
D105-147 Holmfirth Restricted Byway 231 - Bridge Lane Holmfirth

Kirklees Council
Legal Services

Index

D105-147 Holmfirth Restricted Byway 231 - Bridge Lane Holmfirth

Index		1 - 5
CD1		6
CD1 Order & Map		7 - 10
CD1 Order & Map Duplicate		11 - 14
CD2		15
CD2 Order & Map COPY 1		16 - 19
CD2 Order & Map COPY 2		20 - 23
CD2 Order & Map COPY 3		24 - 27
CD3		28
CD3.1 - Letter		29
CD4		30
CD4 - Wildlife & Countryside Act 1981 - Section 53pdf		31 - 36
CD4.2 Planning Sub-Committee Meeting 04.01.2018		37 - 57
CD4-3 Planning Sub-Committee (Huddersfield Area) 22.02.2018	20/03/2020	58 - 61
CCD4.4 Application for Modification Order	20/03/2020	62 - 64
CD5	20/03/2020	65
CD5.1 Letter from P [REDACTED] 09.06.18	09/06/2018	66
CD5.2	23/03/2020	67 - 74
CD6	23/03/2020	75
CD6.1	20/03/2020	76 - 81
CD7	23/03/2020	82
CD7.1	20/03/2020	83
CD7.2	20/03/2020	84
CD8	20/03/2020	85
CD9	20/03/2020	86
CD 10	23/03/2020	87

**D105-147 Holmfirth Restricted Byway 231 - Bridge Lane
Holmfirth (cont...)**

CD10	23/03/2020	88 - 99
CD11	23/03/2020	100
CD11.1	23/03/2020	101 - 102
CD12	20/03/2020	103
D13	23/03/2020	104
CD13 Map	20/03/2020	105
CD14	20/03/2020	106
CD14.1	20/03/2020	107
CD15	20/03/2020	108
CD16	20/03/2020	109
CD17	20/03/2020	110
CD18	20/03/2020	111
CD18.1	20/03/2020	112 - 113
CD19	23/03/2020	114
CD19 1	23/03/2020	115
CD20	20/03/2020	116

D105-147 Holmfirth Restricted Byway 231 - Bridge Lane Holmfirth

Checklist for Order Making Authorities

DOCUMENT – the documents shown in bold are those required by legislation.	Doc. Ref.
<p>Signed/sealed order in duplicate. (Please do not attach/staple other documents to the sealed orders.)</p>	CD1 1 - 14
<p>Three copies of the order and associated maps.</p>	CD2 15-27
<p>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.</p> <p>Although we will do our best to avoid any dates you provide to us, we are unable to give any guarantees.</p>	CD3 28-29
<p>Statement of the grounds on which it is considered the order should be confirmed.</p> <ul style="list-style-type: none"> • The statement must explain why the order meets the relevant criteria. It is not sufficient to simply repeat the criteria of the section of the Act under which the order is made. • If you intend to rely on your statement of grounds and do not propose to submit a statement of case in due course, please also submit a full list of the documents/evidence¹ on which your statement of grounds is based. • <u>If your Council is not supporting</u> the order please submit a Statement of the grounds which explains why you have taken this stance. This should include your interpretation of the evidence examined by your Council before deciding whether or not to make the Order. <p>If you wish to do so, you may submit the Council's comprehensive statement of case with the Order. You will not then need to submit a further statement (unless subsequent evidence is discovered which needs to be added). To assist the appointed Inspector, please ensure your statement of case is properly paginated and indexed</p>	CD4 30-64
<p>Representations and objections to the order (including supporters), along with a covering list of their names.</p>	CD5 64-74
<p>Statement containing the OMA's comments on the objections.</p>	CD6 75-81
<p>Copy of the notice publicising the order together with a copy of newspaper cutting(s).</p>	CD7 82-84

