

D112-330

Holmfirth 146 (Part) at Milshaw Farm  
Milshaw, Hepworth

## Checklist for Order Making Authorities

<b>DOCUMENT – the documents shown in bold are those required by legislation.</b>	<b>Doc. Ref.</b>
<b>Signed/sealed order in duplicate. (Please do not attach/staple other documents to the sealed orders.)</b>	CD1 7-12
Two copies of the order and associated maps.	CD2 13-25
OMA's submission letter. Please include, if possible, dates when your Council would not be available for a hearing or inquiry over the next 11 months.	CD3  26-27
<b>Although we will do our best to avoid any dates you provide to us, we are unable to give any guarantees.</b>	
<b>Statement of the grounds on which it is considered the order should be confirmed.</b>	CD4  28-40
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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/evidence<sup>1</sup> on which your statement of grounds is based.</li> <li>• <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.</li> </ul>	
<b>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</b>	
<b>Representations and objections to the order (including supporters)</b> , along with a covering list of their names.	CD5 41-46
<b>Statement containing the OMA's comments on the objections.</b>	CD6  47-50

<sup>1</sup> 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.

<b>Copy of the notice publicising the order together with a copy of newspaper cutting(s).</b>	CD7 51-54
<b><u>REFER TO NOTE 1 ABOVE</u></b>	CD8 55
<b>Certificate that, in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local offices.</b>	
<b>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></b>	CD9 56
Copies of any replies to the pre-order consultation and the responses by the OMA.	CD10 57-63
<b>Name and address of every person, council or prescribed organisation notified under either</b> <b>(i) 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;</b> <b>or</b> <b>(ii) 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;</b> <b>or</b> <b>(iii) 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.</b>	CD11 64-67
<b>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 5 above.</b>	
<b>Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served.</b>	CD12 68
Location map to enable the Inspector to locate the site.	69-70 CD13
Written permission from the landowner allowing the Inspector access to the land (where applicable).	CD14 71
Name and address of the applicant.	CD15 72

<ul style="list-style-type: none"> <li>• Confirmation that the OMA is supporting the order.</li> <li>• If an Inquiry or Hearing is held, will you still be supporting the order.</li> </ul> <p>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.</p>	CD16 73
Details of the time and place where documents relating to the order will be made available for public inspection by the authority.	CD17 74
Health and Safety issues; please complete the attached questionnaire.	CD18 75-77
In the event that 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).	
<b>REFER TO NOTE 2 ABOVE</b> 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 78

<p><u>WCA only</u></p> <ul style="list-style-type: none"> <li>▪ <b>Extract from the definitive map and statement;</b></li> <li>▪ 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.</li> <li>▪ In the event that the Order has been severed, a copy of the letter issued to the Secretary of State. Please make reference to the fact that the Order has been severed in your submission letter.</li> </ul>	CD20 78-80
<p><u>If your Council has been directed to make the Order</u></p> <ul style="list-style-type: none"> <li>▪ The Secretary of State's decision;</li> <li>▪ A copy of the Application and supporting documents</li> </ul>	CD21 81-82

<p><u>HA and TCPA only</u></p> <ul style="list-style-type: none"> <li>▪ Undertaking that any new path or way to be provided will be ready for use before the order comes into operation;</li> </ul>	CD19
<ul style="list-style-type: none"> <li>▪ Extract from the definitive map and statement; and</li> </ul>	CD20
<ul style="list-style-type: none"> <li>▪ Where applicable, details of any statutory designation affecting the order route(s) (such as common land, AONB, SSSI).</li> </ul>	

<p><u>HA only</u></p> <ul style="list-style-type: none"> <li>▪ <b>Where land is owned by an ecclesiastical benefice, certificate that the Church Commissioners have been notified.</b></li> </ul>	
<p><u>S26, 118 and 119</u></p> <ul style="list-style-type: none"> <li>▪ A copy of the <u>relevant</u> part(s) of the Rights of Way Improvement Plan (ROWIP), or confirmation that there isn't any 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).</li> </ul>	CD21
<p><u>S118A and 119A(Rail Crossing Orders)</u></p> <ul style="list-style-type: none"> <li>▪ <b>A copy of the application for the order;</b></li> <li>▪ A copy of any documents submitted by the applicant in support of the request for the order;</li> <li>▪ A copy of the case put forward by the operator justifying the need for an order to close or divert the railway crossing;</li> <li>▪ A copy of any related maps or plans that accompanied the request for the order;</li> <li>▪ Details of any related proposals such as a bridge or tunnel order;</li> <li>▪ <b>Where required, a certificate showing that the OMA has consulted or received consent from any other authority or body;</b></li> <li>▪ <b>A statement of the nature and effect of any such consultation.</b></li> </ul>	

- 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 of 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.

S118B(1)(a) and 119B(1)(a)

- 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.

TCPA only

- A copy of the relevant planning permission and a copy of the approved plan or copy of relevant planning application (where Order 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.
- **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;**

CD1

**HIGHWAYS ACT 1980**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**KIRKLEES COUNCIL (PUBLIC FOOTPATH HOLMFIRTH 146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2020**

This Order is made by Kirklees Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

This order is also made under Section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Area require modification in consequence of an event specified in Section 53(3)(a)(i) of the 1981 Act namely the diversion (as authorised by this order) of a highway shown or required to be shown in the Map and Statement.

The applicant Margaret Clare Whitaker has agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

**BY THIS ORDER:**

1. The public rights of way over the land situate at Upper Millshaw Farm, Millshaw Lane, Hepworth and shown by a bold continuous line on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 14 days from the date of confirmation of the order and thereupon the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Council shall be modified by deleting from it the public right of way.
2. Notwithstanding this order where immediately before the date on which the footpaths are diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
3. There shall be at the end of 14 days from the date of confirmation of this order public footpaths over the land situate at Upper Millshaw Farm, Millshaw Lane, Hepworth described in Part 2 of the Schedule and shown by bold broken lines on the map contained in this order and thereupon the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Council shall be modified accordingly.
4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.
5. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Council shall be modified as described in Part 4 of the Schedule to the order.



6. This order shall be cited as the "Kirklees Council (Public Footpath Holmfirth 146 (part) at Upper Millshaw Farm, Millshaw Lane, Hepworth) Public Path Diversion and Definitive Map and Statement Modification Order 2020.

GIVEN under the Corporate Common )  
Seal of the Council of the Borough of )  
Kirklees this Eighteenth day of February )  
Two Thousand and twenty )



013181

C. A. Lukachi

Service Director – Legal, Governance and Commissioning/Authorised Signatory

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
KIRKLEES COUNCIL (PUBLIC FOOTPATH HOLMFIRTH  
146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH) PUBLIC  
PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER  
2020**

**SCHEDULE**

**PART 1**

**Description of site of existing paths (to be stopped up)**

Public footpath Holmfirth 146 having a width of 1.2 metres and shown on the plan annexed hereto by a bold solid line commencing at its junction with bridleway 134 at point A at grid reference 1775 0646 and proceeding in a southerly then westerly then southerly direction for 133 metres to point B at grid reference 1772 0635

**PART 2**

**Description of site of new paths (to be created)**

Public footpath Holmfirth 146 having a width of 2 metres shown on the plan annexed hereto by a bold dashed line commencing at its junction with bridleway 134 at point C at grid reference 1767 0644 and proceeding in a south easterly direction for 21 metres to point D at 1769 0644 then proceeding in a west south-westerly direction for 126 metres to point B at grid reference 1772 0635

Width: 2 metres

Length: 147 metres

Surface: Grass

**PART 3**

**Limitations and Conditions**

Limitation: Pedestrian gate to British Standard 5709:2018 at point D

## Part 4

### MODIFICATION OF DEFINITIVE MAP AND STATEMENT

#### AREA: Holmfirth

Title of Legal Event giving rise to modification	Highways Act 1980, section 119. Wildlife and Countryside Act 1981, section 53(A)(2)  Kirklees Council (Public footpath Holmfirth 146 (part) at Upper Millshaw Farm, Upper Millshaw Lane, Hepworth). Public path diversion and definitive map and statement modification order 2020
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#### Modification of the Definitive Map

Annexed map ref no.	Path no.	modification	from point	to point	via points	Width (m)	Approx length (m)
1	146	Footpath deletion	A	B		1.2	133
1	146	Footpath addition	C	B	D	2	147

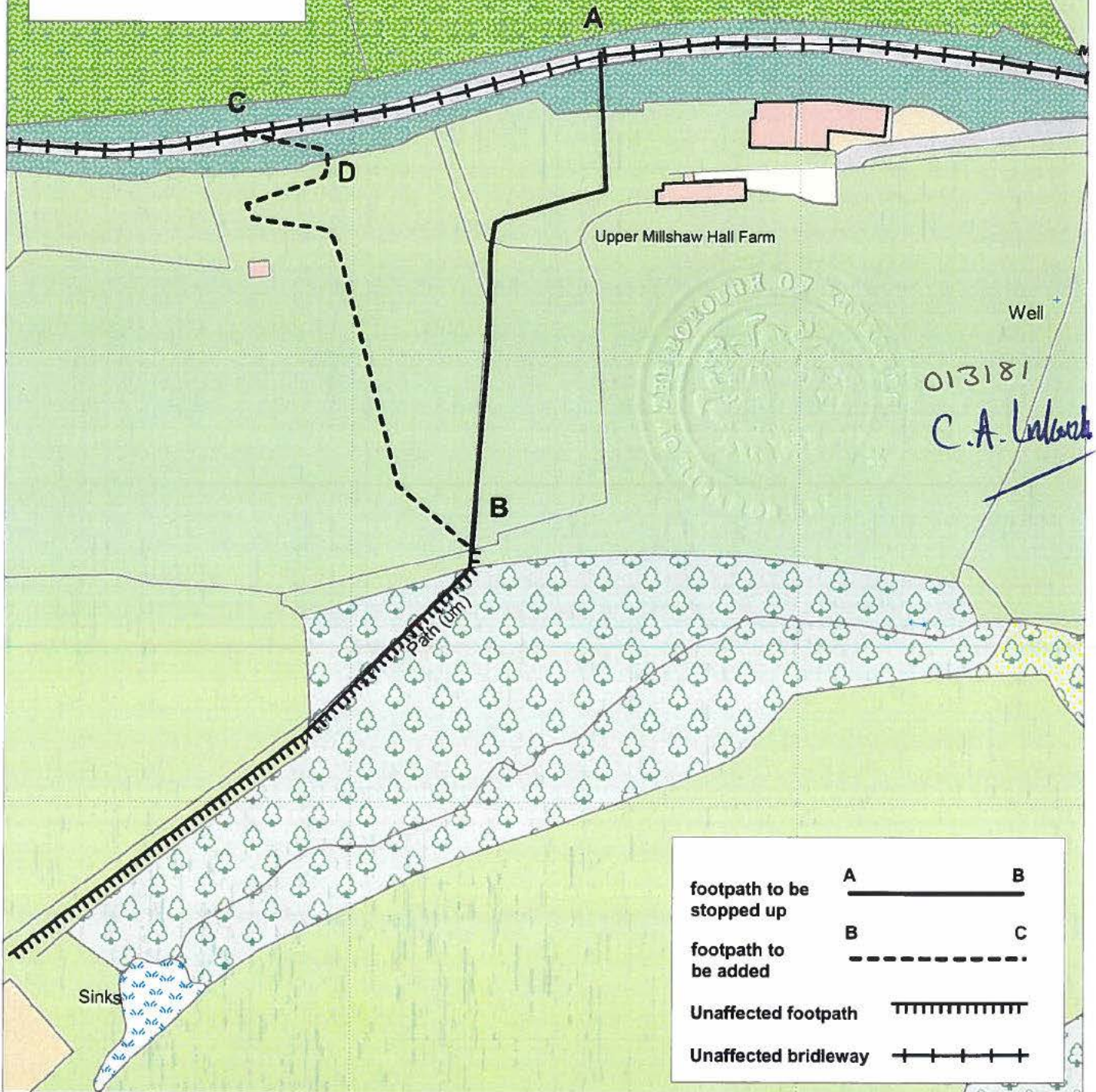
#### Modification of the Definitive Statement

Path Number	Map ref	Description of Route	Nature of Surface	Length (m)	Width (m)	General
146	SE 10 NE / 1706	Footpath commencing at its junction with path no 134 at Upper Mill Shaw and proceeding in a south westerly direction to the Sheffield Road thence continuing south westward to its junction with path no 145	Arable and metalled and woodland Grass	591 147	1.2 2	5 stiles 1 pedestrian gate to British standard 5709

**Highways Act 1980, section 119. Diversion of public footpath Holmfirth 146(part) at Upper Millshaw Farm, Upper Millshaw lane, Hepworth**

**Grid references**

- Point A - SE 1775 0646
- Point B - SE 1772 0635
- Point C - SE 1767 0644
- Point D - SE 1769 0644



**PUBLIC PATH DIVERSION AND DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
KIRKLEES COUNCIL (PUBLIC FOOTPATH  
146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND  
STATEMENT MODIFICATION ORDER 2020**

Kirklees Council  
Legal, Governance and Monitoring  
2nd Floor  
High Street Buildings  
High Street  
Huddersfield  
HD1 2ND

CD2

CD2

TWO COPIES OF THE ORDER AND ASSOCIATED MAP

**HIGHWAYS ACT 1980**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**KIRKLEES COUNCIL (PUBLIC FOOTPATH HOLMFIRTH 146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2020**

This Order is made by Kirklees Council ("the authority") under section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that in the interests of the owner of the land crossed by the footpath described in paragraph 1 of this order it is expedient that the line of the path should be diverted.

