolfstones Heights. For the most of its whole length, it passes through open fields, over stile structures and through gates, rising as it progresses in a westerly direction up towards Wolfstones Road. Footpath 60 does intersect with other footpaths throughout its length, but not on any part of the Footpath that is the subject of this application.
- 2.2 Throughout the route (save for the part to be diverted; see below), far-reaching panoramic views exist in northern, southern and easterly directions. This is the case save mainly in the area where the footpath is proposed for diversion, which is built up (and being further built up as a result of the Permissions), enclosed and where any view is restricted in all directions.
- 2.3 It is not likely that the route is used for commuting on a daily or other basis. It is a leisure route enjoyed for committed walkers and otherwise, enjoyed for recreation and exercise, with its extensive views for the most part, save for the area is proposed for diversion, as described above.
- 2.4 Footpath 60 terminates at its westerly point on to Wolfstones Road, where it currently passes through the curtilage area of Wolfstones Heights Farm and adjacent (to the immediate south) of the residential building known as Wolfstone Heights, which fronts onto Wolfstones Road. Wolfstones

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Road is an adopted rural road open to all traffic, moving to the south towards the village of Upperthong and moving north towards Wilshaw and Honley, terminating/beginning at the intersection of Moor Lane. A verge on the outside of the rural road has been deemed serviceable and suitable for walking by the Council's Rights of Way Section (see also Appendix One (1)).

- 2.5 The footpath is currently part of an unofficial recreational walk known as the *Thongs and Wolfstone Heights Walk*. Where Footpath 60 currently terminates at its westerly end on Wolfstones Road (point 'A' on the Plan), it is currently possible to cross the road east to west and progress onto land that is owned by the Holme Valley Land Charity, being the charitable trust arm of the Holme Valley Parish Council. This land (the '**Charity Land**') contains a relatively recently constructed 'trig point', where far-reaching 360-degree views are available.
- 2.6 However, importantly, the way up to this trig point on the Charity Land, is not a PROW and is not even identified as permissive at present by the Land Charity. The sign at the entrance simply states that it is land owned by the Holme Valley Land Charity. A tall lamp post-style sign with an arrow point eastwards away from the Charity Land exists at the entrance to the Charity Land on Wolfstones Road, identifying Footpath 60 as a public footpath on the opposite side of the road going eastwards. In more simple terms, identifying Footpath 60 from its own land, but not in any way implicating or identifying its own land as a right of way. This is an area of land that it is possible may be closed at any time.

3.0 The Permissions

- 3.1 Although the merits of the Permissions are not necessarily relevant to the determination of this Footpath diversion application, the context, backdrop and rationale is. Accordingly, a brief description of the Permissions and from where they derive is warranted.
- 3.2 Briefly, the re-location of the accessway to Wolfstones Heights Farm had been a consideration for the applicant, due to the relative awkwardness, limited manoeuvrability and visibility. Importantly, however, the driveway also serves in part as the Footpath. This obviously causes conflict between pedestrian users of the Footpath, particularly if accompanied by children and dogs using the narrow drive and the applicant's vehicles and those of their visitors, emergency or other services visitors.

The right angle turn combined with the gradient is very difficult to negotiate, particularly in ice and snow. A small gap between buildings faces the prevailing wind, meaning the area is quickly affected.

- 3.3 However, the catalyst for the original applications for the Permissions, was not only the applicant's keeping and transporting of horses and classic cars, as has been suggested. It was following a break in at the residential property from a person using the public footpath, but also a serious fire at the property in 2014, during which the difficulty in using the current driveway was unfortunately brought into stark significance. The fire at the property destroyed a sizable part of the house on the north elevation and the fire engine appliance deployed to deal with the blaze became wedged in the narrow and awkward driveway. The existing point of access from the existing drive into Wolfstones Road is on a bend in the road at the crest of the hill, where visibility is poor. This crest is the area of the westerly termination point of the Footpath at point 'A' on the Plan.

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3.4 The applicant had investigated alternative routes over the years to create a more suitable access, but none were physically or legally feasible. The building and land to the north-east/north respectively, known as Wolfstone Heights, came up for sale. The applicant saw this an opportunity to substantially overcome access problems, whereby part of the residential curtilage of Wolfstones Heights containing one of the two driveways, could be purchased to be used as a new access to Wolfstones Heights Farm, with Wolfstone Heights continuing to be served by its existing access.

3.5 Planning permission allocated with LPA reference: 2014/92814 permits in summary (quoting the related Decision Notice) the formation of a new access and stopping up of existing access, diversion of public right of way and related external works. 2017/91374 permits in summary (again quoting the related Decision Notice) the demolition of a garage building, the erection of garages, garden room and fuel store with associated landscaping works associated within the curtilage of a Listed Building, being the building known as Wolfstones Heights. At the time of this diversion application, the garage building referenced has been demolished and the erection of the new garages, garden room and fuel store, etc. and roof terrace has commenced in accordance with this permission.

The Permissions sit immediately next to each other and meet at the point of the Footpath immediately to the north of Wolfstones Heights Farm and the area of the lower garages and the newly constructed driveway, which currently crosses the Footpath.

3.6 For information only and not related to this diversion application, the corresponding Listed Building Consent ('LBC') for the demolitions described was issued under LPA reference 2017/91375. Although again not related to this diversion application, by way of further information only and for completeness, works involving extensions, alterations and restorations are currently taking place on the Wolfstones Heights building under LBC ref: 2018/91284 and planning permission ref: 2018/91285.

By way of further information and for context, both Wolfstones Heights Farm and Wolfstone Heights, with the surrounding land, are now owned by the applicant. The applicant's residence is Wolfstones Heights Farm.

