

D105-171


Holmfirth 60 – Wolfstones Road to Brown Hill,
Netherthong

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The Planning Inspectorate

OMA Checklist

DOCUMENT – the documents shown in bold are those required by legislation.	Doc. Ref.	<input type="checkbox"/>/☒ comment
Signed/sealed order in duplicate. To be provided in Hard Copy. (Please do not attach/staple other documents to the sealed orders.)	CD1	
Two copies of the order and associated maps.	CD2	
OMA's submission letter. Please include, if possible, dates when your Council is not available for a hearing or inquiry over the next 11 months. Although we will do our best to avoid any dates you provide us, we are unable to give any guarantees.	CD3	
Statement of the grounds on which it is considered the order should be confirmed. <ul style="list-style-type: none"> The statement must explain why the order meets the relevant criteria. It is not sufficient to simply repeat the criteria of the section of the Act under which the order is made. If you intend to rely on your statement of grounds and do not propose to submit a statement of case in due course, please also submit a full list of the documents/evidence¹ on which your statement of grounds is based. <u>If your Council is not supporting the order</u>, please submit a Statement of the grounds which explains why you have taken this stance. This should include your interpretation of the evidence examined by your Council before deciding whether or not to make the Order. <p>If you wish to do so, you may submit the Council's comprehensive statement of case with the Order. You will not then need to submit a further statement (unless subsequent evidence is discovered which needs to be added). To assist the appointed Inspector, please ensure your statement of case is properly paginated and indexed.</p>	CD4	
Representations and objections to the order (including supporters), along with a covering list of their names.	CD5	
Statement containing the OMA's comments on the objections.	CD6	
Copy of the notice publicising the order together with a copy of the newspaper cutting(s).	CD7	
<u>REFER TO NOTE 1 of Guidance Document</u> Certificate that, in accordance with the requirements of the Act, notices have been published, served, and posted on site and at the local offices.	CD8	

¹ Please ensure that the submitted documents are of good quality and capable of being reproduced without any loss of detail. Maps may need to be scanned at a slightly higher resolution than words.

Certificate that the necessary consultations have been carried out (other local authorities and statutory undertakers) <u>N.B. For HA 118B and 119B this includes the police authority</u>	CD9	
Copies of any replies to the pre-order consultation and the responses by the OMA.	CD10	
Name, address and email address of every person, council or prescribed organisation notified under either (i) <u>paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act and Schedule 3 of SI 1993 No.11 Highways England and Wales. The Public Path Orders regulations 1993;</u> or (ii) <u>paragraph 3(2)(b)(i), (ii) and (iv) of Schedule 15 to the 1981 Act and Schedule 6 of SI 1993, No.12 Rights of Way. The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993;</u> or (iii) <u>paragraph 1(2)(b)(i) to (iii) and (v) of Schedule 14 to the 1990 Act and Schedule 3 of SI 1993 No.10 Rights of Way. Town and Country Planning (Public Path Orders) Regulations 1993.</u> Please ensure the list you send to us is up to-date. If it is possible for you to do so, we would appreciate this information being submitted in a format that we can easily photocopy onto label sheets – please see illustration at Note 4 of Guidance Document. It is also important that an email address is provided for each party to support electronic communication as default.	CD11	
Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served.	CD12	
Location map to enable the Inspector to locate the site.	CD13	
Written permission from the landowner allowing the Inspector access to the land (where applicable).	CD14	
Name and address of the applicant.	CD15	
<ul style="list-style-type: none"> Confirmation that the OMA is supporting the order. If an Inquiry or Hearing is held, will you still be supporting the order. 	CD16	
If you are not then you will need to arrange for a person, usually the applicant or a supporter, to present the case for the Order(s). Please provide details of this person here Name: Address: Email:	CD16	
Details of the time and place where documents relating to the order will be made available for public inspection by the authority.	CD17	

Health and Safety issues; please complete the attached questionnaire (To be completed by OMA) .	CD18	
If the Order Map is larger than A3, an A3 (or smaller) copy of the Order Map with the appropriate grid references. (We are unable to photocopy or scan maps which are larger than A3 in size).		
<u>REFER TO NOTE 2 of Guidance Document</u> Secretary of State's letter of dispensation (WCA - see paragraph 3(4) of Schedule 15) (HA - see paragraph 1(3C) of Schedule 6) (TCPA - see paragraph 1(6) of Schedule 14) (if applicable).	CD19	

Checklist for Order Making Authorities

<u>WCA only</u> <ul style="list-style-type: none"> ▪ Extract from the definitive map and statement. ▪ Evidence forms where the order involves user evidence; unless you are submitting your full statement of case at this stage, we only need to know whether there are any user evidence forms and how many for now. ▪ If the Order has been severed, a copy of the letter issued to the Secretary of State. Please refer to the fact that the Order has been severed in your submission letter. 	CD20	
	CD21	
<u>If your Council has been directed to make the Order</u> <ul style="list-style-type: none"> ▪ The Secretary of State's decision. ▪ ▪ A copy of the Application and supporting documents 		
<u>HA and TCPA only</u> <ul style="list-style-type: none"> ▪ Undertaking that any new path or way to be provided will be ready for use before the order comes into operation. ▪ Extract from the definitive map and statement; and ▪ Where applicable, details of any statutory designation affecting the order route(s) (such as common land, AONB, SSSI). 		
<u>HA only</u> <ul style="list-style-type: none"> ▪ Where land is owned by an ecclesiastical benefice, certificate that the Church Commissioners have been notified. 		

S26, 118 and 119

- A copy of the relevant part(s) of the Rights of Way Improvement Plan (ROWIP), or confirmation that there is no relevant provision. (Inspectors must have regard to any material provisions of a ROWIP prepared by the local highway authority but do not require the full version).

S118A and 119A (Rail Crossing Orders)

- **A copy of the application for the order.**
- A copy of any documents submitted by the applicant in support of the request for the order.
- A copy of the case put forward by the operator justifying the need for an order to close or divert the railway crossing.
- A copy of any related maps or plans that accompanied the request for the order.
- Details of any related proposals such as a bridge or tunnel order.
- **Where required, a certificate showing that the OMA has consulted or received consent from any other authority or body.**
- **A statement of the nature and effect of any such consultation.**

- Confirmation that the land affected is owned by the operator, or, where the land is not owned by the operator, the landowner has agreed to the proposal.
- Confirmation that the operator is prepared to maintain the whole or part of the path and has agreed to defray part or all the cost of making up the new path and any compensation that may be payable.
- Where the path is to be diverted over/under a bridge or tunnel subject to an order under section 48 of the Transport and Works Act 1992, clarification that the structure has been completed or that it is dependent on the diversion order.

S118B and 119B (Special Extinguishment and Diversion Orders)

- Contact details for the local fire authority.

<p><u>S118B(1)(a) and 119B(1)(a)</u></p> <ul style="list-style-type: none"> ▪ Where applicable, a copy of any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998. ▪ A copy of the relevant map for the area as contained in the designation order. 		
<p><u>TCPA only</u></p> <ul style="list-style-type: none"> ▪ A copy of the relevant planning permission and a copy of the approved plan or copy of relevant planning application (where the Order is made following the Growth and Infrastructure Act 2013). ▪ Plan indicating how the path or way will be affected by the development. ▪ Confirmation that all the land affected is owned by the developer or consent from the landowner(s) as appropriate. ▪ Confirmation about the current stage of the development. ▪ <u>Written consent of any statutory undertaker affected or confirmation that none is so affected. If replies have been received from the statutory undertakers, these must be included</u> 		

CD1

SIGNED/SEALED ORDER IN DUPLICATE

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL DEFINITIVE MAP AND
STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (HOLMFIRTH 60 – WOLFSTONES ROAD TO BROWN
HILL, NETHERTHONG) DEFINITIVE MAP MODIFICATION ORDER 2021**

This Order is made by Kirklees Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 (“the Act”) because it appears to that authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area requires modification in consequence of an event specified in Section 53(3)(c)(iii), namely the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:-

That other particulars contained in the map and statement require modification.

The authority have consulted with every local authority whose area include the land to which the Order relates.

The Kirklees Council hereby order that:-

1. For the purpose of this Order the relevant date is 17 June 2021.
2. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area shall be modified as described in Part 1 and Part 2 of the Schedule and as shown on the Map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the “Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021”.

GIVEN UNDER THE)
CORPORATE COMMON SEAL OF)
THE BOROUGH OF KIRKLEES)
THIS EIGHTH DAY OF JULY TWO)
THOUSAND AND TWENTY ONE)

San J Man

~~Service Director~~ – Legal, Governance & Commissioning/Authorised Signatory



SCHEDULE

PART 1

Modification of Definitive Map

Removal of symbol 'S' (meaning 'Stile') marked on the Definitive Map at or adjacent to grid reference SE 1276 0911 (marked B on the Order Map) and grid reference SE 1284 0911 (marked C).

PART 2

Modification of Definitive Statement

Variation of particulars of path or way

Remove existing entry for footpath Holmfirth 60 and replace with the following:

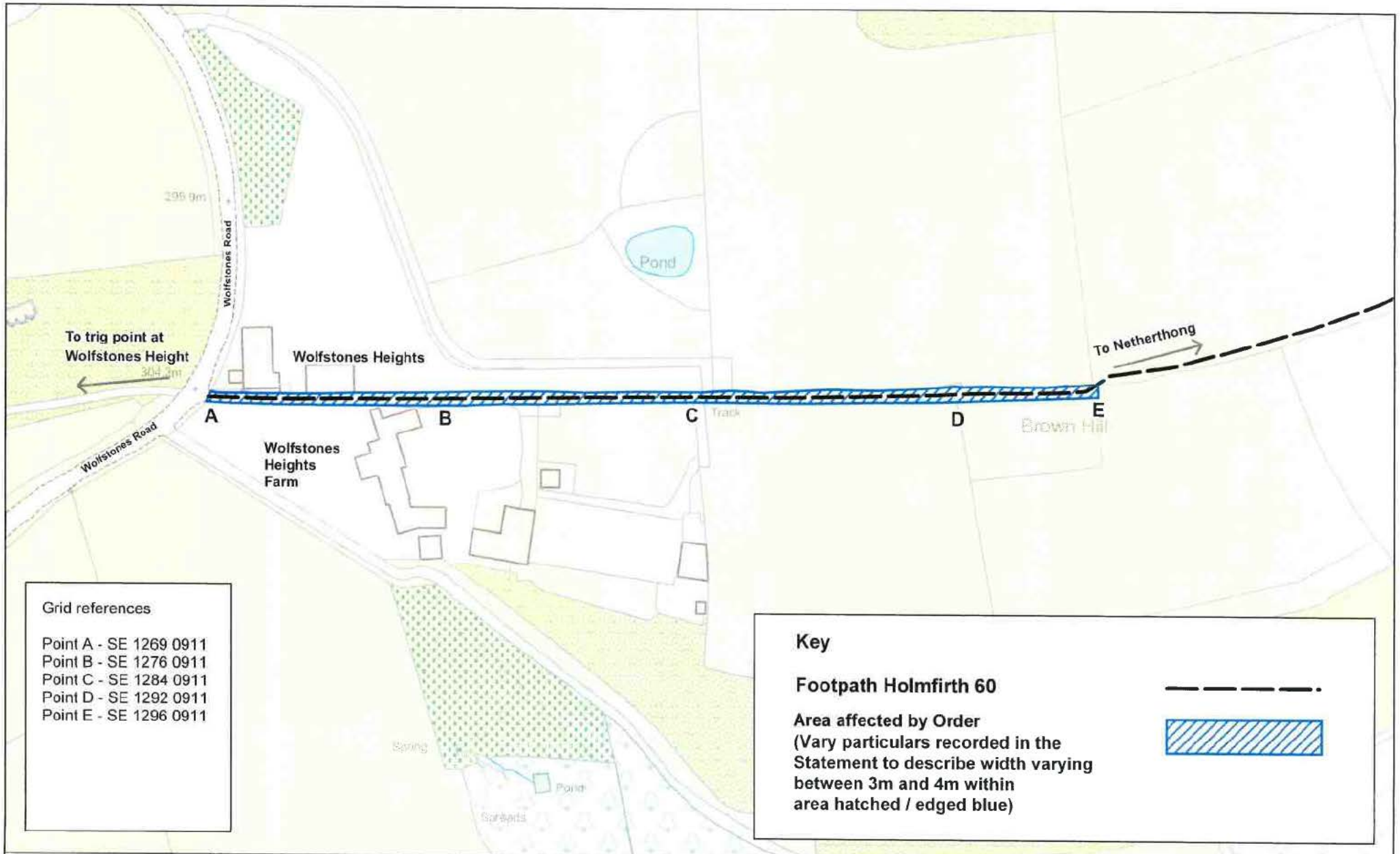
HOLMFIRTH

Path No.	Map reference	Description of route	Nature of surface	Approximate length (M)	Width (M)	General
60	SE 10 NW	Footpath commencing at its junction with Path no 58 and proceeding in a generally south westerly direction to its junction with Wolfstones Road.	Pasture and part metalled	423	1.2m (approx.)	1 Stile 2 Field Gates
				268	Varying between 3 and 4 metres within area hatched / edged blue on the Map accompanying Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021	1 1.2m Gap alongside a Gate (Limitations added by Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021) – both located at grid reference SE1276 0911 (point B on the Order Map)

NOTE

The section of footpath Holmfirth 60 shown on the Order Map between points A – E commencing at its junction with Wolfstones Road at grid reference SE 1269 0911 and then continuing in an easterly direction to Brown Hill at grid reference SE 1296 0911 is to have its recorded width changed from approximately 1.2 metres / 4 feet to a width of between 3 and 4 metres within the area hatched in blue on the Order Map.


References to stiles at points B and C on the Order Map and a wicket gate at point D on the Order Map are to be removed, and reference to a 1.2 metre gap alongside a gate at point B on the Order Map are to be added.




Grid references

Point A - SE 1269 0911
 Point B - SE 1276 0911
 Point C - SE 1284 0911
 Point D - SE 1292 0911
 Point E - SE 1296 0911

Key

Footpath Holmfirth 60 

Area affected by Order
 (Vary particulars recorded in the Statement to describe width varying between 3m and 4m within area hatched / edged blue) 



**Kirklees Council (Holmfirth 60 - Wolfstones Road to Brown Hill, Netherthong)
 Definitive Map Modification Order 2021**

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Produced on 21 Jun 2021

Scale 1:1500



DATED 8th July 2021

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

KIRKLEES COUNCIL
LEGAL SERVICES
2ND FLOOR
HIGH STREET BUILDINGS
HIGH STREET
HUDDERSFIELD
HD1 2ND

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL DEFINITIVE MAP AND
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That other particulars contained in the map and statement require modification.

The authority have consulted with every local authority whose area include the land to which the Order relates.

The Kirklees Council hereby order that:-

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GIVEN UNDER THE)
CORPORATE COMMON SEAL OF)
THE BOROUGH OF KIRKLEES)
THIS EIGHTH DAY OF JULY TWO)
THOUSAND AND TWENTY ONE)



S. J. M.
~~Service Director~~ – Legal, Governance & Commissioning/Authorised Signatory

SCHEDULE

PART 1

Modification of Definitive Map

Removal of symbol 'S' (meaning 'Stile') marked on the Definitive Map at or adjacent to grid reference SE 1276 0911 (marked B on the Order Map) and grid reference SE 1284 0911 (marked C).

PART 2

Modification of Definitive Statement

Variation of particulars of path or way

Remove existing entry for footpath Holmfirth 60 and replace with the following:

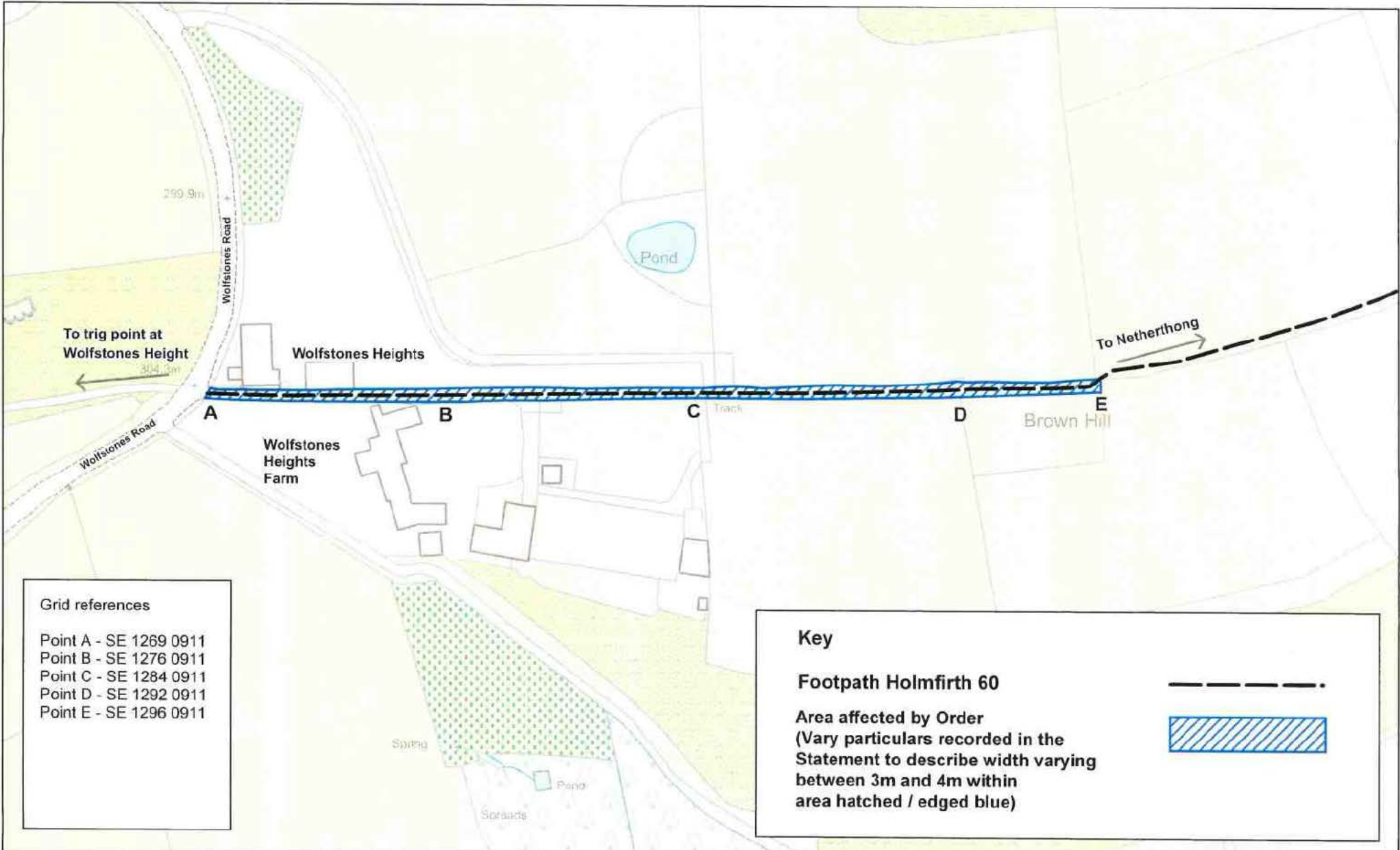
HOLMFIRTH

Path No.	Map reference	Description of route	Nature of surface	Approximate length (M)	Width (M)	General
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Kirklees Council (Holmfirth 60 - Wolfstones Road to Brown Hill, Netherthong)
Definitive Map Modification Order 2021

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Produced on 21 Jun 2021

Scale 1:1500



DATED 8th July 2021

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

KIRKLEES COUNCIL
LEGAL SERVICES
2ND FLOOR
HIGH STREET BUILDINGS
HIGH STREET
HUDDERSFIELD
HD1 2ND

CD2

TWO COPIES OF THE ORDER AND ASSOCIATED MAP

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL DEFINITIVE MAP AND
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That other particulars contained in the map and statement require modification.

The authority have consulted with every local authority whose area include the land to which the Order relates.

The Kirklees Council hereby order that:-

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THIS EIGHTH DAY OF JULY TWO)
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016225

S. J. H.
~~Service Director~~ – Legal, Governance & Commissioning/Authorised Signatory

SCHEDULE

PART 1

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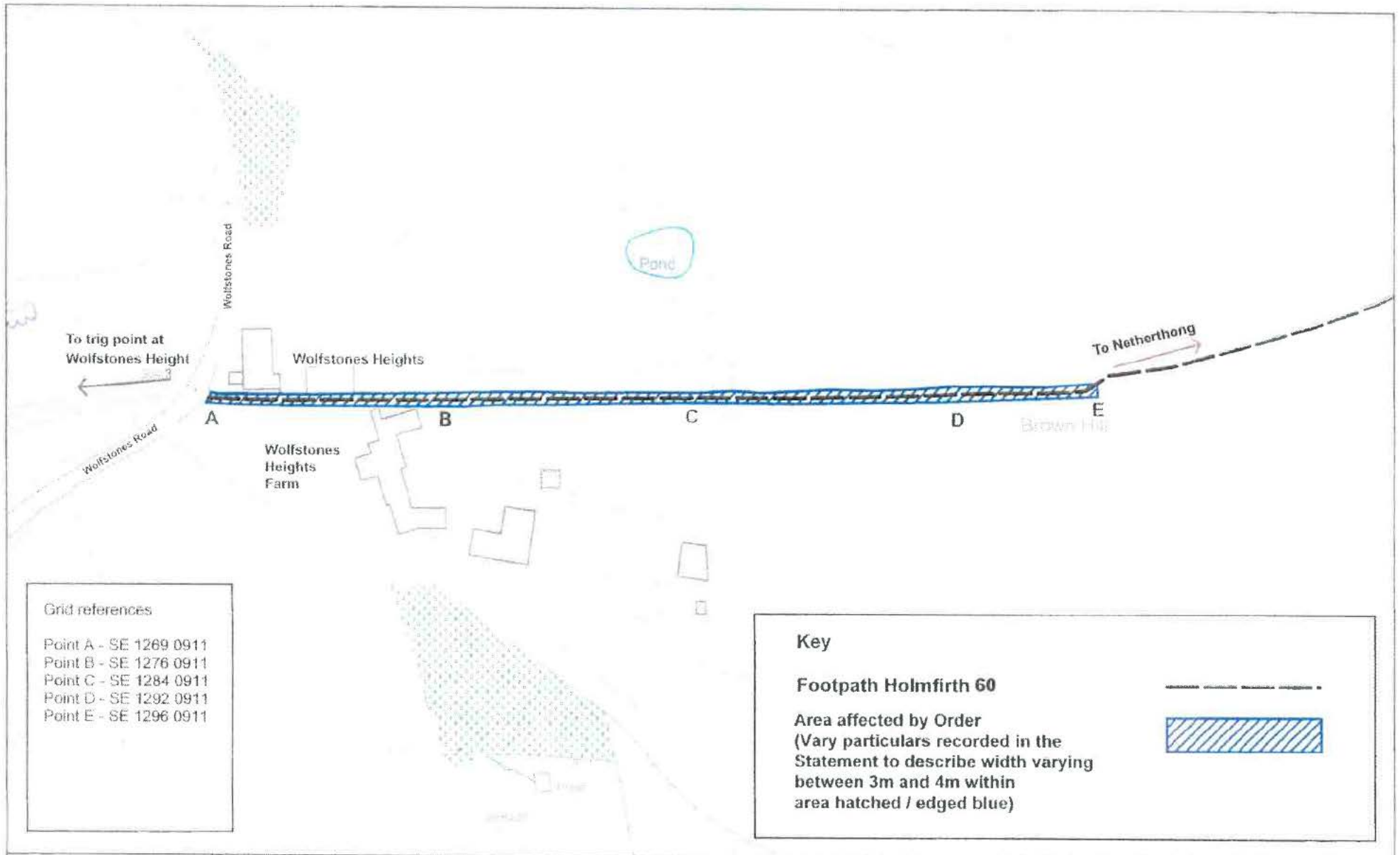
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The Kirklees Council hereby order that:-

1. For the purpose of this Order the relevant date is 17 June 2021.
2. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area shall be modified as described in Part 1 and Part 2 of the Schedule and as shown on the Map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the "Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021".

GIVEN UNDER THE)
CORPORATE COMMON SEAL OF)
THE BOROUGH OF KIRKLEES)
THIS EIGHTH DAY OF JULY TWO)
THOUSAND AND TWENTY ONE)



016225

S-14
~~Service Director~~ – Legal, Governance & Commissioning/Authorised Signatory

SCHEDULE

PART 1

Modification of Definitive Map

Removal of symbol 'S' (meaning 'Stile') marked on the Definitive Map at or adjacent to grid reference SE 1276 0911 (marked B on the Order Map) and grid reference SE 1284 0911 (marked C).

PART 2

Modification of Definitive Statement

Variation of particulars of path or way

Remove existing entry for footpath Holmfirth 60 and replace with the following:

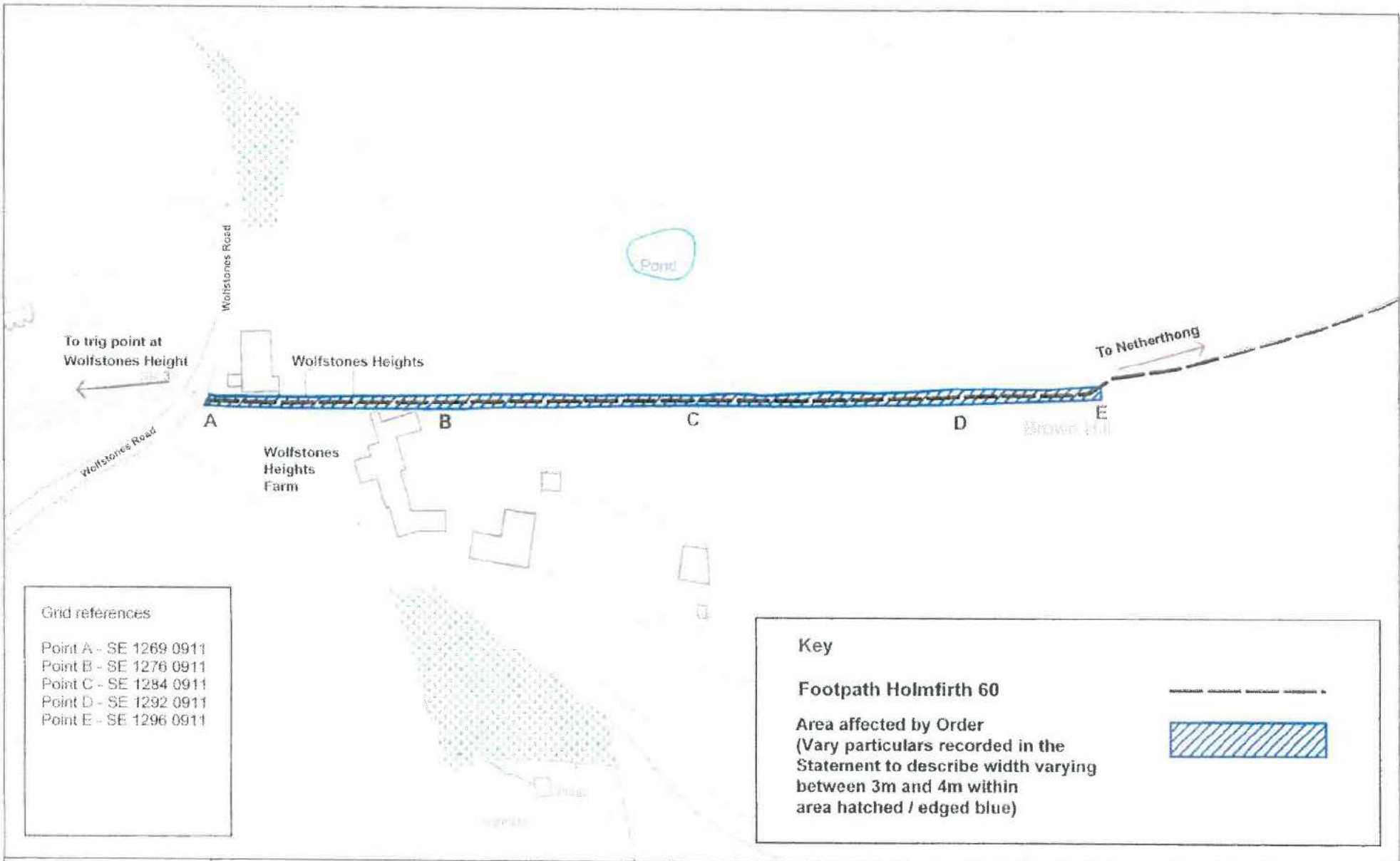
HOLMFIRTH

Path No.	Map reference	Description of route	Nature of surface	Approximate length (M)	Width (M)	General
60	SE 10 NW	Footpath commencing at its junction with Path no 58 and proceeding in a generally south westerly direction to its junction with Wolfstones Road.	Pasture and part metalled	423	1.2m (approx.)	1 Stile 2 Field Gates
				268	Varying between 3 and 4 metres within area hatched / edged blue on the Map accompanying Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021	1 1.2m Gap alongside a Gate (Limitations added by Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021) – both located at grid reference SE1276 0911 (point B on the Order Map)

NOTE

The section of footpath Holmfirth 60 shown on the Order Map between points A – E commencing at its junction with Wolfstones Road at grid reference SE 1269 0911 and then continuing in an easterly direction to Brown Hill at grid reference SE 1296 0911 is to have its recorded width changed from approximately 1.2 metres / 4 feet to a width of between 3 and 4 metres within the area hatched in blue on the Order Map.

References to stiles at points B and C on the Order Map and a wicket gate at point D on the Order Map are to be removed, and reference to a 1.2 metre gap alongside a gate at point B on the Order Map are to be added.



DATED 8th July 2021

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

KIRKLEES COUNCIL
LEGAL SERVICES
2ND FLOOR
HIGH STREET BUILDINGS
HIGH STREET
HUDDERSFIELD
HD1 2ND

CD3

THE OMA'S SUBMISSION LETTER INCLUDING DATES WHEN THE COUNCIL WOULD NOT BE AVAILABLE FOR HEARING OR INQUIRY OVER THE NEXT ELEVEN MONTHS

Tel: 01484 221000

Email: harry.garland@kirklees.gov.uk
www.kirklees.gov.uk

04 May 2023

Our Reference: DEV/HG/D105-171

The Planning Inspectorate
Room 3A Eagle Temple Quay House
2 The Square
Temple Quay
Bristol
BS16PN

Dear Sir/Madam

Wildlife & Countryside Act 1981 – Section 53
Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive
Map Modification Order 2021

On 08 July 2021 Kirklees Council made the above Modification Order, and objections were made to the Order.