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

<u>REFER TO NOTE 1 BELOW</u>	CD8 85
Certificate that, in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local offices.	
Certificate that the necessary consultations have been carried out (other local authorities and statutory undertakers) <u>N.B. For HA 118B and 119B this includes the police authority</u>	CD9 86
Copies of any replies to the pre-order consultation and the responses by the OMA.	CD10 87-99
Name and address of every person notified under either (i) paragraph 1(3)(b)(i), (ii) and (iv) of Schedule 6 to the 1980 Act; (ii) paragraph 3(2)(b)(i), (ii) and (iv) of Schedule 15 to the 1981 Act; or (iii) paragraph 1(2)(b)(i) to (iii) and (v) of Schedule 14 to the 1990 Act. 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 3 below.	CD11 100-102
Undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served.	CD12 103
Location map to enable the Inspector to locate the site.	CD13 104-105
Written permission from the landowner allowing the Inspector access to the land (where applicable).	CD14 106-107
Name and address of the applicant.	CD15 108
<ul style="list-style-type: none"> Confirmation that the OMA is supporting the order. If an Inquiry or Hearing is held, will you still be supporting the order. 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.	CD16 109 YES
Details of the time and place where documents relating to the order will be made available for public inspection by the authority.	CD17 110
Health and Safety issues; please complete the attached questionnaire.	CD18 111-113

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).	
<u>REFER TO NOTE 2 BELOW</u>	
Secretary of State's letter of dispensation (WCA - see paragraph 3(4) of Schedule 15)(HA – see paragraph 1(3C) of Schedule 6)(TCPA – see paragraph 1(6) of Schedule 14)(if applicable).	

<u>WCA only</u>	CD19
▪ Extract from the definitive map and statement;	114-115
▪ 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.	CD20
	116
▪ 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.	
<u>If your Council has been directed to make the Order</u>	
▪ The Secretary of States' decision;	
▪ A copy of the Application and supporting documents	

<u>HA and TCPA only</u>	
▪ Undertaking that any new path or way to be provided will be ready for use before the order comes into operation;	
▪ Extract from the definitive map and statement; and	
▪ Where applicable, details of any statutory designation affecting the order route(s) (such as common land, AONB, SSSI).	

<u>HA only</u>	
▪ Where land is owned by an ecclesiastical benefice, certificate that the Church Commissioners have been notified.	

S26, 118 and 119

- A copy of the relevant part(s) of the Rights of Way Improvement Plan (ROWIP), or confirmation that there 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).

S118A and 119A(Rail Crossing Orders)

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

- Confirmation that the land affected is owned by the operator, or, where the land is not owned by the operator, the landowner has agreed to the proposal;
- Confirmation that the operator is prepared to maintain the whole or part of the path, and has agreed to defray part or all 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.

<p><u>S118B(1)(a) and 119B(1)(a)</u></p> <ul style="list-style-type: none"> ▪ Where applicable, a copy of any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998; 	
<ul style="list-style-type: none"> ▪ A copy of the relevant map for the area as contained in the designation order. 	

<p><u>TCPA only</u></p> <ul style="list-style-type: none"> ▪ A copy of the relevant planning permission and a copy of the approved plan or copy of relevant planning application (where Order made following the Growth and Infrastructure Act 2013); 	
<ul style="list-style-type: none"> ▪ Plan indicating how the path or way will be affected by the development; 	
<ul style="list-style-type: none"> ▪ Confirmation that all the land affected is owned by the developer or consent from the landowner(s) as appropriate; 	
<ul style="list-style-type: none"> ▪ Confirmation about the current stage of the development. 	
<ul style="list-style-type: none"> ▪ <u>Written consent of any statutory undertaker affected or confirmation that none is so affected. If replies have been received from the statutory undertakers, these must be included;</u> 	

Please now proceed to the health and safety questionnaire which is appended to this checklist.

CD 1

Signed/Sealed Order in duplicate.

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018**

This Order is made by Kirklees Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that Authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i) that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a restricted byway.

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

The Kirklees Council hereby order that:-

1. For the purpose of this Order the relevant date is 1 May 2018.
2. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area shall be modified as described in Part I and Part 2 of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date that it is confirmed and may be cited as the "Kirklees Council (Holmfirth Restricted Byway 231 – Bridge Lane, Holmfirth) Public Path Modification Order 2018."