3.7 Non-Material Amendment ('NMA') applications in relation to both 2014/92814 and 2017/91374 were applied for, in order that the two permissions would integrate and sit alongside each other much better. Both of these NMAs relate to the area whereby the Footpath will need to be diverted. There NMAs were applied for in order to improve engineering and visual aesthetics on the site, as well as better integration of the overall development into the landscape. Briefly, these NMA permissions, with respective LPA references: 2018/93302 and 2018/93277, allow for:

- alterations in levels and to the parking area covered by the main planning permissions adjacent to the newly constructed lower garage and roof terracing, thereby creating a tandem parking area covered by 2017/91374 instead of the current side-by-side parking;
- new retaining wall with a drystone face to match existing materials, feeding into a retaining wall and slim raised bed adjacent to the part of the existing farmhouse to retain and protect the foundations to the boilerhouse;

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- stone steps from the proposed extended lawn area on the original permission across the area of the existing driveway (and therefore Footpath), in-part supported by the new retaining wall, with the steps meeting those proposed that carry on up to the lower-garage roof terrace, currently being constructed under permission 2017/91374
- additional landscaping for improved aesthetics, screening and integration.

3.8 Therefore, this is moving the intended small retaining wall that divides the driveway and existing Footpath back towards the farm house to preserve and better protect the newer part of the building housing the boiler, which it is now known is where the significant house fire started. The boiler house building was built under the 2014 Permission. The desire is to better protect the building, but also to achieve a more desirable looking and functioning development; with 2014/92814 and 2017/91374 sitting seamlessly, functionally and attractively alongside each other.

However, this importantly avoids any conflict between vehicular and pedestrian users as a result of the diversion, as well as protecting the buildings and allowing easier access to emergency services and similar vehicles where required, with the prospect of improving safety and security.

4.0 Law and Guidance

- 4.1 Section 257 and 259 of the TCPA 1990 as amended, alongside Schedule 14 of the same, underpinned by the procedural requirements laid down in the Town and Country Planning (Public Path Orders) Regulations 1993 (as amended), effectively governs the law and procedure for the stopping up and, as in this case, the diversion of footpaths required in order to implement planning permission granted.
- 4.2 Section 257 TCPA permits, in this case, that following a grant of planning permission or permissions, the LPA may make an order to stop up or divert a footpath, if they are satisfied that it is necessary to enable that development to be carried out. Similar powers are available to the relevant Secretary of State under Section 247 TCPA. Sections 247 and 257 of the 1990 Act allow the making of an order authorising the stopping up or diversion of a highway if the relevant authority is satisfied that it is 'necessary to do so in order to enable development to be carried out in accordance with planning permission' granted (in this case) under Part III TCPA.
- 4.3 For the purposes of this application, a section 257 order applies to public footpaths. The district council (Kirklees) is the authority with the power to make such orders. However, the made order can only be confirmed (i.e. take effect) by the Council if it is unopposed following statutory notifications. If the made order is opposed, then it is referred to the Secretary of State to decide whether to confirm the order. An inspector appointed by the Secretary of State will then either hold a local inquiry or receive written representations.
- 4.4 There are essentially two stages to consideration of an order, in what has become known colloquially as the *necessity* test and the *merits* test¹;

¹ See *Vasilou v Secretary of State for Transport* [1991]



(1) **the necessity test:** whether it is necessary to enable development to be carried out in accordance with planning permission (in this case, the 'Permissions'); and

(2) **the merits test:** in exercising the discretion whether to confirm an order, the obligation to take into account any significant disadvantages or losses flowing directly from the order which have been raised. The decision-maker must then decide whether any such disadvantage or losses are of such significance or seriousness that he should refuse to make the order.

- 4.5 However, before considering an order, the Council needs to decide whether to make the order. DEFRA Rights of Way Circular 1/09 provides advice to local authorities on recording, managing and maintaining, protecting and changing public rights of way. More specifically for the Council, in considering whether to make an order, Paragraph 7.15 of the Circular advises that:

*“... Having granted planning permission for a development affecting a right of way however, an authority **must have good reasons to justify a decision either not to make or not to confirm an order**. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.”*

(NB. our emphasis)

- 4.6 Therefore, the issue is whether the proposed diversion is necessary to enable the permitted development to proceed, whether the public or adjoining property owners would be disadvantaged by the diversion and, if so, where the balance of advantage lies.
- 4.7 It is perhaps helpful to establish what is meant by 'necessity' or 'necessary' to allow the development to be carried out. More recent case law has reinforced this position². The Judge in the High Court Case, Mr. Justice Holgate, citing the language used in section 257 TCPA, stated that a LPA has a discretionary power to authorise by order the stopping up of a public right of way where it is necessary to do so to enable development to be carried out in accordance with a planning permission. Thus, the necessity test is concerned with whether such an order is necessary for that purpose. The Judge went on to add that the language used by Parliament in section 257(1) for the purpose of enabling, or facilitating, the carrying out of development, means that the word “necessary” does not for example mean ‘essential’ or ‘indispensable’. Instead, it means what is required in the circumstances of the case, which must include what is envisaged and allowed within and the terms of the planning permission. More simply, the words in section 257(1) TCPA “in accordance with a planning permission” means the order is necessary to enable the relevant development to go ahead in accordance with the permissions granted.
- 4.8 When considering an order made under section 257, the decision-maker needs to be mindful that the merits or otherwise of any planning permission for the development itself, are not relevant or at

² *Network Rail Infrastructure Ltd v Secretary of State for the Environment, Food and Rural Affairs* [2017] EWHC 2259 (Admin); this case was subsequently upheld by majority at the Court of Appeal: *R. (ex p. Network Rail Infrastructure Ltd.) v Secretary of State for Environment, Food and Rural Affairs* [2018] EWCA Civ 2069



issue. This is a matter about rights of way and is not an opportunity to revisit the planning permissions. This is well established in case law³ and practice. Paragraph 3, above, provides details on the Permissions here for context, because this does to some extent go to the reason for the Permissions and why the Footpath diversion is therefore required.

4.9 Furthermore, development, in so far as it affects a right of way, must not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. A public right of way cannot be diverted under Section 257 where a development is substantially complete⁴.

4.10 For the avoidance of any doubt and for completeness, the proposed diversion results in no conflict whatsoever with the Council's Rights of Way Improvement Plan 2010-2020 ('ROWIP'). The following will show the diversion of the Footpath in fact serves to enhance the route, which meets and even exceeds the objectives in the ROWIP. Accordingly, no further elaboration is required in this respect.