As required I am now forwarding the opposed Order with all the documentation listed in the Order Making Checklist for a decision to be made on the Order.

I trust that this is all the information that you require but would ask that you do not hesitate to contact me if there is anything further.

Yours faithfully



Harry Garland
Legal Officer
for Service Director – Legal, Governance and Commissioning

Enc

CD4

THE COUNCIL'S STATEMENT OF GROUNDS ON WHICH IT IS CONSIDERED THAT THE ORDER SHOULD BE CONFIRMED

CD4 Statement of Grounds on which it is considered the Order should be Confirmed.

Wildlife & Countryside Act 1981 – Section 53

West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area

Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong), Definitive Map Modification Order 2021

1. The above Order was made by Kirklees Council (“the Council”) under Section 53 of the Wildlife and Countryside Act 1981 (“the 1981 Act”). For the purpose of the Order the relevant date is 17 Jun 2021. The Council supports confirmation of the Order.
2. The Huddersfield area is covered the West Yorkshire Metropolitan County Council Modified Definitive Map and Statement (Relevant Date 30 April 1985), published in October 1985). (The “current DMS”). The width of footpath Holmfirth 60 recorded in the Statement is approximately 4ft or 1.2m.
3. Footpath Holmfirth 60 was first recorded in the West Riding of Yorkshire County Council Definitive Map and Statement (Relevant Date 1952). (The ‘first DMS). Footpath Holmfirth 60 was recorded as having a width of ‘approximately 4ft’ throughout.
4. In September 2020 the Council received an application made on behalf of Peak & Northern Footpaths Society (PNFS) for a Definitive Map Modification Order (DMMO) to modify the Definitive Map and Statement of public rights of way (“the DMS”) by varying the particulars contained in the Statement in

respect of the width of part of public footpath Holmfirth 60 ("path 60") in the vicinity of Wolfstones Heights and Wolfstones Heights Farm, Netherthong.

5. The application was made following the erection, in early September 2020, of fencing within the driveway to Wolfstones Heights Farm narrowing the available width to 1.2m along the north side of the driveway. The landowner and various other objectors have asserted the public right of way is confined to that width and position, and that the greater width of the driveway and continuation along the order route towards point E on the Order Map was not available for use or used by the public at various times.
6. The application was principally supported by 'user evidence statement forms' ("UEFs", otherwise "WCA8 forms") completed by 14 individuals who claimed to have personally used footpath Holmfirth 60, collectively over several decades. Significantly, the width that was claimed to have been used was described in all cases as greater than the recorded approximately 1.2m currently recorded in the Statement. The forms also include questions regarding the presence or absence of stiles, gates or other structures or obstructions during the period of claimed use. The application was also supported by a limited quantity of documentary evidence.
7. The User Evidence Forms will be submitted to the Secretary of State with the OMA's Statement of Case at the appropriate time.
8. Additional user evidence and documentary evidence was received following informal consultation. The Council invited evidence regarding the width and position of the footpath available / used and the presence or absence of structures such as gates and stiles. 15 responses were received. These

included responses from people both in support of and opposed to the application. Most people who responded indicated the availability and use of a greater width, although some people suggested only a narrower width had been available or used. Several people who were generally opposed to the application nonetheless made comments suggesting the route had historically been wider than 1.2m, prior to recent narrowing.

9. The Council also took into consideration further documentary evidence available to it include map evidence back the early 19th century and documents relating to the recording of the footpath in the first DMS in the 1950s.
10. On 17 June 2021 members resolved to make the current Order and support its confirmation.¹ The detailed report about this matter is included in the bundle submitted with this Order. This includes, at item 1 in appendix A to the report, a detailed discussion of the available evidence.
11. Also appended to the committee report are photographs and aerial photographs, copies of available documentary evidence, and summaries of the user evidence. The summaries include frequency and periods of use, descriptions given of the width available / used, and summaries of comments made regarding stiles and gates.

¹ The matter had previously been considered by the Huddersfield Area Planning Sub-Committee on 21 April 2021. At that time the regulations allowed for such meeting, which are normally held in public, to instead be held virtually. Members of the public were able to observe and participate remotely members of the public observing and participating remotely. It was discovered, following the decision, that a technical issue had affected the availability of the live stream of the meeting from the link provided on the Kirklees Council website. The issue only affected the full streaming of item 6 on the agenda (i.e., this matter). Given that the discussions that led to the decision could not be viewed in full via the Council's website it was agreed that this matter would be taken back to a future meeting of the Huddersfield Planning Sub-Committee for re-determination.

12. As well as consideration user evidence and other documentary evidence regarding the width available / used, particular attention was also given to the presence or absence of structures along the part of footpath Holmfirth 60m that was subject to the DMMO application.
13. Conclusions about the evidence are found between paragraphs 3.1 and 3.22 in the detailed Discussion of Evidence appended to the officer report.
14. Overall, there is good evidence that the width of the public footpath along A-B on the Order Map was under recorded when recorded in the first (1952) Definitive Statement at approximately 4 feet and in the Modified (1985) Statement at approximately 4ft / 1.2m. The Council considers that the actual width is more likely to have historically been the full available width between boundaries.
15. This conclusion does not apply to the part of footpath Holmfirth 60 between B-E on the Order Map. This part was unenclosed field edge path until the 1950s. However, the evidence shows that this route was subsequently fenced to the south side to point D on the Order Map by the early 1950s and was fully enclosed to point E by 2000 at the latest.
16. There is plentiful evidence of the full available width of 3-4m between boundaries having been available and used by the public over the full 20-year period 2000-2020 that would satisfy the requirements of section 31 Highways Act 1980. With evidence of use of a wider width than 1.2m over longer periods that would support inferred dedication at common law.

17. Eight objections were received to the Order, some of which are multi-faceted and refer in part to grounds based on alleged procedural irregularities. It was generally asserted by objectors that the only area that was generally available and used by the public was a 1.2 m wide strip on the north side of the route. This assertion is not generally supported by other evidence (user and photographic). It was stated that the southernmost side was unavailable due to the presence of building materials, parked vehicles, farming equipment etc. That is considered in further details in the OMA's Comments on the Objections, but in summary the Council's position is unchanged, and on balance, it is considered that the evidence shows that a public right of way subsists over the whole width between physical boundaries, as indicated on the Order Map.

18. The Current Definitive Map is annotated to show stiles at points B and C on the Order Map. The first Definitive Map indicated stiles at points B and C and a Wicket Gate at point D. The Current Definitive Map does not indicate the wicket gate, but this remains recorded in the Statement. The evidence indicates that the two stiles and a wicket gate have not been available for a long period, well in excess of 20 years and thus there has been rededication without these limitations. Noting that a pair of gates have been present across the whole available width at point B, in part replacing a recorded limitation of a stile which has been absent over several decades, the Order records at point B a gate with a gap alongside.

19. The overall conclusion is that the evidence shows, on balance, a public footpath with a width varying between 3 and 4 metres between boundaries

actually subsists over the Order route. Where the width is greater than that historically likely to have subsisted (i.e., between point B and C) on the Order Plan, a footpath is presumed to have been dedicated under s31 Highways Act 1980, or have been dedicated under common law, over the greater width. There has been re-dedication without limitations of two stiles and a wicket gate, but with a gate at point B.

20. The Council requests that the Secretary of State confirms the Order as made.

Appendices

Report to Committee dated 17 April 2021 (CD4.2)

CD5

**REPRESENTATIONS AND OBJECTIONS TO THE ORDER (INCLUDING SUPPORTERS),
ALONG WITH A COVERING LIST OF THEIR NAMES**

1. Emailed objection from [REDACTED] dated 22 August 2021
2. Emailed objection from [REDACTED] dated 22 August 2021
3. Emailed objection from [REDACTED] w dated 22 August 2021
4. Emailed objection from [REDACTED] dated 23 August 2021
5. Emailed objection from [REDACTED] dated 23 August 2021
6. Emailed objection from [REDACTED] dated 23 August 2021
7. Emailed objection from [REDACTED] [REDACTED] dated 23 August 2021
8. Emailed objection from [REDACTED] dated 23 August 2021



Harry Garland

From: [REDACTED]
Sent: 22 August 2021 09:51
To: Harry Garland
Cc: PublicRightsofWay
Subject: OBJECTION to Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021 (Ref: D105-171)

Dear Harry Garland

I am writing to **OBJECT** to the making of this Order, which I have only found out about when out running a couple of weeks ago.

I am 35 and I lived at the property previously and still visit there frequently. I only learned about this recently and felt that I had to write, because I cannot believe that somebody would try and steal my mother and father's land. That seems to be what this.

There is simply no way that the southern side of the track, where the fences are on the left looking up from the Brown Hill Farm end, is part of the public footpath. It never has been. There has always been the horse and other animal feed boxes and troughs, horse boxes in place, for many months at a time, even years in some cases. That could not have been passable by the public or anyone else, not continuously anyway for any period of time. That was just not possible and still isn't now. I go running up there often (several times a week until recently) and obviously visit my mum and dad with my children.

The whole set up used to be quite a bit different also. There were stiles and gates. In particular, there was a pedestrian and vehicle gate about half-way up. The pedestrian side of that gate was on the northernmost side and was always left open, because that is the legal public footpath and always has been on that right side looking up, so left side looking down from the gates at the top. That farm gate probably only went about four or five years ago and was always there since I lived at the Wolfstones from being a little girl, probably about 8 or 9 years old.

I can say that there have been times, particularly when builders and the like have been around, that a car could not get up or down that driveway. My dad roped and fenced that side off probably about a year ago for about six months. I am not sure exactly what that was about and don't need to know.

All I know is that it is something that he could do, because that is not and never has been the public footpath. That is just private land. My mum and dad always reinforced that we had to keep that far side (the side on the right looking up and left looking down) open to four feet, no matter what, because that was the public path and we had to let people pass on it.

There is quite simply no way and no credible evidence, which I have very recently learned the Council will not even share (I thought an accused had a right to know what they are accused of – I must be old-fashioned), that the footpath is three or four metres. It just can't have been.

I don't know how on earth the Council could allow something like this to go forward and especially not let my dad see the alleged evidence. This is beyond ridiculous.

Following that, I don't understand how someone could reasonably say that there is a 4-metre wide footpath just on my mum and dad's land, when the stile in the wall at Brown Hill Farm at the far end looking down is about two feet wide and I would even doubt that where the footpath starts or ends depending on which way you are walking or running is even four feet. In fact, I have measured it in parts and I know that it is definitely not. I shall be very happy to show that at any formal assessment or Inquiry.

I am therefore **objecting** to this ridiculous widening Order because there is clearly no truth in what is being said here and what is alleged cannot have even been possible. I can't believe that you have actually allowed this to go forward and in my view it speaks volumes about my dad's treatment by the Council.

Apart from anything else, I want to say leave my mum and dad to their privacy. They have never done anything wrong to anyone in their lives. My dad is being targeted here. He has never done anything but helped people and it is disgusting that he is being targeted and treated in the way he has been.

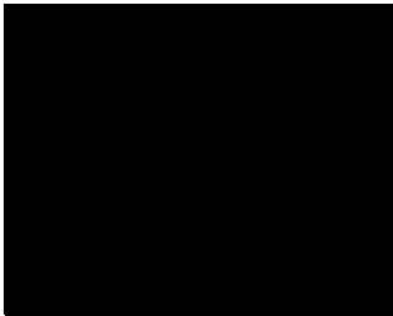
I am quite prepared to answer any questions at a Public Inquiry, as I am doing in relation to the separate diversion issue.

Yours sincerely



Enhanced Glazing Systems Ltd

Unit 12, St. Stephens Court, Low Willington, Co. Durham, DL15 0BF



Certificate No. 10149 - 00 9504

Company registered in England No. 7132457

Registered Office Address: Basepoint Business and Innovation Centre, 110 Butterfield, Great Marlings, Luton, LU2 3DL



2

Harry Garland

From: [REDACTED]
Sent: 22 August 2021 19:15
To: Harry Garland
Cc: PublicRightsofWay
Subject: OBJECTION to Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021

Dear Mr. Garland

I just wanted to say my piece over this and formally **OBJECT** to this order (**your reference: D105-171**). My husband and I do know [REDACTED], but I am also a regular walker in the area and I have used that Footpath 60, though tend to use mainly the new diversion route nowadays, because it is just more pleasant and in the direction I live Wilshaw.

I am not old enough (I am 38) to say that I have been using that route for many decades, but certainly I have for at least the last two to three.

That footpath has always been usable, and a way has always been left open on that left hand side (looking downwards from Wolfstones Road top). There have been things like scaffolding, building materials, bikes, etc. on that old driveway, but always on the right-hand side (looking down from Wolfstones Road), where the main house wall on the right is. That left hand side again, looking downwards towards the Netherthong side) was always left open. That was the case more recently when temporary fencing went up on the old driveway.

I can't say that I have always known precisely that this was four feet, but that does very much stand to reason now from my experience. [REDACTED] would not block up a public footpath. That was the case even after the big fire at the house a few years ago, when there were all sorts of scaffolding and major building work carrying on for a long time. That side of the driveway was always definitely still open. I understand that it is supposed to be 1.2m. That completely stands to reason from my own experience of using the path.

Further down the path, more like where the grassier part is, it is sometimes clear, but there are often horse boxes and troughs and that kind of thing on that right hand site near the fence.

I only walked down there a couple of weeks ago and there were trailers and horseboxes on that side, but that left side (again, looking down) has always been left open and has always been passable. We have never not been able to get up or down there.

I have never had cause to use that stile at the top near the gate, but I can tell you that it was not always there. It has been blocked up sometimes anyway. That wall on that right side is fairly new anyway. I would guess only about five or six years old when [REDACTED] had the new wall constructed. I am reasonably sure from memory that the previous wall might have had a stile near the gates, but it was often blocked up or plainly just not usable. The one now is only usable by very slim people. I cannot say that I have ever had cause to use it myself. I think that it is actually blocked up at the moment but must admit I hadn't particularly taken any notice as I don't use it.

Apart from that, probably not even ten years ago, those fields were in a completely different configuration. I do also distinctly remember there was a farm gate about half-way down (probably just past the entrance to [REDACTED] house) with a pedestrian gate on the left-hand side again looking downwards (right hand side looking up, the same side of the legal footpath), which I cannot recall was ever locked. I could not tell you if the big farm gate next to it was ever locked (I would guess not for security), as I only ever used the pedestrian gate on that left hand side.

That side is the legal footpath. People saying that they have been passing that right side (looking down, left side looking up) continuously for decades cannot have done so. It would have been impossible at times, as it is now if you walk it.

That stile in the wall at Brownhill Farm at the bottom of [REDACTED] s land must only be about two-feet wide. I take it this is supposed to be four feet or will be four metres if this ridiculous thing is granted?

I can tell you that at the far end, where Footpath 60 ends at Netherthong village (or begins, obviously depending on the direction you are walking of course), that entrance/exit must only be three feet wide.

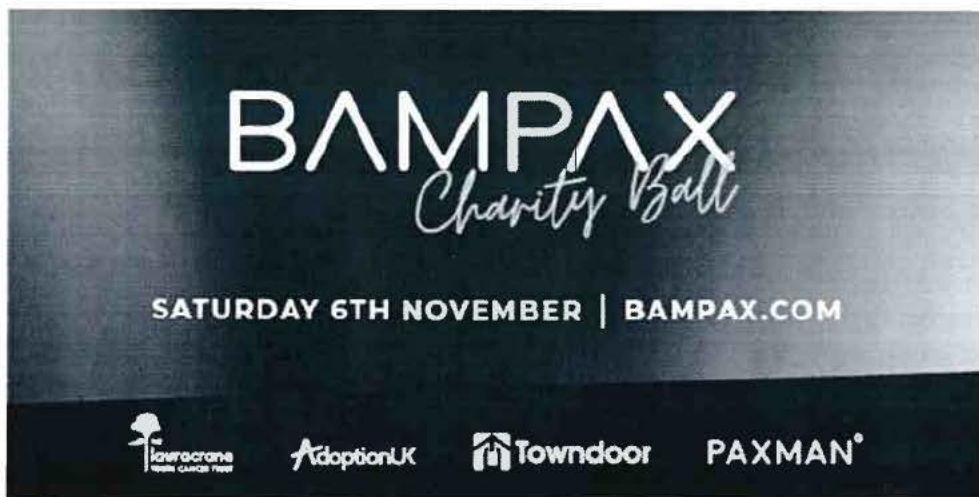
It might seem dramatic, but this to me as a layperson seems like it is tantamount to an attempt to indirectly steal somebody's land. I am surprised at the Council even entertaining this.

I am quite prepared to go and speak on this objection in a Public Inquiry if necessary, but please do lodge this as an objection to this Order in the meantime, because whoever is claiming this should be stopped and held to account.

Yours sincerely

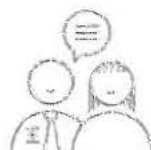
[REDACTED]

[REDACTED]



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[REDACTED]

Web: www.paxmanUSA.com

Web: www.paxmanscalpcooling.com

Email: richard@paxmanscalpcooling.com

[Redacted]

[Redacted]

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3

Harry Garland

From: [REDACTED]
Sent: 22 August 2021 16:32
To: Harry Garland
Cc: PublicRightsofWay
Subject: OBJECTION to Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021

Dear Mr. Garland

I am writing to **OBJECT** to the making of this Order (your reference: D105-171).

I am an Architect, Director and owner of [REDACTED] and have acted for the [REDACTED]s on this site for over 25 years. I have only learned about this order very recently and that was in fact only due to walking up there last week.

I have also been involved in the footpath diversion matter. I therefore have a thorough working and user knowledge of this site and this area.

In particular, I have worked with the Council on many occasions regarding this site, including Mr. Giles Cheetham of your Public Rights of Way Team in devising the diversion route.

I have always known that the legal footpath is only 1.2m and I have always known it is on that northernmost side of the driveway and the path. That is the case on the plans and in fact, I think that it might from memory it was Mr. Cheetham that might have first brought this to my attention when we met also with Mr. Franklin, the Head of Planning regarding the development issues that we subsequently obtained permissions for. From experience, very many other footpaths in the area are only 1.2m on the Definitive Map. I cannot profess to be an absolute 'expert' in rights of way, but I have obviously had to deal with them and been involved with their whys, wherefores and peculiarities during my 50 years as an architect.

Aside from anything, I have first-hand knowledge of the changes of this overall site. In my own time walking up there, sometimes it is clearer than others (i.e. less or more troughs, trailers, etc. on that southernmost side, or materials, bikes, bins and things further up the hard driveway nearer the Wolfstones Road side), but I do not honestly think that I can recall any time where anyone could pass all the way up using that southernmost side. I am having to think very hard of an occasion where that was possible and I can say there has not been one in my experience in my very long experience of walking that way and numerous visits to that site over the years.

I suspect that this application to widen this route (which by the way is only part of footpath 60, not the full footpath 60) might have rather more to do with the diversion application than anything else. I cannot believe that anybody would have evidence of continuous use up that southernmost side from that bottom wall stile up to gate on Wolfstones Road and vice-versa. It is just plainly ridiculous. Until more recently, I understood that [REDACTED] could close those gates at the top and that this had been sanctioned by the Council about 20 years ago. I do not know the full story there, but it seems a strange situation which we have found ourselves in.

I am actually quite shocked that the Council would actually give this application any credibility, because I will certainly not be alone in saying that I cannot see any truth in this and that includes reference to alleged historic maps, some of which I have seen, whereby I do think that there appear to have been some rather large and generous assumptions taken in one particular favour there. That must be challengeable.

That is all I would wish to say for now. I am quite happy to attend a Public Inquiry if need be. I submit and maintain this **objection** to the making of this order, which looks scarily very much like an indirect land grab from where I am

sat. I do hope that I am wrong on this last part, because that is very concerning. I would in fact question whether the duly elected Members of the Council even realise this, but that is obviously not something for now and is possibly not relevant to this objection, not directly anyway.

Kindest regards





Harry Garland

From: [REDACTED]
Sent: 23 August 2021 19:15
To: Harry Garland; PublicRightsofWay; Phil Champion
Subject: OBJECTION to Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021

Dear Mr. Garland

I am writing to lodge an **OBJECTION** to the making of this Order (**your reference: D105-171**).

I am the landowner. You should be aware that separately I have raised a Letter Before Claim challenging the making of this Order by the Council and subject to the response to that, fully intend to challenge it in the High Court.

In the meantime, I have to lodge this objection in the appropriate time, but it is evident that until High Court proceedings are concluded, the relevant Secretary of State could not confirm this Order.

The legal aspects of why I object to this Order are included in that Letter Before Claim, which will be before one of your colleagues presently and you can access. This includes reference to a Member Standards complaint against Councillor Terry Lyons. I see no reason to repeat those things here and shall leave that with you.

However, I want to reiterate that over 20 years ago I received correspondence from the Council allowing my gates on Wolfstones Road to be closed. Those gates in fact pre-date my ownership of this property, going back almost 30 years now. In addition, probably only five years ago there was a secure farm vehicle gate part way down the track, around the entrance to Wolfstone Heights Farm where I live. This had a pedestrian gate on the left-hand side (looking down from Wolfstones Road), corresponding with the 4-foot legal width of path.

In more recent times, probably about two years ago now, I received a formal Notice from the Council stating that somebody said that because the gates were closed, I was obstructing the footpath. Apparently the 'limitation' (as it was put by the Council) of the gates was not on the Definitive Map, despite having clearly been there for several decades.

As I had good relations with the Council, I kept both gates open, simply to keep the peace. However, I have always known that the four-feet width on the northernmost side of the driveway and the farm track is the legal footpath. Your own senior officers, including a Corporate Director, even conceded this as is evidenced in a statutory declaration from my representative [REDACTED] which is accessible part of evidence to a Public Inquiry taking place this week, as is my evidence to that Inquiry, which is also accessible. I again see no reason to repeat that here.

The Covid-19 Pandemic came. I was given permission by your Corporate Director in writing to shut the gates again out of concern in the early days of people not social distancing down the path. Mr. Battersby was working to encourage people down the diversion route, because it was away from properties – pragmatism, it would seem. Mr. Scanlon received a call from Mr. Dalby (whose recent tragic passing I was sorry to hear about) stating that he had received enquires from people raising complaint about the gates being shut, so because it was known by the Council the legal width and alignment of the path was on that northernmost side, suggest that we leave one gate open, and we would not be served with another formal notice, because the legal footpath would be left open. This is all covered in Mr. Scanlon's Statutory Declaration dated 17th August 2021.

What seems to be lost on more junior officers, is that their more senior officers, including a Corporate Director have conveyed and confirmed the width and location of the legal footpath.

There is quite simply no way that the southernmost side of the site could be walked continuously uninterrupted. As many others will doubtless tell you, it is constantly full of trailers, vehicles, feeders, etc. etc. etc. Unless people have been in the habit of scaling tractors, horse boxes and haybales further down, and at times building pallets, bins and all sorts of bags, skips and other paraphernalia, then there is absolutely no possibility that somebody could establish continuous use of that southernmost part of the farm track and the driveway, both during and clearly before my time. That would have been and still is physically impossible.

We have always been very careful to leave that northernmost side open to four feet in width, so it is passable by public users at all times. We have always known that is the legal footpath and we have often been at pains to tell anyone doing any work to keep that northernmost side of the track from top to bottom (i.e. the gates on Wolfstones down to Mr. Roebuck's stile – which by the way is also on that side) open and always passable. This was even after a significant and serious fire on our house several years ago.

Nobody has ever complained. That is because the legal footpath has always been open and passable.

I have seen reference to historic maps and the like. To categorically state on that basis that this is a path that has been used by the public for centuries seems to me to be a giant evidential leap, with no credible basis.

This *West Riding Memo*, from Lord knows how long ago, that Mr. Champion has given weight to and has reported to Committee clearly without the fullest extent of information, is basically in my view an attempt to facilitate a land grab, ignoring its wider implications. The precedent that the Council has set here is frightening. This needs to form part of the objection, because I genuinely believe that Members of the respective Committee that resolved to make this ridiculous order, do not actually realise what they have voted for, or more properly the implications of what they have just voted for. This is North Korea stuff as far as I am concerned.

This Order is just the latest in a long line of ridiculousness, after I have done nothing other than lawfully obtain planning permissions and then subsequently apply for a diversion and stopping up order. This is as always seemingly targeted at me personally, because I have lawfully obtained planning permissions and lawfully applied for a diversion to be able to fully implement them. Crikey, I am a real menace to society...!

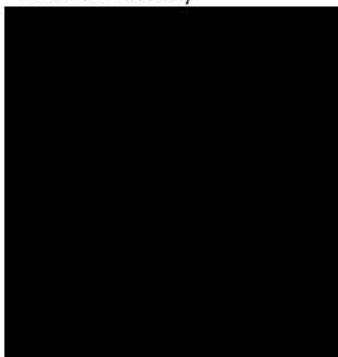
I have since that application received nothing but the forces of resistance, from what are clearly a loud minority of people, seemingly facilitated by officers at the Council with a particular agenda, the reasons for which I can only speculate on. I have received the most appalling treatment from officers at the Council, who are happy to indulge agendas of others, including those that they used to work alongside and I understand (albeit anecdotally) are still very friendly with. That may or may not explain why this ridiculous DMMO application was brought to the front of the 'to do' list from 112th.

I don't think that I need to say any more. My only hope is that the Council sees sense and withdraws the current order and takes it back to Committee with a report to get rid of this ridiculous situation.

Until then, or until the DMMO is quashed following Judicial Review, I shall be maintaining my objection.

Please see sense.

Yours sincerely





5

To: harry.garland@kirklees.gov.uk

Cc: publicrightsofway@kirklees.gov.uk; phil.champion@kirklees.gov.uk

Subject line:

**OBJECTION to Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong)
Definitive Map Modification Order 2021 (Ref: D105-171)**

Dear Mr. Garland

I am [REDACTED]. I have also lived at [REDACTED] since 1995. I can assure you that everything that my husband has said in his letter to you is correct.

I too am **OBJECTING** to this Order. I can't believe that we are still here on this.

I wish to add my own further information, as I tend to do a bit more of the day-to-day things to do with the stables and the fields.

When the house fire happened several years ago now, the damage was extensive. As my husband has said, on driveway up the westernmost part of the path, this was covered in scaffolding and there were multiple building materials stored for several months on that southernmost side of the path, adjacent to the house (Wolfstone Heights Farm). However, we have never blocked the legal width of the footpath on that northernmost. We have always been meticulous in that and would have never prevented people passing on the footpath, which there is no doubt has always been at the northernmost side of the driveway, including further down the northernmost side of the track.

I did wish to reinforce that about 20 or so years ago, we did get enquiries from somebody at the Council, or possibly the Parish Council, who were enquiring as to the gates being closed on an evening and on occasion during the day. There is no doubt that the Council (Kirklees Council) confirmed this.

As [REDACTED] has said, the narrow walk-through stile on the wall near the gates at the top was constructed a few years ago. There was a form of stile when we purchased the property, but as Richard has said, it was not always open and certainly not always passable. It was a wreck. The stile was historically blocked not infrequently.

I can confirm that about two years ago following those notices from the Council, we left both gates open to keep the peace until we could get the engineer out to leave just the left gate leaf open (looking from Wolfstones Road, downwards; right hand leaf if looking up – the northern gate leaf).

We have now left this northern gate leaf open all the time. At least no cars, vans or lorries can get down the driveway doing that. However, we did close both gates again during the first Covid-19 lockdown, as Richard got permission from one of the Directors at the Council to do so and I have seen the text message on this, which is absolutely unambiguous. I have also seen Mr. Scanlon's Statutory Declaration dated 17th August 2021 which clearly confirms that senior officers knew the width and position of the legal footpath, hence why only the northern gate leaf remains open.

I also wanted to tell the Council about the fence and gate across the path part way down, around the entrance to the main driveway into our house. It was like a wide fence/makeshift farm gate (it was a little bit makeshift and untidy to be fair and pre-dated us) that we could readily and easily remove posts and get vehicles through when we needed to (though we could access by the fields another

way also), with a narrow pedestrian-type gate on the northernmost side, following the line of the legal footpath. You can still see some of the hardstanding on the path identifying where this was. The gate on the northernmost side could always be opened and although shut to stop animal escapes, I cannot recall that we ever had cause to lock that pedestrian gate shut – we wouldn't have done as it was on the footpath line unless there was very good reason to.. The previous owner was obviously conscious of leaving the footpath on the northernmost side of the track and driveway passable too.

I wanted to also point out that before we put the diversion route in, on the easternmost part, we used to have fencing which (moving west) met the fence/gate across the footpath near our drive entrance. That was removed, and you will see that that area is now well-landscaped, with the proposed diversion path fencing having been moved slightly northwards in that area by a few meters, so that the fence is now on the southern side of the proposed diverted path in that area. Russell Earnshaw of ADP actually designed this following significant dialogue with the Council, who wanted the starting point there and the design you see now.

We had all that area reconfigured a few years ago now. We modified the field arrangements and the stables on our land, so there were general changes to the overall fencing and landscaping in that area. You will see that there is new and repaired fencing in that area.

As [REDACTED] has said, eastwards beyond our house drive entrance, like the main driveway up to Wolfstones Road, we can and have roped off the path all the way down to the bottom on the southern side (right hand side looking down; left hand side looking up) leaving 1.2m to walk up on that northernmost side. The reason that we did not do that is that we still need access to the fields at the bottom and just 1.2 is not enough for tractors, trailers, quad bike, etc. I have always had trailers, horse boxes, troughs, feed boxes and other building materials and other items stored on that side of the track nearest the fence, opposite where the stile is and right upwards towards the main house, as Richard has already described.

This part of the track has been clear at times, due to works, grass cutting and he like but generally we have been trying overall to tidy up that area. However, the southernmost side of the track could have anything parked on it or placed on it, at any time, provided we leave the northernmost side passable to a width of four feet. We have always known that and even the previous owner must have known that given the set up. As I write today, there are all sorts of vehicles, trailers and the like along that length of path, as there always has been to different degrees for the vast majority of any year.

