

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981
KIRKLEES COUNCIL (PUBLIC FOOTPATHS KIRKBURTON 145 (PART) AND
KIRKBURTON 186 (PART) AT FOLLY HALL, CROSS LANE, SHELLEY)
PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2021**

This Order is made by the Council of the Borough of Kirklees (“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 requires modification in consequence of the occurrence 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 applicants Mr Richard Spelman and Mrs Marion Elizabeth Spelman have 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 at the path into a fit condition for use by the public.

BY THIS ORDER:

1. The public right of way over the land situate at Folly Hall, Cross Lane, Shelley 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 (“the Schedule”) shall be stopped up after 14 days from the date of confirmation of this 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 that public right of way.
2. Notwithstanding this order, where immediately before the date on which the footpath is diverted in pursuant of this order there is apparatus under, in, on, over, along or across that footpath 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 at the end of 14 days from the date of confirmation of this order be a public footpath over the land situate at Folly Hall, Cross Lane, Shelley described in Part 2 of the Schedule and shown by a bold broken line on the map attached to this order and thereupon the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Metropolitan District Council shall be modified by adding that path to it.
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 this order.

6. This Order may be cited as the "Kirklees Council (Public Footpaths Kirkburton 145 (Part) and Kirkburton 186 (Part) at Folly Hall, Cross Lane, Shelley) Public Path Diversion and Definitive Map and Statement Modification Order 2021"

GIVEN under the Corporate Common Seal)
of the Council of the Borough of Kirklees)
this Seventeenth day of November)
Two thousand and Twenty one)



014494

Sarah Hart

Service Director – Legal, Governance and Commissioning/Authorised Signatory

This order was confirmed as an
unopposed order on 7th June 2023
by Kirklees Council.

A handwritten signature in black ink, appearing to be "Munro".

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SCHEDULE

PART 1

Description of site of existing path

Part of public footpath Kirkburton 145 having a width of approximately 1.2 metres and shown on the plan annexed hereto by a bold continuous line commencing at point A (grid reference SE 2025 1221) and proceeding in an easterly direction for approximately 33 metres to point B (grid reference SE 2028 1220).

Part of public footpath Kirkburton 186 having a width of approximately 1.2 metres and shown on the plan annexed hereto by a bold continuous line commencing at point B (grid reference SE 2028 1220) and proceeding in an easterly then south easterly direction for approximately 80 metres to point C (grid reference SE 2035 1219).

PART 2

Description of site of new path

A public footpath with a width of 2 metres to be known as Kirkburton 186 (part) shown on the plan annexed hereto by a bold broken line commencing at its junction with footpaths Kirkburton 127 and Kirkburton 145 at point A (grid reference SE 2025 1221) and proceeding in a south easterly direction for approximately 32 metres to a footbridge at point D (grid reference SE 2026 1218) thereafter proceeding in a south easterly then in an east north-easterly direction for approximately 102 metres to point C (grid reference SE 2035 1219). Between point A and point D the footpath shall have a sandstone aggregate surface. Between point D and point C the footpath shall have a grass surface.

Width: 2 metres
Length: 134 metres (approx.)
Surface: 32 metres (approx.) – sandstone aggregate
102 metres (approx.) – grass
Other: Footbridge at point D

Part 3

Limitations and Conditions

A pedestrian gate at point C (grid reference SE 2035 1219) installed to meet British Standard BS5709:2018.

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 53A(2) Kirklees Council (Public Footpath Kirkburton 145 (part) and Kirkburton 186 (part) at Folly Hall, Cross Lane, Shelley) Public Path Diversion and Definitive Map and Statement Modification Order 2021
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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	145	Footpath deletion	A	B		1.2	33
1	186	Footpath deletion	B	C		1.2	77
1	186	Footpath addition	A	C	D	2	134