5.0 Previous Diversion Applications and Subsequent Pre-Application Dialogue

5.1 There have been two previous iterations of an application to divert the Footpath. Both were subject to *informal consultation* (pre-publicity) by Kirklees Council prior to consideration as to whether to make an order. Several representations were received, which although voluminous, were to a large extent repetitive, to another extent misunderstood and all of which were, and still are, rebuttable and capable of scrutiny and examination following the making of an order.

The applicant's team would look forward to being able to formally respond to and examine any issues, at a local inquiry if necessary, following any objections to the order. However, notwithstanding those representations made in informal consultation, the previous application was withdrawn for unrelated reasons, relating in summary to timing, slight difficulties on site which are now resolved, together with being able to give the application the consideration and effort that it requires and deserves.

5.2 Since the withdrawal of the previous diversion applications, construction work on the site pursuant to the Permissions has continued and will do so as far as they can without the diversion of the footpath.

For information and in order to be clear, the alternative route of the path has been engineered and fenced, but not yet surface- and furniture-finished, entirely on risk by the applicant as part of the Permissions. Nevertheless, for the avoidance of any doubt, Footpath 60 is and always has remained open and will obviously do so unless and until lawfully diverted.

5.3 Prior to compiling and submitting this application, the applicant has considered that dialogue and reaching out to previous organisations making representations should take place, in order to avoid any misunderstanding and consider any opportunities. Through its agents, the applicant has engaged in useful dialogue with those making representations, as well as other stakeholders. This has

³ E.g. *Vasilou v Secretary of State for Transport* [1991]

⁴ E.g. *Ashby and Anor v Secretary of State for the Environment and Anor* [1980]



involved meeting the Council's Rights of Way Officer, meeting the representative of the Peak and Northern Footpath Society, attending a meeting of the Holme Valley Land Charity and the Planning Committee of the Holme Valley Parish Council. We have also had dialogue with the Holmfirth Harriers, a local running club based in Honley, but the club has declined a meeting and has decided not to engage further at this time. This is a shame, because we believe that several misunderstandings could have been addressed and a number of concerns could have been alleviated. We hope that this application does the same.

We have also had useful dialogue as well as the Highway Safety representative of Kirklees Council and have very recently been able to establish contact with the local (Huddersfield) Ramblers Association. As a courtesy, we have also for completeness written to the three local Ward Councillors for information and offered a point of contact, as we have in relation to all the above-mentioned groups and consultees.

5.4 Several interesting items have arisen out of such dialogue, which are more particularly described in **Appendix One** against each organisation or person approached. We refer and encourage reading of Appendix One.

5.5 Whilst the dialogue has yielded in part useful and interesting information, a thread running through the feedback and indeed the representations in the previous informal consultations, is the alleged link with the trig point on the Charity Land and the impact on highway safety as a result of the diversion. More particularly, the assertion that the Footpath is mainly used to access the trig point on the Charity Land, which as described at 2.5 and 2.6, above, is not a PROW. Allegedly, the lack of a straight line/linear walk up to the current westerly termination point of the footpath, straight across Wolfstones Road to the Charity Land is a significant disadvantage. Furthermore, the desired new termination point (point C on the Plan) would bring users down from the current termination point (point A), who would then have to walk up the hill to point A, in order to be able to access the Charity Land.

This concern is seemingly based mainly on two suppositions.

First, that the Footpath is mostly used to access the Charity Land; and second, that there will be an increase in walkers using the road, having to walk a further south (i.e. up Wolfstones Road), thereby resulting in alleged increased conflict of vehicles and pedestrians.

It is noted that there is in fact no evidence, other than anecdotal evidence and inference in relation to this.

5.6 Consequently, the applicant has over several days during the last 12-18 months, commissioned an independent Highways Survey ('**Survey**'). This Survey was carried out by Paragon Highways and the full report is attached at **Appendix Two**. It should be noted that the Survey does not just record pedestrian movements, but also vehicle speed data on Wolfstones Road, cycling and equestrian movements.



Seasonal variations may be raised by those opposing the Footpath. Where an order is made and, in the event that a local inquiry is called following objections, the applicant will for example consider commissioning a similar survey in the Summer months.

However, importantly, nobody else, including the Council, has any such real evidence or data.

Appendix Two is the only real independent professionally obtained data available on the Footpath and on Wolfstones Road, to the very best of our research and knowledge.

5.7 **Observations from the Survey**

We do not propose to describe in detail the data ascertained for the purposes of this application, as the full report is available at **Appendix Two** and its full reading is recommended. However, the following are brief headline observations.

- 5.7.1 On average across the Survey days, less than 40% of pedestrian users used the Footpath in any direction.
- 5.7.2 On each Survey day, more pedestrians used Wolfstones Road, whether walking in a northerly direction towards Moor Lane, or southerly direction towards Upperthong, than used the Footpath.
- 5.7.3 On the Survey days, it is observed that more pedestrians accessed the Charity Land following walking on Wolfstones Road coming from Moor Lane or from Upperthong, than following walking westwards up to the termination point of the Footpath at point A on the Plan. Contrary to popular belief, the trig point on the Charity Land was therefore not accessed predominantly by users of the Footpath travelling westwards up the Footpath.
- 5.7.4 A negligible number of pedestrians leave the Charity Land and use the Footpath. Instead, they walk on Wolfstones Road towards Upperthong to the south, or towards Moor Lane to the north.
- 5.7.5 Generally, more pedestrians used Wolfstones Road walking from Moor Lane southwards (i.e. up the hill) towards Upperthong, than northwards from Upperthong towards Moor Lane. This has been the concern of Highway Safety, but it is apparent that the road is being used frequently in any event and there is no evidence that the diversion of the Footpath is going to result in increased conflict between vehicular traffic and pedestrians. Further, there is no evidence to suggest that the diversion of the Footpath, is going to result in a significant increase (if in fact any increase at all) of pedestrian users on Wolfstones Road.
- 5.7.6 There have been no recorded accidents on Wolfstones Road in the last five years, as already identified, and acknowledged by the Highways Safety Engineer (see Appendix One (3)). The Survey revealed that traffic speeds are low (very low) along this section of Wolfstones Road and the number of vehicle trips is also low over the eight (8) hour periods surveyed on each Survey day.
- 5.7.7 A key advantage of the diversion is that the visibility for pedestrians egressing the desired termination point of the diverted Footpath, further north (i.e. down the hill) on Wolfstones Road, is considerably improved from the existing situation. Inter-visibility for drivers travelling along the major road of pedestrians stepping onto the carriageway or verge is also improved compared with

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the existing termination point. Given the frequency of vehicle movements along Wolfstones Road, together with the low speed of those vehicles (contrary again to what has been alleged), together with the frequency of pedestrian activity, the proposed relocation of the Footpath entry/termination point onto Wolfstones Road will, according to the Survey, only further reduce the potential for accidents.