This order is also made under Section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Area require modification in consequence of an event specified in Section 53(3)(a)(i) of the 1981 Act namely the diversion (as authorised by this order) of a highway shown or required to be shown in the Map and Statement.

The applicant Margaret Clare Whitaker has agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

**BY THIS ORDER:**

1. The public rights of way over the land situate at Upper Millshaw Farm, Millshaw Lane, Hepworth and shown by a bold continuous line on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 14 days from the date of confirmation of the order and thereupon the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Council shall be modified by deleting from it the public right of way.
2. Notwithstanding this order where immediately before the date on which the footpaths are diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
3. There shall be at the end of 14 days from the date of confirmation of this order public footpaths over the land situate at Upper Millshaw Farm, Millshaw Lane, Hepworth described in Part 2 of the Schedule and shown by bold broken lines on the map contained in this order and thereupon the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Council shall be modified accordingly.
4. The rights conferred on the public under this order shall be subject to the limitations and conditions set out in Part 3 of the Schedule.
5. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Council shall be modified as described in Part 4 of the Schedule to the order.



6. This order shall be cited as the "Kirklees Council (Public Footpath Holmfirth 146 (part) at Upper Millshaw Farm, Millshaw Lane, Hepworth) Public Path Diversion and Definitive Map and Statement Modification Order 2020.

GIVEN under the Corporate Common )  
Seal of the Council of the Borough of )  
Kirklees this Eighteenth day of February )  
Two Thousand and twenty )



013181

C. A. Lukachi

Service Director – Legal, Governance and Commissioning/Authorised Signatory

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
KIRKLEES COUNCIL (PUBLIC FOOTPATH HOLMFIRTH  
146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH) PUBLIC  
PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER  
2020**

**SCHEDULE**

**PART 1**

**Description of site of existing paths (to be stopped up)**

Public footpath Holmfirth 146 having a width of 1.2 metres and shown on the plan annexed hereto by a bold solid line commencing at its junction with bridleway 134 at point A at grid reference 1775 0646 and proceeding in a southerly then westerly then southerly direction for 133 metres to point B at grid reference 1772 0635

**PART 2**

**Description of site of new paths (to be created)**

Public footpath Holmfirth 146 having a width of 2 metres shown on the plan annexed hereto by a bold dashed line commencing at its junction with bridleway 134 at point C at grid reference 1767 0644 and proceeding in a south easterly direction for 21 metres to point D at 1769 0644 then proceeding in a west south-westerly direction for 126 metres to point B at grid reference 1772 0635

Width: 2 metres

Length: 147 metres

Surface: Grass

**PART 3**

**Limitations and Conditions**

Limitation: Pedestrian gate to British Standard 5709:2018 at point D

## Part 4

### MODIFICATION OF DEFINITIVE MAP AND STATEMENT

#### AREA: Holmfirth

Title of Legal Event giving rise to modification	Highways Act 1980, section 119. Wildlife and Countryside Act 1981, section 53(A)(2)  Kirklees Council (Public footpath Holmfirth 146 (part) at Upper Millshaw Farm, Upper Millshaw Lane, Hepworth). Public path diversion and definitive map and statement modification order 2020
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#### Modification of the Definitive Map

Annexed map ref no.	Path no.	modification	from point	to point	via points	Width (m)	Approx length (m)
1	146	Footpath deletion	A	B		1.2	133
1	146	Footpath addition	C	B	D	2	147

#### Modification of the Definitive Statement

Path Number	Map ref	Description of Route	Nature of Surface	Length (m)	Width (m)	General
146	SE 10 NE / 1706	Footpath commencing at its junction with path no 134 at Upper Mill Shaw and proceeding in a south westerly direction to the Sheffield Road thence continuing south westward to its junction with path no 145	Arable and metalled and woodland Grass	591 147	1.2 2	5 stiles 1 pedestrian gate to British standard 5709

**Highways Act 1980, section 119. Diversion of public footpath Holmfirth 146(part) at Upper Millshaw Farm, Upper Millshaw lane, Hepworth**

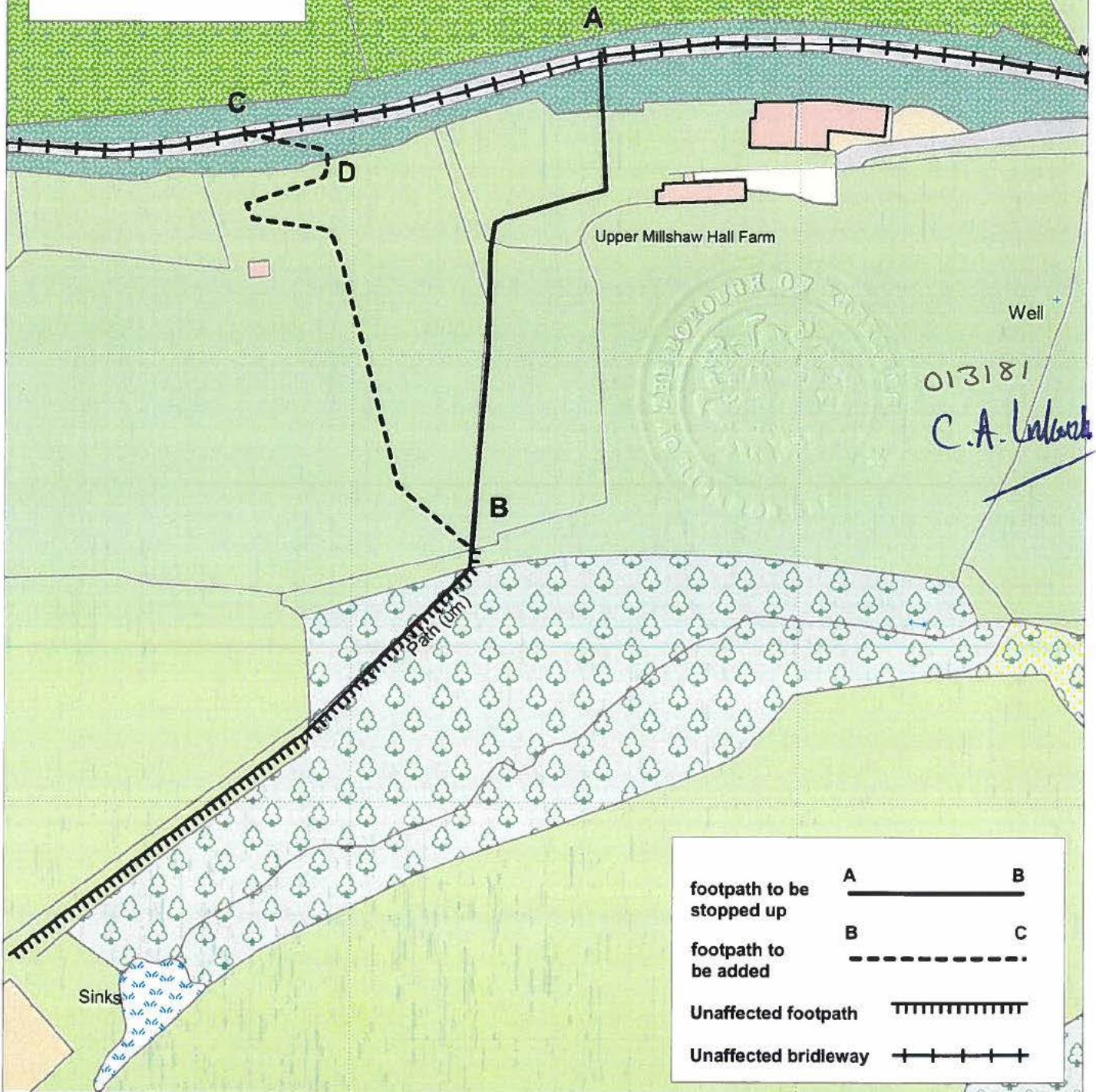
**Grid references**

Point A - SE 1775 0646

Point B - SE 1772 0635

Point C - SE 1767 0644

Point D - SE 1769 0644



013181  
C.A. Unsworth

**PUBLIC PATH DIVERSION AND DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
KIRKLEES COUNCIL (PUBLIC FOOTPATH  
146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND  
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Kirklees Council  
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**HIGHWAYS ACT 1980**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**KIRKLEES COUNCIL (PUBLIC FOOTPATH HOLMFIRTH 146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2020**

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This order is also made under Section 53A(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") because it appears to the authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Area require modification in consequence of an event specified in Section 53(3)(a)(i) of the 1981 Act namely the diversion (as authorised by this order) of a highway shown or required to be shown in the Map and Statement.