I can assure you that this has always been the case during our ownership, and nobody has ever raised an issue. We have again never had any difficulty or request from the Council or anybody else to remove vehicles, trailers, boxes, troughs nor any other items or materials that have been set down on that southernmost side of the track, all the way along it.

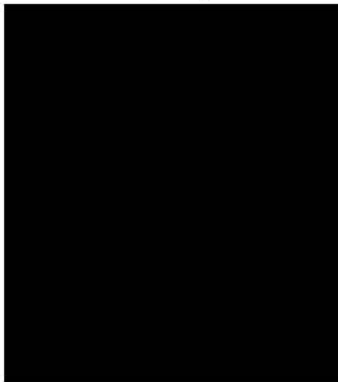
I don't think that there is anything else that I could usefully add to what my husband has said already. However, if I think of or find anything else, I shall certainly forward on to you.

We have never had any trouble at all and there is no question that there has always been a perfectly passable width on the northernmost side of the track, from the stile in the wall on the neighbour's land, right up to our gates that from on to Wolfstones Road. The Council has certainly never asked us to move anything on this side of the path in all the years that we have lived here.

I did want to say that all we have ever done is kept ourselves to ourselves. We have applied for a diversion of the footpath to fully implement planning permissions granted by the Council. That's it and nothing more. To have this application to widen the footpath seems ridiculous and frankly, seems a little bit spiteful and done with a particular agenda, for reasons that I do not know and I do not understand. Where the same approach was applied to the rest of the footpath, or any footpath for that matter, then either it would not be physically possible or is tantamount to attempting to take land off people. I am surprised that this is allowed to happen.

I would be prepared to put this information in a Statutory Declaration if required. In the meantime, please lodge this as an **objection** to this ridiculous Order. I hope that the Council sees sense on this spiteful endeavour.

Yours sincerely



6

Harry Garland

From: [REDACTED]
Sent: 23 August 2021 21:09
To: Harry Garland
Cc: Phil Champion; PublicRightsofWay
Subject: OBJECTION to Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021 (Your Ref: D105-171)

Dear Mr. Garland

You will be aware that [REDACTED] represents [REDACTED] on this matter and obviously apart from walking or running the path many years ago, way before my involvement in this matter, have only known Footpath 60 for about three years.

However, we do need to bring certain information to your attention and in doing so [REDACTED] formally **OBJECTS** to the making of this DMMO. Briefly, this is for the following reasons, although naturally we shall elaborate in a Public Inquiry.

1. The Order is made in the knowledge by the Council that it is in breach of Paragraph 2 of Schedule 14 of the Wildlife & Countryside Act 1981, insofar as not all landowners and occupiers have been notified, yet the Council is still progressing the application. The Council has through your colleagues now acknowledged this in Committee proceedings on 17th June 2021 and subsequently in writing.
2. The Order has been made based on erroneous advice from Mr. Champion and the Council's Legal Services section to its decision-making Committee.
3. The relevant officers have considered irrelevant information in its reporting to Members of its decision-making Committee.
4. There has been additional procedural impropriety at Committee caused by a probity issue which has resulted in Mr. Butterfield raising a Member Standards Complaint against Councillor Terry Lyons, Chair of the Planning Sub-Committee (Huddersfield Area), which has been sent to the Monitoring Officer already.
5. The Council, even despite a Freedom of Information enquiry, has refused to disclose the alleged evidence that it has received through the Peak and Northern Footpaths Society and so is 'blind' and unable to fully respond to allegations made without sight of and specific access to such evidence. There is reason to believe that there are multiple sources of evidence to rebut what we are told is alleged by this evidence, which would have prevented the need for this order to be made and a likely Public Inquiry convened. That said we do welcome the opportunity to examine all such allegations at a Public Inquiry, even if it was clearly avoidable had the Council disclosed this information.
6. The Council elected to bring forward this DMMO application from 112th in the Council's Rights of Way Priority Matrix, to the front of the queue for determination, bypassing approximately two to three years of delay, seemingly in favour of an application made by the Peak and Northern Footpaths Society, whose representative Andy Leader, is an ex-employee of the Council and ex-colleague of present Rights of Way Officers, which may or may not explain its expedition.

Although not directly relevant to this OBJECTION, for information a Letter Before Claim for Judicial Review for making this Order has been issued and subject to the response, will likely result in a Claim for Judicial Review in the High Court. This objection is therefore provided as a contingency, as there is a confidence that the Order will be quashed following legal proceedings. Where the Council does not agree with such a confidence, there is at least a clear and now high possibility of this Claim being filed, which is immutable.

The following are further grounds for objection, which we shall again elaborate on at any Public Inquiry.

7. A letter or memorandum exists from November 2000 whereby the Council has acknowledged and sanctioned that the gates on Wolfstones Road can remain closed. The letter is sanctioned by Mr. Andy Leader, in his capacity as a Rights of Way Officer during his time employed by the Council, as described. We have a copy of this correspondence.
8. There is clear evidence from others that the southernmost side of the driveway and farm track (moving from Wolfstones Road eastwards) has been regularly blocked or impassable, with corresponding evidence that Mr. Butterfield has always

ensured that four feet on the northernmost side has been left open, as this constitutes the width and location of the legal footpath as described on the Definitive Map and Statement.

9. In [REDACTED] Proof of Evidence and its Supplementary for the impending Public Inquiry for a stopping up and diversion of part of Footpath 60 pursuant to Section 247 Town and Country Planning Act 1990 (Ref: NATTRAN/Y&H/S247/4337 and DPI/Z4718/21/6) he clearly describes and evidences correspondence from Mr. Battersby allowing full closure of the gates in April 2020 and encouragement towards the diversion route put in on risk.

10. The Council, through its former Corporate Director Karl Battersby and the line manager to the Rights of Way Section, Rob Dalby (may he Rest In Peace; I was truly sorry to hear of his passing, particularly in such tragic circumstances) have confirmed and accepted on behalf of the Council that the legal width of Footpath 60 is 1.2m and it is substantially on the northernmost side of the route, hence why they asked for the northernmost gate leaf to be left open in order to completely stave off any challenge from interested parties.

11. More information is provided in the Proof of Evidence and Supplementary Proof of Evidence of [REDACTED] to a separate Public Inquiry in relation to an application for a stopping up and diversion of part of Footpath 60 Diversion. This also contains a Statutory Declaration from me dated 17th August 2021 outlining where Rob Dalby and Karl Battersby had conveyed the position as such.

12. The above is reinforced by the fact that no action of any kind was taken (and this is because it could not be taken) following temporary fencing works by Mr. Butterfield on the southernmost side of the driveway. This is because it has been acknowledged by the Council, even at Chief Officer level, that this does not and never has been the legal footpath, as acknowledged by Chief Officers at the Council, who have clearly not communicated this to their Rights of Way Officers, for reasons upon which we can only speculate.

13. I can provide my own observations that I have observed myself clear evidence of haystacks, farm machinery, horse troughs and boxes and trailers on the southernmost side of the land. Whilst four feet has been passable always on the northernmost side of the track (i.e. because that is the legal width of the footpath). I have had cause to visit Wolfstones probably 25-30 times in the last three years and can recall only a couple of occasions when the southernmost side was entirely clear, likely (I learned later when this issue arose) due to rotations, grass cutting and general tidying. Continuous user cannot have been a possibility, where my own experience was concerned, albeit I can only describe this since mid-2018.

14. I have seen a parked and locked motorbike near there on that southernmost side of the driveway near the stile area, from memory in a couple of my earlier visits in mid-2018. I could not tell you who this belonged to but appeared to be a family member's machine, as this was not even a consideration at this time, but it is another example of various paraphernalia of the blocking of that side of the driveway. Finally, I have observed trade-level 1200-litre bins in my earlier visits and domestic 240l and 360l bins, but I have not seen those commercial ones since about mid-late 2019.

15. I have seen the 'slip' stile adjacent to the gates on Wolfstones Road blocked a couple of times, apart from when Mr. Butterfield carried out the full temporary fencing works which were removed relatively recently (though can be put back at any time, as this is private land and not footpath). Once was a pallet of building materials, possibly aggregate bags, the other was with general rubbish. Mr. Butterfield has had building works done on his land, implementing planning permissions as far as he can. Obviously, he could not lawfully complete the implementation of his planning permissions without formal stopping up and diversion of the 1.2m of footpath.

16. Others can and have provided evidence of this for far longer periods, going back decades. I would suggest that based on what has been seen so far that any 'calling into question' of a route, if one in fact even existed, may in fact go back to the 1950s or even earlier, given some of the information on the Definitive Map and Statement as well as other evidence.

17. The historical documents submitted (not all of which we have seen due to lack of disclosure) cannot seriously be said to be tantamount to evidence of continuous user, or in fact any public user at all. The Council's interpretation and acceptance of this is risible in our view and experience. Nevertheless, we add the caveat that we have still not seen all of the application evidence due to non-disclosure by the Council.

We look forward to full examination of issues at a Public Inquiry, which could clearly have been avoided.

On this note we would finally encourage the Council to withdraw the current made order, finally disclose all evidence submitted with the application of the Peak and Northern Footpaths Society and re-consult on this basis, returning the matter to its relevant Committee having done so. In this way, the present spectre of Judicial Review and a likely Public Inquiry resulting from this and other objections would be alleviated.

The Council is causing considerable difficulty and not conducting proper or full consultation without disclosing all evidence, unredacted, received with its application from the Peak and Northern Footpaths Society.

This concludes the summary **OBJECTION** from [REDACTED] which will not be withdrawn, unless full disclosure of application evidence, revealing comprehensive and incontrovertible evidence that this Footpath is the width claimed is provided.

Yours sincerely



- Legal Consultancy & Advisory Service -
- Planning - Development - Highways & Rights of Way - Local Govt -
- Compulsory Purchase - Licensing - Management & Training -

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(7)

Harry Garland

From: [REDACTED]
Sent: 23 August 2021 21:11
To: Harry Garland
Cc: PublicRightsofWay; Phil Champion
Subject: OBJECTION to Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021

Dear Mr. Garland

I must very strongly **OBJECT** to the making of this Order (**Your Ref: D105-171**). I simply cannot stand by and watch untruths be peddled here. I have written before. I have attended a Huddersfield Planning Committee twice on this issue, because there was a technical mistake in April 2021.

I do not know what I have do to get the Council to understand that this is somebody playing silly beggars and must be costing the Council, that I am a rate payer to, a fortune. I still cannot believe that the Committee seriously resolved to make this Order.

I am a local resident. I used to sit on the Holme Valley Parish Council, as Chairman for a time and was Chair of the Holme Valley Land Charity for a time, which owns the land on which the Wolfstones Heights Trig Point (sometimes called the Jubilee Seat) is opposite [REDACTED]'s gates, so I know this area very well. My goal has always been about trying to bring people together, reaching good compromises for the betterment of the area and allowing people to get on with their lives in peace. However, I feel that there is a moral duty on my part to say something here, because I cannot just stand by and see what I know to be inaccuracies peddled and injustice allowed to continue.

I have been involved in footpath matters myself, whereby a footpath near my house was diverted some years ago. So, whilst I am no expert, I am not without at least some knowledge. I am also a witness at an impending Public Inquiry in relation to the stopping up and diversion of part of Footpath 60, which I am quite sure this DMMO application is motivated by.

I can also attend and provide any evidence to a Public Inquiry about this DMMO. In fact, I would be very keen to contribute to finally put this matter to bed and allow these people, who have never done a bad thing for this area, to get on with their lives. I would also like to contribute towards the end of a process which must be wasting countless amounts of time, money and resources.

I have used that footpath regularly for well over 30 years, as I have put in evidence regarding the stopping up and diversion. The southernmost side is NOT the footpath. NEVER has been. There is no truth in this whatsoever and I feel obliged to challenge what has been said. It is simply not true. It can't be. It is impossible.

The footpath is a strip of land, four feet wide, on the left-hand side of the drive as you look down from Wolfstones Road. This is the same until it hits [REDACTED]'s stile in wall – again on the left hand side looking down (which perhaps says it all...!), as you progress down to Netherthong. I have parked vehicles, erected scaffolding, stored materials on the right-hand side of the drive over the years. Indeed, I had a small hand with a builder called Richard Earnshaw in constructing the wall on the right-hand side of the driveway, which necessitated a building a platform along the entire length of the driveway. I erected scaffolding to repair the house following a significant fire some years ago now, which took us quite some time.

In all of that time, the [REDACTED]s were adamant and reinforced that we had to leave a width of at least four feet on that left-hand side (looking downwards - i.e. the northernmost side) as that was the legal footpath which we could not block. These are not bad people. They would never knowingly block up a legal right of way.

Aside from anything else, from memory those gates at the top were closed for years, especially on a night, I do have reason to believe that was sanctioned by the Council. Nobody to the best of my knowledge ever said or did anything, least of all the Council until more recently.

Depending on the work taking place and materials storage etc. sometimes a vehicle or a horse ([REDACTED] is a horse rider) could get up and down the top driveway (now the old driveway) and sometimes not. I think from memory when vehicles could not get down the drive, [REDACTED] parked cars either next door as I think that they were friends with the Corradini's, who were the family that used to own Wolfstone Heights (the building on Wolfstones Road, not the trig point land owned by the Holme Valley Land Charity), that Mr. Butterfield subsequently bought probably about five years ago, or somewhere else.

Historically and even now, there have been items on that lower part on the southernmost part of the land. Things like tractors, horse troughs, big feed buckets for the horses in the field, haybales, trailers, parked farm vehicles, etc. I must admit that it has been clear at times, but that sort of paraphernalia has always and still does frequently exist, even now if you go up there.

Those fields used to be in a different configuration quite a few years ago, probably about 8 to 10 years ago as a rough estimate. This was the case even before the [REDACTED] bought the land, which I will guess was about the early 1990s. The people that owned Wolfstone Heights Farm before the [REDACTED] were what you might call more 'proper' farmers – I mean no offence to the [REDACTED] by that. There were all sorts of farming-type paraphernalia and I am pretty sure there were also other stiles and gates at one time, but that will have probably been before Mr. and Mrs. [REDACTED] time there, possibly the 1980s. Either way, that left hand side looking down and right hand side looking up has always been clear and available to pass. I cannot recall any time that would have been blocked. The southernmost side is a completely different matter. The reason is simple, which is that the four feet on the northernmost side are and always have been the legal footpath.

There was probably only about 4 or 5 years ago a large farm gate which was split into a secure vehicle gate on the right-hand side (looking down, eastwards) and a pedestrian gate on the left side, that was on the line of the legal footpath.

If the footpath was the full width of the driveway and the path all the way down to [REDACTED] wall stile (which by the way is very narrow), then I and many others would have been blocking a public footpath when doing work at that site. [REDACTED] and members of their family would have been blocking a public footpath. Builders and tradespeople would have been blocking a public footpath.

Incidentally, this is only part of Footpath 60. I was not aware that there could be an application to widen only part of a footpath. It seems strange to me and adds to my theory that this is just targeted at Mr. and Mrs. Butterfield. I add to this following my reference to Mr. Roebuck's wall stile above, because further down towards Netherthong, I can say that the path is very narrow and in places probably not even 4 feet wide in parts. I am not sure if that is relevant or not, but you get the idea.

Never has the proper legal footpath been blocked to the very best of my knowledge and in my well over 30 years of its use in both directions. To be fair, I tend to use the new diversion route now instead of the old driveway, which starts about half-way up from [REDACTED] wall stile at the bottom. I know that this is not yet 'legal' but I do hope that it will be, because it is a far nicer walking experience.

Quite simply, it is not at all possible that anybody could say that they have been using that width without obstruction along its length on that southernmost side of the drive and path continuously. They would have been climbing over tractors, trailers and horse troughs more often than not if that were true – and that is not me being facetious, that is a fact! I would not have been able to pass freely on that southernmost side on any occasion in, again and sorry to harp on, well over 30 years of using that path.

Again, I am a long time and involved local, as well as a keen walker, but also have a working knowledge as well as user knowledge of this land and this area, which has in my view been targeted simply because it belongs to Mr. Butterfield. That is wrong. It is not on. I am struggling to understand how this is being allowed to continue.

There is no possibility that this footpath is three to four metres in width. Absolutely none. The legal width of the footpath, as per the Definitive Map and Statement, is 1.2m and has always been understood to be that northernmost side of the driveway, otherwise there would have been multiple examples of obstruction by multiple people on multiple occasions. Note that the Council has done absolutely nothing about that, which in my view speaks volumes. The Council did not even take any action when Mr. Butterfield temporarily roped and fenced off the southernmost part of the top driveway for several months. The reason is simple – it is because the southernmost side is not and never has been the legal footpath; it is simply private land.

This in my opinion seems to be an attempt to muddy the waters with the application to re-route the footpath and appears to be a strategic move that has been in somebody's mind for some time. It has no validity and does not reflect the opinion of most walkers who require nothing other than the regulation four feet.

Concerningly, it seems to me that a precedent would be set to widen every single footpath that shares some of its length with a driveway. That is a chilling thought and like something from a dictatorship country. That would cause untold conflict and anxiety way beyond this area.

I shall give you an example from the Netherthong village end of the footpath, which I mention above is probably not even four feet wide. It would mean that anyone could come and apply to take adjacent private garden land. It is truly frightening that the Council would seemingly facilitate something like this.

This application to widen the footpath is without validity and has no positive gain at all for walkers in my opinion. The new diversion path is far batter anyway, but I suppose this is an aside. It is in my view a personal attack on the owner of the land, but I say again that it would be almost impossible for anyone to show continuous public use of that southernmost side, unimpeded, for any length of time, let alone for 20-plus years! It would be laughable if this were not so serious for the landowners.

I am again quite prepared to attend an Inquiry and provide further evidence and subject myself to further examination. My only hope is that sense prevails before then and this whole thing is seen for in my view what it plainly is. Until then, I submit and maintain the strongest of **OBJECTION** to this unjust Order, which must not and surely cannot succeed.

Yours sincerely





Harry Garland

From: [REDACTED]
Sent: 23 August 2021 14:31
To: Harry Garland
Subject: Objection to Kirklees Council Order (Council Ref: D105-171)

Dear Mr Garland,

I would object to this widening application.

I have done a lot of building work on that site over more than 25 years, including replacing the old wall on the long right hand side of the old driveway looking down from Wolfstones Road. There have been pallets, materials bags, skips, mixers, scaffolding etc on there for weeks and more at a time, including after the fire which I think was about 7 years ago.

Nobody walking up and down ever complained to me and people could always get past. [REDACTED] were always clear that we had to leave the left side open because that is the 4 foot legal footpath and needed to be left passable. They are not the type of people that would block up a public footpath and are always pleasant and accommodating to walkers.

There are always trailers and horse boxes and farm stuff further down past the old farm and pedestrian gate just past the Wolfstone Heights Farm entrance. Some of the surface cobbles and remnants of where the old farm gate was, which had a wide secured vehicle gate on the right and a pedestrian gate on the left looking down, can still be seen and was there until just a few years ago.

Regards

[REDACTED]
Sent from [Mail](#) for Windows

CD6

STATEMENT CONTAINING THE OMA'S COMMENTS ON THE OBJECTIONS

CD6.1 Kirklees Council comments on the objections

CD6.2 Statutory Declaration of [REDACTED] dated 17 Aug 2021, with appendix 4

CD6.3 Copy of Indenture dated 13 May 1872, with covering email

CD6.1 – Kirklees Council comments on the objections:

Wildlife & Countryside Act 1981 – Section 53

West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area

Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong), Definitive Map Modification Order 2021

1. The above Order was made by Kirklees Council (“the Council”) under Section 53 of the Wildlife and Countryside Act 1981 (“the 1981 Act”). For the purpose of the Order the relevant date is 17 June 2021. Eight duly made objections were received.
2. The Order was made on 8 July 2021 and advertised on 12 July 2021. The Notice, accompanied by a copy of the Order, was served by first class post on the landowner, Mr [REDACTED] of Wolfstones Heights Farm, and other occupiers of Wolfstones Height Farm / Wolfstones Heights. For avoidance of doubt notice was also served on [REDACTED] [REDACTED] of Brownhill Farm – the registered owner of land in title no. WYK397389 east of point E on the plan accompanying the Order. For avoidance of doubt, a copy of the notice and plan was also served on the land between points D and E on the plan accompanying the Order¹. This was on a small strip of land immediately west of point E which is possibly excluded from registered titles.²
3. Eight duly made objections to the Order are at CD5.1 to CD5.8 in the submitted bundle file. A number of objectors refer to similar matters such as descriptions of furniture at particular locations or to the physical unavailability for use of parts of the route referred to in the Order at various times and for various reasons. As each account is slightly different, the approach taken has been to analyse and comment on each objection in turn. This

¹ Dispensation was sought from and granted by the Secretary of State to serve notice on the land.

² If ownership of land is assumed to *ad medium filum*, [REDACTED] will be the owner of the subsoil as he has title to the land to north and south of the route.

may lead to a degree of repetition in officer comments about aspect which have been referred to by several objectors.

4. An objection made by the landowner's representative [REDACTED], director [REDACTED] is the most detailed and is considered first. (CD 5.6). Mr Scanlon and a number of other objectors also referred to (but did not supply copies of) a Statutory Declaration made by [REDACTED] and in connection with a public inquiry into a proposed diversion order under s247 Town and Country Planning Act 1990. The inquiry took place immediately following the end of the 6-week notice period for the DMMO. We have appended copy of this Statutory Declaration ([REDACTED]'s ref RHB3) and an appendix to it ([REDACTED]'s ref NSCL4). These are appended at CD 6.2.

Comments on the Objection of [REDACTED]

(NSCL)

5. The objection from [REDACTED] contained 17 numbered paragraphs. A number of these (1 through 6) are separate grounds concerned with procedural matters regarding the DMMO application itself, the reporting to and determination by members, officer and member conduct and propriety, prioritisation of investigation of this application ahead of others, and similar matters which are not inherently evidential in nature, and which are generally refuted. These will be commented on only briefly. Eleven further paragraphs contain other grounds that are worthy of further comment.
6. Ground 1 refers to a claimed irregularity in the service of notice of the making of the DMMO application, as required by Paragraph 2 of Schedule 14. During the course of investigation of the application [REDACTED] referred in correspondence to 'an issue' with the application. He declined to elaborate on this during investigation of the application and only revealed the nature of this issue when addressing members of the planning sub-committee when the

application was determined. It emerged that although the application clearly related to a length of footpath Holmfirth 60 between Wolfstones Road and a stile at Brown Hill at point E on the Order Plan, the 10-figure grid reference supplied by the applicant placed the termination point several metres into the next field, owned by a [REDACTED]. The applicant had not served notice of the making of the application on [REDACTED]. The applicant confirmed to Officers that it was not their intention to request a modification of the DMS in respect of any land east of the stile at point E. [REDACTED] had not been served notice of the making of the application as this was simply an error in the grid references stated in the application and there was no intention to apply for a DMMO affecting [REDACTED] Land.

7. For avoidance of doubt and in light of this claimed irregularity, [REDACTED] was served a copy of the notice and Order as an affected landowner. [REDACTED] did not submit any objection or representation to the Order. The alleged irregularity has not prejudiced any party and has no bearing on the evidence on which the decisions to make and request confirmation of the Order were made.
8. Ground 2 states that 'The Order has been made based on erroneous advice from Mr. Champion and the Council's Legal Services section to its decision-making Committee'. The application was determined by the OMA's Huddersfield Area Planning Sub-Committee, following presentation of a report by the Definitive Map Officer. [REDACTED] did not elaborate on this ground, but it is understood to relate to oral advice to members of the committee regarding the matter referred to in Ground 1. Again, this is of no relevance to the evidential matters on which the decision to make the current Order was based.
9. Ground 3 states 'The relevant officers have considered irrelevant information in its reporting to Members of its decision-making Committee.' [REDACTED] did not elaborate on what

information he considered irrelevant. The report to members, produced following a diligent and through investigation of all available evidence, is included at CD 4.2.

10. Ground 4 refers to an allegation of procedural impropriety on the part of the sub-committee Chair Cllr Lyons. No comments are made, other than to note that the matter referred to has no bearing on the evidence on which the decision to make the Order was based.³
11. Ground 5 refers to a Freedom of Information (FoI) request and a refusal by the OMA to disclose evidence. The request referred to was treated as a request under the Environmental Information Regulations (EIR). The request was for the unredacted user evidence forms (UEFs) supplied by the applicant with their application. That request was received *before* the application had been determined and was refused under the EIRs on the basis that the UEFs contained third party personal data. That data, including details of individuals use and personal knowledge of the way, was thus exempt from disclosure *at that stage in the process*. That decision is in line with previous Information Tribunal decisions regarding release of personal data in UEFs.
12. The user evidence forms (“UEFs” or “WCA8 forms”) will be appended to the OMAs Statement of Case and supplied to the Secretary of State in wholly unredacted form. These documents will be made available for public inspection (and copies supplied on request), alongside all other documentary evidence, in the run up to any public inquiry, albeit with certain personal data redacted. Information redacted is expected to include data from which individuals may be identified but not the details of an individual's personal use and knowledge of the way. Should an individual who has provided user evidence agree give evidence to a public inquiry, the identity of that person will of course be revealed to the Inquiry. This approach to protection of personal data is consistent with the position taken

³ Cllr Lyons was not re-elected in 2022 so is not currently a member of Kirklees Council.

by the view of the Information Commissioner's Office (ICO) and the First-tier Tribunal in relation to the release of personal data in connection with a similar but unrelated case involving Kirklees Council UEFs.⁴ Mr has also made a further Fol / EIR request for release of the UEFs with redactions as to the identity of witnesses, as described above. These were supplied in March 2023.

13. Ground 6 relates to the Council's decision to prioritise investigation of the application. The Council's reasons for doing so are not as [REDACTED] has suggested. The DMMO application was made shortly after the making by the Secretary of State for Transport, on the application of [REDACTED] or his client, a draft Order under s247 Town and Country Planning Act 1990 to divert part of public footpath Holmfirth 60 to allow for approved development to be carried out. Kirklees Council was a statutory objector to the draft Order. The length of footpath Holmfirth 60 that was proposed to be diverted included part of the length affected by the DMMO application. Investigation of the DMMO application was thus prioritised. The actual position and width of footpath Holmfirth 60 were considered to be material considerations which had the capacity affect the Secretary of State for Transport's decision on whether or not a diversion Order should be made, and the area of highway to be stopped-up that might need to be shown on any s247 Order plan. A virtual Public Inquiry was scheduled to be held into the proposed diversion Order, opening on 24 August 2021, i.e., the day following the end of the formal DMMO consultation period. So, it was clearly appropriate for the Council to have investigated and determined the DMMO application without delay and ideally before the s247 public inquiry.

14. After Ground 6 [REDACTED] also referred to the submission of a Letter Before Claim for judicial review of the making of the current Order. That letter was not followed by an application to the High Court. No further comment is made.

⁴ EA/2022/0152; Andrew Dunlop vs Information Commissioner and Kirklees Metropolitan Council

15. Paragraph 7 (Ground 7) relates to letter at item 17 in appendix D to the committee report.

This is a letter dated November 2000 sent by the Council in response to contact from Holme Valley Parish Council. The letter refers to a stile and signpost on path Holmfirth 60, along with gates. [REDACTED]'s view of this document appears to be that through this letter the Council 'has acknowledged and sanctioned that the gates on Wolfstones Road can remain closed'. However, the exact nature of the enquiry or what prompted it is not recorded and the letter does not itself indicate any contact with the owners or occupiers. The letter confirmed that 'although the footpath is gated there is a stone stile one side of the gate'. This is consistent with the general arrangement of electric gates and stile alongside that is noted in photographs found at appendix B to the Officer Report. The letter was considered when assessing the likely date of bringing into question of public rights over a greater width than approx. 1.2m. It is considered that there is nothing to suggest public rights were brought into question at that time. The letter may be read as an officer applying discretion regarding possibly unauthorised gates due to the provision of a pedestrian bypass and clear signage. This should not be read as the Council formally sanctioning the gates. As [REDACTED] suggests, the author of this letter is understood to have been [REDACTED] (i.e., the DMMO applicant) in his then capacity as a public rights of way officer with Kirklees Council, although the letter is formally signed by a manager. The Council's position remains that the gates are not authorised, nor are they a limitation on the public right of way.

16. Paragraphs 8 through 16 in [REDACTED]'s objection appear to be a number of interrelated points regarding the alleged unavailability of the southernmost side of the driveway at various times and the assertion that the public right of way is confined to a width of approx. 1.2m / 4ft along the northernmost side. Rather than nine discrete grounds. The objector's position is at odds with the user evidence and other evidence that include photographs and air photographs in appendix B to the officer report, taken at various times since 2000. The

photographs generally fail to show the presence of various things which objectors claims physically prevented use of the way. The suggestion that part of the route was physically unavailable (and use thus interrupted) is covered in detail in the 'discussion of evidence' in Appendix A to the officer report; in particular under '*actually enjoyed*' at para 2.24 and in consideration of whether use was '*without interruption*' at paras. 2.27 to 2.32. , i.e., whether there was 'actual and physical stopping of the enjoyment' of the public use of the way by the landowner or someone acting lawfully on his behalf. ⁵ There is no requirement that use of the way must have been constant. Any interruption must have been with the intent of preventing public use of the way ⁶ and not for some other purpose such as the parking of vehicles ⁷ or the carrying out of building work. ⁸

17. At paragraph 8 in his objection [REDACTED] stated: 'There is clear evidence from others that the southernmost side of the driveway and farm track (moving from Wolfstones Road eastwards) has been regularly blocked or impassable, with corresponding evidence that Mr. [REDACTED] has always ensured that four feet on the northernmost side has been left open, as this constitutes the width and location of the legal footpath as described on the Definitive Map and Statement'.