5.8 The Charity Land/Trig Point

- 5.8.1 Notwithstanding the fact that there is now credible independent evidence to suggest that not all users of the Footpath are accessing the Charity Land, Appendix One (2) has identified that dialogue has been had with the HVLC, with a view to forming a new pathway to the trig point, from a point approximately 40m further north (i.e. down the hill) on Wolfstones Road.
- 5.8.2 However, whilst undoubtedly improved access and egress of the Charity Land presents opportunities regardless of the diversion, we should stress that we are highly confident that the evidence means that this is not actually required in order to justify this diversion of the Footpath. Nevertheless, it is an opportunity worth exploring for the future. However, as identified in Appendix One (3), Highways Safety does have some concerns about inter-visibility on the inside of the bend on Wolfstones Road. Please see Appendix One (3) for context and details.
- 5.8.3 Whilst the HVLC would undoubtedly like to improve access to the trig point, clearly the HVLC has much to think about in terms of the Charity Land and how it would like to see such improved access be realised, including the legal status of the footpaths, which hereunto has not been considered by the HVLC. Such a situation appears to be compounded by the fact that the land to the east and south of the Charity Land is not owned by the HVLC, but there are physical signs that the land has been walked across. It is understood that there are good relations between the HVLC and that landowner, but there are clearly wider considerations for the Land Charity.

Therefore, HVLC has maintained a neutral position, as would be expected. Nevertheless, it is positive about wanting to improve access to the Charity Land. Should there be any advancement of this position at any point during this application, we shall endeavour to keep the Council and, if applicable, the Secretary of State up to date for information.

5.9 Alternative Termination Points

- 5.9.1 Following dialogue with the Council's PROW officer, we have considered alternative locations for the termination point of the diverted footpath, ideally further south on Wolfstones Road; i.e. up the hill, compared with the desired new termination point that would result from this diversion application.
- 5.9.2 This has genuinely been investigated, but cannot be accommodated, physically or legally, given different land ownerships. However, the evidence is now pointing away from the requirement to have the termination point further south (up the hill) on Wolfstones Road in any event.

6.0 The Application; Facts and Evidence

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- 6.1 This application is made for the diversion of Footpath 60, in order to enable development to be carried out in accordance with the Permissions granted for the Site. Details of the diversion are submitted in Form 1A, which this Statement accompanies, and are delineated in on the accompanying Plan.
- 6.2 For completeness and by way of reminder, whilst substantial construction has taken and is taking place in accordance with the Permissions, the Footpath has remained open. This is notwithstanding the fact that the line of the intended diversion has been implemented at the landowner's risk, though is not furnished and surface-finished.
- 6.3 Briefly, works that cannot be completed without the diversion of the Footpath are the current stone wall to the south of the Footpath area cannot move and the garden lawn cannot be extended northwards towards the building known as Wolfstone Heights. In addition, the engineering works, levels alterations and connecting steps to the lower garage roof terrace and establishment of parking areas, as well as underpinning engineering and retaining walls, all of which is now more particularly established through the respective NMAs, cannot be concluded. This is because all such works necessitate the removal of the access drive to Wolfstones Heights Farm, part of which is covered by the part of the Footpath intended for diversion.
- Such construction works cannot be completed without the diversion of the Footpath.
- 6.4 The rationale for the application for the Permissions are identified at 3, above, which to some extent informs this application for the diversion of the Footpath.
- 6.5 The approved and envisaged layout and works required in respect of the Permissions would have an adverse effect on the use of the relevant part of the existing Footpath 60 by the public. In more simple terms, the development for which the Permissions have been granted could not therefore be completed if this part of the Footpath remains in situ.
- There is accordingly no question that the *necessity test* is easily surpassed, because it is necessary to divert the Footpath to enable development to be carried out in accordance with the Permissions.
- 6.6 As identified, at 4.5, above, Circular 01/09 requires that the Council, having granted the Permissions, the Council would need to have a good reason not to make an order. We now submit that having granted the Permissions, coupled with evidence provided in this Statement, there is no good reason for the Council not to at least make an order.
- 6.7 During the determination of the applications resulting in the Permissions, there were no representations relating to highway safety. Importantly, except for Mr. Cheetham (see below), no representations or objections during the course of the applications for the Permissions (any of them) related to the diversion of the footpath, despite this even being explicit in the description on 2014/92814. Whilst it would be disingenuous to posit that the PROW Team explicitly agreed the diverted route, the PROW section did not raise any lasting objection to any aspect of the Permissions, nor the proposal to apply for a diversion under Section 257 TCPA.



All representations arose out of the informal consultations following previous iterations of an application to divert the footpath. We have identified already the apparent duplication, misunderstanding and the fact that all representations are rebuttable and capable of being dealt with, through formal examination if required.