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**BY THIS ORDER:**

1. The public rights of way over the land situate at Upper Millshaw Farm, Millshaw Lane, Hepworth and shown by a bold continuous line on the map contained in this order and described in Part 1 of the Schedule to this order shall be stopped up after 14 days from the date of confirmation of the order and thereupon the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Council shall be modified by deleting from it the public right of way.
2. Notwithstanding this order where immediately before the date on which the footpaths are diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
3. There shall be at the end of 14 days from the date of confirmation of this order public footpaths over the land situate at Upper Millshaw Farm, Millshaw Lane, Hepworth described in Part 2 of the Schedule and shown by bold broken lines on the map contained in this order and thereupon the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Council shall be modified accordingly.
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Service Director – Legal, Governance and Commissioning/Authorised Signatory

**HIGHWAYS ACT 1980  
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KIRKLEES COUNCIL (PUBLIC FOOTPATH HOLMFIRTH  
146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH) PUBLIC  
PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER  
2020**

**SCHEDULE**

**PART 1**

**Description of site of existing paths (to be stopped up)**

Public footpath Holmfirth 146 having a width of 1.2 metres and shown on the plan annexed hereto by a bold solid line commencing at its junction with bridleway 134 at point A at grid reference 1775 0646 and proceeding in a southerly then westerly then southerly direction for 133 metres to point B at grid reference 1772 0635

**PART 2**

**Description of site of new paths (to be created)**

Public footpath Holmfirth 146 having a width of 2 metres shown on the plan annexed hereto by a bold dashed line commencing at its junction with bridleway 134 at point C at grid reference 1767 0644 and proceeding in a south easterly direction for 21 metres to point D at 1769 0644 then proceeding in a west south-westerly direction for 126 metres to point B at grid reference 1772 0635

Width: 2 metres

Length: 147 metres

Surface: Grass

**PART 3**

**Limitations and Conditions**

Limitation: Pedestrian gate to British Standard 5709:2018 at point D



## Part 4

### MODIFICATION OF DEFINITIVE MAP AND STATEMENT

#### AREA: Holmfirth

Title of Legal Event giving rise to modification	Highways Act 1980, section 119. Wildlife and Countryside Act 1981, section 53(A)(2)  Kirklees Council (Public footpath Holmfirth 146 (part) at Upper Millshaw Farm, Upper Millshaw Lane, Hepworth). Public path diversion and definitive map and statement modification order 2020
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#### Modification of the Definitive Map

Annexed map ref no.	Path no.	modification	from point	to point	via points	Width (m)	Approx length (m)
1	146	Footpath deletion	A	B		1.2	133
1	146	Footpath addition	C	B	D	2	147

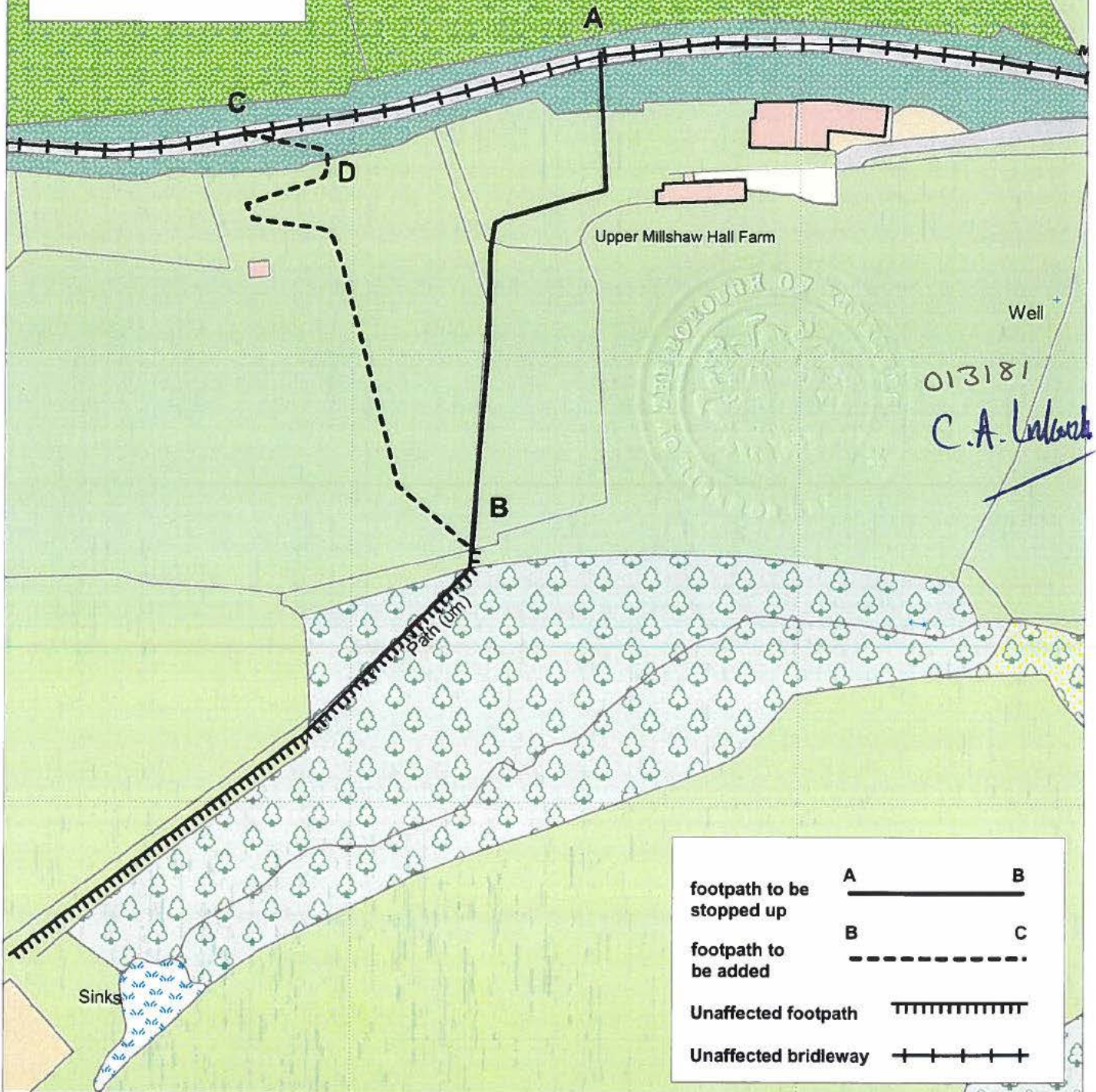
#### Modification of the Definitive Statement

Path Number	Map ref	Description of Route	Nature of Surface	Length (m)	Width (m)	General
146	SE 10 NE / 1706	Footpath commencing at its junction with path no 134 at Upper Mill Shaw and proceeding in a south westerly direction to the Sheffield Road thence continuing south westward to its junction with path no 145	Arable and metalled and woodland Grass	591 147	1.2 2	5 stiles 1 pedestrian gate to British standard 5709

# Highways Act 1980, section 119. Diversion of public footpath Holmfirth 146(part) at Upper Millshaw Farm, Upper Millshaw lane, Hepworth

## Grid references

- Point A - SE 1775 0646
- Point B - SE 1772 0635
- Point C - SE 1767 0644
- Point D - SE 1769 0644



**PUBLIC PATH DIVERSION AND DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER**

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
KIRKLEES COUNCIL (PUBLIC FOOTPATH  
146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH)  
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND  
STATEMENT MODIFICATION ORDER 2020**

Kirklees Council  
Legal, Governance and Monitoring  
2nd Floor  
High Street Buildings  
High Street  
Huddersfield  
HD1 2ND

CD3

**CD3**

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

Room 3A Eagle  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

rightsofway2@planninginspectorate.gov.uk

Tel: 01484 221000

Email: [harry.garland@kirklees.gov.uk](mailto:harry.garland@kirklees.gov.uk)  
[www.kirklees.gov.uk](http://www.kirklees.gov.uk)

19 December 2020

Our Reference: PLA/HG/D112-330  
Your Reference:

Dear Sir/Madam

**Highways Act 1980**  
**Wildlife and Countryside Act 1981**  
**Kirklees Council (Public Footpath Holmfirth 146 (Part) at Upper Milshaw Farm, Milshaw Lane, Hepworth) Public Path Diversion and Definitive Map Modification Order 2020**

On 18 February 2020 Kirklees Council made the above modification order and objection were made to the order.

Objections were made to the order, although several of these have since been withdrawn

The objection that remains relates to technical inaccuracy in the description of the new path in part 2 of the Schedule to the order.

The Council is submitting this order, with documentation listed in the Cecklist for Order Making Authorities, requesting that this inaccuracy be modified and the order then be confirmed.

Please be advised that we are submitting this bundle electronically, however we will sent you the physical copies of the sealed order in duplicate.

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**

CD4

CD4

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



**CD 4 - The Council's statement of grounds on which it is considered that the Order should be confirmed**

**Highways Act 1980 Wildlife & Countryside Act 1981 Kirklees Council (Public footpath Holmfirth 146 (part) at Upper Millshaw Farm, Millshaw Lane, Hepworth) Public Path Diversion and Definitive Map and Statement Modification Order 2020.**

1. This Order was made by Kirklees Council on 18 February 2020 under section 119 of the Highways Act 1980. The Council supports confirmation of the Order.
2. Section 119 (1) - The Council is satisfied that it is expedient to divert the footpath in the interests of the owner of the land crossed by the path. The owner applied for the diversion, which would increase privacy, safety and security in the area, including around the new house. The existing footpath passes close to the house. The applicant is developing the site to build a house and has shown benefit through increased security in diverting the footpath away from the buildings and yard, which are isolated and may be unoccupied during the working day. The applicant has also shown that the diversion would increase privacy both in and around the house, and allow them better use of their land and domestic curtilage.
3. Section 119 (2) - The Council is satisfied that the diversion route is substantially as convenient to the public as the route to be extinguished. The difference in length of the affected existing (133 metres) and proposed parts of Holmfirth 146 (147 metres) is slight. Given the immediate PROW links to north and south; the rural nature of the area and the general recreational use of paths in the area, the movement of the northern terminus of this link of Holmfirth footpath 146 by less than 90 metres is seen as acceptable. Also, the proposal would divert the path as to terminate on the same highway (Holmfirth public bridleway 134) to the north.
4. Sections 119 (3) & (5) - The applicant owner has undertaken to put in the new path to the satisfaction of the council and is prepared to provide and install the

Order gate, which they would require for continued stock-proofing. This has been reaffirmed recently by their agent's email appended at **KC2**.

5. Section 119 (4) - allows conditions or limitations to be placed on the new right of way being created by the Order. The owner of the land is prepared to provide and install the Order gate at point D.
6. Section 119 (5) – the applicant has undertaken not to seek compensation under these provisions. The applicant has also agreed to undertake any works required to put the newly created route into fit condition.
7. Section 119 (6) (a) The Council is satisfied that the path would not be substantially less convenient to the public as a result of the diversion, it is not substantially longer, nor is the condition of the path inferior. The path would also connect equally well with the wider rights of way network. The ease of use is not diminished; indeed, the proposed path would be wider at 2 metres, rather than the existing recorded 1.2 metres. The new route would mainly consist of a cross-field grass path, in keeping with most other paths in the area and much of the existing path proposed to be stopped up. Any changes in the slopes to be negotiated are beneficial, and the existing and proposed routes are similarly challenging to users, which is dictated by the topography. Views from the new path are still superb and removal of the path section from the immediate property curtilage may be considered beneficial by some users and will remove the steepest current part of path 146. The Council has taken these factors into account when considering the effect which the diversion would have on public enjoyment of the footpath as a whole.
8. Section 119 (6) (b & c) - The Council has noted that the coming into operation of the Order would have very little or no negative effect on any land, moving a short length of footpath 146 off the verge of the bridleway behind the house to a similar part over the bridleway verge further west, and the rest of change reflecting direct access to the field avoiding the yard and a very steep slope. Moreover, the applicant has undertaken not to seek compensation under the relevant provisions. On consideration of all the above, the Council is satisfied that it is expedient to confirm the Order.

9. Section 119 (6A) - The diversion proposal is expedient considering the Council's rights of way improvement plan (see Bundle file ref: **CD19** for ROWIP extract).
10. The Council considers that the confirmation and coming into force of this Order as proposed for modification, would have no notable negative effects with regard to the needs of agriculture etc. (Sections 29 & 121 of the 1980 Act) or the requirements of the Disability Discrimination Act (1995 & 2005) and Equality Act 2010. Although the terrain is difficult, the new path route would be slightly more accessible.
11. The Order was publicised by notice sent to all affected owners, notice placed in the local paper, notice placed on site and consultees being notified by way of a letter enclosing both Order and notice (list of consultees attached).
12. One objection to the Order was received, from Peak & Northern Footpaths Society ("PNFS"). After discussions earlier this year, the PNFS withdrew its objection points relating to the ground conditions, retaining only their objection to technical inaccuracy in the text of the Order Schedule and apparent resultant contradiction with the Order map. By asking for modification of the compass point description of the new footpath in Part 2 of the Schedule, the Council considers that these can be fully addressed prior to confirmation. The proposed modification of the schedule text would bring it clearly into line with the Order plan.
13. The Council considers that the modification does not require advertisement, that no-one is disadvantaged by the proposed modification and that, as it is a technical typographic error, not related to matters of the merits of the diversion, the Order should be modified and confirmed.
14. The Order provides for a gate to be authorised to be erected at point D 'to British Standard 5709:2018'. The Order contains provision for the alternative route to be created 14 days after confirmation of the Order and the Council will ensure compliance with the requirements of Section 119(3) Highways Act 1980, that the route is brought into a fit condition for use by the public. Appendix **KC2** confirms the applicant's intention to undertake any remaining work within 14 days of confirmation.