GIVEN under the Corporate Common)
Seal of the Council of the Borough)
of Kirklees this Fourteenth day of May)
Two thousand and eighteen)



010765

~~Service Director/ Legal, Governance and Commissioning~~

Authorised Signatory

SCHEDULE

PART 1 - MODIFICATION OF THE DEFINITIVE MAP

DESCRIPTION OF PATH OR WAY TO BE ADDED

A restricted byway shown on the plan annexed hereto by the broken green line commencing at its junction with Bridge Lane at point A at grid reference 1441 0850 and proceeding in a northerly direction for 212 metres to point B at grid reference 1445 0871. Recommencing at point C at grid reference 1445 0872 and proceeding in a north north-westerly direction for 42 metres to point D at 1447 0875

PART 2 – MODIFICATION OF THE DEFINITIVE STATEMENT

The following details to be added to the Definitive Statement

Area	Holmfirth
Path No	231
Map Reference	SE 10NW 1408

Description of route:

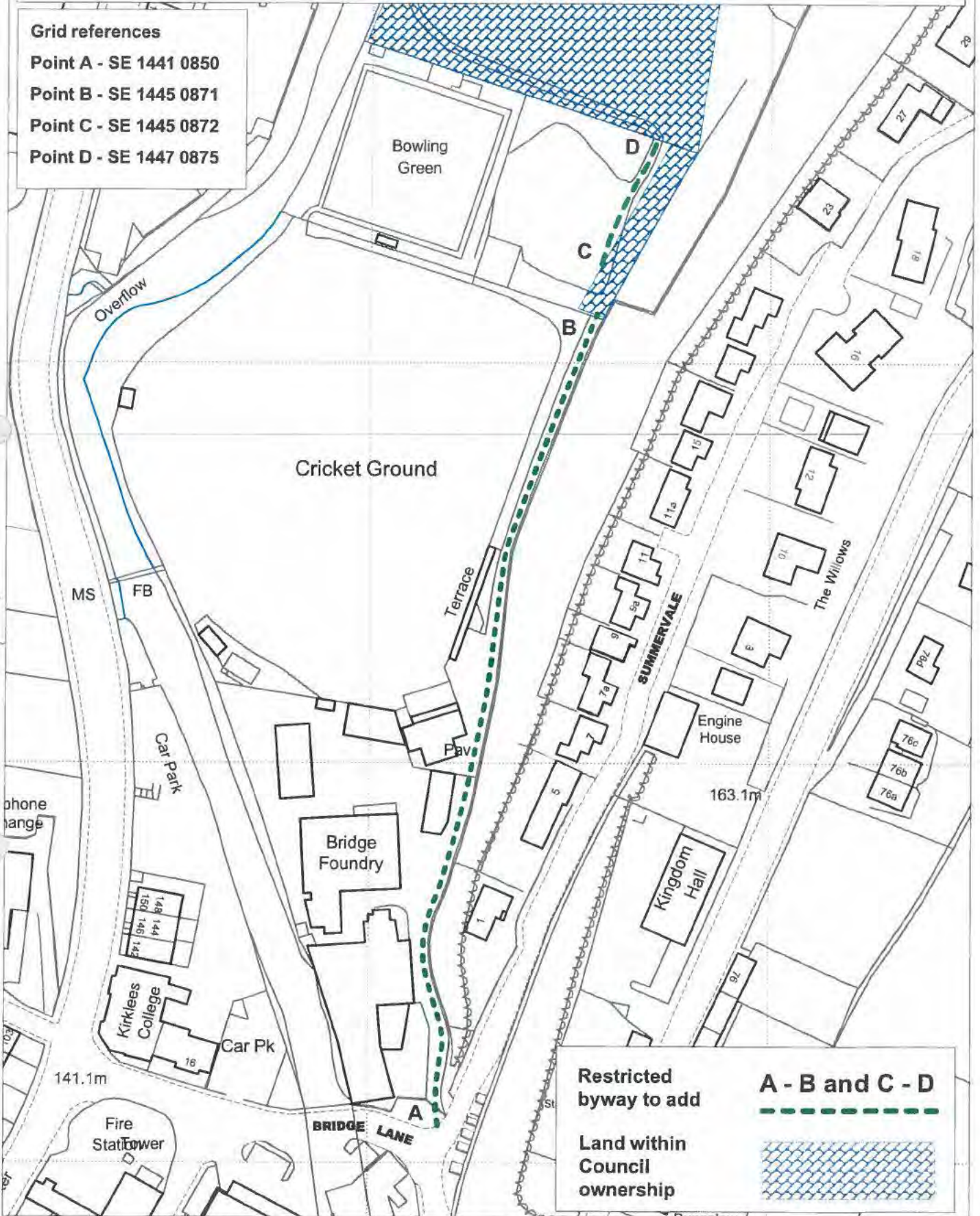
Restricted byway commencing at its junction with Bridge Lane and proceeding in a northerly direction along the track running to the east of the cricket pitch, to the boundary of the cricket club and Kirklees Council land at the southern tip of the spur of Council land. Recommencing approximately 12 metres north at the Council land boundary with the Bowling Green car park and continuing to the boundary of the Council's land at Sands Recreation Ground