- 6.8 Having established that the *necessity test* is/would be easily surpassed, the issues turn to whether the public or adjoining property owners would be disadvantaged by the diversion and, if so, where the balance of advantage lies.
- 6.9 Save for the applicant, there are no other properties in the vicinity of the Site, so no adjacent property owners or those in the vicinity are directly disadvantaged. The question of disadvantage therefore relates substantially to the public; more specifically, users of the Footpath.
- 6.10 The following outlines the considerations and ultimately the advantages to the public on the merits of the diversion, which are listed in no particular order or intended hierarchy.
- 6.10.1 **Enclosing due to buildings**
- 6.10.1.1 It has been identified that the Footpath along its full length is a recreational route, mainly across open fields, allowing users to enjoy far reaching views in mainly northerly and southerly directions.
- 6.10.1.2 The part of the current Footpath to which this diversion application applies is where the footpath narrows and becomes increasingly enclosed due to existing buildings and those currently being constructed. Consequently, at a particular 'pinch point', for approximately 100 metres, it can be observed on site walking westwards up the rising incline, that the area becomes (and will continue to become) darker and the views become almost non-existent.
- 6.10.1.3 In stark contrast, the diverted Footpath, as can be seen on the Site, maintains and even improves the far-reaching views enjoyed by pedestrian users of the Footpath. Accordingly, the walking experience will be improved in this respect, on this recreational route, as a result of the diversion.
- 6.10.2 **Width of Footpath v Width of Diverted Footpath**
- 6.10.2.1 The serving of notices by the Peak and Northern Footpaths Society on the Council concerning the gates has ironically raised an advantage to this application to divert part of the Footpath. Please do see Appendix One (1) and (5) concerning the notices under Section 130A of the Highways Act 1980 (Section 130A Notices).
- 6.10.2.2 It can be seen from Appendix One (1) and (5) that this has resulted in the landowner leaving open the gates at the westerly termination point of the Footpath as it meets Wolfstones Road, on a voluntary basis, whilst this application is being determined. This is notwithstanding the fact that the gates pre-date the landowner's ownership of the land and the historic deeds may show such a limitation. However, what this has in fact identified, and which the Council's Rights of Way Officer has conceded, is that all that can be enforced is in fact four feet, or just 120cm width of Footpath.
- 6.10.2.3 Accordingly, notwithstanding the position that the current Footpath, which is also part of the driveway to Wolfstones Heights Farm (NB. though not the new driveway, accessed near point C on

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the Plan), it is a fact that the landowner can restrict the Footpath to a width of four feet (120cm) at any time.

This is of course a complication and a measure that both the landowner and users of the Footpath could do without.

- 6.10.2.4 By contrast, the diverted Footpath is considerably wider than the required 120cm of the current Footpath. Therefore, the diverted line of the path has the advantage of preserving the far-reaching views on this recreational route, avoiding the increasingly enclosing and dark 'pinch point' as described in 6.10.1, above. In addition, it is guaranteed that the diverted line will be consistently wider than the current line is required to be along its entire length. Therefore, the recreational route and overall walking experience is in fact enhanced as a result of the diversion, when compared with the current route.

6.10.3 **Recreational Improvement Opportunity**

- 6.10.3.1 It is noted again that the Footpath is not generally used for commuting. It is instead used for recreation. The Survey has identified that the diversion will see only a slight increase in journey times for walkers/pedestrians who are travelling south up the hill on Wolfstones Road towards Upperthong and the Charity Land path entrance, straight opposite the current westerly termination point of the Footpath. The Survey reports that the additional distance to travel for those affected by the changes is around 400 metres (it is in fact less), which is no more than an additional 5-minute walk.

- 6.10.3.2 However, walking north towards Moor Lane and the village of Wilshaw will see a decrease in distance and journey times. Therefore, in terms of time and distance, any detriment or advantage/improvement is slight, depending on the walkers' direction of travel. This could therefore be classed as neutral.

The evidence in fact could more than reasonably be equally well deployed as part of an application for a diversion pursuant to (as one example only) Section 119 Highways Act 1980, insofar as the diverted footpath would still connect to the same highway, being Wolfstones Road, and we know are able to demonstrate that it would not be substantially less convenient to the public.

- 6.10.3.3 Nevertheless, added to the neutral position on distance and journey time, which is dependent on the desired direction of travel, 6.10.1 and 6.10.2 above has identified that the diverted route is a more pleasant walking experience, allowing far reaching views. In addition, in more rudimentary terms, where recreational walkers/pedestrians need to walk a further few minutes, this is hardly likely to be considered a major disadvantage, with some possibly even viewing this extra time to the contrary, as it is to be enjoyed. This is particularly the case as the Rights of Way Section has confirmed in its consultation response to the Permissions that the verge on the outside (eastern side) of Wolfstones Road is serviceable and perfectly useable for walking.

It is in fact shown in the Survey that the Wolfstones Road, at the verge described and otherwise, is frequently used for walking in any event, without incident.

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6.10.4 Access to the Charity Land/Trig Point

- 6.10.4.1 The previous informal consultations in relation to the previous iterations of the application, as well as subsequent pre-application dialogue on this application, has identified that the loss of seemingly linear/straight access to the Charity Land is a key concern. However, it would appear from the Survey that this is a concern based on anecdotal evidence, at best, and not fact.
- 6.10.4.2 The Survey has in fact shown that the Footpath is not currently as well used as perhaps envisaged and that nowhere near all users of the Footpath are using it to access the Charity Land. In fact more pedestrians are generally accessing the Charity Land following walking either north or south on Wolfstones Road. The Survey has also shown that only a negligible amount of pedestrians egressing the Charity Land actually use the Footpath, instead turning south towards Upperthong, or north towards Moor Lane, walking on Wolfstones Road.
- 6.10.4.3 It is again important to remember that the Charity Land is not a PROW and may be closed at any time. The alleged connection from the Footpath to the path to the trig point on the Charity Land is perhaps overstated. There is in fact no evidence available outside the independent Survey.
- 6.10.4.4 However, given the opportunity for 360-degree views at the trig point, regardless of whether this is a PROW and not even a formal permissive or other right of way, it is arguably an important local feature popular with recreational walkers.
- 6.10.4.5 As identified, the diverted route is a more pleasant walking experience, on a wider, unenclosed path allowing the continuation of far reaching views. In order to access the trig point on the Charity Land, recreational walkers/pedestrian users will need to walk slightly further, starting at point B on the Plan, through the new termination point at point C on the Plan, to the current westerly termination at point A on the Plan. This is hardly likely to be considered a major disadvantage, with some possibly viewing this to the contrary, given the increased length, increased exercise and recreation opportunity, allowing the continuation of far-reaching views. The Rights of Way Section has confirmed in its consultation response to the Permissions that the verge on the outside (eastern side) of Wolfstones Road is serviceable and perfectly useable for walking.
- 6.10.4.6 It is in fact shown from the Survey that Wolfstones Road, at the verge described and otherwise, is frequently and seamlessly used for walking in any event, without incident. The alleged disadvantage of not being able to access the Charity Land from east to west is noted, but we would submit based on the Survey is overstated, which is compounded when considering that the Charity Land is not a PROW or other permissive path and may be closed at any time. Not every pedestrian is using the Footpath at present for this. Whilst as a result of the diversion there would be an additional five minutes to walk, this is neutralised by the fact that the distance and time walking towards Moor Lane, Oldfield, Honley or perhaps Wilshaw to the north, is in fact reduced.
- 6.10.4.7 We have mentioned the possibility of the HVLC making a new path on the Charity Land, starting approximately 40m down the road to the north, almost opposite the driveway entrance to the Wolfstone Heights building. Whilst this does not form a part of this diversion application and is clearly now not required to be promoted as a justification for it, we shall endeavour to maintain dialogue with the HVLC, as well as the HVPC and the PNFS, and subsequently endeavour to keep the