15. The Council as OMA supports the Order and asks that it be confirmed subject to the following modification:

In part 2 of the Schedule, description of new paths, substitute “**generally west, then east-southeast, then south,**” for “in a west south-westerly direction”. The Council considers that the Order so amended would meet the legal tests in every respect and submits the Order to the Secretary of State for confirmation.

16. The Council does not currently intend to submit any further documentation beyond the Order file bundle and would therefore respectfully request that the Order be modified as proposed and confirmed.

Appendices:

**KC1** : Email correspondence of Kirklees Council with PNFS further to its Order objection, including withdrawal of stated PNFS grounds for objection, except the typographic mistake in the text (which also gave the appearance of the Order Schedule conflicting with the Order plan new path route).

**KC2** : Email of 9 December 2020 from applicant’s agent regarding any further works to provide the new path.

K C 1

**From:** Giles Cheetham  
**To:** [REDACTED]  
**Cc:** "assessors@peakandnorthern.org.uk"; Cllr Paul Davies; Harry Garland; prowgroups  
**Subject:** RE: Public Footpath 146 (Part) Diversion Order 2020 Ref:DEV/HG/ML/D112-330  
**Date:** 22 June 2020 13:11:00

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Public Footpath 146 (Part) Diversion Order 2020 Ref:DEV/HG/ML/D112-330

Hello [REDACTED]

Thanks for that, the reviewed position of the Society is appreciated.

The order plan is correct as published. The discrepancy identified in your objection point 2, is due to the issue that you identify in your point 1, i.e. the wording of the new path description at Part 2 of the Order schedule.

To my mind, proposed modification of the new path description in Part 2 of the Order Schedule relating to new path direction(s) (and possibly an associated breakdown of length) would therefore address both the Society's remaining points of objection.

As now there appear no merit objections or representations to the order, and it is considered that no-one would have been disadvantaged by the outstanding matters, we would intend to submit the opposed order to the SOS to address the minor technical deficiency in the Order Schedule text.

Regards,  
Giles

PROW

---

**From:** [REDACTED] PNFS [REDACTED]  
**Sent:** 22 June 2020 12:46  
**To:** Giles Cheetham <Giles.Cheetham@kirklees.gov.uk>  
**Cc:** 'assessors@peakandnorthern.org.uk' <assessors@peakandnorthern.org.uk>; Cllr Paul Davies <Paul.Davies@kirklees.gov.uk>; Harry Garland <Harry.Garland@kirklees.gov.uk>; prowgroups <prowgroups@kirklees.gov.uk>  
**Subject:** Re: Public Footpath 146 (Part) Diversion Order 2020 Ref:DEV/HG/ML/D112-330

Hello Giles,

Thanks for your efforts on this issue.

I am happy to withdraw the PNFS objection as regards points 3 & 4 of my email dated 16th March 2020 based on what you have advised.

Points 1&2 still stand but I agree with your suggested solution.

Thanks again.

[REDACTED]  
PNFS  
Taylor House  
23 Turncroft Lane  
Offerton  
Stockport  
SK4 1AB  
0161 4803565

Sent from [Outlook](#)

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**From:** Giles Cheetham <[Giles.Cheetham@kirklees.gov.uk](mailto:Giles.Cheetham@kirklees.gov.uk)>

**Sent:** Friday, June 19, 2020 6:00 PM

**To:** [REDACTED] <[PNFS@\[REDACTED\]](mailto:PNFS@[REDACTED])>  
[REDACTED] <[\[REDACTED\]@peakandnorthern.org.uk](mailto:[REDACTED]@peakandnorthern.org.uk)>; Cllr Paul Davies <[Paul.Davies@kirklees.gov.uk](mailto:Paul.Davies@kirklees.gov.uk)>; Harry Garland <[Harry.Garland@kirklees.gov.uk](mailto:Harry.Garland@kirklees.gov.uk)>; prowgroups <[prowgroups@kirklees.gov.uk](mailto:prowgroups@kirklees.gov.uk)>

**Subject:** RE: Public Footpath 146 (Part) Diversion Order 2020 Ref:DEV/HG/ML/D112-330

[PNFS objection to Public Footpath 146 \(Part\) Diversion Order 2020 Ref:DEV/HG/ML/D112-330](#)

Hello [REDACTED]

I visited the site last week, and further to that, the applicant's agent has submitted the attached letter.

In relation to the points made below by PNFS in objecting to the Order:

The applicant has undertaken works to significantly reduce pooling, and the likelihood of pooling like that shown in your photo. At the time of my visit it had recently rained, and the surface showed no standing water and some very minor muddiness over a small area near to the location where the proposed new path would meet Hol/134 bridleway, which the applicant has agreed to address by undertaking further minor drainage work, as identified in the attached letter.

The bracken around the top part of the proposed new path has been cleared, but it is appreciated that further action would be appropriate and the applicant will continue to treat the bracken, including breaking it at the stem, as described in the attached letter. He also describes the hard constructed path that will be provided from the wall line to the bridleway, with geotextile and appropriate surfacing material for a footpath and for this location, as part of the diversion process.

The works to the field have been in association with the laying of ground source heating for the provision of 'green' energy to the property. The applicant landowner intends to continue farming the field with livestock and will reinstate the shale, topsoil and then seed the ground to ensure suitable continued grazing land, and thereby a suitable path for the diversion.

The gate at the top of the field currently on the proposed diversion path would be replaced by one to the appropriate BS 5709.

Although it didn't appear a big issue during my visit, the landowner has agreed further to smooth off the ground on the existing definitive alignment of Hol/146.

The obstruction by a digger, as also reported, was addressed some time ago.

The Council acknowledges that the order descriptions merit modification of the order. You would be aware that the council may not modify its own order, so to modify the existing order would require its submission to the SoS, or for the Council to make a new order. Current thinking would be to submit the order asking for it to be modified, rather than to abandon and re-make.

Given the current situation, the work already, and the undertakings of the applicant landowner, would PNFS reconsider parts of its objection?

Perhaps if the objections were just on the technical aspects of the order rather than the merits of the proposal.

Happy to discuss at your convenience, on 01484 221000, x 74205, or to meet on site.

Regards,

Giles

KC PROW

**From:** Giles Cheetham  
**Sent:** 16 March 2020 15:59  
**To:** [REDACTED] <[REDACTED]@PNFS[REDACTED]>  
**Cc:** [assessors@peakandnorthern.org.uk](mailto:assessors@peakandnorthern.org.uk); Cllr Paul Davies <[Paul.Davies@kirklees.gov.uk](mailto:Paul.Davies@kirklees.gov.uk)>; Harry Garland <[Harry.Garland@kirklees.gov.uk](mailto:Harry.Garland@kirklees.gov.uk)>  
**Subject:** RE: Public Footpath 146 (Part) Diversion Order 2020 Ref:DEV/HG/ML/D112-330

[Hol/146 diversion order 2020 - PNFS objection](#)

I have forwarded the grounds of the PNFS objection to the applicant's agent, and also passed on the information about interference and blockage of 146 and 134 to G.A.T. and 'PROWgroups'.

Regards,

Giles

PROW

**From:** Harry Garland  
**Sent:** 16 March 2020 13:35  
**To:** [REDACTED] <[REDACTED]@PNFS[REDACTED]>  
**Cc:** [assessors@peakandnorthern.org.uk](mailto:assessors@peakandnorthern.org.uk); Giles Cheetham <[Giles.Cheetham@kirklees.gov.uk](mailto:Giles.Cheetham@kirklees.gov.uk)>; Cllr Paul Davies <[Paul.Davies@kirklees.gov.uk](mailto:Paul.Davies@kirklees.gov.uk)>  
**Subject:** RE: Highways Act 1980 Wildlife & Countryside Act 1981 Kirklees Council (Public Footpath 146 (Part) at Upper Millshaw Farm, Millshaw Lane, Hepworth) Public Path Diversion Order and Definitive Map and Statement Modification Order 2020 Ref:DEV/HG/ML/D112-330

Dear [REDACTED]



Thank you for your email, the contents of which will be given due consideration.

Kind regards

Harry Garland

Legal Officer

Kirklees Council, Legal Services

2<sup>nd</sup> Floor, High Street Buildings

High Street, Huddersfield, HD1 2ND

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**From:** [REDACTED] [REDACTED] PNFS [REDACTED]  
**Sent:** 16 March 2020 13:12  
**To:** Harry Garland <Harry.Garland@kirklees.gov.uk>  
**Cc:** assessors@peakandnorthern.org.uk; Giles Cheetham <Giles.Cheetham@kirklees.gov.uk>; Cllr Paul Davies <Paul.Davies@kirklees.gov.uk>  
**Subject:** Highways Act 1980 Wildlife & Countryside Act 1981 Kirklees Council (Public Footpath 146 (Part) at Upper Millshaw Farm, Millshaw Lane, Hepworth) Public Path Diversion Order and Definitive Map and Statement Modification Order 2020 Ref:DEV/HG/ML/D112-330

Dear Mr Garland,

Peak & Northern Footpaths Society object to the above named order.

Grounds for objection.

1. Part 2 of the schedule Description of new paths describes the new path as proceeding from point D at **1769 0644 in a west south- westerly direction for 126 metres to point B at grid reference 1772 0635**. In simple terms it is not possible to arrive at point B via a west south-westerly course from point D.
2. The order plan shows the new path to be created by a **bold dashed line** however the bold dashed line is different from the description laid out in the order schedule(see above) in that it connects to point B from point D and also it turns from point D in an approximately west south west direction and then east south east and then south south east before turning south east to point B. Confirmation of the

order as it stands would create a path on the map completely different to the one in the schedule in the order and vice versa.

3. At point C SE 1767 0644 there is a pool of standing water on path 134 which both stops direct access to the start of the new footpath and also may drain directly down the new footpath. The immediate start of the new footpath at point C is through a bed of thick bracken. This plant is a potential hazard to walkers through its chemical composition, spores and being habitat for parasitic ticks which can cause disease in humans. The bracken surface is not mentioned in the order schedule. Confirmation of the order would create a path less commodious than the current route and one with inherent drainage/maintenance issues and a potential health hazard.

**Photo below shows drainage issue and braken.**

4. Surface of proposed new footpath is stated as "grass" in the schedule. This is incorrect. In December 2019 the grass surface was removed from much of the proposed path during works on site. The thin soils on site have been badly damaged and the shale sub soil brought to the surface from some substantial excavations. The exposed nature, steepness and altitude of this site mean any reinstatement is likely to be unsuccessful and provide a less than satisfactory footpath surface. Furthermore the committee report and members of the Planning Sub Committee who approved making the order in July 2019 were not at anytime made aware that these works were to be undertaken nor were any of the order consultees. Had PNFS known that the proposed new surface of this path was to be affected in this manner we would have made further representations to both officers and members of the committee. Furthermore I believe the landowner has put ground source heating infrastructure (can you advise on this?) beneath and close to the proposed new path. There was no mention of this in the committee report or at the committee meeting and therefore no opportunity to consider the effect of future maintenance of the apparatus on the new path nor indeed see any applicable standard for placing of this apparatus beneath a proposed public highway. What's left on site now is unsustainable as a future public path in my view. A fragile surface in a vulnerable location has been destroyed and undoubtedly land drainage affected in a detrimental way. In addition new apparatus has been placed beneath the proposed new footpath which the council seems to know nothing about and cannot be said to be in a position to judge on its safety or appropriateness. Again consultees were not made aware of this aspect. Photos below show the current ground conditions.

**From roughly point B looking to Point C (silver gate) Both routes described on order map & schedule are affected.**

**From Point B looking to Point C**

**Looking from Point C to Point B.**

5. PNFS were not told of the report being heard at committee in July 2019 and therefore did not attend. I would have spoken to the committee for the Society had I been given the opportunity and asked members to defer the matter whilst some of our concerns were addressed in order to avoid objecting to the order. I believe this would have been a better

way forward than making an order without members being appraised of the full facts. The current state of the proposed new path on site only reinforces my view on this.