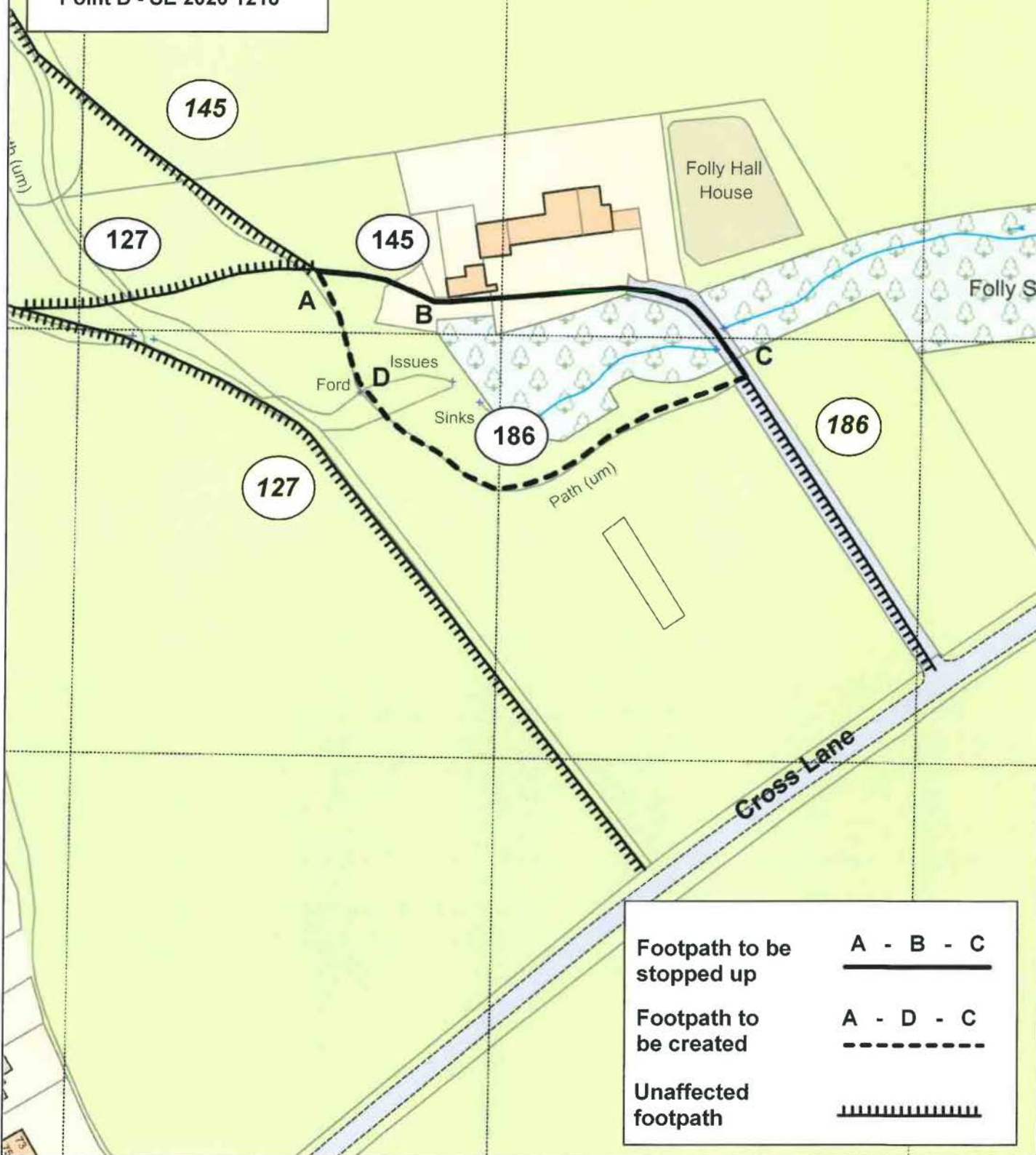
Modification of the Definitive Statement

Path Number	Map ref	Description of Route	Nature of Surface	Length (m)	Width (m)	General
145	SE 11 SE / 21SW 1912	Footpath from Lane Head Lane in a south easterly direction to Folly Hall	Grass	176	1.2	
			Roughly Metalled	274	1.2	
186	SE 21SW 2012	Footpath commencing at its junction with paths 127 and 145 and proceeding in a south easterly and east north easterly and south easterly direction to Cross Lane	Grass	102	2	1 pedestrian gate to British standard 5709
			Sandstone	32	2	
			Metalled	100	1.2	

**HIGHWAYS ACT 1980, SECTION 119. PROPOSED DIVERSION OF PUBLIC FOOTPATHS
KIRKBURTON 186 (PART) AND 145 (PART) AT FOLLY HALL, CROSS LANE, SHELLEY**

Grid references

- Point A - SE 2025 1221
- Point B - SE 2028 1220
- Point C - SE 2035 1219
- Point D - SE 2026 1218



Dated 17th November 2021

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**Kirklees Council
Legal, Governance and Monitoring
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