

**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)

C. A. Luker

Service Director – Legal, Governance and Commissioning/Authorised Signatory



013181

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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

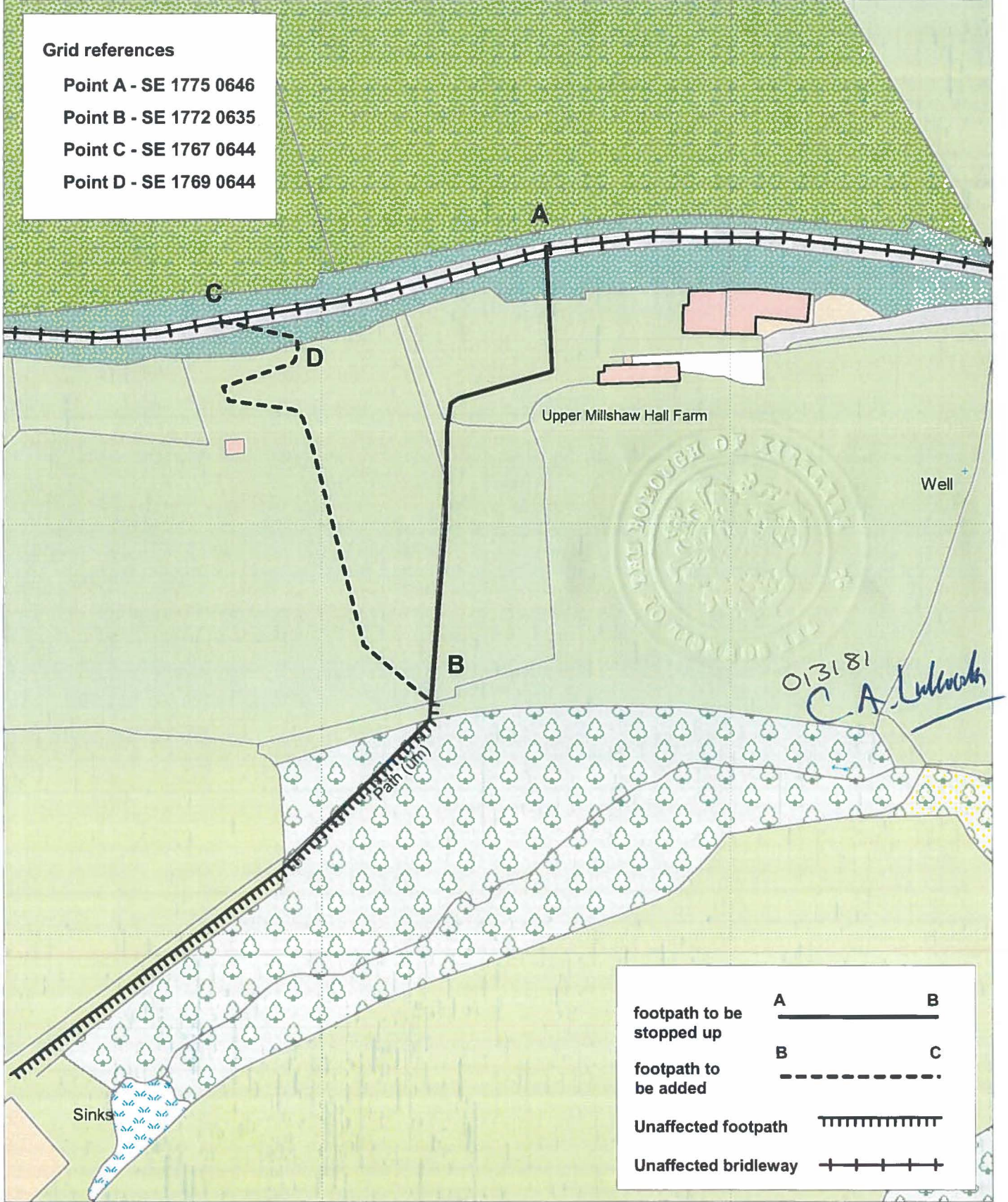
Modification of the Definitive Statement

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



footpath to be stopped up	A	B
footpath to be added	B	C
Unaffected footpath	[Hatched line symbol]	
Unaffected bridleway	[Cross-tick line symbol]	

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

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KIRKLEES COUNCIL (PUBLIC FOOTPATH

146 (PART) AT UPPER MILLSHAW FARM, MILLSHAW LANE, HEPWORTH)

PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND

STATEMENT MODIFICATION ORDER 2020

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