As a footnote separate from the diversion order I would mention that for most of the past two and a half years this path has been completely obstructed by the activities of the landowner. Most recently a digger has been placed on path 134. All these issues have been regularly reported and although the council has taken some diplomatic action in speaking to the landowner it seems to have invested far too much in the diversion of this path at the expense of keeping the definitive line open and usable.

At the moment Footpath 146, the subject of this order, is obstructed in several locations. Nearby Bridleway 134 is also obstructed. The landowner's unofficial and long used informal diversion is obstructed and the proposed new path no longer exists. If this were a game of Prow bingo I think we'd have a winner. If you are walking in this area there is no safe way through this site.

Could the Council please be more robust in dealing with obstructions on public rights of way in line with its statutory duties?

Regards

[REDACTED]

PNFS

Taylor House

23 Turncroft Lane

Offerton

Stockport

SK4 1AB

0161 4803565

Sent from [Outlook](#)



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KC2

**From:** [REDACTED]  
**To:** [Giles Cheetham](#)  
**Subject:** Diversion Order - Holmfirth Footpath 146  
**Date:** 09 December 2020 11:00:55

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Dear Giles,

We act on behalf of the applicant.

I confirm that the proposed new path will be suitable and convenient for public use and will be provided to the satisfaction of the local authority. Works will include the erection of an appropriate BS5709 gate at Order point D for continued stock-proofing of the field which is used for keeping sheep.

All works will be carried out within 14 days of receipt of the confirmation of the Order.

Kind Regards  
Paul

**Paul Bailey**  
**Principal Consultant**



**Bradbury PM Limited**  
Planning, Development and Project Management Consultants

Web: [www.bradburypm.com](http://www.bradburypm.com)

North East Office:  
The Forge, North Charlton, Chathill, Northumberland NE67 5HP

Yorkshire Office:  
2 Unity Hall Court, Haigh Moor Road, West Ardsley, Wakefield WF3 1ED  
Tel: [REDACTED]

CD5

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

**Emailed Representation from Peak and Northern Footpath Society**

**Dated 16 March 2020**

## Harry Garland

---

**From:** [REDACTED] <[REDACTED]@PNFSC[REDACTED]>  
**Sent:** 16 March 2020 13:12  
**To:** Harry Garland  
**Cc:** assessors@peakandnorthern.org.uk; Giles Cheetham; Cllr Paul Davies  
**Subject:** Highways Act 1980 Wildlife & Countryside Act 1981 Kirklees Council (Public Footpath 146 (Part) at Upper Millshaw Farm, Millshaw Lane, Hepworth) Public Path Diversion Order and Definitive Map and Statement Modification Order 2020 Ref:DEV/HG/ML/D112-330

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr Garland,

Peak & Northern Footpaths Society object to the above named order.

Grounds for objection.

1. Part 2 of the schedule Description of new paths describes the new path as proceeding from point D at **1769 0644 in a west south- westerly direction for 126 metres to point B at grid reference 1772 0635**. In simple terms it is not possible to arrive at point B via a west south-westerly course from point D.
2. The order plan shows the new path to be created by a **bold dashed line** however the bold dashed line is different from the description laid out in the order schedule(see above) in that it connects to point B from point D and also it turns from point D in an approximately west south west direction and then east south east and then south south east before turning south east to point B. Confirmation of the order as it stands would create a path on the map completely different to the one in the schedule in the order and vice versa.
3. At point C SE 1767 0644 there is a pool of standing water on path 134 which both stops direct access to the start of the new footpath and also may drain directly down the new footpath. The immediate start of the new footpath at point C is through a bed of thick bracken. This plant is a potential hazard to walkers through its chemical composition, spores and being habitat for parasitic ticks which can cause disease in humans. The bracken surface is not mentioned in the order schedule. Confirmation of the order would create a path less commodious than the current route and one with inherent drainage/maintenance issues and a potential health hazard.



**Photo below shows drainage issue and braken.**

4. Surface of proposed new footpath is stated as "grass" in the schedule. This is incorrect. In December 2019 the grass surface was removed from much of the proposed path during works on site. The thin soils on site have been badly damaged and the shale sub soil brought to the surface from some substantial excavations. The exposed nature, steepness and altitude of this site mean any reinstatement is likely to be unsuccessful and provide a less than satisfactory footpath surface. Furthermore the committee report and members of the Planning Sub Committee who approved making the order in July 2019 were not at anytime made aware that these works were to be undertaken nor were any of the order consultees. Had PNFS known that the proposed new surface of this path was to be affected in this manner we would have made further representations to both officers and members of the committee. Furthermore I believe the landowner has put ground source heating infrastructure (can you advise on this?) beneath and close to the proposed new path. There was no mention of this in the committee report or at the committee meeting and therefore no opportunity to consider the effect of future maintenance of the apparatus on the new path nor indeed see any applicable standard for placing of this apparatus beneath a proposed public highway. What's left on site now is unsustainable as a future public path in my view. A fragile surface in a vulnerable location has been destroyed and undoubtedly land drainage affected in a detrimental way. In addition new apparatus has been placed beneath the proposed new footpath which the council seems to know nothing about and cannot be said to be in a position to judge on its safety or appropriateness. Again consultees were not made aware of this aspect. Photos below show the current ground conditions.





**From roughly point B looking to Point C (silver gate) Both routes described on order map & schedule are affected.**



**From Point B looking to Point C**



**Looking from Point C to Point B.**

5. PNFS were not told of the report being heard at committee in July 2019 and therefore did not attend. I would have spoken to the committee for the Society had I been given the opportunity and asked members to defer the matter whilst some of our concerns were addressed in order to avoid objecting to the order. I believe this would have been a better way forward than making an order without members being appraised of the full facts. The current state of the proposed new path on site only reinforces my view on this.

As a footnote separate from the diversion order I would mention that for most of the past two and a half years this path has been completely obstructed by the activities of the landowner. Most recently a digger has been placed on path 134. All these issues have been regularly reported and although the council has taken some diplomatic action in speaking to the landowner it seems to have invested far too much in the diversion of this path at the expense of keeping the definitive line open and usable.

At the moment Footpath 146, the subject of this order, is obstructed in several locations. Nearby Bridleway 134 is also obstructed. The landowner's unofficial and long used informal diversion is obstructed and the proposed new path no longer exists. If this were a game of Prow bingo I think we'd have a winner. If you are walking in this area there is no safe way through this site.

Could the Council please be more robust in dealing with obstructions on public rights of way in line with its statutory duties?

Regards

[REDACTED]

PNFS

Taylor House

23 Turncroft Lane

Offerton

Stockport

SK4 1AB



Sent from Outlook

CD6



## CD 6 - The Council's comments on the objection

**Highways Act 1980 Wildlife & Countryside Act 1981 Kirklees Council (Public footpath Holmfirth 146 (part) at Upper Millshaw Farm, Millshaw Lane, Hepworth) Public Path Diversion and Definitive Map and Statement Modification Order 2020.**

1. Peak & Northern Footpaths Society objects on the grounds of/that:
  - 1.1. Part 2 of the schedule description of the new path contains an incorrect compass point description i.e. "west south-westerly".
  - 1.2. The Order plan is not consistent with the schedule description error described above.
  - 1.3. There is a pool of standing water on public bridleway Hol/134 at the northern terminus of the new path. There is thick bracken along the new proposed path near its northern junction with Hol/134. Confirmation of the order would result in a less commodious footpath.
  - 1.4. Surface of the new path is described as "grass", which is incorrect because shale sub-surface has been brought to the surface by works excavations in the field.
  - 1.5. Further comments are made about report to Council committee for a decision on order-making and obstruction of the current path 146 alignment.
2. **The Council would comment that:**
  - 2.1. **The applicant has taken steps to remove bracken and drain the bridleway surface around the junction with the proposed new length of public footpath. The applicant had undertaken works to provide ground source heating to the new property at Upper Millshaw Farm, which has required burying pipes in the field. The applicant has since undertaken to reinstate the layers of ground materials and reinstate a grass surface to the field, and indeed this is expected for the continuing farming operations on the field, which is mainly sheep grazing. The applicant has also undertaken to dig out the bracken area further, to lay geotextile and stone aggregate, where, over time, the ground would then grass over.**
  - 2.2. **The Council recognises the error in the Order drafting and would ask the Secretary of State to modify the Order appropriately prior to confirming it. This proposed**

modification would relate to the description of the new path in Part 2 of the Schedule.

- 2.3. The objector PNFS has recognised the steps taken by both the Council and the applicant and has indicated that they would retain no lasting objection if the technicalities of the Order are corrected. There are no objections to the merits of the diversion proposal. The Council considers that the diverted route would be an improvement on the current public footpath.
- 2.4. By email of 22 June 2020, PNFS withdrew its objection points regarding points 3 and 4 of its earlier email, which concerned the physical issues on the ground at that time. PNFS retained its objections on points 1 & 2, regarding technical issues with the Order Schedule, but noted its agreement with the Council's proposals to rectify the Order, which were to submit the Order with a request to modify it prior to confirmation.
- 2.5. The Council would require the new public footpath to be in appropriate condition, fit for public use, 14 days after Order confirmation, as described in Order Article 3.
- 2.6. The Council considers that no objection remains regarding the merits of diverting the public footpath, although it is accepted that there is still a technical issue regarding the wording of part of the Order schedule, which can be addressed by a modification to be made by or on behalf of the Secretary of State, that would not require advertising. It is considered by the Council that this modification would be without adverse effect on any party. The minor modification to the Schedule wording would match the Order plan, removing the discrepancy described in the objection and noted above in paragraph 1.2.
- 2.7. The Council would ask that the description of the new paths (to be created) at Part 2 of the Order Schedule be modified [as **bold**] to read:

"Public footpath Holmfirth 146 having a width of 2 metres shown on the plan annexed hereto by a bold dashed line commencing at its junction with bridleway 134 at point C at grid reference 1767 0644 and proceeding in a south easterly direction for 21 metres to point D at 1769 0644 then proceeding **generally west, then east-southeast, then south**, for 126 metres to point B at grid reference 1772 0635",

If so modified, the Order would be capable of confirmation.

2.8. In summary, the Council has considered the points made in objection and has concluded that the Order proposals to divert public footpath Holmfirth 146 (part) are appropriate, meet the relevant legal tests and merit Council support of the Order. The Council would respectfully ask that the Order be modified and confirmed.



CD7

**CD7 COPY OF THE NOTICE PUBLICISING THE ORDER TOGETHER WITH A COPY OF  
NEWSPAPER CUTTING**

**Notice dated 25 February 2020**

**Huddersfield Examiner – Friday 28 February 2020**

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
KIRKLEES COUNCIL (PUBLIC FOOTPATH HOLMFIRTH  
146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH) PUBLIC  
PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER  
2020**

The above order made on the 18 February 2020 under Section 119 of the Highways Act 1980 will divert that part of public footpath Holmfirth 146 having a width of 1.2 metres and shown on the plan attached to the order by a bold solid line commencing at its junction with bridleway 134 at point A at grid reference 1775 0646 and proceeding in a Southerly then Westerly then Southerly direction for 133 metres to point B at grid reference 1772 0635 to a new line for public footpath Holmfirth 146 having a width of 2 metres as shown on the plan attached to the order by a bold dashed line commencing at its junction with bridleway 134 at point C at grid reference 1767 0644 and proceeding in a South Easterly direction for 21 metres to point D at 1769 0644 then proceeding in a West South-Westerly direction for 126 metres to point B at grid reference 1772 0635.

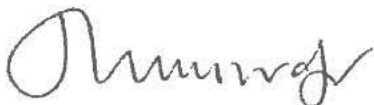
A copy of the order and order map have been placed and may be seen free of charge at Customer Services Centre, Civic Centre 3, Huddersfield (Monday to Friday 9-5 except Thursday 10-5).