18. During investigation of the application officers invited the owners and occupiers of Wolfstones Heights / Wolfstones Heights Farm to submit any evidence regarding the width of the path and its use or non-use, and regarding structures on the route. Submissions were received from the landowner Mr [REDACTED] d. [REDACTED] [REDACTED] claimed the storage of various items on the southernmost side of the route, including farming / equestrian items, and scaffolding and building materials following

⁵ *Merstham Manor v Coulsdon and Purley Urban District Council (1932)*

⁶ *Lewis v Thomas (1950)*

⁷ *Ward and Ward v Durham CC (1994) and Fernlee Estates vs City and County of Swansea and National Assembly for Wales (2001)*

⁸ *Fernlee Estates vs City and County of Swansea and National Assembly for Wales 2001*

a fire in December 2013. Having considered other available evidence, including photographs, the OMA remains unconvinced by the claims that use the southern side of the way was interrupted to the extent described, and in any case, there is no indication that temporary deposits of things or parking of vehicles and trailers was done with the intention of preventing public use of the way, and not for other purposes, such as those considered in the cases mentioned in paragraph 16 above.

19. At paragraphs 13 and 14 in his objection, [REDACTED] described his own observations of the route in the period from mid-2018 onwards, claiming to have had cause to visit Wolfstones 'probably 25 to 30 times in the last three years', although it is noted that his observations of the situation after early September 2020 would be of no relevance. [REDACTED] refers to having 'observed clear evidence of haystacks, farm machinery, horse troughs and boxes and trailers on the southernmost side of the land'. It is not clear whether he observed such items being in place before or after the first week of September 2020. However, he did state that he could only recall 'a couple of occasions' when the southernmost side was entirely clear. In contrast with this recollection, the route was entirely clear of such items when visited and photographed by council officers on 8 September 2018, 11 June 2019 and 4 October 2019.

20. Apart from the farming type equipment, [REDACTED] stated that he observed a parked motorbike on the southernmost side of the driveway 'in a couple of my earlier visits in mid-2018' but not thereafter and also 'trade level' bins in earlier visits – not since mid-2019 – and also domestic bins. He also mentioned the stile near point A being blocked 'a couple of times'. He stated that 'Once was a pallet of building materials, possibly aggregate bags, the other was with general rubbish'. [REDACTED]'s evidence suggests occasional / temporary parking of vehicles and temporary storage of various things in the period from

mid-2018, but there is no indication of any physical interruptions with the intention of preventing public use, prior to 2020.

21. Mr Scanlon also drew attention to the involvement of the Council's then Strategic Director Karl Battersby, and Rob Dalby (Greenspace Operations Manager) in 2020 regarding Mr Butterfield's closing of the electric gates in the early part of the Covid-19 pandemic.⁹ Mr Scanlon asserts in para 10 of his objection, that the Council, had 'confirmed and accepted on behalf of the Council that the legal width of Footpath 60 is 1.2m and it is substantially on the northernmost side of the route'. Neither Mr Battersby nor Mr Dalby can now be called on to comment.

22. The Definitive Map and Statement do not indicate the way specifically abuts only the northernmost side of the driveway. But ██████████ asserted that 'this is why they asked for the northernmost gate leaf to be left open in order to completely stave off any challenge from interested parties'. It appears to officers more likely that the offer and acceptance of the opening of only a single gate leaf is as a result of ██████████ and his client having become aware of the currently recorded width. There would have been evident difficulties for the Council in enforcing, at that time, the removal of an obstruction extending over a greater width than 1.2m, in the face of opposition from the landowner. Rather than any confirmation that rights were actually only confined to a 1.2m strip aligned with the northernmost side / northern gate leaf. This approach appears to have been a pragmatic suggestion in response to a threat of action by PNFS. The suggestion appears to have arisen out of discussions between ██████████, and a senior manager and a Council Strategic Director, neither of whom had expertise in PROW law and practice. The Council's PROW officers would not have made such a confident statement regarding the position of the recorded public footpath, without clear evidence for that position. Since

⁹ Mr Dalby died in July 2021. Mr Battersby is no longer employed as a director at Kirklees Council.

that time considerable further evidence has been submitted which indicates that public rights exist over the whole width and that the DMS must be modified.

23. At paragraph 12 of his objection, [REDACTED] further asserts that the lack of enforcement action regarding the erection of fencing (i.e., the fencing that triggered the making of the DMMO application) is due to the Chief Officer's 'acknowledgement' that the southernmost part of the driveway is not the 'legal footpath'. This is not correct. It is noted that the lateral extent of the public right of way remains in serious dispute. This affects the duty under s130(1) of the Highways Act 1980 to assert and protect the rights of the public. In this circumstance it was appropriate for the authority to decline to take immediate enforcement action, following the principle established in *R v Lancashire County Council ex parte Guyer (1980)*. The question is to be resolved through the current process. The fencing has since been removed, so enforcement action is not necessary at time of writing.

24. At paragraph 17 in his objection [REDACTED] questioned whether the historical documents "can be said to be tantamount to evidence of continuous user, or in fact any public user at all". No elaboration was provided. It is acknowledged that at the time he objected Mr Scanlon would not have seen all details of use included in UEFs, although more lightly redacted user evidence would have been made available prior to Mr Scanlon submitting his objection, had such a request been made. However, a great deal of documentary evidence considered (apart from the UEFs) was appended at appendix 2 to the publicly available committee report and is included in the bundle with the opposed Order. This mainly includes various maps along with documents relating to the development of the DMS, also photographic evidence. These are analysed in the 'Discussion of Evidence' in appendix 1 to the committee report.

25. It is appropriate to consider such evidence when investigating a DMMO application. Section 32 of the Highways Act 1980 states that:

“A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.”

26. While not providing direct evidence of use of a greater width by the public, the historical map evidence does provide clear evidence of the physical existence of a route of greater width having existed for a considerable time – particularly A-B which is shown in generally the same form – as an enclosed track - for since the early 19th century. B-E is also depicted on maps as an enclosed track by the early 1960s. Analysis of the documents relating to the development of the DMS provides no evidence that public use of A-B was confined to a particular 4ft width. The documents are suggestive of a greater width for A-B. Irregularities within the definitive map process in general also lessens the reliance that can be placed on the width recorded in the original (1952) and current (1985) Statements.

27. Subsequent to the making of the objection [REDACTED] has supplied a copy of an Indenture dated 13 May 1872 relating to the sale of property at Wolfstones.¹⁰ The plan showing the property conveyed shows a ‘footpath to Netherthong’, indicated by a pecked line east of point E on the Order Plan, the pecked line continuing west, parallel to northerly boundary

¹⁰ In his covering email [REDACTED] suggested the document dated from January 1972 but the indenture is clearly dated May 1872.

wall to a point consistent with point B on the Order Plan. Further west the route is indicated as wider route between continuous boundary lines. Mr Scanlon asserted in his covering email that this indicates that this plan shows the path is 'clearly aligned to the northernmost side of the field boundary and the scale shows that this is even less than the four feet in width identified as Footpath 60 on the Definitive Map and Statement'. In response it is noted that this map is consistent with other maps considered, dated or published between 1831 and 1931, considered in the detail Discussion of Evidence appended to the officer report, and the conclusions reached are similar. The 1872 Indenture Plan does depict through the usual cartographic convention (a pecked or broken line parallel with a solid line) a field edge path or track between B and E. However, a later OS map from 1964, and other later evidence show a wider enclosed route and user evidence indicates actual use of this greater width. Mr Scanlon has not drawn attention to any wording within the conveyance itself in support of his assertion, just the accompanying plan. Scans / photographs of the 1872 Indenture along with Mr Scanlon's covering email are appended at CD 6.3.

Comments on the Objection of [REDACTED] (CD 5.4)

28. [REDACTED] referred to the Letter Before Claim for Judicial Review. The grounds cited were not evidential in nature and no further comments is made, other than the claim was refuted in its entirety and no application for Judicial Review followed.

29. Mr Butterfield made reference to having received, over twenty years ago, correspondence from the Council 'allowing my gates on Wolfstones Road to be closed. He also stated that 'Those gates in fact pre-date my ownership of this property, going back almost 30 years now'. The date of installation of the gateposts and electric gates is unclear, but these do not appear to be historic features and likely post-date the original dedication of a public footpath, In any case these gates are not currently recorded as a limitation. Mr Butterfield

did not supply a copy of the letter to which he referred or under what powers the gates were 'allowed'. Nonetheless his comments do not suggest that a highway was dedicated subject to gates at that location.

30. Mr Butterfield also described the existence 'about five years ago' of a 'secure farm vehicle gate part way down the track...' with '... a pedestrian gate on the left-hand side (looking down from Wolfstones Road), corresponding with the 4-foot legal width of path'. This is likely to be the gates that formerly existed at point B on the Order Plan.

31. Mr Butterfield gave an account of interactions with senior council managers and directors in 2020 regarding the closure of the gates and subsequent action during the early part of the Covid-19 pandemic. Also asserting that the public right of way follows a 4ft / 1.2 m strip abutting the north side of the driveway. This has been commented on in detail in response to Mr Scanlon's objection and no further comments are made.

32. [REDACTED] also asserted that continuous uninterrupted pedestrian use of the southernmost side of the route would have been physically impossible due to the parking of vehicles and the storage of various other things, also that four feet on the northernmost side had always been kept open. However, his assertions that the southernmost had been constantly full of various things and thus unusable are at odds with the user evidence and available photographs.

33. Limited comments were also made regarding historical documentary evidence, maps etc.

[REDACTED] suggested it may be a "giant evidential leap, with no credible basis" for the Council to "categorically state that on that basis that this is a path that has been used by the public for centuries". No further analysis of such documents was provided. The Discussion of Evidence appended to the officer report contains a detailed analysis of a range of sources, which are considered consistent with the existence of a public right of

way for at least two centuries, though many documents do not provide conclusive evidence of status or width.

34. Reference was also made to the 'West Riding Memo' and the reporting to members about this document. [REDACTED] characterised this as 'is basically in my view an attempt to facilitate a land grab, ignoring its wider implications...'. This is a memo from (signed by) the WRCC County Engineer and Surveyor sent to the Clerk of the County Council on 2nd December 1954. A copy of this memo (also referred to some documents as the '1954 Memo') was supplied as evidence with the application. It is analysed at paragraphs 1.35 to 1.41 in the 'Discussion of Evidence' appended to the officer report. Officers agree with [REDACTED] that the existence of this memo may have wider implications as it sheds light on the changing of recorded widths and statuses of routes of PROW across the West Riding during the development of the DMS. Holmfirth 60 was only recorded at approximately 4ft wide throughout its length so the conclusion offered by officers (at para 1.41 in the Discussion) was given the apparent attitude to the recording of greater widths (and encouragement by the County Council for district councils to object to the recording of greater widths), it is of no surprise there was no objection to the recording of a width of approximately 4ft for the whole of Holmfirth 60. The OMA stands by its assessment of the relevance of this document to this case.

Comments on the objection of [REDACTED] (CD 5.5)

35. [REDACTED] supported his objection, providing various additional information.

36. [REDACTED] indicated that the northernmost side of the route has always been unobstructed and available for public use.

37. [REDACTED] described building materials being stored 'for several months' on the southernmost side of the driveway following the fire at the property. This may be a more realistic assessment of the extent to which that part was unavailable than the recollection of some other objectors.

38. [REDACTED] also described the eastern part of the route, indicating that she had '*always* had trailers, horse boxes, troughs, feed boxes and other building materials and other items stored on that side of the track nearest the fence, opposite where the stile is and right upwards towards the main house'. I.e., westwards from point E towards point B. But numerous photos and aerial photos show no such use or items.

39. An account was also provided about the closure of the electric gates at point A (including enquiries allegedly made about 20 years earlier) and in respect of the closure of gates in 2020. This has been commented on above.

40. [REDACTED] also indicated that a stile to gates at A existed when the property was purchased (in the 1990s) and that the stile has not always been passable. Note that the Order made does not refer to the route via the stile.

41. Information was also provided about the gates that were located at point B, described as a makeshift farm gate with a narrow pedestrian gate on the north side. There is no indication that either gate had been locked.

42. Further details were also provided about changes to fencing and other landscaping, but these matters do not appear directly relevant to the requests of width of the way or limitations on it.

Comments on Objection by [REDACTED] (CD 5.1)

43. [REDACTED], and was a former resident, and more recently a visitor to Wolfstones Height Farm. Mrs Cronie stated, inter alia, 'that there is clearly no truth in what is being said here and what is alleged cannot have even been possible'. She made similar comments to [REDACTED] regarding the alleged unavailability southern side of the route, where fenced off from the field, due to the presence of various items associated with the keeping of horses. She stated that such items had been place 'for many months at a time, even years in some cases'. Again, this is at odds with user evidence, which mentions no such obstructions, also the available photographs and air photographs taken since 2000.

44. [REDACTED] also stated that 'I can say that there have been times, particularly when builders and the like have been around, that a car could not get up or down that driveway'. It is not denied that building work has taken place alongside the driveway, including the construction / reconstruction of walls. But little detail has been provided of actual interruptions to public enjoyment of the use of the way or that any interruption in connection with building work would have been with the intention of preventing public use.

45. [REDACTED] also described gates and stiles although she did not give exact locations, except the extant stile at point E. She referred to a pair of pedestrian and vehicle gates, most likely at point B, with the pedestrian gate on the northernmost side open 'because that is the legal public footpath'. She indicated that the 'farm gate' had been there from when she was 8 or 9 years old (i.e., c 1994-5 - before the start of the relevant 20-year period and coinciding with her father's purchase of the property) until 'four or five years ago or 5 years ago' (i.e., 2016 or 2017). Photographs indicate this arrangement of gates was in place until at least 11 Jun 2019, although both gates were open on that date and when photographed in 2014. [REDACTED] did not indicate that the southernmost gate was locked, merely that the northernmost (pedestrian) gate was kept open. (The structures at this location are also

described by [REDACTED] in responses to the informal consultation). The various structures on the eastern part of the route are considered in detail at paras. 2.75 to 2.83 in the Discussion of Evidence with the committee report. The officer conclusion being that the DMS should be modified to record a 1.2m gap alongside a gate, rather than a pair of gates, reflecting the previously recorded limitation of a stile at this location. [REDACTED] description tends to support this conclusion.

Comments on Objection [REDACTED] (CD 5.8)

46. [REDACTED] is a builder who stated that he had been employed to carry out a lot of building work on that site over more than 25 years, including replacing the old wall on the long right-hand side of the old driveway looking down from Wolfstones Road, i.e., along the southside of the driveway, running east from point A). He said that 'There have been pallets, materials bag, skips, mixers, scaffolding etc on there for weeks and more at a time, including after the fire which I think was about 7 years ago.'. While this may have been the case, such items in place for 'weeks or more at a time' would have been stored or in use as part of building work. The temporary unavailability of parts of the route due to building work would not constitute an interruption of enjoyment for the purposes of section 31. This is discussed further in connection with [REDACTED]'s objection above.

47. [REDACTED] also asserted that there 'are always trailers and horse boxes and farm stuff further down past the old farm'. Again, this statement is at odds with photographic evidence and in any case the storage of such items would not constitute interruption for the purposes of s31.

Comments on objection of [REDACTED] (CD 5.3)

48. [REDACTED] indicated he had acted for Mr Butterfield on this site for over 25 years, including in connection with the previously proposed footpath diversion and indicated he has first-hand knowledge of the route. He noted that he has always known the 'legal footpath' to be only 1.2m' and that 'I have always known it is on the northernmost side of the driveway and the path'. He indicated that this may have been first brought to his attention by Mr Cheetham – an officer in the PROW Team. It is highly unlikely that Mr Cheetham would have made such a conclusive comment regarding the position of the public right of way and any reference to 1.2m simply reflects the currently recorded width.

49. As with other objectors [REDACTED] also described various items stored or positioned on the southernmost side and stated that '...I do not honestly think that I can recall any time where anyone could pass all the way up using that southernmost side. I am having to think very hard of an occasion where that was possible, and I can say there has not been one in my experience in my very long experience of walking that way and numerous visits to that site over the years'. While this may be Mr Earnshaw's honest recollection, it is at odds with other evidence.

Comments on objection of [REDACTED] (CD 5.7)

50. As with other objectors, [REDACTED] strongly asserted that the public footpath is confined to a 4ft wide strip on the north side, and that [REDACTED] had instructed that that width be left clear during building works. [REDACTED] described the parking of vehicles, storage of building materials, and erection of scaffolding on the south side of the driveway, and that he himself had been involved in the erection of scaffolding etc. Also, that at times a horse or vehicle could not get up or down the driveway, with the [REDACTED] parking vehicles elsewhere. This is not doubted as it is evident that building work has taken place (though unfortunately no photographs have come to light showing such things). But as

indicated earlier, the temporary unavailability of parts of the route due to building work would not be considered an interruption to enjoyment under section 31.

51. [REDACTED] also recalled that 'from memory those gates at the top were closed for years, especially on a night'. This is a reference to electric gates at point A. The Council received reports about this in August / September 2018 when gates were observed to close automatically at dusk 2018, with notice being served on the Council by PNFS under s130A Highways Act 1980. This was resolved by the landowner agreeing to secure both gates in an open position from 11 December 2018. It is observed that prior to being closed in Spring 2020 during the pandemic the gates at point A appear to have only been closed during hours of darkness for the purpose of security and not to prevent pedestrian use of the recognised public right of way or the greater width of the driveway.

52. [REDACTED] also mentioned the farming paraphernalia on the southernmost side of the lower part of the route. Unlike other objectors he admitted that it has been clear at times. He indicated that it would have been 'almost impossible for anyone to show continuous public use of that southernmost side, unimpeded, for any length of time, let alone for 20-plus years'. It is noted again that there is no requirement that use of the way must have been constant, and that any interruption must have been with the intent of preventing public use of the way and not for some other purpose.

Comments on the objection of [REDACTED] (CD 5.2)

53. [REDACTED] indicated that he had known the route for two or three decades. He made similar assertions to the other objectors regarding the availability of the northernmost side of the route and the unavailability of the southern side (being 'impossible at times') and no further comment is made.

54. [REDACTED] also indicated that the stile near the gates at point A was not always there and had sometimes been blocked up. Officers had noted that this had not always been in the same form. The stile was not included in the order as a limitation and is considered to be off the line of the public footpath, use of a deviation via the stile being to avoid an obstruction in an existing public right of way.

Overall comments on the objections

55. In summary, the OMA has considered in detail the objections received. Little of substance has been offered that could lead officers to a different conclusion about the width of the public footpath and the limitations on the public right of way.

56. The frequent assertions that the southernmost side of the route was always or frequently available, and that it could not be used by the public for extended periods, is not generally reflected in photographic evidence and the bulk of the user evidence. In any case the temporary unavailability for use for the reasons described would not prevent additional rights coming into existence under section 31 Highways Act 1980.

57. As well as increasing the recorded width of Holmfirth 60 the Order will remove from the map and statement references to stiles at points B and C on the Order Map and a wicket gate at point D. No objectors referred to the existence of any of these structures or raised issue with their removal from the DMS. It is reasonable to conclude that those structures must have been removed before any of the objectors came to know the route.

58. Descriptions given of structures that existed at point B given by various objectors are to a pedestrian gate alongside a vehicle gate. Neither of which were clearly described as having been locked. Had there been not a pre-existing public footpath the recommendation would be to record limitations of pair of gates (pedestrian to the north and vehicle width to the

south). However, as there is an existing public footpath with a recorded limitation of a stile at point B, it is considered that the PROW could not have been re-dedicated with a different limitation. As there has been no stile at that location for several decades, a gap has been recorded instead. From B to F there has been dedication of public rights over a greater lateral width than the pre-existing field edge footpath and it is considered that dedication has subject to a limitation gas width gate vehicle width gate to the south (alongside) the previous stile.

59. The Council's stance is unchanged. The Council requests that the Secretary of State or her appointed Inspector confirm the Order as made. Should it be considered that the case to increase the recorded width of Holmfirth 60 is not made, the OMA respectfully asks that due consideration be made of the case for removal from the DMS of the stiles recorded at points B and C and wicket gate at point D.

Appendices

Statutory Declaration of Mr [REDACTED] dated 17 Aug 2021, with appendix 4 (CD 6.2)

Copy of Indenture dated 13 May 1872, with covering email (CD 6.3)

16.2

STATUTORY DECLARATION

I, [REDACTED], who is over 18 and is a Director and Consultant of [REDACTED] of registered offices [REDACTED] do solemnly and sincerely declare as follows:-

1. I am [REDACTED]. I am a Solicitor of the Senior Court of England and Wales (SRA ID Number [REDACTED] and separately the owner, Director and Consultant of [REDACTED]. I provide this Statutory Declaration in the latter capacity. NSCL has been acting for [REDACTED] in relation to his intended stopping up and diversion, as well as other issues concerning Holmfirth Footpath 60, part of which crosses his property.
2. On 31st January 2019 I had email and latterly telephone dialogue with Mr. Joe Walker, Casualty Reduction Engineer in the Highways Section at Kirklees Council. My note of that conversation is attached at **Exhibit NSCL1**.
3. On 16th January 2020, I met with Mr. Ayoob Akhtar, Highways Engineer at Kirklees Council to discuss the possibilities and a possible specification of works for improvements to the verge between Point 'C' and Point 'B' of the draft Order Plan made by the Secretary of State for Transport following the application by Mr. Butterfield under Section 247 Town and Country Planning Act 1990 ('TCPA') – though this meeting related to a [REDACTED]s earlier application pursuant to Section 257 TCPA, as we wished to establish and agree a specification of works prior to the matter being reported to Committee on 30th January 2020.
4. Mr. Akhtar and his colleague were clear during this site visit that they would not encourage any surface works to take place, because although providing a firm material underfoot, which was not necessarily required, it could create significant drainage and flooding issues further down Wolfstones Road; in other words, it was creating a problem which did not presently exist and the present grass verges were alleviating that presently.
5. Correspondence leading to and following this meeting with Mr. Akhtar and his colleague is shown in the attached at **Exhibit NSCL2**. The Council's Engineers were therefore not calling for and were in fact even discouraging any proposed works to the verges.
6. During February 2020, following the Huddersfield Area Planning Sub-Committee of Kirklees Council resolving not to make an Order following an application pursuant to Section 257 Town and Country Planning Act 1990, I received a call from Karl Battersby, then Strategic Director, Economy and Infrastructure at Kirklees Council, explaining that he was "embarrassed" by the Committee's decision and offered what support he could, but informed me that this would obviously be limited following the Committee decision, as it had turned the application down due to representations from the public and alleged safety concerns.
7. I duly met with Mr. Battersby, his colleagues Joe Walker and the late Mr. Dalby, who I am sincerely sorry to say has sadly passed away recently in tragic circumstances, at the Council's offices on 27th February 2020 to discuss possible ways forward. During the meeting Mr. Walker explained that a new surface for the verges would "do no harm" in safety terms, but was not essential in his view. Nevertheless, it was agreed that it was worthy of further exploration, if nothing else to exhaust enquiries and see if there was a solution that could gain the reinforcement of Mr. Walker's approval. I should note that it was felt appropriate

given the invite not to challenge Mr. Walker on any lack of evidence on his part during the meeting, particularly after he had conceded that the verge surfacing was not a material factor, but would again, in his words: "do no harm". I also did not push the point that Engineers clearly thought that it could do harm in terms of drainage and flooding further north down Wolfstones Road, which would be an unintended consequence.

8. We also discussed the possibility of a new alignment effectively going through other land or through Wolfstones Heights (the listed building, not the land owned by the Holme Valley Land Charity), which I said that I would duly take away and that [REDACTED] as commented on.
9. It was also made very clear to me during this meeting by Mr. Dalby that a new application would be at least two years away from determination, which I was surprised about in the circumstances, but had no reason to doubt, as this was reinforced by Mr. Battersby.
10. Exhibit NSCL3 shows email correspondence following this meeting, with Engineers clearly not wishing to engage further, notwithstanding the meeting. [REDACTED] as already explained in his evidence why the proposed diversion route is on the alignment that it is and why what was proposed by Council officers was not and is not possible.
11. [REDACTED] had previously agreed to leave gates open following an earlier receipt of a formal complaint notice under Section 130A of the Highways Act 1980, whereby the Council had received a 'Form 1' under the Schedule to the Removal of Obstructions from Highways (Notices etc.) (England) Regulations 2004, formally requesting that you to liaise with the landowner to secure the removal of an alleged obstruction to a highway. This was issued by the Peak and Northern Footpaths Society. Given his relationship with the Council and to simply 'keep the peace', [REDACTED] agreed to keep both gates open, even though the legal width of the footpath was only 1.2m and confined to the northernmost side of the current driveway. [REDACTED] knew that he did not have to close both gates but was deferent to his relationship with the Council at that time.
12. The Covid-19 pandemic and the subsequent 'lockdown' of the country commenced in mid-late March 2020. I have personally seen written correspondence from Mr. Battersby to [REDACTED] that he was allowed to shut both of his gates (at Point 'B' on the draft made Order Plan for the Section 247 TCPA Application), which [REDACTED] has himself described. This was in the form of a text message from Mr. Battersby on 4th April 2020 at 09:56 which stated:

"[REDACTED] sorry I haven't been in touch. We have been trying to find some legislation which enables us to close PROW on public health grounds, or at least interpret it that way. Off the record I withdrew just shut your gates in the meantime. We won't take any action and in the next few days we will hopefully be diverting. Hope things are ok with you."
13. However, during May 2020, Mr. Dalby got in touch with [REDACTED] to explain that there had been enquiries from interested persons regarding the gates being shut again, especially during the day. Mr. Butterfield asked me to assist by liaising with Rob Dalby. I duly did liaise with Rob Dalby and following email correspondence (which can be seen in Exhibit NSCL4), Mr. Dalby duly called me on 22nd March 2020 to explain that certain interested parties (who Mr. Dalby did in fairness not name but said they "might be" the Peak and Northern Footpaths Society and "...possibly an organisation beginning with 'R'..." (as was his more jovial but intentioned style), which we would obviously interpret to be the Ramblers'

Association, had made soundings on issuing the Council with a further 'Form 1' regarding the gate closures. He did not divulge any further details on the complainants, other than the Council was expecting a formal notice imminently and may come under pressure to take action.

14. During this phone call, Mr. Dalby did acknowledge that he was aware that permission had been given to [REDACTED] to close his gates for health/safety reasons and that whilst the Pandemic could be used as an excuse initially, his reason for reaching out was to ask [REDACTED] for some assistance in again 'keeping the peace', because there was a possibility that ultimately the Council was going to be difficult to defend against formal notices or complaints, even in those circumstances, where both gates were closed.
15. However, Mr. Dalby did clearly suggest to me that if the northernmost gate leaf (i.e. the one on the right looking up and left looking down from either side of the gate) could be left open, then there was nothing anyone could do, including the Council, because this would cover the width of the legal footpath and there was no question from the Council on the alignment of the footpath, which was clearly on the northernmost side of the driveway. I did discuss on the phone with Mr. Dalby that I would take instructions from Mr. Butterfield, but it would have to be conditional upon what Mr. Dalby had said and more specifically, were a complaint received, that the Council would stand by the position where formal notices or complaints were received, which Mr. Dalby duly said would be the case, as the position was clear and evident.
16. There is therefore no question that the Council has conceded voluntarily to me and without prompting that Footpath 60 is only 120cm in width and exists on the northernmost side of the driveway, hence why only the northernmost gate leaf was left open. We also had a brief discussion about signage regarding the encouragement of users towards the diversion route and reminding users about social distancing measures.
17. Mr. Dalby would have been able to give evidence to this effect and may have even made internal notes. Nevertheless, Exhibit NSCL4 clearly shows the relevant correspondence, particularly my email to Mr. Dalby on 25th March 2021 which acknowledges that Mr. Dalby has approached me and suggested that the northernmost gate leaf is left open, rather than me identifying this. It is in my view clear from this and the subsequent correspondence that there is no question that the Council had and has clearly conceded the location and alignment of Holmfirth Footpath 60, which is contrary to what is submitted in evidence by the Council and the Peak and Northern Footpaths Society in their evidence to an impending Public Inquiry in relation to a part-stopping-up and diversion application pursuant to Section 247 TCPA 1990.
18. The above is clearly reinforced by the fact that the Council nor anyone else took any action relating to obstruction when [REDACTED] erected makeshift fencing, because the alignment and width was and always has been clearly understood by the Council.
19. I was therefore surprised to see references to the contrary in Inquiry evidence by the Council and the Peak and Northern Footpaths Society, which is why I felt it important to bring this to the attention of the Secretary of State Inspector in rebuttal, before the Inquiry got underway. It may well be that this position and correspondence has never been communicated to the relevant Rights of Way Officers compiling the Council's Statement/Proof for the impending Inquiry. This I speculate might well be for the position

that they were not aware of their former Corporate Director's undertakings to [REDACTED] that he could leave the gates closed, which may have been kept in closer quarters for internal reasons that I again could only speculate on. I should concede that this might not be surprising given that the Council will have had fundamentally different priorities and issues in the middle and possibly later parts of 2020 due to the Covid-19 pandemic.

20. Part of the above obviously also constitutes clear evidence in relation to the more recent separate application by the Peak and Northern Footpaths Society for a Definitive map Modification Order to widen Footpath 60. Nevertheless, that is a separate matter and does not prevent determination by the Inspector of the current application by [REDACTED] pursuant to Section 247 T CPA 1990 to stop up and divert part of Holmfirth Footpath 60, as the relevant Inspector Mr. Rivett has informed and has been instructed by the Department for Transport.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Signature of Declarant(s):..... [REDACTED]

Date:

12th August 2021

DECLARED at: RAMSPENS SOLICITORS LLP

before me, a person entitled to administer oaths

Name: EMILY WALKER

Address: OAKLEY HOUSE, 1 HUNGERFELD ROAD, EDGERTON,
WUDERSFIELD, HD3 3AL

Qualification:

SOLICITOR

Signature:



EXHIBIT 'NSCL4'

This is Exhibit NSCL4 as referred to in the Statutory Declaration of Noel Scanlon

Email correspondence with Mr. Dalby concerning gate closure and

alignment / width of Footpath 60

RE: Footpath 60 - Wolfstones Road

Rob Dalby <Rob.Dalby@kirklees.gov.uk>

Tue 16/06/2020 15:34

To:

Karl Battersby <Karl.Battersby@kirklees.gov.uk>;

CC:

Elizabeth Twitchett <Elizabeth.Twitchett@kirklees.gov.uk>;

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You replied on 16/06/2020 16:50.