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Council and the Secretary of State up to date. However, to be clear, this does not form part of this application, as it is not actually required to demonstrate the necessity or merits of the application to divert part of the Footpath.

6.10.5 Safety

- 6.10.5.1 This application has described the potential for increased security for the landowner and his family, as a result of the Footpath being diverted. However, it has also described the difficulties faced previously in getting fire engine and similar appliances down the driveway which in part accommodates the part of the Footpath to be diverted.
- 6.10.5.2 Aside from the obvious increase in security and safety for the applicant resulting from the diversion of the Footpath, as well as the opportunity to fully implement the Permissions, the diversion will avoid conflict between vehicle users and pedestrians using the Footpath, which at present forms part of the driveway to Wolfstones Heights Farm.
- 6.10.5.3 Much has been made in representation and to some extent in pre-application dialogue with various stakeholders, that there is a concern that the diversion will result in a significant increase in walkers using the road. This is predicated mainly on the inference that most or all are accessing the Charity Land, but we now know that this is rebuttable; the evidence submitted with this application demonstrates a potential position to the contrary. In addition, it is apparent from the Survey that more pedestrians walk on the road than use the Footpath in any event.
- 6.10.5.4 More specifically, the Survey demonstrates that far from being unsafe, the new termination point on the diverted path, identified at point C on the Plan, compared with the current termination point 'A', is preferable. In fact, as identified in the conclusion of the Survey at 7.2:
- “The visibility for pedestrians egressing the new footpath location of oncoming traffic on Wolfstones Road is considerably improved from the existing situation. Intervisibility for drivers travelling along the major road of pedestrians stepping onto the carriageway or verge is also to a high standard. Taking into account the frequency of vehicle movements along Wolfstones Road, the low speed of those vehicles, together with the frequency of pedestrian activity, the proposed relocation of the footpath entry point onto Wolfstones Road can only further reduce the potential for accidents.”*
- 6.10.5.5 The information obtained would also confirm that the local highway network operates safely and slight the increase in journey length along a short section of the Wolfstones Road “...should not result in any significant conflict with existing users...”, adding that the diversion will only result in “...a slight increase in pedestrian trips over a relatively short distance...”.
- 6.10.5.6 Mr. Walker, the Highways Safety Engineer, as stated in Appendix One (3), has identified that inter-visibility at the new termination point may be better than that which exists at present.
- 6.10.5.7 From a highway safety perspective, there is on balance little question of a resulting disadvantage to public pedestrian users on the current line of the Footpath. The situation, as evidenced and opined in the Survey, as well as by the Council’s Highways Safety Engineer, is in fact that the diversion



termination point (point 'C') is more desirable in highway safety terms compared with the current termination point.

Whilst there is a natural caution maintained on an alleged increase in the number of users walking on Wolfstones Road as a result of the diversion, to a large extent assuming travel upwards towards the Charity Land (which we now know is not necessarily founded), the Survey has concluded that the diversion would result in only a slight increase in pedestrian trips on Wolfstones Road. It is apparent that Wolfstones Road is well-used by walkers in any event.

We therefore submit that in highway safety terms, which obviously must weigh significantly and accordingly, far from being a disadvantage, the diversion results in a considerable advantage to the public, in the case of both pedestrians and vehicle users.

6.10.6 Architectural and Historic Interest

6.10.6.1 Several, including the Holmfirth Harriers, have represented previously that users enjoy viewing buildings of architectural and historic interest. This is notwithstanding the fact that it does seem moderately strange that members of a running club would have time to pay attention to such detailing items during their pursuit.

6.10.6.2 Whilst this is of course credible generally, it is important to note that the north elevation of Wolfstones Heights Farm (thereby on the immediate south side of the Footpath) has been relatively recently re-built and is not a listed building. Further, on the immediate north side of this part of the Footpath, part-newly-constructed garage buildings increasingly impose on the Footpath and its enjoyment at the pinch point described at 6.10.1, above.

6.10.5.3 Of course, it is important to acknowledge that the building known as Wolfstone Heights (NB. not Wolfstones Heights Farm) is a listed building. However, this is undergoing major renovation and alteration at present. It is only possible to see part of the southerly elevation of the Wolfstone Heights building from the Footpath. From the diverted line of the footpath, all buildings, including new buildings, can be viewed and appreciated in their setting, with the addition of some improved soft landscaping. However, the greater proximate views of the Wolfstone Heights listed building are observed from Wolfstones Road, particularly from the verge on the eastern side of Wolfstones Road, which would be used if walking up the hill towards Upperthong.

7.0 Conclusion

7.1 Pre-application dialogue in advance of this application and following informal consultations on previous iterations of the diversion application have been worthwhile and useful. As well as adding a point of contact for various stakeholders, these have also provided the applicant with useful considerations. This application is now able to demonstrate that many concerns are unfounded, and in some cases, the result of misunderstanding.

7.2 The decision-maker is referred to the information within Appendix One and Appendix Two, as well as the Plan and Form 1A, which this Statement accompanies. Circular 01/09 requires that the Council, having granted the Permissions, would need to have good reasons to justify a decision not to make

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or confirm an order, or more immediately not to make an order to divert the footpath. Further, the disadvantages or loss likely to arise as a result of the diversion to members of the public or persons whose properties adjoin or are near the highway, should be weighed against the advantages of the proposed order.