Copies of the order and order plan may be obtained free of charge whilst copies last and then at standard office copying rates.

Any representations about or objections to the order may be sent or delivered in writing addressed to Harry Garland, Kirklees Council, Legal Services, 2<sup>nd</sup> Floor, High Street Buildings, High Street, Huddersfield HD1 2ND no later than Tuesday 7 April 2020. You should quote reference HG/D112-330 and state the grounds on which your objection/representation is made.

If no such representations or objections are duly made, or if any so made are withdrawn Kirklees Council may itself confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment for confirmation any representations or objections which have not been withdrawn will be sent with this order.

Dated 25 February 2020



Julie Muscroft  
Service Director – Legal, Governance and Commissioning  
Legal Services  
2nd Floor  
High Street Buildings  
High Street  
Huddersfield  
HD1 2ND

# Public Notices

## Public Notices

### KIRKLEES COUNCIL - INVESTMENT & REGENERATION

PO Box B93, Civic Centre 3, Huddersfield, HD1 2JH

#### PLANNING NOTICES

#### PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 NOTICE UNDER SECTION 67 AND/OR SECTION 73 TOWN AND COUNTRY PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) REGULATIONS 1990 - NOTICE UNDER REGULATION 5 OR 13

The following planning applications have been received which are either within a Conservation Area or affect its setting

1. Change of use of information room to include retail use at The National Trust Marsden Moor Estate, The Old Goods Yard, Station Road, Marsden, Huddersfield. Application No. 2020/90333.
2. Erection of single storey extension at 1, Rose Mount, Birkby, Huddersfield. Application No. 2020/90417.
3. Erection of two storey side extension, single storey rear extension, rear dormer extension and demolition of rear porch at 1, Dartmouth Terrace, Woodsome Road, Farnley Tyas, Huddersfield. Application No. 2020/90386.

The following planning applications have been received which would affect the setting of a Listed Building

4. Erection of two storey side extension with balcony and demolition of existing garage at 4, Blakestones, Slaithwaite, Huddersfield. Application No. 2020/90455.
5. Variation condition 2 (plans) on previous permission 2016/92055 for erection of 109 dwellings with associated works at Land east of, Crosland Road, Lindley, Huddersfield. Application No. 2020/90442.

The following planning applications have been received which are for Listed Building Consent and would affect the setting of a Listed Building

6. Planning Permission and Listed Building Consent for erection of three storey apartment block at Land adj, Prospect Mill, Prospect Road, Longwood, Huddersfield. Application Nos. 2020/90448 and 2020/90449.

The following planning applications have been received which would affect the setting of a Listed Building and are either within a Conservation Area or affect its setting

7. Replacement of shop front with new bi-fold doors and formation of rear entrance with bi-fold doors to form adaptable access to rear yard at 10, Market Walk, Victoria Street, Holmfirth. Application No. 2020/90272.
8. Erection of first floor side extension with terrace and single rear storey extension at 18, Park Drive South, Huddersfield. Application No. 2020/90435.

The following planning applications have been received which are for Listed Building Consent and are either within a Conservation Area or affect its setting

9. Planning Permission and Listed Building Consent for demolition of existing rear extension, erection of single storey rear extension, installation of UPVC windows and internal works at 12, Parkwood Road, Longwood, Huddersfield. Application Nos. 2020/90437 and 2020/90438.
10. Planning Permission and Listed Building Consent for Alterations to convert shop to 3 residential units (ground floor) at 84, Trinity Street, Huddersfield. Application Nos. 2020/90403 and 2020/90404.

The following planning applications have been received which are for Listed Building Consent, would affect the setting of a Listed Building and are either within a Conservation Area or affect its setting

11. Planning Permission and Listed Building Consent for erection of rear porch extension at 1-2, Winney Bank Cottages, Winney Bank Lane, Holmfirth. Application Nos. 2020/90390 and 2020/90391.

#### TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 NOTICE UNDER ARTICLE 15

The following planning applications have been received which affect a public right of way

12. Planning Permission and Listed Building Consent for erection of rear porch extension (Listed Building) at 1-2, Winney Bank Cottages, Winney Bank Lane, Holmfirth (Footpath No. HOL/114/50). Application Nos. 2020/90390 and 2020/90391.
13. Planning Permission and Listed Building Consent for demolition of existing rear extension, erection of single storey rear extension, installation of UPVC windows and internal works (Within a Conservation Area) at 12, Parkwood Road, Longwood, Huddersfield. (Footpath No. COL/228/10). Application Nos. 2020/90437 and 2020/90438.
14. Erection of two storey side extension, single storey rear extension, rear dormer extension and demolition of rear porch (within a Conservation Area) at 1, Dartmouth Terrace, Woodsome Road, Farnley Tyas, Huddersfield (Footpath No. KIR/49/10). Application No. 2020/90386.
15. Erection of dwelling and 3 outbuildings and works to access at Upper Langley Farm, Langley Lane, Clayton West, Huddersfield (Footpath Nos. DEN/31/60, DEN/27/20 and DEN/22/110). Application No. 2018/94162.

The following planning application has been received which constitutes Major Development and affects a public right of way

16. Variation condition 2 (plans) on previous permission 2016/92055 for erection of 109 dwellings with associated works at Land east of, Crosland Road, Lindley, Huddersfield (Footpath No. HUD/408/10). Application No. 2020/90442.

Copies of applications, plans and other documents submitted with them may be inspected at our Customer Service Centre, Civic Centre 3, Huddersfield: Monday - Friday 9.00am to 5.00pm; except Thursday 10.00am to 5.00pm.

Copies of applications, including the submitted plans, can also be viewed on the Planning Service website - [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning). Public access to the internet is available free of charge at Kirklees Libraries and Information Centres, where you can book a computer. To find out where your nearest Library is phone 01484 226300.

Decisions on most planning applications are delegated to Senior Officers. However, under the Council's Standing Orders, applicants and members of the public may address the Planning Sub Committee if Members of the Council are to make the final decision on the application.

Anyone who wishes to make representations about an application should write to the address at the top of this notice quoting the respective reference number within 21 days of the date of this publication\* or email [DC.Admin@kirklees.gov.uk](mailto:DC.Admin@kirklees.gov.uk). Representations made by letter will only be acknowledged if a stamped addressed envelope is enclosed. In accordance with the Freedom of Information Act 2000, any comments received will be published on our website.

Personal data will be processed in accordance with the Data Protection Act 2018. For more information about how this data is used go to <https://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx> \*or extended period by one day for each public holiday occurring within the consultation period.

#### PLANNING NOTICE

THE APPLICATION FOR THE FOLLOWING DEVELOPMENT WAS REFUSED ON 12 FEBRUARY 2020  
APPLICATION NO: 2019/62/91433/W  
FOR: Erection of an A1 foodstore with associated parking, servicing areas and landscaping

### HIGHWAYS ACT 1980

### WILDLIFE AND COUNTRYSIDE ACT 1981

### KIRKLEES COUNCIL (PUBLIC FOOTPATH HOLMFIRTH

### 146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH) PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2020

The above order made on the 18 February 2020 under Section 119 of the Highways Act 1980 will divert that part of public footpath Holmfirth 146 having a width of 1.2 metres and shown on the plan attached to the order by a bold solid line commencing at its junction with bridleway 134 at point A at grid reference 1775 0646 and proceeding in a Southerly then Westerly then Southerly direction for 133 metres to point B at grid reference 1772 0635 to a new line for public footpath Holmfirth 146 having a width of 2 metres as shown on the plan attached to the order by a bold dashed line commencing at its junction with bridleway 134 at point C at grid reference 1767 0644 and proceeding in a South Easterly direction for 21 metres to point D at 1769 0644 then proceeding in a West South-Westerly direction for 126 metres to point B at grid reference 1772 0635.

A copy of the order and order map have been placed and may be seen free of charge at Customer Services Centre, Civic Centre 3, Huddersfield (Monday to Friday 9-5 except Thursday 10-5).

Copies of the order and order plan may be obtained free of charge whilst copies last and then at standard office copying rates.

Any representations about or objections to the order may be sent or delivered in writing addressed to Harry Garland, Kirklees Council, Legal Services, 2nd Floor, High Street Buildings, High Street, Huddersfield HD1 2ND no later than Tuesday 7 April 2020. You should quote reference HG/D112-330 and state the grounds on which your objection/representation is made.

If no such representations or objections are duly made, or if any so made are withdrawn Kirklees Council may itself confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment for confirmation any representations or objections which have not been withdrawn will be sent with this order.

Dated 28 February 2020.

Julie Muscroft

Service Director - Legal, Governance and Commissioning

Legal Services

2nd Floor

High Street Buildings

High Street

Huddersfield

HD1 2ND

### MICHAEL JOHN WILLIAM WITCHARD (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of 110 Bradley Road, Bradley, Huddersfield HD2 1QY, who died on 03/05/2019, are required to send written particulars thereof to the undersigned on or before 06/05/2020, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

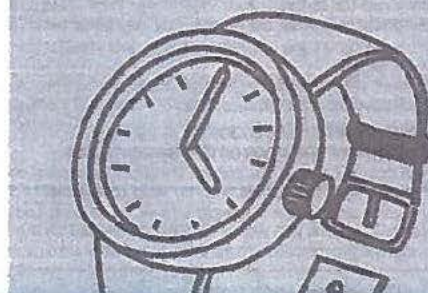
Dates Hanson Solicitors,  
8 Market Place, Huddersfield, West  
Yorkshire HD1 2AN.



Self-Serve  
online

[marketplace.live.co.uk](http://marketplace.live.co.uk)

Any item any price free online





CD8

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 requirements of Highways Act 1980 and 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



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).

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

CD10

**CD10 COPIES OF ANY REPLIES TO THE PRE-ORDER CONSULTATION AND THE RESPONSES BY THE OMA**

KCOM	Email	02 March 2020
Northern Gas Networks	Email	03 March 2020

## Harry Garland

---

**From:** [REDACTED]@kcom.com>  
**Sent:** 02 March 2020 08:40  
**To:** Harry Garland  
**Subject:** RE: Kirklees Council (Public Footpath Holmfirth 146 (Part) at Upper Millshaw Farm, Millshaw Lane, Hepworth) Public Parth Diversion and Definitive Map and Statement Modification Order 2020 D112-330

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Harry Garland

Thank you for your request for details of existing KCOM services.

I confirm that KCOM has no existing or proposed plant within the vicinity of your works, and will not be affected by them.

Please note that this reply is valid for 3 months from date of receipt of this email.

Regards

[REDACTED]  
For and on behalf of  
The Planning and Design Manager

---

**From:** Harry Garland <Harry.Garland@kirklees.gov.uk>  
**Sent:** 24 February 2020 10:22  
**To:** [rachael.martin@yas.nhs.uk](mailto:rachael.martin@yas.nhs.uk); [HighwaysAdmin@kcom.com](mailto:HighwaysAdmin@kcom.com); [southernareapu@westyorkshire.pnn.police.uk](mailto:southernareapu@westyorkshire.pnn.police.uk); [notices@bywaysandbridlewaystrust.org.uk](mailto:notices@bywaysandbridlewaystrust.org.uk); [email@britishdrivingsociety.co.uk](mailto:email@britishdrivingsociety.co.uk); [Office2@oss.org.uk](mailto:Office2@oss.org.uk); [huddersfield.ramblers@yahoo.co.uk](mailto:huddersfield.ramblers@yahoo.co.uk)  
**Subject:** Kirklees Council (Public Footpath Holmfirth 146 (Part) at Upper Millshaw Farm, Millshaw Lane, Hepworth) Public Parth Diversion and Definitive Map and Statement Modification Order 2020 D112-330

Dear Sir/Madam

Please see the attached letter with enclosures.