Dear

I have had no further representation from any party over obstruction on the route, so I consider the matter closed at this point, unless we receive any further issues, or the route is again blocked then of course we will revisit this and review based on the information at the time.

I have had no involvement in the motor event, so cannot comment on this. I have CC'd in a colleague who may have more information on this issue.

Regards

Rob

Regards

Rob Dalby

Greenspace Operations Manager

01484 22100

StreetScene
Flint Street
Huddersfield
HD1 6LG

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data and how you can request your right to withdraw consent to use your personal data later please read 'How we use your data' at: <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>

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From: Karl Battersby <Karl.Battersby@kirklees.gov.uk>

Sent: 16 June 2020 09:47

To: [REDACTED] Rob Dalby <Rob.Dalby@kirklees.gov.uk>

Subject: RE: Footpath 60 - Wolfstones Road

[REDACTED] its 25-27th 2021. They put it back a year.

Regards

Karl Battersby
Strategic Director, Economy and Infrastructure
Kirklees Council
Email; karl.battersby@kirklees.gov.uk
Mob:07790642234

Re: Footpath 60 - Wolfstones Road

[REDACTED]
Tue 16/06/2020 09:43

To:

Rob Dalby <Rob.Dalby@kirklees.gov.uk>;

Cc:

Karl Battersby <Karl.Battersby@kirklees.gov.uk>;

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Dear Rob

Gate Closure

I was just checking in.

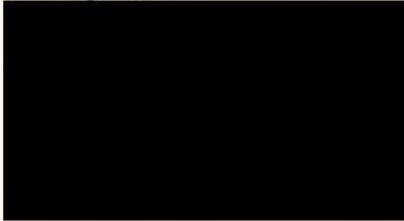
Richard has made arrangements to leave to northernmost gate leaf open as you requested, so the legal footpath is unimpeded. Richard has not received anything further from either yourselves or anyone else. I am therefore working on the basis that no further formal or other representation has been received by the Peak and Northern Footpaths Society, Ramblers Association, etc., or anyone else. Please could you confirm that as a result, the situation is now at a satisfactory position from the Council's perspective.

Motor Sport Festival Works

In addition, it has been noted that significant road surfacing works appear to have been taking place on Wolfstones Road and in the area generally. I infer that this has arisen out of the postponed and hopefully now impending Motor Sport Festival. Please could I ask, when will that now be taking place and are the footpaths in the area likely to be temporarily closed for that? Also, are spectators going to be allowed to view that event from the verges at the sides of the roads?

Please could you confirm. Many thanks in advance.

Kind regards



- Legal Consultancy & Advisory Service -
- Planning - Development - Highways & Rights of Way -
- Local Government - Compulsory Purchase - Licensing - Management -

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From: [Redacted]
Sent: 25 May 2020 11:53
To: Rob Dalby
Cc: Karl Battersby; Sue Procter; Richard Butterfield
Subject: Fw: Footpath 60 - Wolfstones Road

Dear Rob

Thank you for your call to me on Friday 22nd and the 'heads up' that you believe that the Council is about to be issued with a 'Form 1' to secure removal of an alleged obstruction.

I noted what you said regarding leaving the northernmost gate leaf (i.e. the one on the right, looking up the footpath towards Wolfstones Road) open. I managed to speak with Richard at the weekend on this.

As a goodwill gesture and given his relationship with the Council, Richard has asked me to convey that he will leave the said northernmost gate leaf open. It will take several days to commission this, as it requires the assistance of an engineer. Given the C19 situation, the Bank Holiday and the difficulty in commissioning the right people, he would just ask for a modicum of patience from the Council on that, whilst stressing that he is on to this.

However, this up-front gesture is on the basis that the 'Form 2' which you will have to serve on Richard and the 'Form 3' that you will have to serve back on the Form 1 purveyors, requests just that: that the northernmost gate leaf as described, is left open. Nothing more.

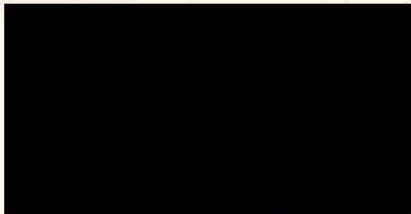
In this way, the alleged obstruction is removed and the required (in fact more than required) 1.2m/4' width of legal footpath is unobstructed.

In the alternative, as described, it is still within the legal powers of the Council to issue a 'do nothing' notice, on the grounds of public safety at this particular time, but I infer from your call that this is surprisingly not something that the Council is willing to support, for reasons unknown.

I have on that note passed on your suggestion regarding signage regarding vulnerable persons and useable permissive path diversion, etc. Thank you for that, it is helpful.

I trust that this assists. Thank you again for the heads up and again, this movement deals with a problem before it even arises and this therefore becomes nothing more than an administrative exercise for the Council.

Kind regards



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From: [REDACTED]
Sent: 21 May 2020 10:43
To: Karl Battersby; Rob Dalby
Cc: Richard Butterfield; Sue Procter
Subject: Re: Footpath 60 - Wolfstones Road

Karl

Thank you for that. I understood from [REDACTED] that you had taken such advice early in the C19 occurrence. However, I shall respectfully and with due deference say that this is where we have to agree to disagree, or possibly where I have to respectfully disagree with those advising you.

Whilst it is agreed that there is nothing specific on public 'health' grounds to close a footpath, the advice (which may well have depended on the question asked) may respectfully have been one-dimensional. This is because the Council does have legal powers to make emergency closures, on public safety grounds; i.e. because of the likelihood of a danger to the public. This does not need to be limited to the condition of the highway, etc.

Obviously the Council selected other measures where Wolfstones Footpath 60 was concerned, but I infer from your email that this could have been because you may not have been advised of full extent of the Council's powers here.

I shall leave that with you and thanks again for the contact on this one. The 'heads-up' from Rob Dalby to Richard was well-intentioned and very much appreciated. It has allowed potential solutions to be in place swiftly if/where the Council receives a formal 'Form 1' from the PNFS.

Kind regards



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From: Karl Battersby <Karl.Battersby@kirklees.gov.uk>
Sent: 21 May 2020 08:56
To: [REDACTED] Rob Dalby
Cc: [REDACTED]
Subject: RE: Footpath 60 - Wolfstones Road

Just one point [REDACTED]. We can't make an emergency closure order under public health grounds. We did consider this early doors in some detail, and took advice on the matter.

Regards.

Karl Battersby
Strategic Director, Economy and Infrastructure
Kirklees Council
Email; karl.battersby@kirklees.gov.uk
Mob:07790642234

From: [REDACTED]
Sent: 20 May 2020 18:22
To: Rob Dalby <Rob.Dalby@kirklees.gov.uk>
Cc: [REDACTED]; Karl Battersby
<Karl.Battersby@kirklees.gov.uk>; Sue Procter <sue.procter@kirklees.gov.uk>
Subject: Re: Footpath 60 - Wolfstones Road

Rob

Karl Battersby has phoned me today, which was helpful.

I now understand that you have been contacted, likely by the Peak and Northern Footpath Society ('PNFS') regarding alleged closed gates, but you have not yet received a formal 'Form 1' as described in my email below.

However, I understand from Karl that one might be imminent, which is why the PNFS has contacted you and which is why you had subsequently contacted Richard, so thank you for that. It is helpful.

When/if that Form 1 lands from the PNFS or whomsoever, you/the Council are required to send a 'Form 2' to Richard as the landowner in an attempt to secure removal of the alleged obstruction. You then have to send 'Form 3' to the PNFS to explain what you have done and what you have requested, if anything.

You rightly state that the Council's options become less flexible on receipt of a 'Form 1'. However, it would be wrong to state that the Council does not have any options here and, in these circumstances, it can actually take a legitimate 'do nothing' approach at present.

Were the Council so minded, it could state on Form 2 that it will not take any action at this time due to safety concerns of the landowner due to C19, which has been conveyed to the Council. Very respectfully and without wishing to pick unnecessary battles, we don't agree that there is no legal mechanism for the Council to close footpath routes due to C19. The Council does have legal powers to make closures where there is a potential danger to the public. Perhaps you might wish to revisit this in light of information previously provided by Richard to both Giles Cheetham and Karl.

In the alternative, should you decide against a do-nothing option, notwithstanding the width of the driveway/gates, the Council can only enforce four (4) feet (i.e. 120cm) of footpath width, which Giles Cheetham has also conceded previously. The PNFS will probably not receive that well, but it is a legal fact. There are two gates as the path terminates on Wolfstones Road, both of which exceed four feet in width. The northernmost gate can be left open permanently.

All that we would ask is that you allow a sufficient and reasonable amount of time if this is required. The gates are electric and need to be disconnected/removed by an engineer, who will require some time to be commissioned and be able to get on site at present, for obvious reasons.

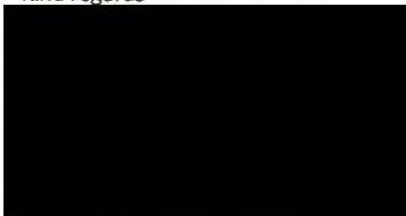
Therefore, if/when the PNFS issues a formal Form 1 to the Council, the Council can simply send a Form 2 to Richard to either:

- (i) state that no action will be taken at this time due to the potential danger to public health and will make an emergency temporary closure order; or
- (ii) request that the northernmost gate be left open, which provides more than the required 120cm in width for footpath 60 users.

Thank you again for the initial contact and putting Richard on notice. I don't think that he quite understood the reason for your call at first, but it is obvious that you were doing this to assist and facilitate, so thank you again for that. I hope that this is helpful and if/when the Council receives a Form 1 from the PNFS or whomsoever might issue one. It would seem that there are routes and options all round to deal with the situation swiftly should the PNFS issue a Form 1 to the Council in due course.

Please do feel free to ring if you would like to discuss or require any further information.

Kind regards



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From: [Redacted]
Sent: 19 May 2020 18:47
To: Rob Dalby
Cc: [Redacted] Karl Battersby; Sue Procter
Subject: Re: Footpath 60 - Wolfstones Road

Hello Rob

Thank you for the response.

I just need to be clear on the nature of the complaint please.

Is it a complaint through the Council's corporate complaints system? I infer that it might be given your reference to more formal footings later.

In the alternative, is it a formal complaint notice under Section 130A of the Highways Act 1980, whereby the Council has received a Form 1 under the Schedule to the Removal of Obstructions from Highways (Notices etc.) (England) Regulations 2004, formally requesting that you to liaise with the landowner to secure the removal of an alleged obstruction to a highway?

Or, is it something else?

Either way, please could you let me know and also send me the complaint, so that I can understand exactly what is going on in order to be able to advise and to help.

I am sure that once we understand, then any situation can be dealt with quickly.

Many thanks in advance.

Kind regards



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From: Rob Dalby <Rob.Dalby@kirklees.gov.uk>
Sent: 19 May 2020 14:22

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(D) 6.3

Phil Champion

From: [REDACTED]
Sent: 19 November 2021 15:20
To: Harry Garland
Cc: Phil Champion
Subject: Re: OBJECTION to Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021 (Your Ref: D105-171)
Attachments: Full Indenture Copy 1972.pdf; Indenture 1972 Map (1).pdf

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Garland

You will have seen the separate correspondence to Mr. Champion regarding the request release of full and unredacted information for this now-objected to DMMO application.

We were working on the basis that the documents had all been sent to the SoS-casework unit and were waiting for confirmation.

However, as that bundle has not been sent, we should therefore bring to the Council's attention a recently located deeds document, which it was previously thought had been destroyed in a fire at Wolfstone Heights Farm. It transpires that this was salvageable because it had been encased in a glass frame. This will shortly be placed with the rest of the deeds in secure storage.

The document is an old conveyancing Indenture from January 1972. This shows a map from before all of the fields were later reconfigured into their current formations. Most notably, you will see that the 'Foot Path', which incidentally does not go westwards past the old pedestrian gate (i.e. the old driveway does not show the footpath) clearly is aligned to the northernmost side of the field boundary and the scale shows is even less than the four feet in width identified as Footpath 60 on the Definitive Map and Statement.

The document is sent as a focussed plan extract and as a full document.

I concede that it is difficult to read, even in hard copy, but it is achievable. However, I did have to use a magnifying glass for some of this on the real document.

It contains a very interesting plan and interesting information. Again, it is from 1972, before the reconfiguration of the fields and arrangements on the land.

You may wish to consider this (and we submit that you should) before or after sending the documents to the SoS.

I am not prepared to put this original deed document in the post, but I am happy to attend your offices with it so that under supervision (sorry, I cannot let an original document that I am holding on trust out of my control) you may verify it, take any photos, copies, or otherwise scrutinise it.

Please do let me know if that is something that you would like to take up and I can arrange at some point next week to attend your offices.

We would submit that the Council (through Mr. Champion) may even wish to consider re-reporting to the Committee that resolved to make the DMMO following receipt of this new information.

Perhaps the release of full and unredacted information as requested to Mr. Champion separately may also assist in this respect.

I look forward to hearing from you and/or Mr. Champion either way.

Regards

[REDACTED]

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From: Harry Garland <Harry.Garland@kirklees.gov.uk>

Sent: 13 September 2021 15:39

[REDACTED]

Subject: RE: OBJECTION to Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021 (Your Ref: D105-171)

Chis Adventure



with the *Blackboard* and *Blue*

Supplies of *Blackboard* *Blue*

Chis Adventure

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to have and to hold

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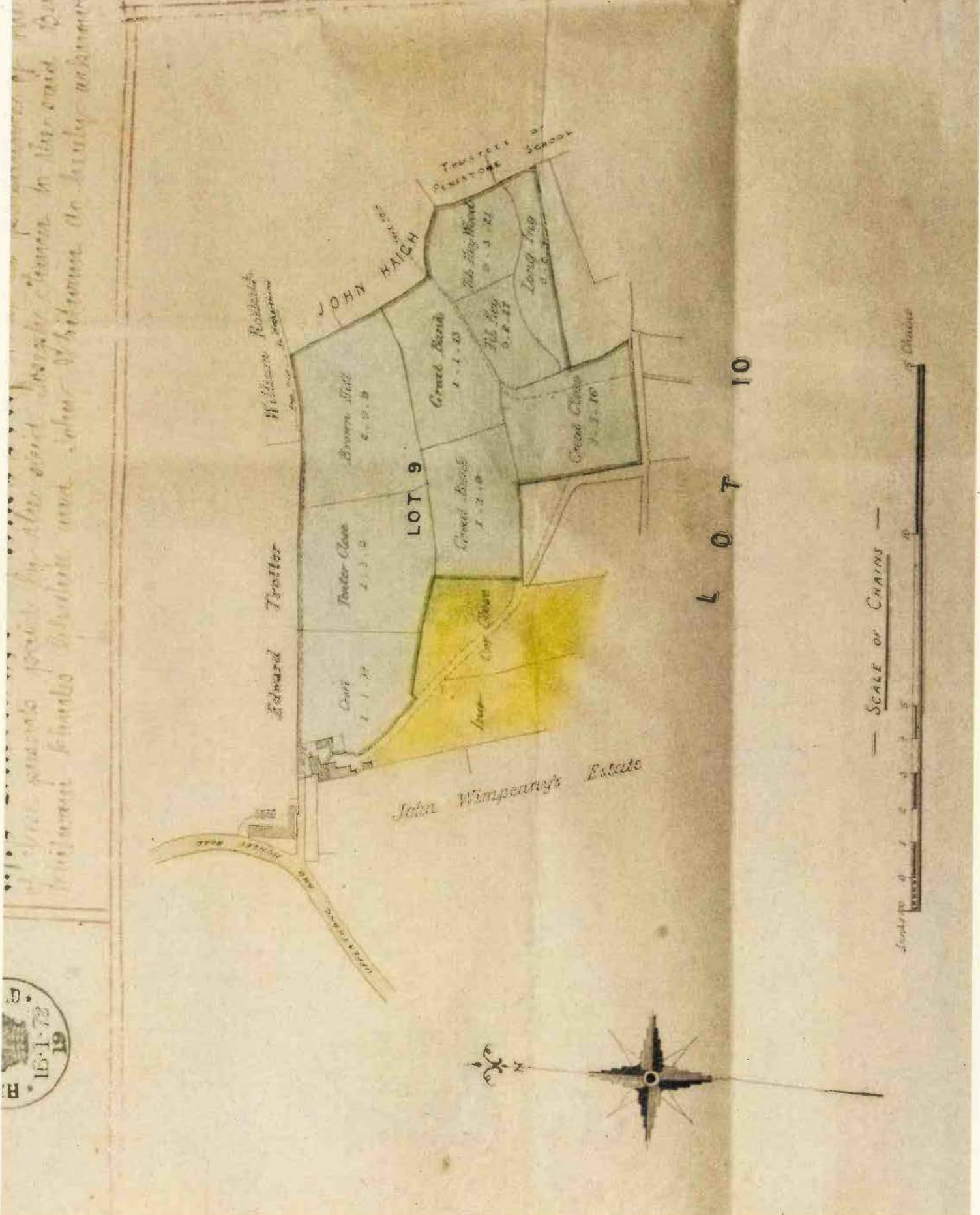
Chis Adventure

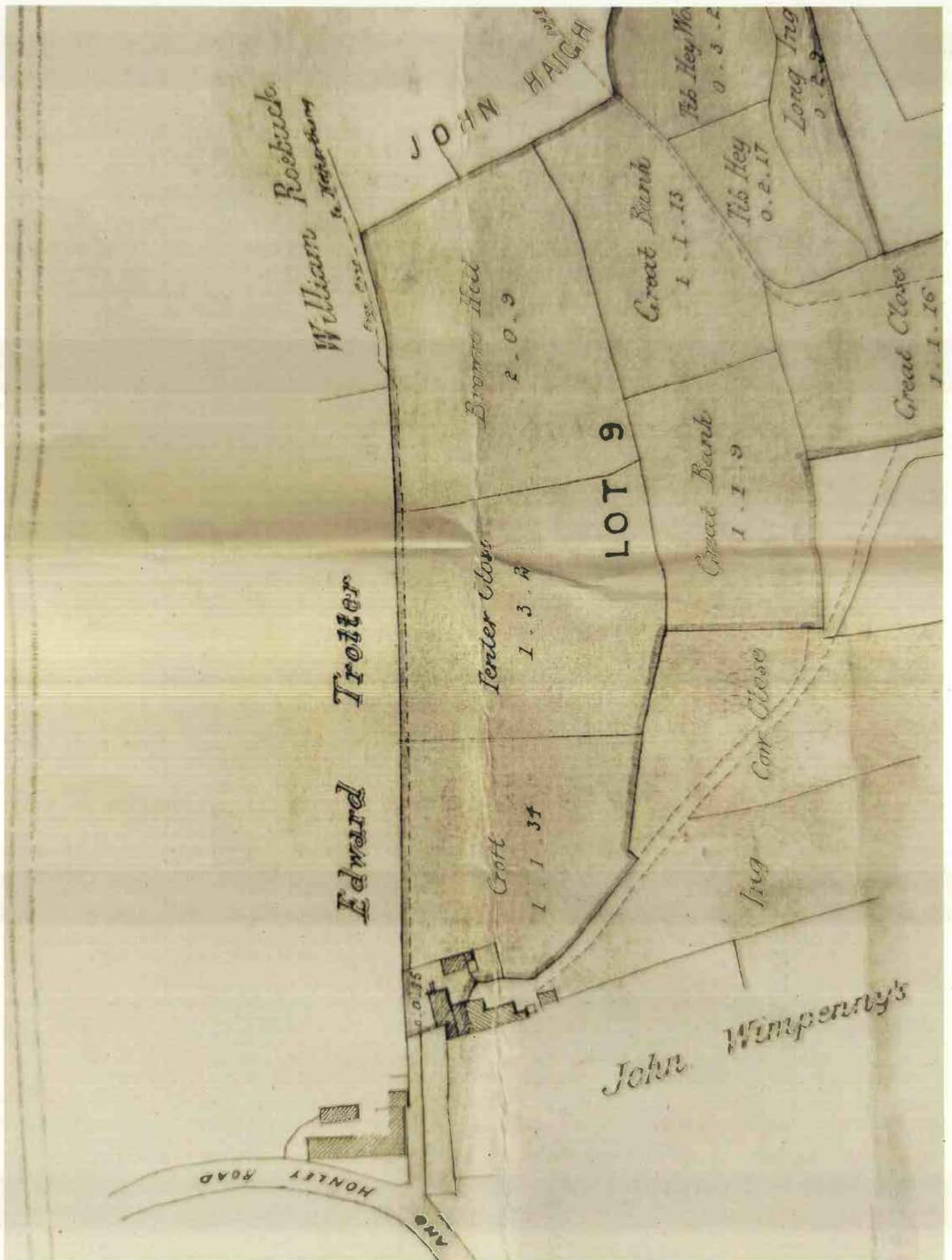


Chis Adventure



Handwritten notes at the top of the page, including names like "John Wimpenny" and "John Haich".





Printed and registered at the office of
No. 15, Broad Street, London, E.C. 4.
No. 15, Broad Street, London, E.C. 4.
No. 15, Broad Street, London, E.C. 4.

Printed and registered at the office of
No. 15, Broad Street, London, E.C. 4.
No. 15, Broad Street, London, E.C. 4.
No. 15, Broad Street, London, E.C. 4.

Dated 13th May 1872

Mr. George Thompson, 15, Broad Street, London, E.C. 4.

in reply to your letter of the 11th inst.

Convergence

The following is a list of the names of the persons who have been admitted to the office of the Secretary of the Society of Friends, since the meeting of the Yearly Meeting at Leeds, in 1871.

4th Annual was registered at records for
 May 1872 at 100 in the
 668 High
 Registrar of Property Registrar.

13th May 1872

The above Ann. Register. was shown

to Messrs Messrs

Converjanice

of the above mentioned property
 situated in the parish of
 County of Wick.

Received of my and some part in the office of one from
 the 6th day of May 1872.

Messrs
Wm. F. Taylor
 Esqrs. Solicitors
 Messrs
Robinson & Williams
 Esqrs. Auctioneers
 Messrs
John & Gledhill
 Esqrs. Auctioneers

Received of my and some part in the office of one from
 the 6th day of May 1872.

Messrs
Wm. F. Taylor
 Esqrs. Solicitors
 Messrs
Robinson & Williams
 Esqrs. Auctioneers
 Messrs
John & Gledhill
 Esqrs. Auctioneers



CD7

**COPY OF THE NOTICE PUBLICISING THE ORDER TOGETHER WITH A COPY OF
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Public Notices

Public Notices

KIRKLEES COUNCIL HIGHWAYS ACT 1980 - SECTION 90 A-F SPRINGWOOD ROAD, HOLMFIRTH

NOTICE IS HEREBY GIVEN that Kirklees Council propose to introduce road humps and speed cushions in the following locations on Springwood Road and Miry Lane, Holmfirth.

Proposed speed plateaux - these will be flat top, 75 millimetres high, have ramps 1.5 metres in length with gradients of 1:20.

Feature 1 - Road hump on Springwood Road from a point 75 metres North of its junction with New Mill Road for a distance of 9 metres in a Northerly direction.

Feature 2 - Road hump on Springwood Road from a point 12 metres South of the projected South Eastern kerbline of Stoney Bank Road for a distance of 9 metres in a South Easterly direction.

Feature 3 - Road hump on Springwood Road from a point 114 metres North West of the projected North Western kerbline of Stoney Bank Road for a distance of 9 metres in a North Westerly direction.

Feature 4 - Road hump on Springwood Road from a point 87 metres South East of the projected South Eastern kerbline of Luke Lane Road for a distance of 17 metres in a South Easterly direction.

Feature 5 - Road hump on Springwood Road from a point 51 metres South East of the projected South Eastern kerbline of Luke Lane Road for a distance of 16 metres in a South Easterly direction.

Feature 6 - Road hump on Miry Lane from a point 16 metres South West of the projected North Western kerbline of Woodlands Avenue for a distance of 9 metres in a South Westerly direction.

Proposed speed cushions - these will be 75 millimetres high, 3.5 metres long and 1.6 metres wide with the gaps between each cushion in a double set to be no larger than 1.2 metres in width to suit existing road widths.

Feature 7 - Double Speed Cushion on Springwood Road from a point 115 metres South of the projected South Easterly kerbline of Stoney Bank Road for a distance of 3.5 metres in a Southerly direction.

Feature 8 - Double Speed Cushion on Springwood Road from a point 52 metres North West of the projected North Westerly kerbline of Stoney Bank Road for a distance of 3.5 metres in a North Westerly direction.

Feature 9 - Double Speed Cushion on Springwood Road from a point 160 metres South East of the projected South Easterly kerbline of Luke Lane for a distance of 3.5 metres in a South Easterly direction.

Feature 10 - Double Speed Cushion on Springwood Road from a point 11 metres South East of the projected South Easterly kerbline of Luke Lane for a distance of 3.5 metres in a South Easterly direction.

A copy of the plan showing the location (and precise dimensions) of the proposed alterations may be inspected at:

- web address <http://www.kirklees.gov.uk/trafficregulation>
- or in the Covid 19 circumstances upon application to Highways.T10@kirklees.gov.uk for a copy to be delivered by post
- or in the Covid 19 circumstances by emailing Gail.Bentley@kirklees.gov.uk
- or by telephone 01484 221000 asking for Gail Bentley

If you wish to object to the proposals you should send the grounds for your objection in writing to reach the undersigned at the legal services address below by not later than 09 August 2021 quoting reference DE/16/0126-201

Dated 12 July 2021

Julie Muscroft
Service Director - Legal Governance and Commissioning
Kirklees Council Legal Services Second Floor High Street Buildings
Huddersfield HD1 2ND

WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 93 WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA KIRKLEES COUNCIL (HOLMFIRTH 60 - WOLFSTONES ROAD TO BROWN HILL, NETHERTHONG) DEFINITIVE MAP MODIFICATION ORDER 2021

The above Order, made on 08 July 2021 if confirmed as made, will modify the definitive map and statement for the area by varying the particulars relating to the footpath Holmfirth 60 as follows:

The section of footpath Holmfirth 60 shown on the Order Plan between points A - E commencing at its junction with Wolfstones Road at grid reference SE 1269 0911 and then continuing in an easterly direction to Brown Hill at grid reference SE 1296 0911 is to have its recorded width changed from approximately 1.2 metres / 4 feet to a width of between 3 and 4 metres within the area hatched in blue on the Order Plan.

References to stiles at points B and C on the Order Plan and a wicket gate at point D on the Order Plan are to be removed, and reference to a 1.2 metre gap alongside a gate at point B on the Order Plan are to be added.

A copy of the Order and the Order Plan may be seen free of charge online at the following address: <https://www.kirklees.gov.uk/bela/countryside-parks-and-open-spaces/changes-to-definitive-map.aspx>

Copies of the Order and the Order Plan may also be inspected free of charge at Holmfirth Library 47 Huddersfield Rd, Holmfirth, HD3 3JH (telephone 01484 414868 for opening hours).

Alternatively, copies of the Order and the Order Plan may be requested by contacting Harry Garland by email: harry.garland@kirklees.gov.uk or by telephone: 01484 221000. Any representations or objections relating to the Order must be sent in writing to Harry Garland, quoting reference D105-171, at Kirklees Legal Services, High Street Buildings, High Street, Huddersfield, HD1 2ND not later than 23 August 2021 and applicants are requested to state the grounds on which it is made.

If no representations or objections are duly made to the Order, or if any so made are withdrawn, the Kirklees Council, instead of submitting the Order to the Secretary of State for the Environment, Food and Rural Affairs (or part of it if the authority has by notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981) may itself confirm the Order (or that part of the order), if the Order is submitted to the Secretary of State for the Environment Food and Rural Affairs, in whole or in part, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated: 12 July 2021
Kirklees Council
Legal Services
High Street Buildings
High Street
Huddersfield
HD1 2ND

LICENSING ACT 2003
NOTICE OF APPLICATION FOR THE GRANT OF PREMISES LICENCE

TAKE NOTICE THAT 41 Market Street, Paddock, Huddersfield, HD1 4SH Have applied under the Licensing Act 2003, for the grant of a premises licence in respect of premises known as PADDOCK NEWS for Off licence to sell alcohol Monday to Saturday 10am till 10pm & Sunday 12pm till 10pm. Interested parties and responsible authorities may make representations regarding the application where they believe that the proposed activities would undermine any of the four licensing objectives. Any representations must be submitted in writing to the Licensing Office, Flint Street Depot, Flint Street, Fartown, Huddersfield, HD1 6LG or by email at licensing@kirklees.gov.uk by 28th of July.

It is an offence to knowingly or recklessly to make a false statement in connection with an application and on summary conviction would be liable to a fine not exceeding £5000

ELIZABETH ANNE CRITCHLEY (Deceased)

Legal Notices

DAVID WILSON GUY (Executor)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named late of 21 Pennine Rise Scisson Suburb, Wakefield WF8 3JE, who died on 31/07/2021 are required to send written particulars thereof to the undersigned on or before 19/09/2021, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

OWLEGAL, Fourth Floor, 29 Chapel Street, Liverpool L3 9DF



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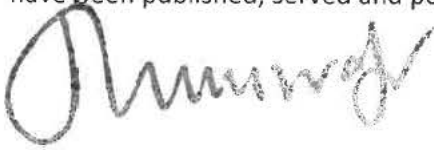
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CD8

**CERTIFICATE THAT, IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT,
NOTICES HAVE BEEN PUBLISHED, SERVED AND POSTED ON SITE AND AT THE LOCAL
OFFICES**

I certify that the requirement of the Wildlife and Countryside Act 1981 have been met in that notices have been published, served and posted on site and at the local offices as required.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', written in a cursive style.

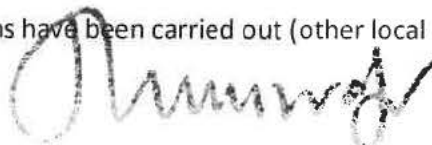
Julie Muscroft

Service Director - Legal, Governance and Commissioning

CD9

**CERTIFICATE THAT THE NECESSARY CONSULTATIONS HAVE BEEN CARRIED OUT
(OTHER LOCAL AUTHORITIES AND STATUTORY UNDERTAKERS)**

I certify that the necessary consultations have been carried out (other local authorities and statutory undertakers).

A handwritten signature in black ink, appearing to be 'D. Munn', is written over the text of the certification statement.