Nature of surface	150 m tarmac 62 m planings/old tarmac 42 m sand stone/planings
Length	254 m
Width	3 m

Wildlife & Countryside Act 1981, Section 53. Modification order to add a restricted byway to the definitive map and statement - Holmfirth 231 Bridge Lane, Holmfirth

Grid references

- Point A - SE 1441 0850
- Point B - SE 1445 0871
- Point C - SE 1445 0872
- Point D - SE 1447 0875



© Crown Copyright and database right 2018.
Ordnance Survey 100019241



Map prepared on 8 March 2018

Scale 1 : 1250

**KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018**

Dated 14 May 2018

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

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018**

This Order is made by Kirklees Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that Authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i) that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a restricted byway.

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

The Kirklees Council hereby order that:-

1. For the purpose of this Order the relevant date is 1 May 2018.
2. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area shall be modified as described in Part 1 and Part 2 of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date that it is confirmed and may be cited as the "Kirklees Council (Holmfirth Restricted Byway 231 – Bridge Lane, Holmfirth) Public Path Modification Order 2018."

GIVEN under the Corporate Common)
Seal of the Council of the Borough)
of Kirklees this Fourteenth day of May)
Two thousand and eighteen)



010765

~~Service Director/Legal, Governance and Commissioning~~

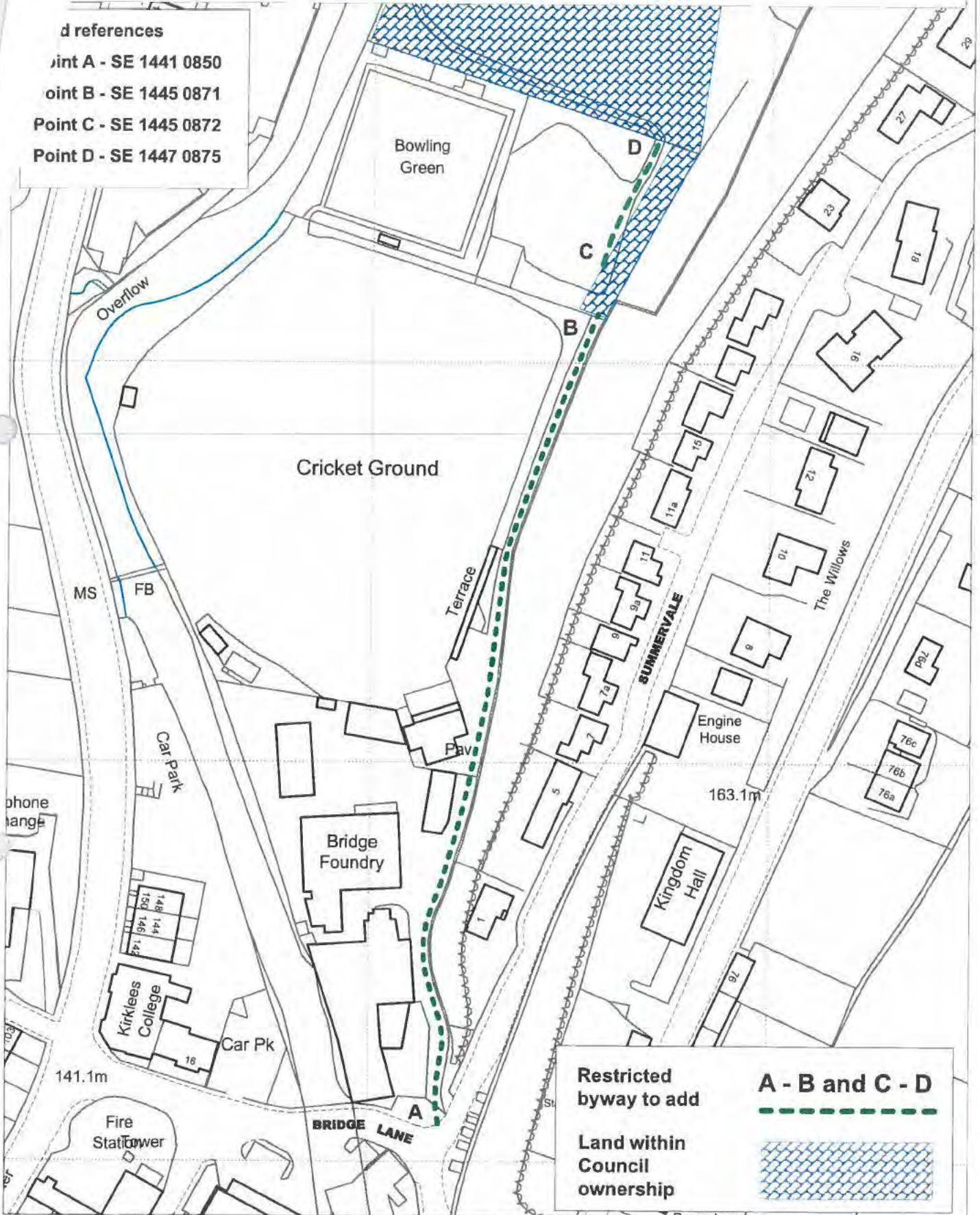
Authorised Signatory

A handwritten signature in black ink, appearing to read 'J Shute', written over the 'Authorised Signatory' text.

ie & Countryside Act 1981, Section 53. Modification order to add a restricted byway to the definitive map and statement - Holmfirth 231 Bridge Lane, Holmfirth

Point references

- Point A - SE 1441 0850
- Point B - SE 1445 0871