Kind regards

Harry Garland  
Legal Officer  
Kirklees Council, Legal Services  
2<sup>nd</sup> Floor, High Street Buildings  
High Street, Huddersfield, HD1 2ND



[Website](#) | [News](#) | [Email Updates](#) | [Facebook](#) | [Twitter](#)

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

This email has been scanned for all viruses.

Please consider the environment before printing this email.

The content of this email and any attachment is private and may be privileged. If you are not the intended recipient, any use, disclosure, copying or forwarding of this email and/or its attachments is unauthorised. If you have received this email in error please notify the sender by email and delete this message and any attachments immediately. Nothing in this email shall bind the Company or any of its subsidiaries or businesses in any contract or obligation, unless we have specifically agreed to be bound.

KCOM Group Limited is a private limited company incorporated in England and Wales, company number 02150618 and whose registered office is at 37 Carr Lane, Hull, HU1 3RE

## Harry Garland

---

**From:** Before You Dig <BeforeYouDig@northerngas.co.uk>  
**Sent:** 03 March 2020 14:26  
**To:** Harry Garland  
**Subject:** RE: 1400001840- UPPER MILLSHAW FARM, HEPWORTH, HD9 7TU-DEV/HG/ML/D112-330  
**Attachments:** 1400001840.pdf; Upper Millshaw Farm Millshaw Lane Hepworth.pdf; a) Stay safe near our pipes.pdf; b) Important Safety Guidance (002).docx  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon

Please find attached our response to the Order at the above location,

We do not object however please find the gas plan and safety info attached.

Kind regards,

  
**Administration Assistant  
Before You Dig  
Northern Gas Networks  
1st Floor, 1 Emperor Way  
Doxford Park  
Sunderland  
SR3 3XR**

Before You Dig: 0800 040 7766 (option 5)  
[www.northerngasnetworks.co.uk](http://www.northerngasnetworks.co.uk)  
[facebook.com/northerngasnetworks](https://facebook.com/northerngasnetworks)  
[twitter.com/ngngas](https://twitter.com/ngngas)  
Alternative contact:  
[beforeyoudig@northerngas.co.uk](mailto:beforeyoudig@northerngas.co.uk)



**Get involved! Have your say in the future of your gas network and win great prizes, by taking part in our BIG customer survey at [together.northerngasnetworks.co.uk](http://together.northerngasnetworks.co.uk) Keep posted to take part in a range of activities from workshops to roadshows. Together, we are the network.**


Northern Gas Networks Limited (05167070) | Northern Gas Networks Operations Limited (03528783) | Northern Gas Networks Holdings Limited (05213525) | Northern Gas Networks Pensions Trustee Limited (05424249) | Northern Gas Networks Finance Plc (05575923). **Registered address:** 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU. Northern Gas

Networks Pension Funding Limited Partnership (SL032251). Registered address: 1st Floor Citypoint, 65 Haymarket Terrace, Edinburgh, Scotland, EH12 5HD. For information on how we use your details please read our [Personal Data Privacy Notice](#)

**From:** Hayley Carter  
**Sent:** 26 February 2020 11:07  
**To:** Before You Dig <BeforeYouDig@northerngas.co.uk>  
**Subject:** 1400001840- UPPER MILLSHAW FARM, HEPWORTH, HD9 7TU- DEV/HG/ML/D112-330

fyi

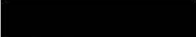

Kind Regards,

  
Property Assistant  
Northern Gas Networks

Telephone: 0113 397 5459  
[www.northerngasnetworks.co.uk](http://www.northerngasnetworks.co.uk)  
[facebook.com/northerngasnetworks](https://facebook.com/northerngasnetworks)  
[twitter.com/ngngas](https://twitter.com/ngngas)



Northern Gas Networks Limited (05167070) | Northern Gas Networks Operations Limited (03528783) | Northern Gas Networks Holdings Limited (05213525) | Northern Gas Networks Pensions Trustee Limited (05424249) | Northern Gas Networks Finance Plc (05575923). Registered address: 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU. Northern Gas Networks Pension Funding Limited Partnership (SL032251). Registered address: 1st Floor Citypoint, 65 Haymarket Terrace, Edinburgh, Scotland, EH12 5HD. For information on how we use your details please read our [Personal Data Privacy Notice](#)

**From:**   
**Sent:** 26 February 2020 11:05  
**To:** @northerngas.co.uk>  
**Subject:** Scan-to-Me

## Who are Northern Gas Networks?

We look after the 37,000km of gas mains in your area. We don't own the gas but it's our job to transport it safely to you.

KIRKLEES COUNCIL  
HIGH STREET  
HUDDERSFIELD  
HD1 2ND

03 March 2020

Your Reference -  
1400001840

**We do not object to your order**

### Want to talk?

If you have any questions our  
Customer Care Team will be able to help:

**0800 040 7766**

 [customercare@northerngas.co.uk](mailto:customercare@northerngas.co.uk)

 [northerngasnetworks.co.uk](http://northerngasnetworks.co.uk)

Date 24.02.2020 Ref: DEV/HG/ML/D112-330

Save text

Dear Sir/Madam,

Thank you for sending your notice dated 24.02.2020 Ref: DEV/HG/ML/D112-330.

As our apparatus is unaffected by the proposed work, we are pleased to tell you that **we do not object** to the Stopping Up Order at UPPER MILLSHAW FARM, HEPWORTH, HD9 7TU.

Kind regards

NGN Before You Dig Team

If you'd like this information in Braille, large print or another language, please call us.

 @NGNgas  [facebook.com/northerngasnetworks](https://facebook.com/northerngasnetworks)

Northern Gas Networks Limited is registered in England and Wales, no 5167070  
Registered office: 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU

we are  
the **network**



Upper Millshaw Farm Millshaw Lane Hepworth



**Legend**

Valve	Manhole	Gas Pipe	Water Pipe
...	...	...	...

**Scale**  
1:5,000  
Metres

**Disclaimer**  
This plan is reproduced or based on the OS map by Northern Gas Networks, with the exception of the number of 100 Slaters Way, Green Croft, Hepworth.

**Copyright**  
© Northern Gas Networks 2010

**Company Information**  
Northern Gas Networks  
Advanced Plot

CD11

CD11

**NAME AND ADDRESS OF EVERY PERSON, COUNCIL OR PRESCRIBED ORGANISATION NOTIFIED UNDER 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 ORDER REGULATIONS 1993**

1(3)(b)(i):



1(3)(b)(ii) & (iv) & Schedule 3 of SI 1993 No ii:

Auto-Cycle Union  
Wood Street  
Rugby  
Warwickshire  
CV21 2XY

Network Alteration Projects  
pp1(l) Central Telephone Exch  
Manchester Road  
Bradford  
West Yorkshire  
BD5 0QJ

British Gas Transco  
Asset Support  
1100 Century Way  
Thorpe Park  
Leeds LS15 8TU

British Horse Society  
Savile House  
Savile Road  
Skelmanthorpe  
Huddersfield  
HD8 9EG

British Horse Society  
Deer Park  
Stoneleigh  
Kenilworth  
Warwickshire  
CV8 2LR

Chief Fire Officer  
W Y Fire Service  
Oakroyd Hall  
Birkenshaw  
West Yorkshire  
BD11 2DY

CTC  
National Office  
Parklands  
Railton Road  
Guildford  
GU2 9JX

Operational Support  
ntl  
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

Peak & Northern  
Footpath Society  
23 Turncroft Lane  
Offerton  
Stockport  
Cheshire  
SK1 4AB

Ramblers Association  
Second Floor  
Camelford House  
89-90 Albert Embankment  
LONDON  
SE1 7TW

Yorkshire Water  
PO Box 500  
Western House  
Halifax Road  
Bradford  
BD6 2LZ

YEDL  
Diversions Section  
98 Akerton Road  
Castleford  
WF10 SDS

West Yorkshire Combined  
Authority  
Highways Liaison Coordinator  
Wellington House  
40/50 Wellington Street  
Leeds  
LS1 2DE

Rachael.martin@yas.nhs.uk

Southernareapu@westyorkshire.pnn.police  
.uk

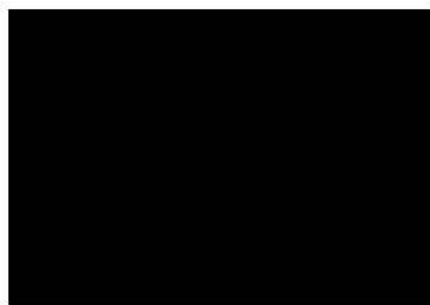
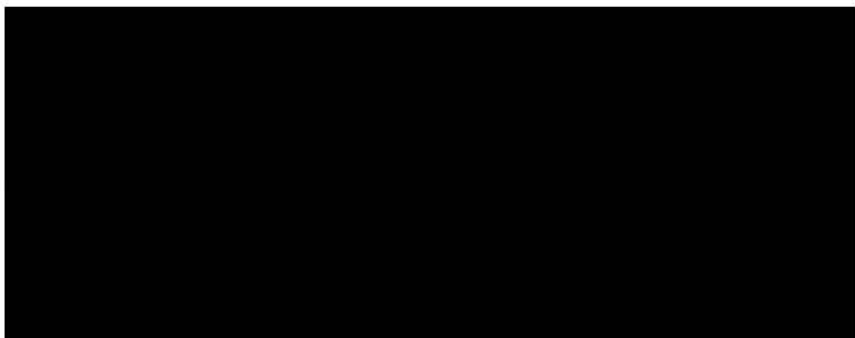
highwaysadmin@KCOM.com

notices@bywaysandbridlewaystrust.org.uk

[email@britishdrivingsociety.co.uk](mailto:email@britishdrivingsociety.co.uk)

[Office2@oss.org.uk](mailto:Office2@oss.org.uk)

Holme Valley Parish Council  
Council Chamber  
Council Office  
Holmfirth  
HD9 3JP



[huddersfield.ramblers@yahoo.co.uk](mailto:huddersfield.ramblers@yahoo.co.uk)

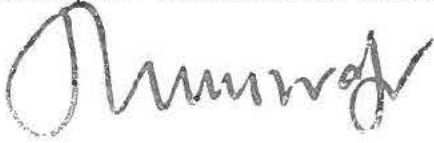
Open Spaces Society  
25a Bell Street  
Henley on Thames  
RG9 2BA

CD12

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 in a cursive style.