The responses of the statutory undertakers are included in CD 10 of the bundle.

CD10

**COPIES OF ANY REPLIES TO THE PRE-ORDER CONSULTATION AND THE RESPONSES
BY THE OMA**

1. KCOM – email dated 12 July 2021
2. Atkins Global – email dated 26 July 2021
3. [REDACTED] – informal consultation response – email dated 25 November 2020
4. [REDACTED] – informal consultation response – email dated 25 November 2020
5. [REDACTED] – informal consultation response – email dated 26 November 2020
6. [REDACTED] – informal consultation response – email dated 27 November 2020
7. [REDACTED] – informal consultation response – email dated 27 November 2020
8. [REDACTED] – informal consultation response – email dated 01 December 2020
9. [REDACTED] – informal consultation response – email dated 05 December 2020
10. [REDACTED] – informal consultation response – email dated 07 December 2020
11. [REDACTED] – informal consultation response – email dated 30 November 2020
12. [REDACTED] – informal consultation response – email dated 30 November 2020
13. [REDACTED] – informal consultation response – email dated 21 December 2020
14. [REDACTED] – informal consultation response – email dated 30 December 2020
15. [REDACTED] – informal consultation response – email dated 26 December 2020
16. [REDACTED] – informal consultation response – email dated 24 December 2020
17. [REDACTED] – informal consultation response – email dated 26 November 2020
18. [REDACTED] – informal consultation response – email dated 26 November 2020
19. [REDACTED] – informal consultation response – email dated 27 December 2020
20. [REDACTED] – informal consultation response – email dated 27 November 2020
21. [REDACTED] – informal consultation response – (undated)
22. [REDACTED] – informal consultation response – email dated 25 November 2020
23. [REDACTED] – informal consultation response – email dated 22 December 2020

Harry Garland

From: Nraswa <nraswa@kcom.com>
Sent: 12 July 2021 09:14
To: Harry Garland
Subject: RE: D105-171 Kirklees Council (Holmfirth 60 - Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021

KCOM Commercial In Confidence

Hello,

Location / Ref no : D105-171 Kirklees Council (Holmfirth 60 - Wolfstones Road to Brown Hill, Netherthong)

At this time the KCOM Group PLC has no apparatus or proposals for new apparatus in the vicinity of these works and will not be affected by them. Please note this reply is valid for 3 months from the date of this letter.

KCOM now offer this service free on-line, to register for this please contact Tony Parker at Tony.Parker@Kcom.com

Kind Regards

Pete McSherry
NRSWA Planner – Field Engineering
Mobile/Cell: +44 (0) 748 453 9186
Email: pete.mcsherry@kcom.com
Web: www.kcom.com

KCOM

From: HighwaysAdmin@kcom.com <HighwaysAdmin@kcom.com>
Sent: 12 July 2021 09:12
To: Nraswa <nraswa@kcom.com>
Subject: FW: D105-171 Kirklees Council (Holmfirth 60 - Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021

KCOM Commercial In Confidence

From: Harry Garland <Harry.Garland@kirklees.gov.uk>
Sent: 12 July 2021 09:10
To: Harry Garland <Harry.Garland@kirklees.gov.uk>
Subject: D105-171 Kirklees Council (Holmfirth 60 - Wolfstones Road to Brown Hill, Netherthong) Definitive Map Modification Order 2021

Dear Sir/Madam

Please see the attached letter with enclosures.

Kind regards

Harry Garland

Legal Officer

Kirklees Council, Legal Services
2nd Floor, High Street Buildings
High Street, Huddersfield, HD1 2ND



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Harry Garland

From: Abdul Shukur, Shaik <Shaik.AbdulShukur@atkinglobal.com>
Sent: 26 July 2021 06:55
To: Harry Garland
Subject: Stopping up = Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong)
Attachments: EPSON469.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please note - We have created an electronic response for you in reply to your postal enquiry. For ALL future plant enquiry requests please email to osm.enquiries@atkinglobal.com

Please accept this email as confirmation that Vodafone: Fixed does not have apparatus within the boundary of your proposed works detailed in the reference/location above.

For all future requests please include a 12-digit grid reference and location details within the body of the actual email.

Many Thanks,

IMPORTANT - PLEASE READ = Your Next Step?:

Where apparatus is affected and requires diversion, please send all the scheme related proposals that affects the Vodafone Network to c3requests@vodafone.com with a request for a 'C3 Budget Estimate'. Please ensure you include a plan showing proposed works. (A location plan is insufficient for Vodafone to provide a costing). These estimates will be provided by Vodafone directly, normally within 20 working days from receipt of your request. Please include proof of this C2 response when requesting a C3 (using the 'forward' option). Diversionary works may be necessary if the existing line of the highway/railway or its levels are altered.

Kind regards

Plant Enquiries Team
T: +44 (0)1454 662881
E: osm.enquiries@atkinglobal.com

ATKINS working on behalf of Vodafone: Fixed

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PLEASE NOTE: The information given is indicative only. No warranty is made as to its accuracy. This information must not be solely relied upon in the event of excavation or other works carried out in the vicinity of Vodafone plant. No liability of any kind whatsoever is accepted by Vodafone, its servants, or agents, for any error or omission in respect of information contained on this information. The actual position of underground services must be verified and established on site before any mechanical plant is used. Authorities and contractors will be held liable for the full cost of repairs to Vodafone's apparatus and all claims made against them by Third parties as a result of any interference or damage.

From: National Plant Enquiries <OSM.enquiries@atkinglobal.com>
Sent: 21 July 2021 19:32

To: National Plant Enquiries <OSM.enquiries@atkinsglobal.com>

Subject: Stopping up = Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong)

Name of Requester:	Harry Garland
Name of Company:	Kirklees Council
Requester Reference:	DEV/HG/D105-166
Email Address:	Harry.garland@kirklees.gov.uk
Site Location Address:	Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong)
Telephone Number:	01484 221000
Grid References:	SE 1296 0911

Ali Friend

Service Delivery Lead, Utility Solutions

ATKINS

The Hub, 500 Park Avenue, Aztec West, Almondsbury, Bristol, BS32 4RZ

TEL: +44 (0)1454 662881 |

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ATKINS working on behalf of Vodafone: Fixed



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From: [REDACTED]
To: PublicRightsofWay
Subject: RE: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.
Date: 25 November 2020 19:17:00
Attachments: [~WRD000.jpg](#)

Hi Phil,

As I said in my Public Right of Way User | Evidence Statement dated 21/9/2020, to the best of my memory the following is true.

1.
 - a. I have used the path since 1982.
 - b. While never having measured it the path has always been full width of the track. I would say between 3 and 4 m wide.
 - c. See b. 3 – 4m wide.
 - d. The whole width was accessible for use and when using with others we could spread across whole width.
 - e. Not as far as I can recall.
 - f. Not as far as I can remember. There has I think been one at the top but normally open.
2. Other than it being shown on maps such as 1892 – 1914 OS map, 25" I think, where it is shown as full width, I'm afraid I don't have any documentary evidence or photographs.
3. There has never in my experience ever been an attempt to restrict the width of the footpath until the recent refusal to divert the path.

[REDACTED]

From: PublicRightsofWay [mailto:publicrightsofway@kirklees.gov.uk]
Sent: 25 November 2020 18:35
To: Phil Champion <Phil.Champion@kirklees.gov.uk>
Subject: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.

Dear Sir / Madam

Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981.
Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire
Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911

I am writing to you as you have previously responded to a consultation or expressed a view on a proposal to divert part of the above footpath.

Kirklees Council has recently received an application for a Definitive Map Modification Order (DMMO) to vary the particulars shown in the Statement accompanying the Definitive Map.

Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this

path. This is shown as by letters A-B-C-D-E on the attached plan.

Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it supports the application.

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it.
 - b) The width of the path that you used.
 - c) How wide was the path you used - in feet or metres?
 - d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?
 - e) Did the width of the path change over time?
 - f) Were there any gates or stiles in place during the time in which you used the path? Where were they?
2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).
3. Do you have any other comments regarding the width of footpath Holmfirth 60?

We would also welcome receipt of any evidence that suggests the public right of way IS confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply to phil.champion@kirklees.gov.uk

Please note that this communication forms part of the investigation of the application to modify the Definitive Map and Statement and that no decision on the application has yet been made by the Council.

In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to modify the Definitive Map and Statement. Any evidence you provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk



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From: [REDACTED]
To: [PublicRightsofWay](#)
Subject: RE: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.
Date: 25 November 2020 19:35:12

Thanks for the email, my answers follow:

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it. **Irregularly for the last 40 years**
 - b) The width of the path that you used. **The section at issue was a vehicle track that was also the footpath.**
 - c) How wide was the path you used - in feet or metres? **3 or 4 metres**
 - d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side? **You could walk where you wanted across the width of the track**
 - e) Did the width of the path change over time? **No, not until the recent narrowing done with a fence running down the track**
 - f) Were there any gates or stiles in place during the time in which you used the path? Where were they? **There was a stile to enter the track from the public road**
2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps). **I don't have any photos**
3. Do you have any other comments regarding the width of footpath Holmfirth 60? **I don't have a problem with the footpath being narrowed provided it is hard surfaced so it doesn't get muddy.**

[REDACTED]

Sent from [Mail](#) for Windows 10

From: [PublicRightsofWay](#)

Sent: 25 November 2020 18:35

To: [Phil Champion](#)

Subject: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.

Dear Sir / Madam

Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981.

Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire

Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911

I am writing to you as you have previously responded to a consultation or expressed a view on a proposal to divert part of the above footpath.

Kirklees Council has recently received an application for a Definitive Map Modification Order (DMMO) to vary the particulars shown in the Statement accompanying the Definitive Map.

Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this path. This is shown as by letters A-B-C-D-E on the attached plan.

Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it supports the application.

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it.
 - b) The width of the path that you used.

- c) How wide was the path you used - in feet or metres?
 - d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?
 - e) Did the width of the path change over time?
 - f) Were there any gates or stiles in place during the time in which you used the path? Where were they?
2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).
3. Do you have any other comments regarding the width of footpath Holmfirth 60?

We would also welcome receipt of any evidence that suggests the public right of way is confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply to phil.champion@kirklees.gov.uk

Please note that this communication forms part of the investigation of the application to modify the Definitive Map and Statement and that no decision on the application has yet been made by the Council.

In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to

modify the Definitive Map and Statement. Any evidence you provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion

Definitive Map Officer

Public Rights of Way

Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk



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From: [REDACTED]
To: [Phil Champion](#)
Subject: Wolfstone Heights footpath
Date: 26 November 2020 15:37:56

I remember running down the path in the 1970s and 80s with Holmfirth Harriers between points A and C up to 4 a breast so it must have been quite a width.



From: [REDACTED]
To: [Phil Champion](#)
Subject: Holmfirth footpath 60.
Date: 27 November 2020 09:49:10

Que a 50 years
b min of 10ft
c 10 ft
d whole width
e last few months sec.a to b was narrowed to 4ft

f gates at sec c until about 5 years ago
2 No
3 4ft path a to b is on wrong side does not
match stile which is on the other side.

Please note 4ft part of the path only covers
a to b rest of path is 10ft.

Regards [REDACTED]

From: [REDACTED]
To: PublicRightsofWay
Subject: Re: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.
Date: 27 November 2020 11:05:59

Dear Mr Champion,

Please see my comments below:

Regards



On 25 Nov 2020, at 18:35, PublicRightsofWay
<publicrightsofway@kirklees.gov.uk> wrote:

Dear Sir / Madam

Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981.

Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire

Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911

I am writing to you as you have previously responded to a consultation or expressed a view on a proposal to divert part of the above footpath.

Kirklees Council has recently received an application for a Definitive Map Modification Order (DMMO) to vary the particulars shown in the Statement accompanying the Definitive Map.

Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this path. This is shown as by letters A-B-C-D-E on the attached plan.

Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path,

whether or not it supports the application.

1. If you have used this path we would like to know:

a) Over what time period(s) you used it. Over the last 5 years

b) The width of the path that you used. Without going up with a tape, I can say that the available width was that between the walls of the 2 properties down to Point E. Between And E the old wall on the north has been removed and replaced with trees.

c) How wide was the path you used - in feet or metres? See above - Approximately 3metres

d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side? Apart from vehicular access to the properties and fields, the footpath at C hits a stile allowing only pedestrian access. We just wander down the middle 2 metres if two of us or 1 metre if I am on my own.

e) Did the width of the path change over time? Not until wall removed as C above.

f) Were there any gates or stiles in place during the time in which you used the path? Where were they? A newish gate was installed at A which incorporated a pedestrian gate on the south side.

2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps). No - but the width can be measured on site.

3. Do you have any other comments regarding the width of footpath Holmfirth 60? As the footpath to netherthong from point E is via stiles and across fields a width for two people to walk abreast (1.5m?)

should be more than adequate. The current screen is a terrible eyesore - I had assumed it was temporary works. Do we now assume it is intended to dissuade walkers from using this route?

We would also welcome receipt of any evidence that suggests the public right of way IS confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply to phil.champion@kirklees.gov.uk

Please note that this communication forms part of the investigation of the application to modify the Definitive Map and Statement and that no decision on the application has yet been made by the Council.

In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to modify the Definitive Map and Statement. Any evidence you provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk



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<Plan of Holmfirth 60 at Wolfstones Heights Farm.pdf>

From: [REDACTED]
To: [Phil Champion](#)
Cc: [Helen Leitch](#)
Subject: Footpath Holmfirth 60 Wolfstone Heights Farm GR SE 1280 0911
Date: 01 December 2020 10:53:30

Hi,

With regard to the investigation into the width of the above path I wish to submit the following:

I have used the path in question over the last 6 years and used the full width of the path between the farms.

The width of the path has changed a couple of months ago with the erection of a fence midway between the farms.

Sometimes the wide gates at the end of the path near the road would be closed but there was always a small gate on the left hand side heading up to Wolfstones Trig Point allowing pedestrian access. This has now been enclosed in the fence.

Hope this helps but please do not hesitate to contact me for further clarification should the need arise.

Best Regards,

[REDACTED]

From: [REDACTED]
To: [PublicRightsorWay](#)
Cc: [Phil Champion](#)
Subject: Re: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.
Date: 05 December 2020 17:21:42

Dear Phil,

I've inserted my replies in your questions.

1. If you have used this path we would like to know:

a) Over what time period(s) you used it.

I have walked my dogs on this path since since 2001

b) The width of the path that you used.

I would have described it more as a track, probably at least 10 ft wide.

c) How wide was the path you used - in feet or metres?

Ditto.

d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?

I probably walked right up the centre of the track.

e) Did the width of the path change over time?

Only recently when the stretch leading up to point A on the map was restricted to about 4 ft.

f) **Were there any gates or stiles in place during the time in which you used the path? Where were they?**

I don't recall any except the gate and adjacent walk-round stile at A. This stile has now been blocked since the path was narrowed and we are diverted to the other side of the track. If the gate was closed we would not be able to access the footpath. This is presumably something to do with the application for diversion.

2. **Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).**

No.

3. **Do you have any other comments regarding the width of footpath Holmfirth 60?**

Only that the recent narrowing seems to be motivated by sheer bloody-mindedness.

Regards,



On 25 Nov 2020, at 18:35, PublicRightsofWay
<publicrightsofway@kirklees.gov.uk> wrote:

Dear Sir / Madam

**Definitive Map Modification Order (DMMO) application. Section 53
Wildlife and Countryside Act 1981.**

**Investigation into the width of part of public footpath Holmfirth 60 at
Wolfstones Heights Farm, Upperthong, West Yorkshire**

Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911

I am writing to you as you have previously responded to a consultation or expressed a view on a proposal to divert part of the above footpath.

Kirklees Council has recently received an application for a Definitive Map Modification Order (DMMO) to vary the particulars shown in the Statement accompanying the Definitive Map.

Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this path. This is shown as by letters A-B-C-D-E on the attached plan.

Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it supports the application.

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it.
 - b) The width of the path that you used.
 - c) How wide was the path you used - in feet or metres?

d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?

e) Did the width of the path change over time?

f) Were there any gates or stiles in place during the time in which you used the path? Where were they?

2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).

3. Do you have any other comments regarding the width of footpath Holmfirth 60?

We would also welcome receipt of any evidence that suggests the public right of way IS confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply

to phil.champion@kirklees.gov.uk

Please note that this communication forms part of the investigation of the application to modify the Definitive Map and Statement and that no decision on the application has yet been made by the Council.

In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to modify the Definitive Map and Statement. Any evidence you provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

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<Plan of Holmfirth 60 at Wolfstones Heights Farm.pdf>

From: [REDACTED]
To: [Phil Champion](#)
Subject: Wolfestones Height footpath 60
Date: 07 December 2020 20:10:57

Answers

- A. I have personally used the path for the last 50 years
 - B and C. Width was 3 to 4 metres, wide enough for a fire engine to drive down.
 - D I used the whole width of the path
 - E. No
 - F. There was a small gate on the right to use, but there was usually no full width gate across the path as vehicles drove down to the houses every day so the gate was never closed.
2. no

[REDACTED]
Sent from my iPad

From: [REDACTED]
To: PublicRightsofWay
Subject: Re: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.
Date: 30 November 2020 19:29:13

Dear Phil,

I joined the Countryside Volunteers in January 2017 and have walked the path several times on one of their leader led community walks. These walks are free and well attended and provide sociable walk and talk group exercise so we would have taken up the whole of the path available to us.

I walked the path in September with my sister and was dismayed to see that half of the path had been fenced off. That day we got chatting to a couple who were similarly perturbed by the restriction. The lady of the couple said that she ran a local scout/beaver group and that they used the path regularly to teach the children map-reading and orienteering – the trig point at the top being particularly useful for this. I presume that they also, would not previously have been using it in the single file manner that is now forced.

I would have to guess at the width (maybe 8 feet ?) but the part marked A-B is bordered by stone walls and so could easily be measured with a site visit. Due to Covid restrictions I am not able to visit it again within the deadline for replying, although if you definitely need accurate measurements and photos and have not been offered them by any other source, please let me know as I may be able to persuade a friend who lives nearer to visit for me.

I fully appreciate that this enquiry is nothing to do with the path diversion, but in reality it shows that if the restrictions are left un-checked, the same landowner could just as easily choose to halve his diversion path a year down the line !

Thank you very much for inviting me to comment.

[REDACTED]

On Wed, 25 Nov 2020 at 18:35, PublicRightsofWay
<publicrightsofway@kirklees.gov.uk> wrote:

Dear Sir / Madam

Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981.

Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire

Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911

I am writing to you as you have previously responded to a consultation or expressed a view on a proposal to divert part of the above footpath.

Kirklees Council has recently received an application for a Definitive Map Modification Order (DMMO) to vary the particulars shown in the Statement accompanying the Definitive Map.

Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this path. This is shown as by letters A-B-C-D-E on the attached plan.

Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it supports the application.

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it.
 - b) The width of the path that you used.
 - c) How wide was the path you used - in feet or metres?
 - d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?

e) Did the width of the path change over time?

f) Were there any gates or stiles in place during the time in which you used the path? Where were they?

2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).

3. Do you have any other comments regarding the width of footpath Holmfirth 60?

We would also welcome receipt of any evidence that suggests the public right of way IS confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply to phil.champion@kirklees.gov.uk

Please note that this communication forms part of the investigation of the application to modify the Definitive Map and Statement and that no decision on the application has yet been made by the Council.

In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to modify the Definitive Map and Statement. Any evidence you provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk



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From: [REDACTED]
To: PublicRightsofWay
Subject: Re: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.
Date: 11 December 2020 13:39:26
Attachments: [Wolfstones map 1831.jpg](#)

----- Original Message -----

From: "PublicRightsofWay" <publicrightsofway@kirklees.gov.uk>
To: "Phil Champion" <Phil.Champion@kirklees.gov.uk>
Sent: Wednesday, 25 Nov, 2020 At 18:35
Subject: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.

Dear Sir / Madam

**Definitive Map Modification Order (DMMO) application. Section 53
Wildlife and Countryside Act 1981.**

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Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911

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Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it

supports the application.

1. If you have used this path we would like to know:

a) Over what time period(s) you used it.

About 10 years i.e. 2010 to present day

b) The width of the path that you used.

The width of the drive between the 2 walls of the houses/buildings i.e. full width which corresponds to the width of the metal gates at the top

c) How wide was the path you used - in feet or metres?

At a guess, 3metres

d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?

Likely to walk in pairs or threes, but possibly in single file as well.

e) Did the width of the path change over time?

very recently the path has narrowed by the buildings. Cannot recall the width of the path leading up to that point i.e. from the field out of Netherthong

f) Were there any gates or stiles in place during the time in which you used the path? Where were they?

Gate at the top of the path where the drive exits on to the road. A neat side gate

Stile much further back, away from the house and at the point where the field from Netherthong joins the access to the buildings

2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).

You need to look at the Upperthong Township map from the early 1800s.
Attached to this email

3. Do you have any other comments regarding the width of footpath Holmfirth
60?

It works for walkers whether it is narrower or wider at the point between the 2
buildings.

We would also welcome receipt of any evidence that suggests the public right of
way IS confined to a width of approximately 1.2m or any other width.

The attached map although not correct as an OS map is, will give some
indication

We are investigating whether or not a public right of way that already exists is
wider than 1.2m (4ft) and the exact position of the public right of way on the
ground. We are not proposing to create a new public right of way. We are unable
to consider matters such as safety, security, or the merits of any proposal to
divert the path.

If you have any evidence to add or any comment to make, I would be grateful if
you could let me have it within 28 days of receipt of this email. Please reply to
phil.champion@kirklees.gov.uk

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area Planning Sub-committee who will make a decision whether or not to make
an Order to modify the Definitive Map and Statement. Any evidence you
provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to
contact me.

**Any comments you make or evidence you provide may eventually become
public and may be used in evidence at a Public Inquiry.**

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

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From: [REDACTED]
To: [Phil Champion](mailto:Phil.Champion@kirklees.gov.uk)
Subject: RE: Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981. Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire Nearest postcode: HD9 3UU
Date: 05 January 2021 11:10:03
Attachments: [Wolfstone text.odt](#)

Hello - here is my response to your email - attached. If you have any difficulty opening the file or understanding what I have said or if you have additional questions or need clarification, please call me on 01484 681388 or email me (am around most of time or can call you back if you leave a message).

[REDACTED]

----- Original Message -----

From: "Phil Champion" <Phil.Champion@kirklees.gov.uk>

To: [REDACTED]

Sent: Tuesday, 22 Dec, 20 At 12:23

Subject: RE: Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981. Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire Nearest postcode: HD9 3UU

Dear [REDACTED]

Your email in response to the consultation regarding path Holmfirth 60 isn't complete. Could you re-send, please? I'll not now be considering response received until the New Year, so no hurry.

Best wishes for a safe a peaceful Christmas.

Regards

Phil

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk

From: [REDACTED]

Sent: 21 December 2020 05:57

To: Phil Champion <Phil.Champion@kirklees.gov.uk>

Subject: Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981. Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Uppershong, West Yorkshire
Nearest postcode: HD9 3UU....

Hi

Thank you for your email of 25 November. Here is my response.

**Definitive Map Modification Order (DMMO) application. Section 53
Wildlife and Countryside Act 1981.**

**Investigation into the width of part of public footpath Holmfirth 60 at
Wolfstones Heights Farm, Uppershong, West Yorkshire**

Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911

1



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Response to email of 25 November re Footpath at Wolfstone Heights HD9 3UU

From [REDACTED]

1 Use of footpath

- a) I have used the footpath regularly since 1986 (for 34 years) since moving to Netherthong village to walk from Netherthong to Upperthong and Burnlee, Holmbridge, Holme, Wilshaw (it is the most direct route on foot from Netherthong to these places without having to cross streams and scramble up and/or down steep valleys).
- b) The width of the path I have used over this period of time from point A to point E on the map provided is the full width which was until recently (November 2020) 11 ft wide along its entire length. The path was partially blocked up by the landowners in early November 2020 – a cage like structure was erected which effectively decreased the width of the path from point A to Point B to 4 ft. This followed a summer of notices being put up along the path by the landowners, effectively directing walkers to use the new path and giving Covid 19 as the reason for them implementing the detour (to protect the health of the residents of Wolfstone Heights Farm). Interestingly, the erection of the cage/fence and narrowing of the path by the landowners has effectively put the general public at much higher risk of Covid 19 by coralling them into a space of well less than 2 metres in width.
- c) For the last 34 years, the width of the path used by me (and by other walkers/pedestrians) was 11ft along its whole length.
- d) I (and all other walkers I met along the footpath) used the whole of the width available (11ft) for the whole length of the path between points A and E.
- e) The width of the path did not change over the 34 years I have been using it until recently (November 2020) when it was narrowed and obstructed by erection of the aforementioned fence/cage type structure from point A to point B on the map provided.
- f) There have been/are no stiles along this section (A to E) of the path in the last 34 years. The track from Point A to Point E ends at a field gate which gives entry straight forward for farm vehicles/livestock into a field while the footpath continues at this point by way of a turn left (over the wall on the north side of the track) into a field through which the path continues towards/arrives from Netherthong.

An additional field gate was erected along the track (a to E) around point B a few years ago (it has now been removed – I assume as part of the re-routing of vehicular access/egress from Wolfstone Heights Farm to the public highway). Alongside this field gate was a side gate for pedestrians to use if the field gate was closed (although it was most regularly kept open and never restricted use of the whole path by walkers). I don't know which year this was; the then owners had dogs and I assumed the gates were in part to try and keep them from following walkers/pedestrians, which they sometimes did. This field gate was regularly/usually open (I assumed at the time that this was to allow ease of access for visitors/vehicles/horses accessing/using the stables at the farm).

- 2 I only have photos taken recently (November 2020) when the fence type structure effectively narrowing the width of the path was erected between point A and B on the map provided. I took the photos to record the change that had been made to the footpath to narrow it down from 11 feet to 4 feet wide.

3 While I can understand the case made by the owners of Wolfstone Heights Farm for them to want/benefit from easier vehicular access/egress between the farm and the public highway. (The reasons given by them in relation to the turn in for vehicular traffic from the public highway - from the north being tight and difficult to manoeuvre and from the south being across the oncoming traffic at a point on a sweeping blind bend is correct. However, this same entry/egress between the public highway and the footpath is actually the safest point for to stop up access and egress to pedestrians at this point and re-route pedestrians on to the public highway at the pedestrians to have exit and egress between the footpath and the public highway. The proposed new egress/access point would put walkers pedestrians into a dangerous situation by bringing them on the public highway at a point where there is no public footpath/causeway on either side of the public highway; they are required to walk along that highway back to the original egress/entry at point A to be able to continue their path to either the trig point or onward to Upperthong and other villages/routes to neighbouring villages; walking with their backs to the traffic on a sweeping blind bend.

The current access/egress at Point A offers the safest visual opportunity to walkers/pedestrians exiting on to the public highway whether they are visiting the trig point or using the footpath to travel between Netherthong and villages/points beyond.

The original path is an historic footpath which gives egress on to a now very busy road at a point directly opposite the entrance to the Charity owned land permissive path to trig point and also on to the road towards Upperthong. Being able to use the full width of the footpath to gain egress from or entry on to the road at this point (where pedestrians/walkers regularly cross/exit, offers safety (a place to pass other walkers and horseriders without having to stand on the road which has no footpath/causeways and is now a very busy road into Upperthong village from Honley and Netherthong and other points on the north and west side of the village.

It is true that the path is now regularly used by walkers accessing the trig point at Wolfstones and that the land on which the trig point is built belongs to the Land Charity and could be closed at any time. However, the path existed long before the trig point was built and was and is there to give access to pedestrians walking from Netherthong to Upperthong and beyond – it was not laid/made specifically to provide access to the trig point, it was and still is the shortest and safest pedestrian route between Netherthong and Wolfstones onward to Upperthong, Digley and Hoolmbridge/Holme, Harden Moss. It is now (during the covid lockdown) much busier than it has been in the last 34 years and public safety has to be the highest consideration in any decision made. The landowners have already achieved their goal of easing access and egress to and from their property – there is no reason to divert the footpath which runs between two properties and not through the private outdoor space used by either.

I recently (December 2020) had occasion to drive to Upperthong from Netherthong. I drove up along Wolfstones Road from the crossroads of Moor Lane (from Netherthong to Wilshaw) and Bradshaw Road (from Honley). As I approached the egress/entrance of the proposed new footpath, a group of women and children stepped out on to the road (there is no pedestrian footpath on either side of this road at any point along it) and proceeded to walk up the road towards the egress/entry of the true footpath (at Point A). I assumed they were either heading for the trig point or memorial beyond the trig point as this is now (during the covid lockdown) a very popular visitor point for families. The road between these two exits on to the public highway is a sweeping blind bend. I had to pull out slowly to go round the walkers, in the knowledge that there could be traffic coming towards me in the opposite direction – in fact, what came round the corner were a pair of horseriders, riding two abreast. Not all drivers using the road are as careful as I am or as knowledgeable about the road – there is potential for a real public danger to be created for absolutely no good reason.

From: [REDACTED]
To: [Phil Champion](#)
Subject: Public footpath 60 at Wolfstones Heights Farm
Date: 30 December 2020 12:04:18

Re. Public footpath Holmfirth 60 at Wolfstones Heights Farm

Dear Mr Champion,

Thank you for your email consulting on the width of this path.

I have used it regularly with family and friends for nearly forty years since coming to live in Netherthong.

From the stile at point E on your map, the path follows a grassy track about 4 metres wide between fields, which to my memory have always been fenced in.

This used to run all the way to point B where there were gates. I think there was a farm gate and a narrower one for walkers to use. At this point, the driveway to Wolfstones Heights Farm also used to have a gate separating it from the track.

Recent modifications have altered the track from point C to B on its northern side. It now looks more like a garden or domestic driveway than the track between fields that it used to be.

From point B, the path always maintained its width to where it joins Wolfstones Road. It passed between the buildings on the full width of the drive that served the farm. There was no narrowing imposed, and for most of the time I have used it, no gates closed at the road end.

When the present gates were first installed, perhaps five years ago, a slip-around was provided for walkers on its south side. But even then, the gate mostly stood open so the full width was used.

I have always used the full width of the whole path, often walking with friends and usually passing other walkers. It is a popular and important local route. Within the last year, the path has been narrowed by installation of fencing on the driveway between buildings towards point A. This changes the character of the walk from a free ramble to a more constrained experience.