- 7.3 We submit that the Council does not have a good reason not to at least make an order. The advantages of making the order, have been shown to clearly outweigh the disadvantages in this application, not least in terms of highway safety, but also the fact that certain concerns are arguably not founded here. The balance of the advantage clearly lies in favour of making an order, which is comfortably capable of achieving confirmation, which we are confident will result following the examination of any issues where any objections are received.
- 7.4 There is no question that the *necessity test*, as described in this application, is and will be surpassed. The Permissions cannot be fully implemented unless the relevant part of the Footpath is diverted. The law is clear that necessity, does not mean 'essential', for example. Nevertheless, the rationale for the applications for the Permissions do feed into where this application to divert this part of the Footpath has arisen.
- 7.5 The merits test, as described in this application, is also passed. This application has shown that there are no significant disadvantages or losses to the public as a result of this diversion. In fact, this application has shown considerable advantages, not least in relation to site safety, highway safety and improved access by width, lack of enclosure, improving far-reaching views and improved recreational opportunities, on what is a recreational route. This is alongside an improvement in journey time and distance, depending upon the geographical desire of direction of the users.
- 7.6 It would seem that this needs to be weighed against an additional distance and journey time of 5 minutes, but only where and if users wished to walk from the new termination point south towards Upperthong. Added to this, it is now clear that there will be nothing more than a slight increase in pedestrian movement on Wolfstones Road, which is already well-used by walkers in both directions in any event.

The decision-maker must decide whether any disadvantage or losses are of such significance or seriousness that he should refuse to make the order.

In our submission, the refusal to even make an order could not rationally follow here, principally because there are no significant or serious disadvantages resulting from the diversion. There is in fact advantage in terms of safety and considerable opportunity for improvement.

- 7.7 Accordingly, there is no good reason for the Council not to make and confirm an order to divert this part of Footpath 60. It is clearly necessary for this part of the Footpath to be diverted in order that the Permissions can be fully implemented. This application has shown that the advantages of this application far outweigh any perceived disadvantages. This importantly includes improved safety as a result of the new termination point, as well as walkers not walking through the curtilage of Wolfstones Heights Farm, bringing potential conflict between pedestrians and vehicles. This application has in any event shown that any perceived disadvantages are not significant or serious.

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- 7.8 We look forward to responding to any concerns or requested points of clarification by the Council or any other stakeholder. Nevertheless, at present, unless we can assist further or provide any further information or clarification on anything in this application, we now invite the Council to make an order to divert this part of Footpath 60, without further delay.

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APPENDIX ONE

Summary of Pre-Application Dialogue

1. Kirklees Council's Public Rights of Way Officer, etc.

Noel Scanlon met with Giles Cheetham of the Council on-site and subsequently met Mr. Cheetham and his line manager Rob Dalby, with the applicant present.

The main concern is around the non-linear/lack of straight line to the Charity Land from the current westerly termination point of the Footpath. The main inference being that the trig point is the likely destination of persons using the Footpath. A further concern is an alleged potentially significant increase in walkers using the road, walking from the new termination point 110m down the road, who will allegedly be more likely to be walking towards the trig point on the Charity Land, but it is believed that Mr. Walker of Highway Safety will be able to elaborate on this.

(Mr. Cheetham had stated previously in a consultation response to the applications for planning permission 2014/92814 that the current verge on the outside of the rural road is a serviceable verge suitable for walking).

The Council asked whether it was possible to establish a termination point further up the hill (i.e. south on Wolfstones Road) in order to more closely connect with the path to the Charity Land.

A discussion took place on the service of a notice pursuant to Section 130A of the Highways Act 1980 (as amended) ('Section 130A Notice') on the Council by what we now know to be the Peak and Northern Footpath Society. The concern is that the gates, which are closed on an evening, are not a recorded 'limitation' on the Definitive Map and Statement, or any previous records. This is despite the facts that the gates pre-date the current owners, Mr. and Mrs. Butterfield.

Although importantly Mr. Cheetham has conceded, to his and the Council's credit without prompting, that all that could realistically be enforced is 120cm (four feet) width of the Footpath, were the Council to enforce (or be made to enforce) pursuant to the Section 130A Notices requirements, as identified in the Definitive Map and Statement. It is of course possible that such a limitation may be able to be shown on a full scrutiny of historical records and possibly property deeds, for example. However, given the proximity of the diversion application, Mr. Butterfield has, as a goodwill gesture and in the interests of establishing dialogue and not creating conflict and hostility whilst this application is outstanding, volunteered to leave the gates open, thereby negating the need for further recourse under Section 130A.

The Council's position is that they are at present neutral on the diversion and await the application and any further relevant evidence.

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2. Holme Valley Land Charity ('HVLC')

The HVLC has not provided any representations previously as such, but it was found that some dialogue would be beneficial given the ownership of the Charity Land. Noel Scanlon met separately with the HVLC regarding its land on 20th February 2019. A point of concern has been the non-linear way that a diverted path would mean accessing the trig point land; i.e. moving from the westerly termination point of the Footpath, straight across Wolfstones Road to the Charity Land, rather than for example having to walk up the hill on Wolfstones Road from the desired new termination point to the entrance on the Charity Land, which is approximately 110m away.

This is predicated on the inference that all users of the Footpath are walking up the Footpath to the westerly termination point and are moving towards the Charity Land. The evidence will show that this is not the case.

However, it must be acknowledged that the trig point is an important focal point. We have had discussions with the HVLC regarding the installation of a new footpath on the Charity Land, approximately 40m further down Wolfstones Road, at the edge of its land where it would meet the adjacent field, which is in third party ownership. This is almost immediately opposite the point of the existing driveway to Wolfstone Heights as it fronts Wolfstones Road.

Whilst this is undoubtedly a viable option and would improve access to and from the trig point regardless of this Diversion, the HVLC are remaining neutral on this position at present but have expressed an interest in improving access to the trig point, which is poor, undulated and unofficial at present. It has been conveyed that the applicant for this diversion is prepared to contribute towards this, but this can obviously not be a factor at present, until such time as the HVLC would like to move further on this.

