

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

Wildlife and Countryside Act 1981 - Definitive Map Modification Order

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Public footpaths, bridleways, restricted byways and byways open to all traffic are recorded on definitive maps and statements. These maps and statements provide conclusive evidence of the existence of public rights. Kirklees Council is responsible for the definitive map and statement and has a duty to modify them when evidence suggests that they are inaccurate or incomplete. This is achieved by means of modification orders made under section 53 of the Wildlife and Countryside Act 1981.

The statement that accompanies the definitive map includes details of the routes shown on the map. This would typically include a description of the route, the approximate length, the width, and any limitations or conditions on the public right of way, such as gaps, gates or stiles.

In the case of footpath Holmfirth 60 the Statement currently records a width of approximately 1.2 or 4ft for the whole length of the path. It also describes the existence of 3 stiles, 2 field gates and 1 wicket gate.

An application was received from a member of the public for a Definitive Map Modification Order (DMMO) to increase the recorded width of part of footpath Holmfirth 60 to between 3 and 4 metres.

Following investigation of the evidence the Council has made a modification order under section 53 to vary the 'particulars' contained in the Statement in respect of the recorded width of part of footpath Holmfirth 60, as requested.

The Order made changes the width recorded in the Statement of a length of Holmfirth 60 running in a generally easterly direction from Wolfstones Road (point A on the plan accompanying the Order), passing through Wolfstones Heights Farm, to Brown Hill (Point E). (Approx. 268m).

The width to be recorded varies between 3 and 4 metres, as indicated on the plan accompanying the Order, being the full width of the existing driveway towards Wolfstones Heights Farm and continuing along an enclosed track through to a stile at Brown Hill. The continuation of the path towards Netherthong, east from point E will remain recorded at approximately 1.2m / 4ft.

The evidence suggests that the actual width of the footpath that historically existed was under-recorded in the Statement.

The evidence also supports a 'presumption of dedication' of a public right of way over a width of 3-4m as the result of use by the public, without force secrecy or permission, for a full period of 20 years. (Section 31 Highways Act 1980).

The Order would also add to the Statement the additional 'limitations or conditions' of a 1.2m wide gap, alongside a gate (at point B on the Order Plan). The Order also removes from the Statement reference to two stiles (at points B and C) and a wicket gate (at point D) as it appears likely that those structures have not been in place for considerable lengths of time and a public right of way has been 're-dedicated' without those limitations or conditions.

The Order will also remove from the Definitive Map the symbol 'S', meaning 'stile', marked at or near points B and C on the Order Plan.

The Order will not delete the public footpath from the Definitive Map or change its position. The Order does not seek to create a new public right of way. If confirmed, this Order would recognise, by modification of the Statement, the existence of a public rights over a greater width than previously recorded for part of footpath Holmfirth 60 and change the legal record of the limitations on the public right of way.

The evidence on which the Order is made includes e.g. evidence statements from individual members of the public and historical documents. If you wish to view the evidence on which the decision to make the Order is based, please contact Phil Champion, Kirklees Council, Public Rights of Way, Flint Street, Huddersfield, HD1 6LG. Telephone: 01484 221000 email: phil.champion@kirklees.gov.uk

Representations and objections relating to the order must be made in writing by 23 August 2021 quoting reference D105-171 to Kirklees Council, Legal Services, 2nd Floor, High Street Buildings, High Street, Huddersfield HD1 2ND or by email to harry.garland@kirklees.gov.uk .

To be relevant, representations or objections should relate to the existence or status of rights of way or the extent of or any limitation to those rights; other issues, such as privacy, security or amenity are unlikely to be relevant. If you want to discuss a representation or objection to this order, contact Phil Champion, Kirklees Council, Public Rights of Way, Flint Street, Huddersfield, HD1 6LG. Telephone: 01484 221000 email: phil.champion@kirklees.gov.uk .

This Order does not come into effect until confirmed. If there are no representations and objections to the Order, or those made are withdrawn, the Council can confirm the Order, and the definitive map and statement will be modified. If there are any representations and objections which are not withdrawn, the council must send the Order and representations and objections to the Planning Inspectorate who will appoint an independent inspector to consider the order and the representations and objections. The Inspectorate will normally hold a hearing or a public inquiry but it could determine the Order through written representations. The Inspector may confirm the Order, with or without modifications, or may decide that the Order should not be confirmed.