Unfortunately, I don't have any photos to send you, but I hope this information is helpful.
Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [Phil Champion](#)
Subject: Path 60 Wolfstones Heights Farm
Date: 26 December 2020 18:58:32

I live at Carr Farm, Wolfstones Rd and have done so from May 1979. The green lane in question was always the full width between the walls, 12 feet or so right down to the field entrance at point A

. The highway is the road entrance to Heights, the lower fields and the original access to Wolfstones in the bottom which went past in front of Wolfstones Heights Farm

Harry Booth who lived at Heights prior to 1979 and Phillip Andrews of Wolfstones agreed to forming a new and the current access to Wolfstones. The green lane in question was wide enough to provide access for a 4wheel HGV to deliver heating oil to Heights. I used to visit owners, Mr Kamita prior to Butterfield, early 1980s It was always a full width green lane. The reduction in width to 1.2mtr is a very recent creation, during the past month or so.

The current green mesh arrangement reducing the original highway width is an eyesore. The high wooden gates at B are out of keeping an obstruction to the highway and of a style to discourage use of the footpath All should be removed immediately. A very large foreboding dog is also intimidating for footpath users, no doubt purchased to do such.. During Booths and Kamitas ownership there were no gates at point B. These have been introduced by Butterfield.

Mr and Mrs Andrews moved from Wolfstones approx. 2008, selling to current owners Mr Goodall. We are still in conversations with Mrs Andrews.

On a separate issue, can you please provide me with small footpath direction indicators I can put up to clearly indicate footpath route across Carr Farm where we welcome footpath walkers who we see as eyes and ears to our property, and experience none of the grief from the same people who annoy Mr Butterfield.

If you want to discuss, send a phone no and I will call you back.

Regards,

[REDACTED]

From: [REDACTED]
To: [PublicRightsofWay](#)
Subject: Re: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.
Date: 24 December 2020 15:37:59

Hi Phil

Hope you are well...

It was with dismay that I opened your recent email about footpath 60. This seems now to have become a vindictive attack on the owner of the land, rather than a reasoned debate. I would question whether this is legitimate use of your time and of sparse Council funds. If I understand this correctly, an objector is trying to insist on the width of a footpath being more than the 1.2 metres defined in law? Is this correct? If so, this would be tantamount to one person insisting that the land owner gives away land over and above that for a footpath. This is clearly illogical. I sympathise with you, having to deal with such nonsense!!

In all my time as a resident, Parish Councillor and Chairman of the Village Hall I can honestly say that access along this path has never been a problem, nor have I heard that it has. I'm not aware of anyone asking for a wider path. There is no possibility that it is more than 1.2m in any event, not on this part or any other part of footpath 60 - I would even question whether it is even that width on some other parts of footpath 60.

I should tell you that I do have some experience with footpaths and am not completely without knowledge, having been through a torrid diversion experience on my own land a few years ago now, which Giles Cheetham will be able to tell you about. I also picked up things during my time as a Parish Council and Chairman to the Land Charity, which is the Trust body that owns the land where the Trig Point (which by the way has never been a public right of way).

Let me know if you need any further information

Regards
[REDACTED]

Using your email as a template

1. If you have used this path we would like to know:

a) Over what time period(s) you used it.

30 years.

b) The width of the path that you used.

Wide enough for me to walk on (three foot or so...)

c) How wide was the path you used - in feet or metres?

Three foot (I cannot spread myself any wider, despite part of the path being on a driveway, you walk on the northernmost part, away from the main house, being Wolfstone Heights Farm). Further down, you come off the stile in the wall on Mr Roebuck's land and continue up the northernmost side to where the part of the footpath goes up the driveway, which is now restricted by the landowner to just the legal width of footpath, as Mr. and Mrs Butterfield can and have always been legally entitled to do.

d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?

This doesn't really make sense...? I used a width wide enough for me to walk on and yes it was on that northernmost side. What is on the ground at the moment on the driveway is where I used to walk on before the proposed diversion, which

by the way is a far better and safer route than the current one - I cannot believe that lovely path diversion is seriously being opposed !

e) Did the width of the path change over time?

No. The width of the path has always been the same to the best of my knowledge. I can't think of a time where it wasn't. On the driveway part which is tarmacked, that has building bags, pallets and the like on the southern side near the main house, but to the best of my memory the path has never been blocked on that northern side of the path. Further down past the house (looking downwards) where it is not tarmacked there have over the years been things like tractors quad bikes and trailers (horse box type trailers) parked near the fence on the southern side. You would also not infrequently see horse troughs and the like on that side, but the northern most side (the left-hand side looking downwards and right side looking upwards), where it meets the stile on Mr. Roebuck's land, has always been passable to the best of my knowledge and as long as I have used footpath 60.

f) Were there any gates or stiles in place during the time in which you used the path? Where were they?

Yes, They have always been there to my recollection. There is the stile at the bottom where Mr. Roebuck's land is. The gates at the top fronting onto Wolfstones Road had always been closed on a night until relatively recently. There is still a (very narrow) walk through stile near those gates, but I have never had cause to use that as the gate was always open during the day. I think that a stile of some form has always been there, but I cannot personally say whether it was always open. I have never really taken much notice and have never really had cause to use that due to the gates being open during the day. Quite rightly, there is now the northern gate leaf left open, which aligns with the footpath and I would in fact estimate is more than 1.2m in width.

The fencing further down used to be different until a few years ago - sorry I can't remember how many, but I would estimate up until about four or five years ago. There was a fence with an unlocked gate on its northernmost side across the footpath part way down (or up, depending on the direction we walk in) near to where the main house entrance is. I could always get through and I don't recall that this gate was ever locked or in any way blocking the route.

2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).

No. Just personal experience. I don't think that I could offer anything in that respect but I will check and send it to you if I come across anything. I do doubt it though.

3. Do you have any other comments regarding the width of footpath Holmfirth 60?
I have worked at Wolfstones Heights before. During that time I have parked vehicles on that driveway, and have stored materials. During this time I have always ensured that the footpath has not been obstructed on that northernmost side. I am not aware of any complaints, even when there was considerable scaffolding and materials after quite a large fire a few years ago. Besides all of that, that footpath has never been impassable on that northern side of it, which remains the case on the ground now.

Should I think of or stumble across anything else, I shall let you know, but I hope that this helps for now.

From: PublicRightsofWay <publicrightsofway@kirklees.gov.uk>

Sent: 25 November 2020 18:35

To: Phil Champion <Phil.Champion@kirklees.gov.uk>

Subject: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.

Dear Sir / Madam

Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981.

Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire

Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911

I am writing to you as you have previously responded to a consultation or expressed a view on a proposal to divert part of the above footpath.

Kirklees Council has recently received an application for a Definitive Map Modification Order (DMMO) to vary the particulars shown in the Statement accompanying the Definitive Map.

Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this path. This is shown as by letters A-B-C-D-E on the attached plan.

Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it supports the application.

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it.
 - b) The width of the path that you used.
 - c) How wide was the path you used - in feet or metres?
 - d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?
 - e) Did the width of the path change over time?
 - f) Were there any gates or stiles in place during the time in which you used the path? Where were they?
2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).
3. Do you have any other comments regarding the width of footpath Holmfirth 60?

We would also welcome receipt of any evidence that suggests the public right of way IS confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply to phil.champion@kirklees.gov.uk

Please note that this communication forms part of the investigation of the application to modify the Definitive Map and Statement and that no decision on the application has yet been made by the Council.

In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to modify the Definitive Map and Statement. Any evidence you provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk



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From: [REDACTED]
To: [publicrightsofway](mailto:publicrightsofway@kirklees.gov.uk)
Subject: Re: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.
Date: 26 November 2020 19:02:37

For the attention of
Mr Phil Champion

Dear sir

Sent from my iPhone

On 25 Nov 2020, at 18:35,

I refer to the email I received on the 26th November 2020 ref asking for photos or evidence of the footpath (Holmfirth 60)

I do not have photos or have I ever measured a footpath when walking along and enjoying the views . On this particular footpath I have started using the redirected footpath around the duck pond and the lovely views across the valley . When I take my elderly mother she likes to sit a while on the new benches that have now been provided .

Today however I did walk down the said footpath which I walked with my family and found there was ample room for us to walk . I do however prefer the new proposed footpath as I find it much safer when you join wolfstones road , you can see both ways and is a much safer way to continue onto the main road .

[REDACTED]
Wolfstones Hall Farm
Netherthong

PublicRightsofWay <publicrightsofway@kirklees.gov.uk> wrote:

Dear Sir / Madam

Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981.

**Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire
Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911**

I am writing to you as you have previously responded to a consultation or expressed a view on a proposal to divert part of the above footpath.

Kirklees Council has recently received an application for a Definitive Map Modification Order (DMMO) to vary the particulars shown in the Statement accompanying the Definitive Map.

Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this path. This is shown as by letters A-B-C-D-E on the attached plan.

Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it supports the application.

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it.
 - b) The width of the path that you used.
 - c) How wide was the path you used - in feet or metres?
 - d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?
 - e) Did the width of the path change over time?
 - f) Were there any gates or stiles in place during the time in which you used the path? Where were they?
2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).
3. Do you have any other comments regarding the width of footpath Holmfirth 60?

We would also welcome receipt of any evidence that suggests the public right of way IS confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply to phil.champion@kirklees.gov.uk

Please note that this communication forms part of the investigation of the application to modify the Definitive Map and Statement and that no decision on the application has yet been made by the Council.

In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to modify the Definitive Map and Statement. Any evidence you provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk



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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.

<Plan of Holmfirth 60 at Wolfstones Heights Farm.pdf>

Phil Champion

From: [REDACTED]
Sent: 26 November 2020 18:22
To: Phil Champion
Subject: Re: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Uppertiong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Phil

Further to your correspondence below I'd like to express my disgust at what is clearly a vindicated, petty (and I doubt completely above board,) campaign against the owner at Wolfstone heights farm.

Moreover I am a huge supporter of the diverted route and see no reason to provide evidence against what is clearly a legal and justified adjustment to the pre-existing route.

May I draw your attention to the attached photographs, which prove without doubt that the route further down footpath 60 narrows considerably more. Significantly at its narrowest point (immediately behind the houses that exit onto moor lane and the village,) less that a metre which is below the legal threshold and at which point, I (as a 'well built' man,) have to breath in to pass through!

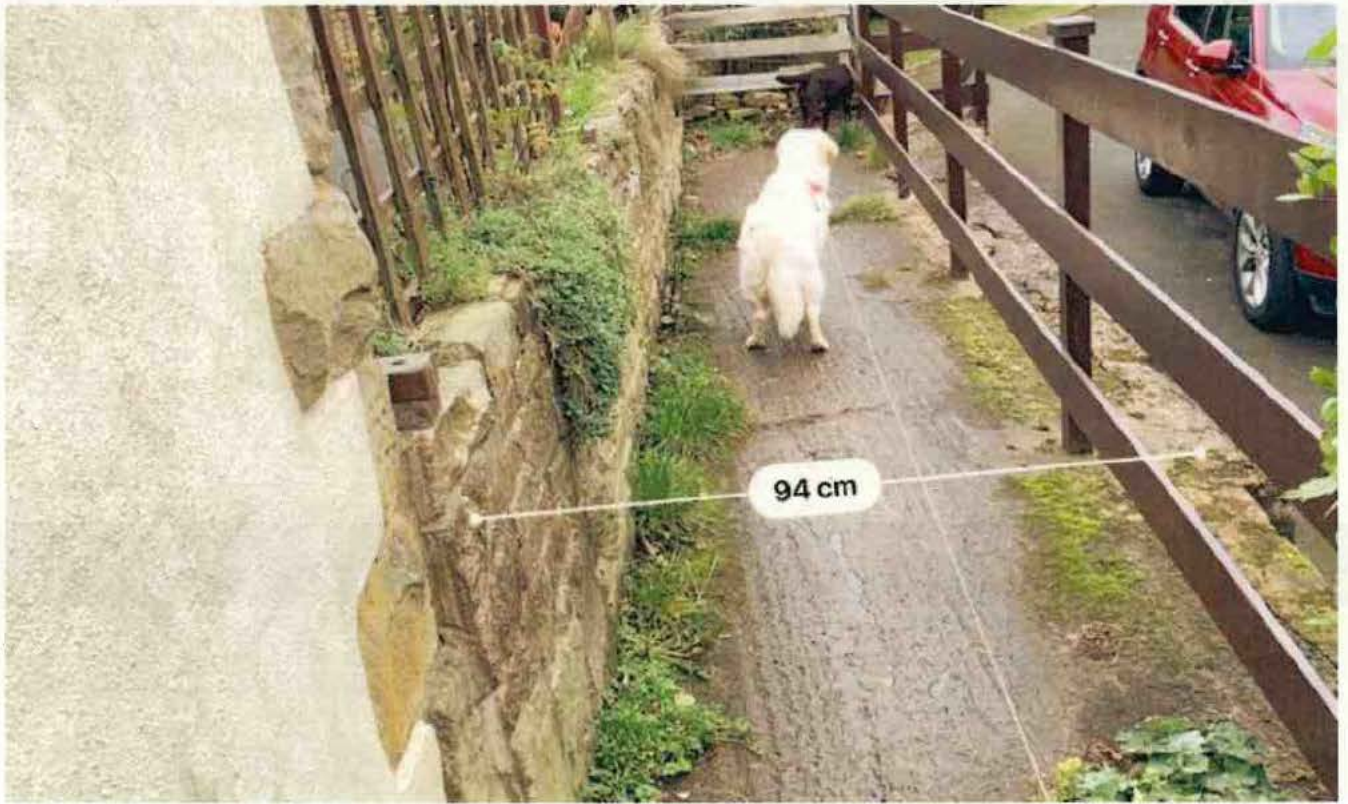
May I also ask you to consider that at a point in the agricultural calendar every year, the largest field on the route (second field up from the village,) is ploughed in full, leaving walkers to pick a path through soul which is unevenly distributed and in pats 14 inches deep.

I have walked with my young children on a route to school through this field and have at times arrived with mud up to their waists!

I happen to know for a fact that the proprietor is a hard working, charitable man who has built up a modest enterprise from a fiver in his back pocket. He employs many people in Huddersfield, is a primary fundraiser for the children's hospice in the area, campaigned wholeheartedly to keep the staff of Remploy in full time employment after its closure and indeed, employed many of their redundancies himself... all the family want is to be safe in their own home.

Should you wish to speak with me regarding my complaints about the ploughed field or any of the attached photographs I'd be delighted. In fact I will now consider my own official complaint about the half of the footpath which you have failed to include in your investigation and which is more of a hazard than any of the points indicated on your map.

Yours sincerely
[REDACTED]







On 25 Nov 2020, at 21:15, Stephen <stephencronie@ymail.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: PublicRightsofWay <publicrightsofway@kirklees.gov.uk>
Date: 25 November 2020 at 19:35:30 CET
To: Phil Champion <Phil.Champion@kirklees.gov.uk>
Subject: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.

Dear Sir / Madam

Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981.

**Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire
Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911**

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Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it supports the application.

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it.
 - b) The width of the path that you used.
 - c) How wide was the path you used - in feet or metres?
 - d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?
 - e) Did the width of the path change over time?
 - f) Were there any gates or stiles in place during the time in which you used the path? Where were they?
2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).
3. Do you have any other comments regarding the width of footpath Holmfirth 60?

We would also welcome receipt of any evidence that suggests the public right of way IS confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply to phil.champion@kirklees.gov.uk

Please note that this communication forms part of the investigation of the application to modify the Definitive Map and Statement and that no decision on the application has yet been made by the Council.

In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to modify the Definitive Map and Statement. Any evidence you provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk



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<Plan of Holmfirth 60 at Wolfstones Heights Farm.pdf>

Phil Champion

From: [REDACTED]
Sent: 27 December 2020 12:15
To: Phil Champion
Subject: Public Footpath width Holmfirth 60

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Champion

**Definitive Map Modification Order Application; s.53 Wildlife and Countryside Act 1981.
Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights
Farm, Upperthong, West Yorkshire HD9 3UU**

I am [REDACTED] I have also lived at [REDACTED] since 1995. I can assure you that everything that my husband has said in his letter to you is correct.

I wish to add my own further information, as I tend to do a bit more of the day-to-day things to do with the stables and the fields.

When the house fire happened several years ago now, the damage was extensive. As my husband has said, on driveway up the westernmost part of the path, this was covered in scaffolding and there were multiple building materials stored for several months on that southernmost side of the path, adjacent to the house (Wolfstone Heights Farm). However, we have never blocked the legal width of the footpath on that northernmost. We have always been meticulous in that and would have never prevented people passing on the footpath, which there is no doubt has always been at the northernmost side of the driveway, including further down the northernmost side of the track.

I did wish to reinforce that about 15 or 20 years ago, we did get enquiries from somebody at the Council, or possibly the Parish Council, who were enquiring as to the gates being closed on an evening and on occasion during the day. There is no doubt that the Council (Kirklees Council) confirmed this. It transpires that as of last year, when we got those notices requesting us to leave the gates open, this might have been a mistake on the part of the Council, though it still seems ridiculous that we cannot secure our own property with gates right at the beginning/end of a footpath fronting onto a road.

As [REDACTED] has said, the narrow walk-through stile on the wall near the gates at the top was constructed a few years ago. There was a form of stile when we purchased the property, but as [REDACTED] has said, it was not always open and certainly not always passable. The stile was historically blocked on occasion. When we replaced the garden wall, we put another stile in. I can confirm that about a year ago following those notices from the Council, we left both gates open until we could get the engineer out to leave just the left gate leaf open (looking from Wolfstones Road, downwards; right hand leaf if looking up – the northern gate leaf). We have now left this northern gate leaf open all the time. At least no cars, vans or lorries can get down the driveway doing that. However, we did close both gates again during the first

Covid-19 lockdown, as [REDACTED] got permission from one of the Directors at the Council to do so.

I wanted to tell the Council about the fence and gate across the path part way down, around the entrance to the main driveway into our house. It was like a wide fence/makeshift farm gate (it was a little bit makeshift and untidy to be fair and pre-dated us) that we could readily and easily remove posts and get vehicles through when we needed to (though we could access by the fields another way also), with a narrow pedestrian-type gate on the northernmost side. You can still see some of the hardstanding on the path identifying where this was. The gate on the northernmost side could always be opened and although shut to stop animal escapes. I cannot recall that we ever had cause to lock that gate shut. I certainly would not have done that knowing the footpath was there and I do not believe that anybody else would have either. Therefore, the previous owner was obviously conscious of leaving the footpath on the northernmost side of the track and driveway passable too.

I wanted to also point out that before we put the diversion route in, on the easternmost part, we used to have fencing which (moving west) met the fence/gate across the footpath near our drive entrance. That was removed, and you will see that that area is now well-landscaped, with the proposed diversion path fencing having been moved northwards in that area by a few meters, so that the fence is now on the southern side of the proposed diverted path in that area.

We had all that area reconfigured a few years ago now. We modified the field arrangements and the stables on our land, so there were general changes to the overall fencing and landscaping in that area. You will see that there is new and repaired fencing in that area. As Richard has said, eastwards beyond our house drive entrance, like the main driveway up to Wolfstones Road, we could have roped off the path all the way down to the bottom on the southern side (right hand side looking down; left hand side looking up) leaving 1.2m to walk up on that northernmost side. The reason that we did not do that is that we still need access to the fields at the bottom and just 1.2 is not enough for tractors, trailers, quad bike, etc. I have always had trailers, horse boxes, troughs, feed boxes and other building materials and other paraphernalia stored on that side of the track nearest the fence, opposite where the stile is and right upwards towards the main house, as Richard has already described. This part of the track is clear at the time of writing this, due to recent works and we also thought it useful for the purposes of photographs, but generally we have been trying overall to tidy up that area. However, the southernmost side of the track could have anything parked on it or placed on it, at any time, provided we leave the northernmost side passable to a width of four feet.

I can assure you that this has always been the case during our ownership, and nobody has ever raised an issue. We have again never had any difficulty or request from the Council or anybody else to remove vehicles, trailers, boxes, troughs nor any other items or materials that have been set down on that southernmost side of the track, all the way along it. I don't think that there is anything else that I could usefully add to what my husband has said already. However, if I think of or find anything else, I shall certainly forward on to you. We have never had any trouble at all and there is no question that there has always been a perfectly passable width on the northernmost side of the track, from the stile in the wall on the neighbour's land, right up to our gates that from on to Wolfstones Road. The Council has

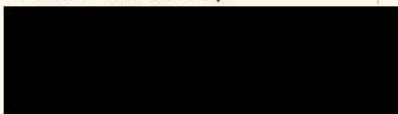
certainly never asked us to move anything on this side of the path in all the years that we have lived here.

I did want to say that all we have ever done is kept ourselves to ourselves. We have applied for a diversion of the footpath to fully implement planning permissions granted by the Council.

That's, it and nothing more. To have this application to widen the footpath seems ridiculous and frankly, seems a little bit spiteful and done with a particular agenda, for reasons that I do not know and I do not understand. Where the same approach was applied to the rest of the footpath, or any footpath for that matter, then either it would not be physically possible or is tantamount to attempting to take land off people. I am surprised that this is allowed to happen.

I would be prepared to put this information in a Statutory Declaration if required.

Yours sincerely

A solid black rectangular box redacting the signature of the sender.

Sent from my iPhone

PublicRightsofWay

From: [REDACTED]
Sent: 27 November 2020 13:36
To: PublicRightsofWay
Subject: Re: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.
Attachments: Plan of Holmfirth 60 at Wolfstones Heights Farm.pdf

Hi,

In reply to your email:

1.a Yes i have used the path and i have used it for over 12 years.

1.b the width of the path varies, it drops down to circa 450mm at the style further down the lane, however this is an active driveway and not a path. Now the path has reduced but still has plenty of width to walk comfortably next to each other. However the new path is much safer and im struggling to understand why there is now an investigation into an old path?

1.c/d Not sure on the width, but would only use a small section of it say 850-1200mm, especially if cars were coming down.

Divert the path to the new proposed route and let this route be blocked, it's shameful that my council taxes are being spent on this shambles!!

Regards

[REDACTED]

On Wed, 25 Nov 2020 at 18:35, PublicRightsofWay <publicrightsofway@kirklees.gov.uk> wrote:

Dear Sir / Madam

Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981.

Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire

Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911

I am writing to you as you have previously responded to a consultation or expressed a view on a proposal to divert part of the above footpath.

Kirklees Council has recently received an application for a Definitive Map Modification Order (DMMO) to vary the particulars shown in the Statement accompanying the Definitive Map.

Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this path. This is shown as by letters A-B-C-D-E on the attached plan.

Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it supports the application.

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it.
 - b) The width of the path that you used.
 - c) How wide was the path you used - in feet or metres?
 - d) Did you use the whole width available on the ground – or did you only use a narrower width, e.g. along one side?
 - e) Did the width of the path change over time?
 - f) Were there any gates or stiles in place during the time in which you used the path? Where were they?

2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).

3. Do you have any other comments regarding the width of footpath Holmfirth 60?

We would also welcome receipt of any evidence that suggests the public right of way IS confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply to phil.champion@kirklees.gov.uk

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In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to modify the Definitive Map and Statement. Any evidence you provide will be taken into consideration.

If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk



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Dear Mr. Champion

**Definitive Map Modification Order Application; s.53 Wildlife and Countryside Act 1981.
Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights
Farm, Upperthong, West Yorkshire HD9 3UU**

Further to your letter of 23rd November 2020 concerning this matter, I write in response and with the following information.

First, this is a vexatious application. Were it not for the separate application to the Secretary of State under Section 247 of the Town and Country Planning Act 1990, this application would not have been submitted.

Further, I put to the Council that it looks more than a little improper that the application has been brought forward from 112th on the Council's Priority Matrix to the top of the priority list, because of the said application to the Secretary of State. This is compounded when considering that the application has come from an ex-employee of the Council, that was also an ex-colleague of Mr. Cheetham and Mr. Dalby, whom I have complained about and shall continue to complain about separately.

I am nevertheless advised that notwithstanding this, you are under a legal duty to investigate matters, which is understood. However, for the Council to make a decision not to disclose the User Evidence Forms submitted with the application, only adds to the impropriety and I am therefore coming at this blindly. I have asked for a review of the decision not to disclose those forms.

Nevertheless, I shall indulge, but also reserve the right to submit further information as and when required in response to anything, or where it comes to light. I also must concede that I am not able to send everything at present due to a bereavement and having to manage a business that has been in a constantly precarious situation due to Covid-19.

As you are doubtless aware, the top (westernmost) part of the footpath, is shared with what until very recently was the main driveway to the house. Beyond the driveway, moving eastwards is shared with a track to the far gated field, as shown on the two photographs attached taken just last week, which for ease shows the whole path clear for ease of reference (see below for information on items on the right-hand side looking downwards; i.e. the southernmost part of the footpath).

The legal of the footpath has always been 1.2m. All evidence points to the fact that this 1.2m is aligned to the northernmost side of the driveway (left side, if looking at the attached photographs), following the route all the way down to the wooden/wall stile.

I have lived in this property since 1995. In all that time, apart from more recently, the gates at the end of the footpath at the western end where it meets Wolfstones Road, were closed, because I thought that they could be and the Council had confirmed this, probably the best part of 20 years ago now. The gates were therefore closed with permission.

The gates pre-date my ownership and I believe (but could not be certain, were put in by the previous owner about 1989/90. I recall there was some sort of enquiry about the gates being closed by the Parish Council or possibly the Council itself, but the Council told us anyway this was all fine to have the gates closed. This does seem obvious given that it is right at the end/beginning of the footpath as it meets Wolfstones Road.

The narrow walk-through stile near the top gates on Wolfstones Road was not always open and was not always in the form that it is now. You will see that the stone wall around the stile is relatively new – certainly less than ten years old. However, I would point out that whilst a narrow stile in some form has been in that position for most of the time, this was not always the case and it has not always been open or passable during my ownership. You will note that this is the case now on site, on the westernmost point of the footpath between the two buildings near Wolfstones Road, but that is a result of recent works on the site to narrow the path to its legal width and alignment for my own reasons.

As well as the stile not being open or passable, the southernmost part of that driveway has been blocked over the years. For example, storing building and other materials and was certainly not passable on that side (the southernmost side) following a large fire at my house (Wolfstone Heights Farm) five or six years ago, whereby the northernmost side had to be fully repaired internally and externally, naturally involving scaffolding and a general blocking up of that side of the driveway for quite some time there. There has over the years also been rubble bags, building sacks and materials, pallets and the like stored on the southernmost side of the path in that area near my house, on the newer wall side. We have NEVER in nearly three decades, had any request or even enquiry to remove anything from that southernmost side of the path – this is because the legal width of the footpath is 1.2m on the northernmost side of the footpath.

A natural question is what was done with cars and other vehicles in the meantime, when the driveway may have been blocked? These were either parked on the road or parked with generous neighbours, including Wolfstone Heights (the property, not the land owned by the Holme Valley Land Charity) to the north before and after I took ownership of it.

Further down, there used to be a fence and unlocked gate (of four feet in width, of course) on the northernmost side of the path so that people could go through unimpeded. This again predated my ownership. I have learned more recently that such a 'limitation' is not recorded, but I can assure you that before we removed it, this was there for a long number of years and again pre-dated our ownership, before we removed it in the last few years.

This fence and gate were in place to control the horses, donkeys and other animals, otherwise they would have escaped. This was in the area to the north-eastern side of my current driveway, where old cobbles can be seen to still exist on the surface. We made improvements to that area and moved that gate and fence post, mainly after we got relevant planning permissions.

That fence running on the northernmost side was removed as part of obvious new landscaping following planning permissions (including the more recent 2017/91553 to input and reconfigure stables and associated facilities on the southern side of the footpath, including landscaping).

This fence and gate on its northernmost side across the footpath, prior to their removal a few years ago, pre-dated my ownership and connected at 90-degrees to a rail type fence running down to the now broken dry stone wall. I am incidentally wanting to do something about this soon, as it appears to have more recently deteriorated, likely in large part due to footpath users leaning and otherwise interfering on that northernmost wall.

The parts of the path below our house, moving eastwards, is again as shown on the attached photographs for illustration. The northernmost part of the path (left on the photographs) is like the driveway further up, shared with the footpath, as described above.

I can confirm beyond any doubt at all that there have been horse boxes and other trailers parked on the southernmost side butting up to the field fences, as well as things like hay bales, feed boxes, horse and cow troughs at various intervals for significant lengths of time; in some cases, I am talking many months. There have also been tractors and other farm vehicles parked on that side for considerable lengths of time, still leaving the required four feet to make it passable and legal from the point of the wall stile accessing and egressing the field not owned by me. My wife Sandra Butterfield, who has run day to day the main horse and other agricultural activity, will also be able to confirm this.

However, recent works ongoing pursuant to planning permissions means that this does not need to be the main driveway entrance, due to the new driveway with the entrance further down (north) on Wolfstones Road. Recently, I have taken the decision to block up this side of the driveway. I have left relevant footpath side of the driveway unblocked and passable, to the width of just over four feet (1.2m) which is the legal width of the footpath, leaving the northernmost gate leaf open.

I could have done this all the way down the path on its southernmost side, because this is private land, not public footpath. However, the fact is that we do need to continue to still park trailers, agricultural vehicles, hay bales, food boxes, horse troughs, etc. in this area.

I have seen issues raised by the applicant as to why, on receiving a notice under Section 130A of the Highways Act 1980, I volunteered to leave the gates fully open. This was for two reasons. First, this was out of good will and wishing to maintain good relations, not least with the Council. However, more practically, the reason was that because the gates are electrical, I could not at that time feasibly keep just one open. I would not have the technical knowledge or ability to have been able to do that.

Numerous correspondence to this effect exists between the Council, me and my representatives. I have avoided sending this, as I would hope that you will have seen it. However, please let me know if this is not the case and let me know what you would like to see, so that I can get anything sent through.

During the onset of the global pandemic earlier this year, you should be aware that I have direct correspondence with a Corporate Director at the Council that both gates could again remain closed, which they duly did until several months ago, when the gate engineers worked to close one gate and leave the other open following a request from the Council to pacify prospective complainants threatening a further 130A Notice. We have all the correspondence to this effect, but I presume that you will have seen this.