3. Kirklees Council Highways (Highway Safety)

Noel Scanlon has had email and latterly telephone dialogue with Mr. Joe Walker, Casualty Reduction Engineer, with the Highways Safety section of KMC Highways, on 31 January 2019.

Mr. Walker explained that he was a consultee in the previous iterations of the diversion application. Mr. Walker was aware that the walk was part of the *Thongs and Wolfstone Heights Walk* and that the route is promoted for recreational walking rather than being a pedestrian commuting route.

Mr. Walker has conceded that he has not actually been on site and has only had the benefit of viewing the site on a map.

The main concern was the alleged increased volume and thereby conflict of pedestrians and vehicular traffic. Mr. Walker believed that the increase would result from the diversion, because most will allegedly walk south (up the hill) from the new termination point to the trig point on the Charity Land.

The prospect of more people potentially walking an additional 110m from the diverted termination point to the path on the Charity Land going towards the trig point was unpalatable. That said, whilst conventional

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wisdom in the walking community is to walk on the side of oncoming traffic, Mr. Walker has stated that the outside of Wolfstones Road, being the east side walking south up the hill from the Moor Lane side, is in fact more appropriate in the case of Wolfstones Road. This is because on balance there is greater inter-visibility between pedestrians and vehicular traffic on the outside, rather than inside of the bend on this occasion.

Mr. Walker has further conceded that the Council holds no speed data and that there has been no accident in the last five years (with no data prior to this) for either the road and more specifically the bend in the road. Mr. Walker has conceded that inter-visibility at the new termination point may be better than that which exists at present or in the alternative is no worse. However, whilst there is no concern at present, the concern is potentially more pedestrians walking up the hill towards the trig point, though Mr. Walker did accept that there was no hard evidence or available data in that respect. Mr. Walker's argument is that there is in numerical terms a potential increase in conflict. Ideally, a paved or other made-path, rather than the current grass highway verge, would be preferable in highway safety terms, but this in itself would not be determinative.

Mr. Scanlon did explain that he had been to see the HVLC in order to discuss additional access/egress through another path further down (north) on Wolfstones Road, opposite the entrance to the driveway of Wolfstone Heights. Mr. Walker suggested that this to some extent may result in less distance travelled on foot from the new termination point towards the current Charity Land path, but may result in another conflict further down, as the path is on what looks from his plans to be a blind bend.

Mr. Walker took a neutral position and stated that it is always important to look at each case and welcomes the application.

4. Holme Valley Parish Council ('HVPC')

The HVPC Planning Committee generously allowed Mr. Scanlon to make a pre-application representation and answer questions at its meeting on 25th February 2019. Three things came out of this meeting, notwithstanding the fact that a rightly neutral and line was naturally taken at this meeting, pending the formal application.

First, it was apparent the Chair and possibly others, were under the impression that because the line of the path had been implemented, Footpath 60 had been closed. There was no question of this being the case and for the avoidance of any doubt Footpath 60 is and always has remained open. The desired diversion was put in as part of the construction works on the Permissions, entirely on risk as described. It was even acknowledged that, quite rightly, whilst the line of the diversion has been put in entirely on risk as described at 3.2, above.

Second, we surprisingly had to identify the route of the diversion and faced question on whether this was simply to gain more privacy. On the point on privacy, the planning applications are as they are. Whether or not this results in improved privacy on the part of the applicant is moot. However, given the applicant has lived with his family in the property for the best part of three decades, such an accusation becomes significantly diluted and even falls away.

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Having to explain the route of the diversion was surprising. We would surmise, along with representations regarding the alleged closing of the footpath, that this has led to a misunderstanding about the situation overall.

Third, was that there was some tentative support for the diversion amongst several Parish Councillors present. Nevertheless, the Committee was rightly neutral and obviously awaits the application before deciding on a position.

Dialogue with the HVPC Planning Committee was helpful and we do endeavour to keep them up to date and encourage continued dialogue on this matter, now that there is a point of contact.

5. The Peak and Northern Footpaths Society ('PNFS')

Noel Scanlon met with the local PNFS representative, Mr. Andy Leader. The meeting took place on site and the route was walked.

We are aware that recently served Notices pursuant to Section 130A of the Highways Act 1980 (as amended) were served on the Council, due to the applicant's gates at the current westerly termination of the Footpath (point A on the Plan) being closed on a night.

Notwithstanding the fact that these gates have been in place since before the applicant's ownership of their land, almost three decades ago now, the PNFS has claimed that no limitation applied to the Footpath according to the Definitive Map and Statement.

During the meeting, Mr. Leader has confirmed that the PNFS is not concerned with road use by pedestrians, as it is known that the road is often used by walkers. The simple concern is principally with the distance of the intended termination point of the diverted footpath (i.e. point C on the Plan) from the trig point on the Charity Land.

Mr. Scanlon did briefly mention the possibility of the HVLC being interested in improving the access to the trig point further down (north) on Wolfstones Road. However, Mr. Scanlon stressed that this was unofficial and was not likely to form part of the application for a diversion. Mr. Leader has suggested that were this to come forward, this could be something that the PNFS could support.

Nevertheless, Mr. Leader was clear on behalf of the PNFS that anything official and indeed the PNFS's official position needs to go back through its relevant committees. The PNFS therefore looked forward to any updated information and the formal diversion application.

6. Holmfirth Harriers

Noel Scanlon has had email dialogue with The President of the Holmfirth Harriers running club, Mr. Rob Kersey. Mr. Kersey has simply re-stated the previous representations and stated that the club is not taking the opportunity to engage in further dialogue at this time.

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7. Ramblers Association (Huddersfield Ramblers)

Contact has been attempted on two occasions with the Huddersfield Ramblers and latterly through the central Ramblers Association. No response has been received, other than a “Request Received” email. More recently, we have received correspondence from the Huddersfield Ramblers representative, Mr. Oliver Taylor, who looks forward to the application and were grateful for the advance notice and a point of contact.

No further dialogue to report at the time of the submission of the application.

8. Ward Councillors

The three sitting local Ward Councillors have been written to prior to the submission of the application. No response has been received at the time of submission of the application.



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APPENDIX TWO

Highway Survey Report: Paragon Highways

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