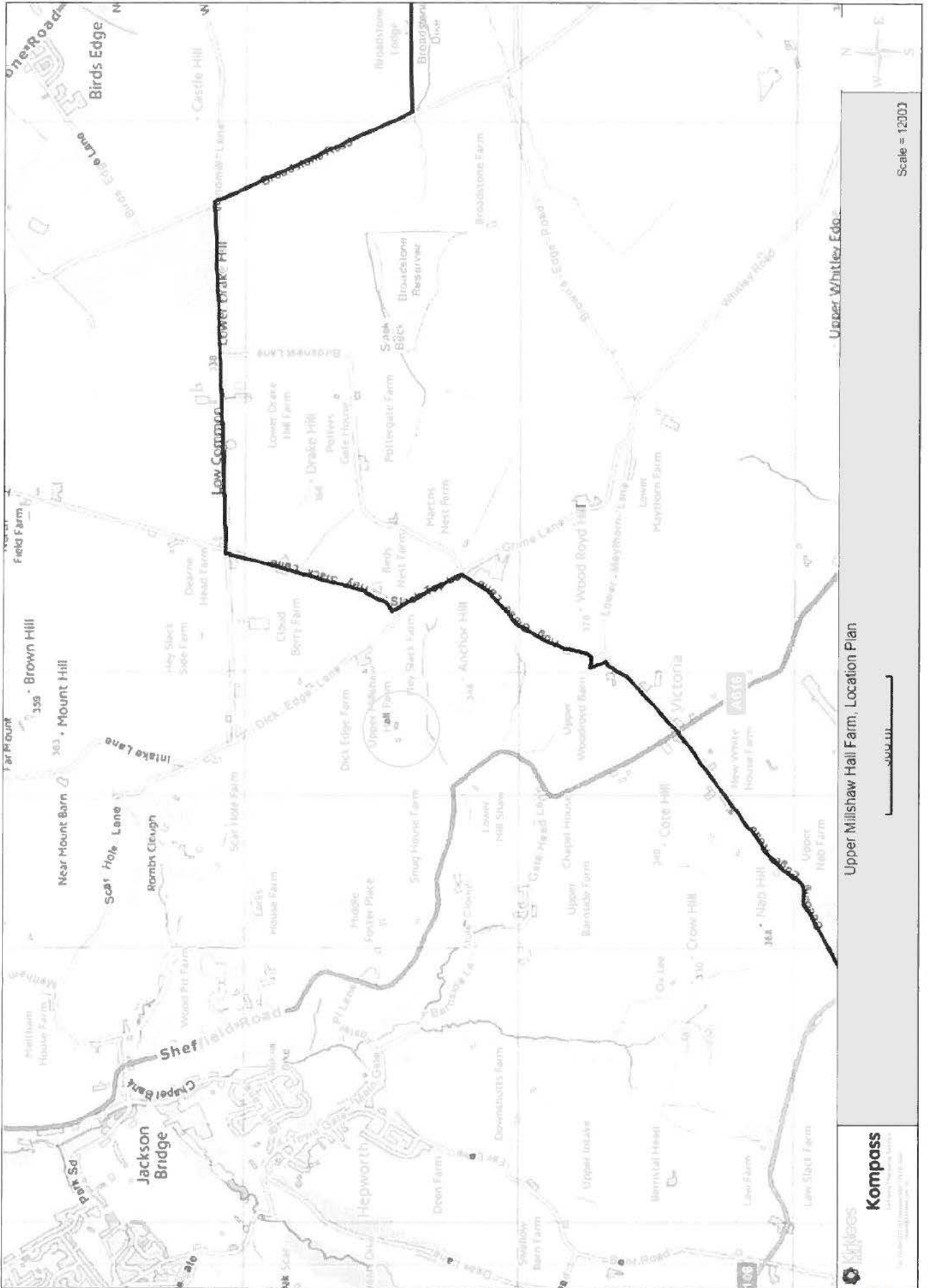
Julie Muscroft  
Service Director – Legal, Governance and Commissioning



CD13

CD 13

LOCATION MAP TO ENABLE THE INSPECTOR TO LOCATE THE SITE



Upper Millshaw Hall Farm, Location Plan

CD14

**CD14**

**WRITTEN PERMISSION FROM THE LANDOWNER ALLOWING THE INSPECTOR  
ACCESS TO THE LAND**

The landowners have been contacted and the permissions will be forwarded once received.

CD15

CD15

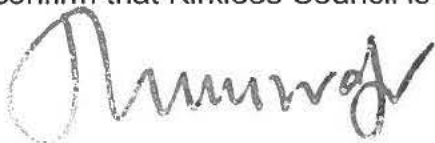
**NAMES AND ADDRESS OF THE APPLICANT**



CD16



I confirm that Kirklees Council is supporting the Order.

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

Julie Muscroft  
Service Director- Legal, Governance and Commissioning

CD17

CD17

**DETAILS OF THE TIME AND PLACE WHERE DOCUMENTS RELATING TO THE ORDER  
WILL BE MADE AVAILABLE FOR PUBLIC INSPECTION BY THE AUTHORITY**

Currently the Council buildings are closed to the public.

Once Covid-19 restrictions are lifted documents will become available for viewing by appointment at:-

Kirklees Council Customer Services Centre, Civic Centre 3,  
Huddersfield (Monday to Friday 0900-1700 except Thursday 1000-1700)

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

Documents relating to this Order may also be viewed online at:

<https://www.kirklees.gov.uk/beta/countrysideparks-and-open-spaces/changes-to-definitive-map.aspx>

Paper copies may be requested from Harry Garland, Tel 01484 221000 or by email:  
[harry.garland@kirklees.gov.uk](mailto:harry.garland@kirklees.gov.uk)

CD18



## 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?

Farmland, upland, some steep gradients, appropriate footwear and clothing recommended

2. Is there any likelihood of exposure to pets or other animals which may present a risk to the safety of the Inspector?

No known specific risk, presence of farm animals

3. Is the site remote and/or can it be seen from other highways or rights of way?

Site can be seen from existing PROW network.

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?

Yes

5. Is the right of way easily accessible? Will arrangements for access by the Inspector need to be made in advance?

Yes. Access to Upper Millshaw by appropriate vehicle may also be possible by agreement with the applicant landowner. (Agent Paul Bailey of Bradbury PM – Tel: 07788 233584). Most convenient nearby public vehicular highway is Dick Edge Lane, ¼ mile east of Upper Millshaw. (SE 18190644)

6. Are there any dangerous pieces of equipment or substances stored at any point along the right of way?

None known; some building materials may be present at Upper Millshaw and the property is farmed.

7. If there is any other relevant information which the Inspector should be aware of that is not covered in this questionnaire?

Significant slope on current line of path 146 to be diverted, at its northern end near bridleway 134.

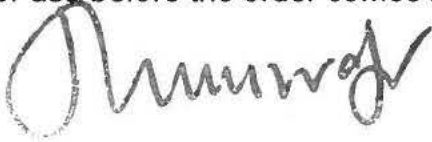
CD19



CD19

**AN UNDERTAKING THAT ANY NEW PATH OR WAY TO BE PROVIDED WILL BE READY  
FOR USE BEFORE THE ORDER COMES INTO OPERATION**

I hereby give an undertaking that any new path or way to be provided will be ready for use before the order comes into operation.

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

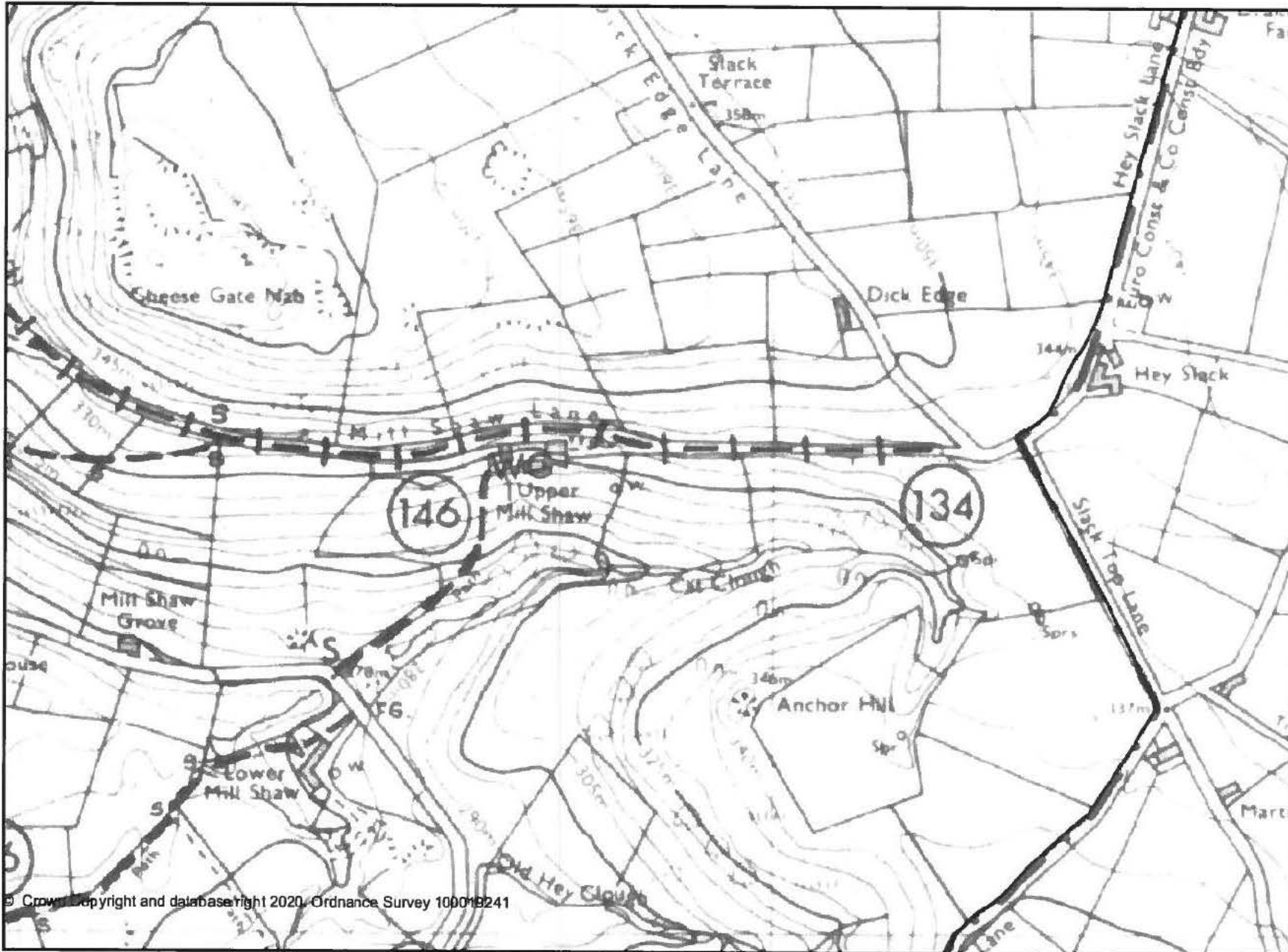
Julie Muscroft  
Service Director- Legal, Governance and Commissioning

CD20

CD20

AN EXTRACT FROM THE DEFINITIVE MAP AND STATEMENT

1985 DM as published (NTS)



**Kompass**  
Kirklees Mapping Service

Scale = 5000

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database right 2020.  
Ordnance Survey  
100019241

[maps@kirklees.gov.uk](mailto:maps@kirklees.gov.uk)



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CD21

**CD21**

**A COPY OF THE RELEVANT PART OF THE RIGHTS OF WAY IMPROVEMENT PLAN  
(ROWIP) OR CONFIRMATION THAT THERE ISN'T ANY RELEVANT PROVISION**

## Executive Summary

The public rights of way network is a significant part of Kirklees' heritage and a major recreational resource. It enables people to get outdoors and away from increasing motor traffic and to enjoy the countryside which they would not otherwise have access - or simply to use it for fresh air and exercise. These rights of way are also important in the daily lives of many people who use them for travelling, particularly on short journeys, to shops, schools and other facilities as well as being an important link between neighbourhoods and settlements.

As part of Kirklees Vision, the Rights of Way Improvement Plan is to have a rights of way network; that is accessible for all, helps towards improving the health and well being of our residents, supports the economy through tourism and helps to reduce Kirklees' "carbon footprint". It aims towards improving sustainable transport with member authorities within West Yorkshire as well as working with other neighbouring authorities whose aims and objectives are the same or similar. The aims of the plan are to:

1. Protect, improve and develop the rights of way network as an important means of access both within urban areas and the wider countryside to meet with the present and future needs of the public.
2. Ensure the condition of the rights of way network is maintained and enhanced in keeping with the needs of local communities.
3. Afford opportunities for safe and sustainable travel and for access to work, schools, shops and other facilities and amenities as well as providing further opportunities for outdoor recreation and enjoyment of the area.
4. Improve the accessibility of rights of way for all members of the community in particular those from ethnic and deprived areas and especially for those with mobility problems or other impairments.
5. Identify opportunities to further improve public access in Kirklees by working with partners and volunteer groups in providing well-connected, well maintained, traffic free routes that are safe, attractive and well used by residents and visitors.
6. Enable and encourage people to enjoy the benefits of regular exercise whilst going about their daily business and to take advantage of the wide variety of countryside that exists within Kirklees.
7. Ensure the rights of way network contributes to the development of economic opportunities in Kirklees through tourism.

Each highway authority is required to prepare "A Statement of Action" for the management of its Rights of Way Network and for securing improvements to local rights of way, with particular regards to the matters dealt with in the criteria contained in the Countryside and Rights of way Act 2000.