Otherwise, I lived until 2019 with both of those gates closed, because in part down to earlier Council communications, it also seemed like common sense from a logistical and security perspective that I could. I accept that this was not the case now and hence why the northernmost gate leaf has been left open, which incidentally is greater than 1.2m in width.

I reserve the right to put in any further information, particularly anything that may come to light from disclosure of the User Evidence Forms, which we are asking the Council to take a view on, particularly as those users sign a waiver explicitly notifying the witness that the information will be made public.

I am going to state again, that this is a vexatious application designed to upset my application for a diversion of the footpath. This application is from people, for reasons unknown, hell bent on making

life a misery. However, on this occasion they are wasting a great deal of time, money and resources of all concerned, not least the Council.

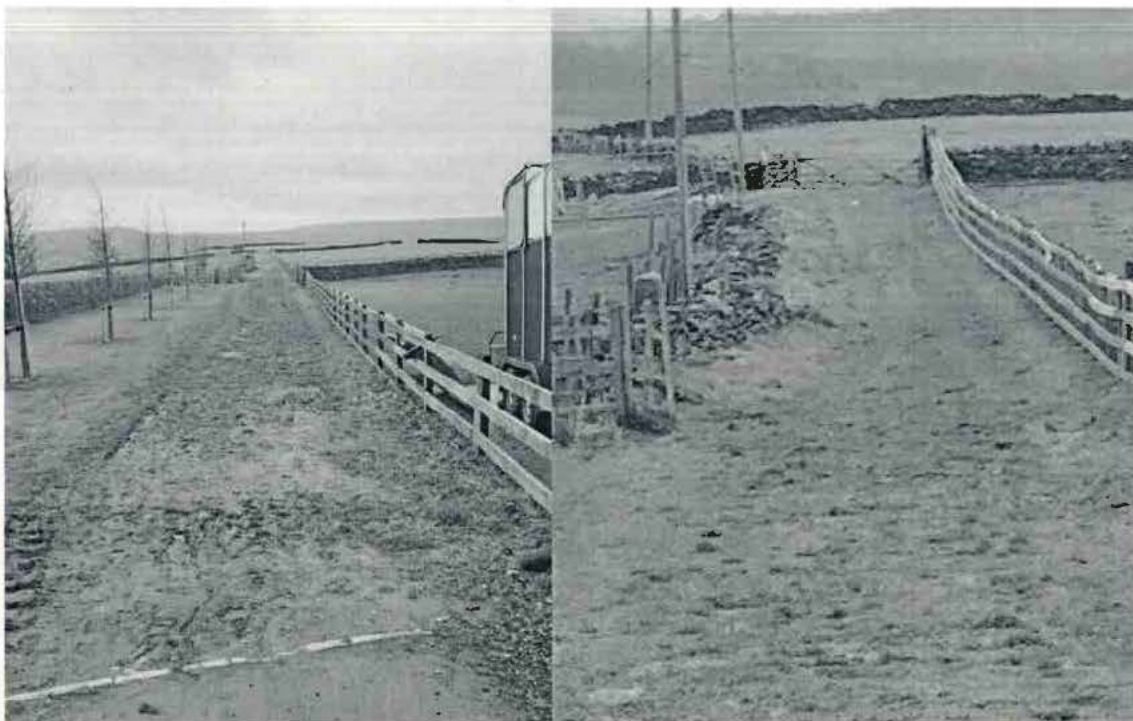
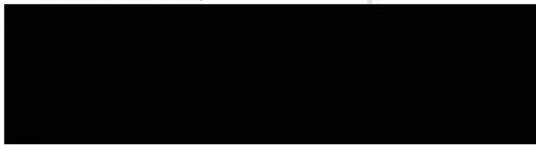
All I have ever done is apply for a footpath diversion. This is a vexatious application as described. I also ask the legitimate question: why is it only that the footpath so far as it affects my property is applied to be widened? This makes this targeted vexatious application seemingly all the more ridiculous. Surely something like this poses a threat to every landowner who has a footpath on their land in the Borough, even the country. This is a preposterous situation and a waste of everyone's time, money and resources, including the Council.

I am prepared to put all of this information, where relevant, in a formal legal Statutory Declaration for reinforcement if required.

Again, I reserve the right to submit further information, particularly as further information comes in, especially on the User Evidence Forms that will hopefully finally be provided and we can respond more directly to.

I ask you please not to make an order following this application; which is vexatious and done purely with an agenda in order to throw mud at my application to the Secretary of State to divert my footpath. There is absolutely no doubt in what I am saying above, as I am sure others will identify to you.

Yours sincerely



Phil Champion

From: [REDACTED]
Sent: 25 November 2020 19:40
To: Phil Champion
Subject: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911. Inbox

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir

With response to your email dated 25th November 2020:

1a,b,c, I walk my dogs twice daily on the path, the new proposed path is more than adequate and would accommodate four adults.

1,d. I walk my dogs with a maximum of four adults and the new path is more than adequate.

1,e, the width of the path has narrowed to come into terms of a path not a drive!

1,f No

2. No

I am very aware in these times of the security of Wolfstone Heights Farm and recommend the new path way to be used.(not the one discussed here).

3. I am a local living at 3 Home Farm, Wilshaw Road, and strongly feel the security of the family living at Wolfstone Heights Farm should take president and the new proposed footpath be used.

I strongly think this is a personal attack on the Butterfield family who employ local people and the council should consider the security of a highly successful business man foremost.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PublicRightsofWay

From: [REDACTED]
Sent: 22 December 2020 12:29
To: PublicRightsofWay
Cc: [REDACTED]
Subject: RE: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.

Dear Mr Champion

Firstly, apologies for such a late reply, I have had a lot going on so I am afraid this went to the bottom of the pile a couple of times!!

I have read the questions below several times and would find it extremely difficult to answer them separately.

As a family we have been using the path for 28 years and continue doing so.

We now use the new path around Wolfstone Heights Farm as the scenery is stunning and it means we are not walking through the property belonging to Mr and Mrs Butterfield and invading their privacy. Had they not provided a better footpath I would obviously be upset but this is not the case at all.

Regarding the width of the path used, I have no idea. The stiles are as they have always been and there is only one gate in use now, at the bottom of the new footpath.

Kind regards

[REDACTED]

From: PublicRightsofWay <publicrightsofway@kirklees.gov.uk>
Sent: 25 November 2020 18:35
To: Phil Champion <Phil.Champion@kirklees.gov.uk>
Subject: Investigation into width of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, Holmfirth, West Yorks. Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911.

CAUTION - EXTERNAL EMAIL: This message originated outside the organisation. Don't click on links or open attachments unless you recognise the sender & the content is expected & known to be safe. Sender address is publicrightsofway@kirklees.gov.uk

Dear Sir / Madam

**Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981. Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire
Nearest postcode: HD9 3UU. Grid reference: SE 1280 0911**

I am writing to you as you have previously responded to a consultation or expressed a view on a proposal to divert part of the above footpath.

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Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this path. This is shown as by letters A-B-C-D-E on the attached plan.

Do you have any evidence about the width of this path?

We are aware that the available width of part of the path between points A and B has recently been narrowed to approximately 1.2 metres – we need to establish the width of the path that was available or actually used prior to that change. We would welcome any evidence regarding the width of this path, whether or not it supports the application.

1. If you have used this path we would like to know:
 - a) Over what time period(s) you used it.
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 - c) How wide was the path you used - in feet or metres?
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 - e) Did the width of the path change over time?
 - f) Were there any gates or stiles in place during the time in which you used the path? Where were they?
2. Are you aware of any documentary evidence (including photos) that would assist in determining the width of the public right of way? (We already have copies of Ordnance Survey maps).
3. Do you have any other comments regarding the width of footpath Holmfirth 60?

We would also welcome receipt of any evidence that suggests the public right of way IS confined to a width of approximately 1.2m or any other width.

We are investigating whether or not a public right of way that already exists is wider than 1.2m (4ft) and the exact position of the public right of way on the ground. We are not proposing to create a new public right of way. We are unable to consider matters such as safety, security, or the merits of any proposal to divert the path.

If you have any evidence to add or any comment to make, I would be grateful if you could let me have it within 28 days of receipt of this email. Please reply to phil.champion@kirklees.gov.uk

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If you require any further information about this matter, please do not hesitate to contact me.

Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

Kind regards

Phil Champion
Definitive Map Officer
Public Rights of Way
Kirklees Council

T: 01484 221000

E: phil.champion@kirklees.gov.uk



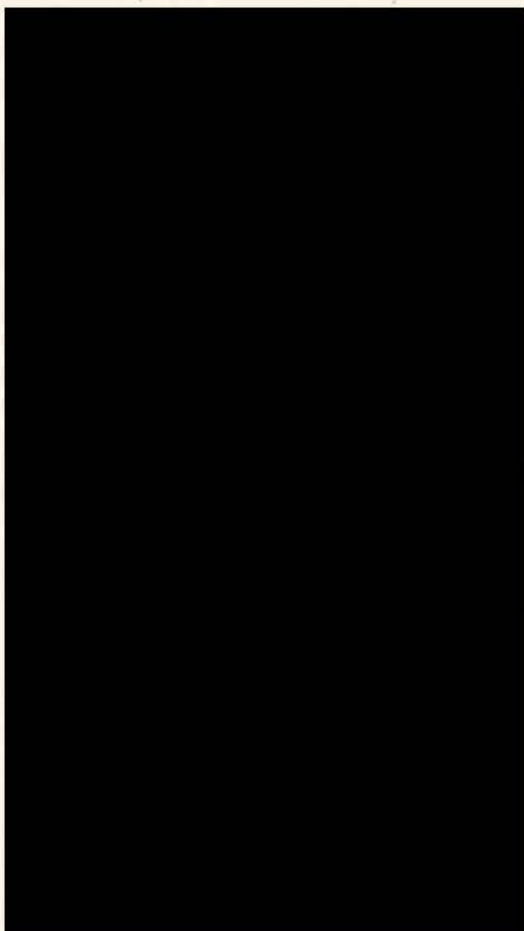
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CD11

NAME AND ADDRESS OF EVERY PERSON, COUNCIL OR PRESCRIBED ORGANISATION NOTIFIED UNDER PARAGRAPH 3(2)(b)(i),(ii) and (iv) OF SCHEDULE 15 TO THE 1981 ACT AND SCHEDULE 6 OF SI 1993 NO.12 RIGHTS OF WAY, THE WILDLIFE AND COUNTRYSIDE (DEFINITIVE MAPS AND STATEMENTS) REGULATIONS 1993



CTC
National Office
Parklands
Railton Road
Guildford
GU2 9JX

Chief Fire Officer
W Y Fire Service
Oakroyd Hall
Birkenshaw
West Yorkshire
BD11 2DY

YEDL
Diversion Section
98 Aketon Road
Castleford
WF10 5DS

Marcus William Hall &
Kenneth Scott Hall
Lower Halstead
Halstead Lane
Thurstonland
Huddersfield
HD4 6XT

Peak & Northern
Footpath Society
23 Turncroft Lane
Offerton
Stockport
SK1 4AB
assessors@peakandnorthern.org.uk

Yorkshire Water
PO Box 500
Western House
Halifax Road
Bradford
BD6 2LZ
Adam.bose@yorkshire.co.uk

West Yorkshire Combined
Authority
Highways Liaison Coordinator
Wellington House
40/50 Wellington Street
Leeds
LS1 2DE

NTL Operational Support
Roberts House
De Havilland Avenue
Preston Farm Business Park
Stockton on Tees
Cleveland TS18 2TH

Customer Operations
National Grid
Brick Kiln Street
Hinckley
LE10 0NA

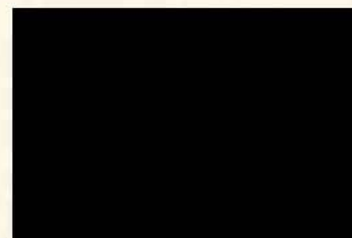
Huddersfield Rucksack Club
6 Dartmouth Avenue
Almondsbury
Huddersfield
HD5 8UR
hm.leitch@googlemail.com

Holme Valley Civic Society
Brian Hinchliffe
Carr Lodge
Hightown Lane
Holmfirth
Huddersfield HD9 3HY

Rachael Martin Yorkshire
Ambulance Service NHS Trust
Tel: 01274 202072
Rachael.martin@yas.nhs.uk

British Gas Transco
Asset Support
1100 Century Way
Thorpe Park
Leeds LS15 8TU

Atkins
The Hub
500 Park Avenue
Aztec West
Almondsbury
Bristol
BS32 4RZ



Holme Valley Parish Council
Holmfirth Civic Hall
Huddersfield Road
Holmfirth
HD9 3AS

The Ramblers Association
1 Clink Street
3rd Floor
London
SE1 9DG
pathorders@ramblers.org.uk

Southern Area Road Policing
Unit
Carrgate
Wakefield

Southernareapu@westyorkshire.nn.police.uk

Highways Coordination Team
KCOM Group
BT Building 1
Willerby Hill Business Park
Beverley Road
Hull HU10 6FE
highwaysadmin@KCOM.com

Open Spaces Society
25a Bell Street
Henley on Thames
Oxon
RG9 2BA
Office2@oss.org.uk

networkalterationsuk@openreach.uk
(Openreach BT)

Byways & Bridleways Trust
Office G of H, 2nd Floor
Bridge Mills
Huddersfield Road
Holmfirth HD9 3TW
notices@bywaysandbridlewaystrust.org.uk

Mrs T K Styles (Secretary)
British Driving Society
Endersley
Church Road
Wingfield
Eye Suffolk IP21 5QJ
email@britishdrivingsociety.co.uk

Auto-Cycle Union
Wood Street
Rugby
Warwickshire
CV21 2XY
admin@acu.org.uk

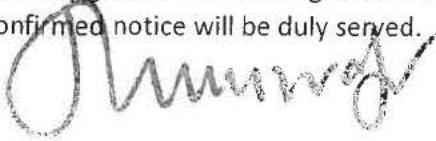
British Horse Society
Deer Park
Stoneleigh
Kenilworth
Warwickshire
CV8 2LR
access@bhs.org.uk

Trail Riders Fellowship
a3rlp@btinternet.com

CD12

AN UNDERTAKING THAT IF CONFIRMED, NOTICE WILL BE DULY PUBLISHED AND SERVED; OR IF NOT CONFIRMED NOTICE WILL BE DULY SERVED

I hereby give an undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served.

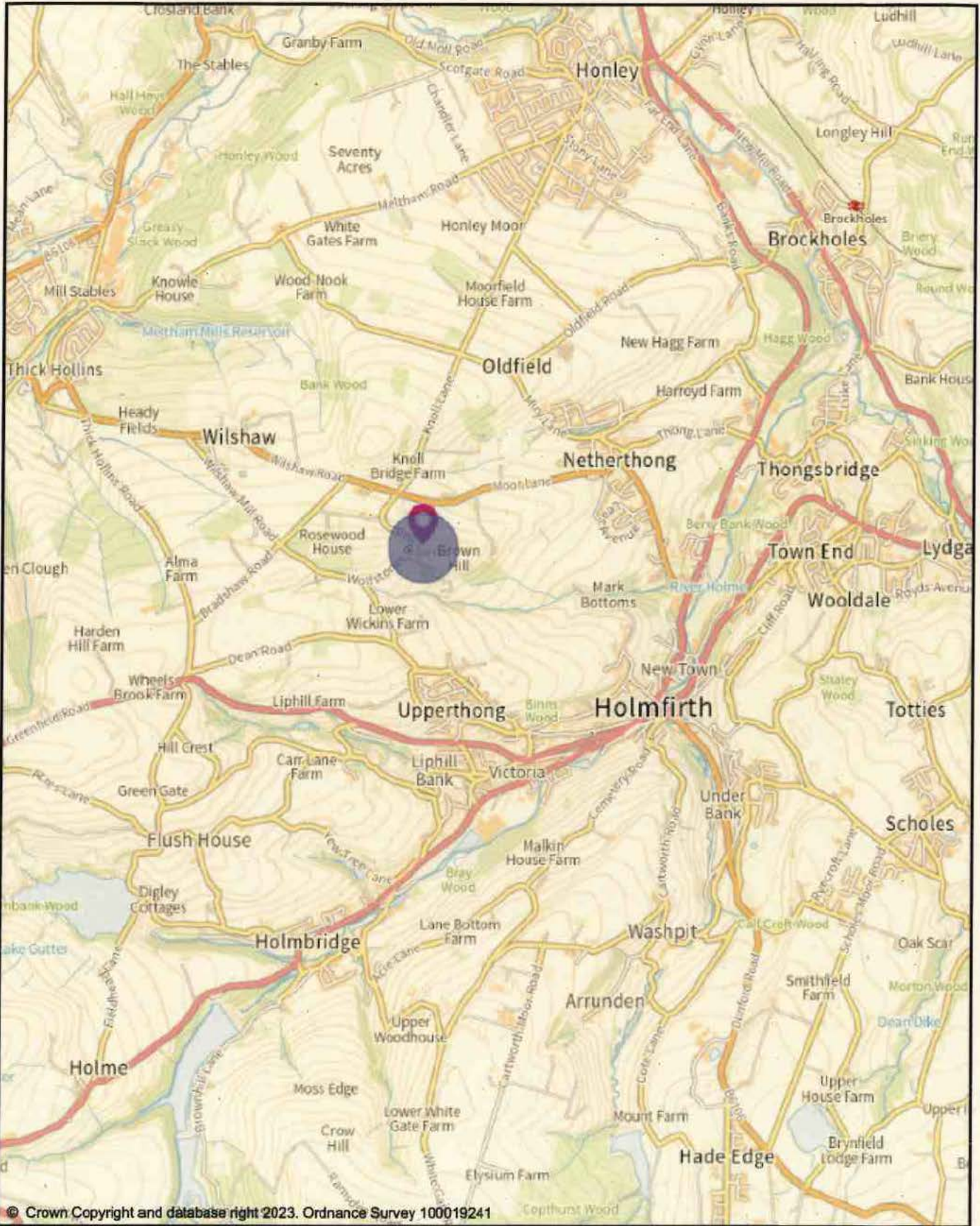
A handwritten signature in black ink, appearing to read 'Julie Muscroft', written over the text of the undertaking.

Julie Muscroft

Service Director- Legal, Governance and Commissioning

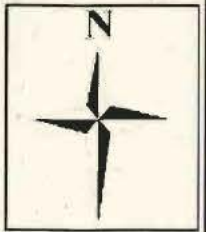
CD 13

LOCATION MAP TO ENABLE THE INSPECTOR TO LOCATE THE SITE



Kompass
Kirklees Mapping Service

Location Plan HOL/60 Wolfstones Heights Fm HD9 3UU
Scale = 1:25000
maps@kirklees.gov.uk



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CD14

**WRITTEN PERMISSION FROM THE LANDOWNER ALLOWING THE INSPECTOR
ACCESS TO THE LAND**

This will be requested, and will be forwarded to you upon receipt.

CD15


NAMES AND ADDRESS OF THE APPLICANT

Peak and Northern Footpath Society
Taylor House
23 Turncroft Lane
Stockport
SK1 4AB

CD16

CONFIRMATION THAT THE OMA IS SUPPORTING THE ORDER

I confirm that Kirklees Council is supporting the Order.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', written over the text 'I confirm that Kirklees Council is supporting the Order.'

Julie Muscroft

Service Director- Legal, Governance and Commissioning

**CD17 DETAILS OF THE TIME AND PLACE WHERE DOCUMENTS RELATING TO THE ORDER
WILL BE MADE AVAILABLE FOR PUBLIC INSPECTION BY THE AUTHORITY**

Documents relating to the Order will be made available for public inspection by the authority at:-

Kirklees Council Customer Services, Civic Centre 3, Huddersfield

(Monday to Friday 09:00 - 17:00 except Thursday 10:00 - 17:00)

CD18

THE COMPLETED HEALTH AND SAFETY QUESTIONNAIRE

Health and safety at the site questionnaire

The Inspector will visit the site and will need to know what safety equipment and protective clothing to bring. The following questions indicate the type of information the Inspector will need about the site. Please supply any additional information on a separate sheet of paper.

1. Is the site uneven or does it present any other known risks? Is special footwear or any other Personal Protection Equipment required?

Route in question comprises tarmac driveway, continuing as stone / grass surfaced track which may be uneven. No PPE required.

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

Horses may be present on land abutting the route. Fields are fence from the path.

3. Is the site remote and/or can it be seen from other highways or rights of way?

Site is in a rural location, but not particularly remote. Just over 1km from villages of Upperthong and Netherthong. Full length of route visible from junction with Wolfstones Road at point A on Order Plan.

4. Does the site have a good mobile phone signal or is there easy access to a public telephone should the emergency services be required?

Site has good mobile phone signal. Nearest public telephones in villages of Upperthong, Netherthong, and Wilshaw

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

FP HOL/60 is open and available for use, and easily accessible

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

Farming equipment and building material may have been stored along the line of the route. These are not considered dangerous.

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

No

CD19

SECRETARY OF STATE'S LETTER OF DISPENSATION

Letter dated 24 June 2021

3/A Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5502
Customer Services: 0303 444 5000
Fax 0117 372 6153
e-mail: clive.richards@planninginspectorate.gov.uk

Harry Garland
Legal Officer
Kirklees Council

Your Ref: PLA/HG/D105-171

Our Ref: DISPENSATION FILE

By Email Only

Date: 24 JUNE 2021

Dear Sir

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL DEFINITIVE MAP AND
STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (HOLMFIRTH 60 – WOLFSTONES ROAD TO BROWN HILL,
NETHERTHONG), DEFINITIVE MAP MODIFICATION ORDER 2022**

I am directed by the Secretary of State for the Environment, Food and Rural Affairs to refer to your letter of 23 June 2021 requesting dispensation concerning the service of notice on owners and occupiers in respect of the above Order.

It is noted that, despite your extensive enquiries, you have not been able to ascertain the ownership of the land in question. In these circumstances and in accordance with paragraph 3(4) of Schedule 15 to the Wildlife and Countryside Act 1981, the Secretary of State hereby directs that it is not necessary for your Council to serve notice on the owners and occupiers of the land over which the Order route runs as required by paragraph 3(2)(b)(i). Your Council's attention is drawn to the requirements in paragraph 3(4) regarding the manner in which the notice should be addressed and displayed.

Should the above Order be submitted to the Secretary of State for determination in the future would you please ensure that a copy of this letter is enclosed with the necessary documentation.

Yours faithfully

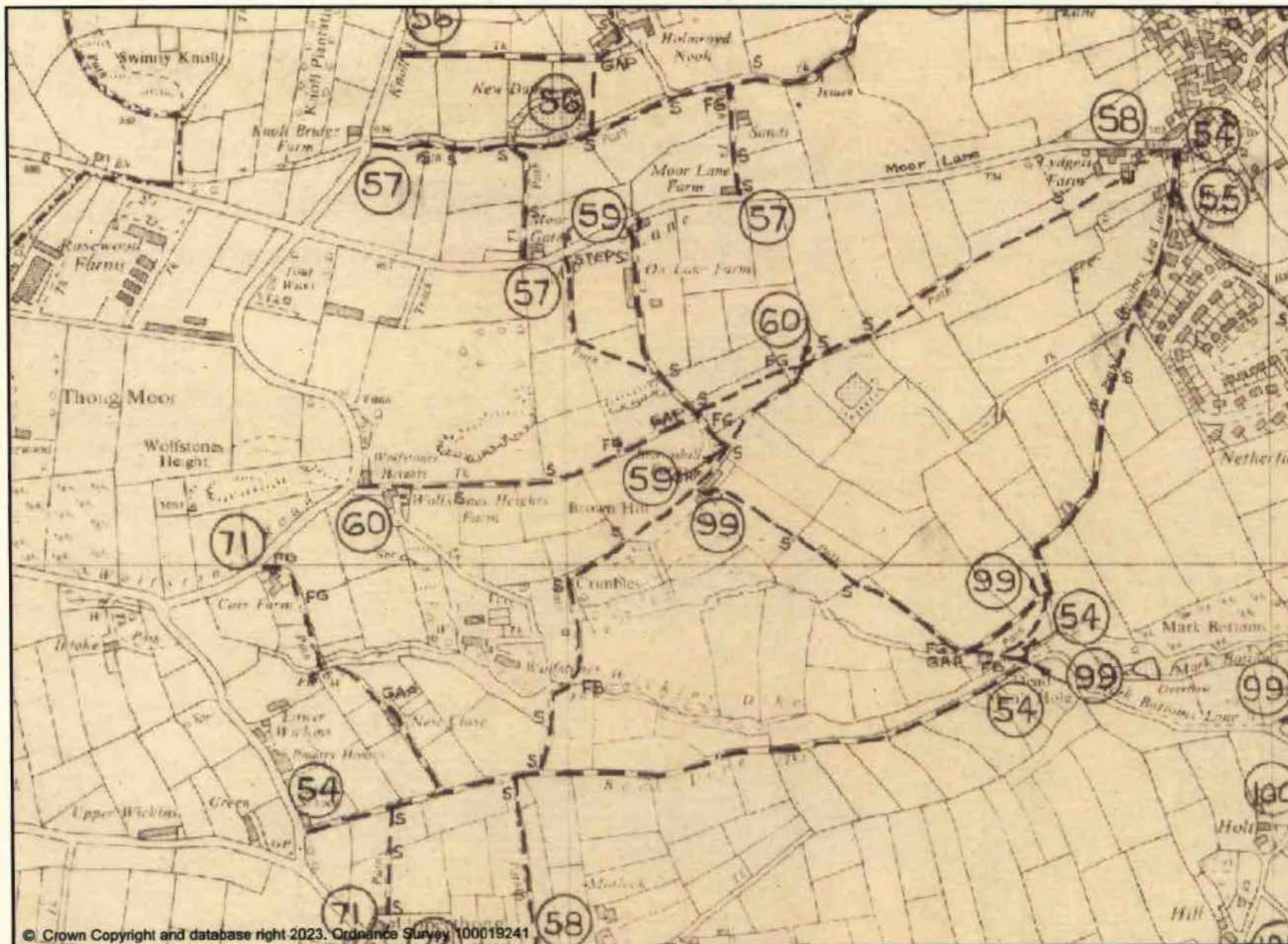
Clive Richards

PLANNING INSPECTORATE

CD20

AN EXTRACT FROM THE DEFINITIVE MAP AND STATEMENT

Extract from WYMCC Definitive Map - FP Holmfirth 60 (whole length)



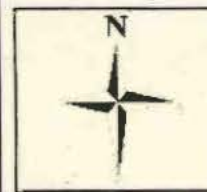
Kompass

Kirklees Mapping Service

Scale = 1:8000

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Ordnance Survey
100019241

maps@kirklees.gov.uk



9/1/1985

WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL

WILDLIFE & COUNTRYSIDE ACT 1981

PT. III PUBLIC RIGHTS OF WAY

STATEMENT ACCOMPANYING THE MODIFIED DEFINITIVE MAP

RELEVANT DATE 30th APRIL 1985

AREA COVERED

KIRKLEES M.D.

Path No.	Map Reference	Description of Route	Nature of Surface	Approximate Length		Approximate Width		General
				Miles	Metres	Feet	Metres	
53	SE 10 NW 1409	Footpath commencing at its junction with New Road and proceeding east south and eastward to its junction with the Huddersfield and Woodhead County Road A6024 at Upper Pear Nought.	Pasture (part metalled and unmetalled)	0.53	551	4	1.2	1 Stile 1 Set Posts
54	SE 10 NW 1309	Footpath along Broomy Lane and back Lane commencing at its junction with Moor Lane and proceeding southward to Head Man's Hole thence westward to its junction with Wickins Lane at the Sunday School.	Green Lane (part Metalled)	1.20	1951	4	1.2	3 Stiles
55	SE 10 NW 1309	Footpath commencing at its junction with Path No. 24 and proceeding south eastward to its junction with Hobbie Lane with a branch proceeding eastward to its junction with New Road.	Pasture	0.57	918	4	1.2	1 Footbridge 1 Notice 5 Stiles 1 Set Steps
56	SE 11 SW 1310 SE 10 NW	Footpath commencing at its junction with Miry Lane and proceeding in a south westerly direction to its junction with Path No. 57 at New Lane with a branch road proceeding westward to its junction with Knoll Lane.	Pasture Metalled	0.57 0.19	596 306	4	1.2	5 Stiles 1 Cap
57	SE 10 NW 1309	Footpath commencing at its junction with Miry Lane at Miry Lane Bottom and proceeding in a south westerly and westerly direction to its junction with Knoll Road with (1) a branch proceeding southward to its junction with Moor Lane at Moor Lane Farm and (2) a branch to Moor Lane at Moor Gate.	Pasture, Part Metalled & Ashed	0.76	1225	4	1.2	10 Stiles 1 Field Gate
58	SE 10 NW 1309	Footpath commencing at its junction with Moor Lane and proceeding in a south westerly direction to Wolfstone's Gardens thence southward to Town Gate at Matlock.	Pasture and Arable	1.03	1657	4	1.2	11 Stiles 4 Hunting Gates 1 Cap 1 Footbridge
59	SE 10 NW 1309	Footpath known as Ox Lane commencing at its junction with Path No. 58 and proceeding in a north westerly direction to its junction with Moor Lane with a branch footpath proceeding northward to its junction with Moor Lane.	Pasture Roughly Metalled	0.25 0.14	403 225	4 4	1.2 1.2	1 Set Steps 2 Stiles 1 Field Gate 1 Cap
60	SE 10 NW 1309	Footpath commencing at its junction with Path No. 58 and proceeding in a south westerly direction to its junction with Wolfstones Road.	Pasture and part metalled	0.45	691	4	1.2	3 Stiles 2 Field Gates 1 Wicket Gate
61	SE 00 NE 0707	Footpath commencing at its junction with the Greenfield Road A655 and proceeding in a north westerly direction to the Colne Valley Boundary.	Soil	0.08	129	4	1.2	
62	SE 00 NE 0907	Bridleway commencing at its junction with the Greenfield Road A655 and proceeding northward to the Maltham Boundary.	Roughly Metalled	0.10	161	8	2.4	

CD21

EVIDENCE FORMS WHERE THE ORDER INVOLVES USER EVIDENCE

Around 15 User Evidence Forms will be submitted with the Statement of Case