- Point C - SE 1445 0872
- Point D - SE 1447 0875



© Crown Copyright and database right 2018.
Ordnance Survey 100019241



Map prepared on 8 March 2018

Scale 1 : 1250

KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018

Dated 14 May 2018

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

CD 2

3 copies of the Order and associated map.

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018**

This Order is made by Kirklees Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that Authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i) that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a restricted byway.

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

The Kirklees Council hereby order that:-

1. For the purpose of this Order the relevant date is 1 May 2018.
2. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area shall be modified as described in Part I and Part 2 of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date that it is confirmed and may be cited as the "Kirklees Council (Holmfirth Restricted Byway 231 – Bridge Lane, Holmfirth) Public Path Modification Order 2018."

GIVEN under the Corporate Common)
Seal of the Council of the Borough)
of Kirklees this Fourteenth day of May)
Two thousand and eighteen)



010765

~~Service Director/ Legal, Governance and Commissioning~~

Authorised Signatory

SCHEDULE

PART 1 - MODIFICATION OF THE DEFINITIVE MAP

DESCRIPTION OF PATH OR WAY TO BE ADDED

A restricted byway shown on the plan annexed hereto by the broken green line commencing at its junction with Bridge Lane at point A at grid reference 1441 0850 and proceeding in a northerly direction for 212 metres to point B at grid reference 1445 0871. Recommencing at point C at grid reference 1445 0872 and proceeding in a north north-westerly direction for 42 metres to point D at 1447 0875

PART 2 – MODIFICATION OF THE DEFINITIVE STATEMENT

The following details to be added to the Definitive Statement

Area	Holmfirth
Path No	231
Map Reference	SE 10NW 1408

Description of route:

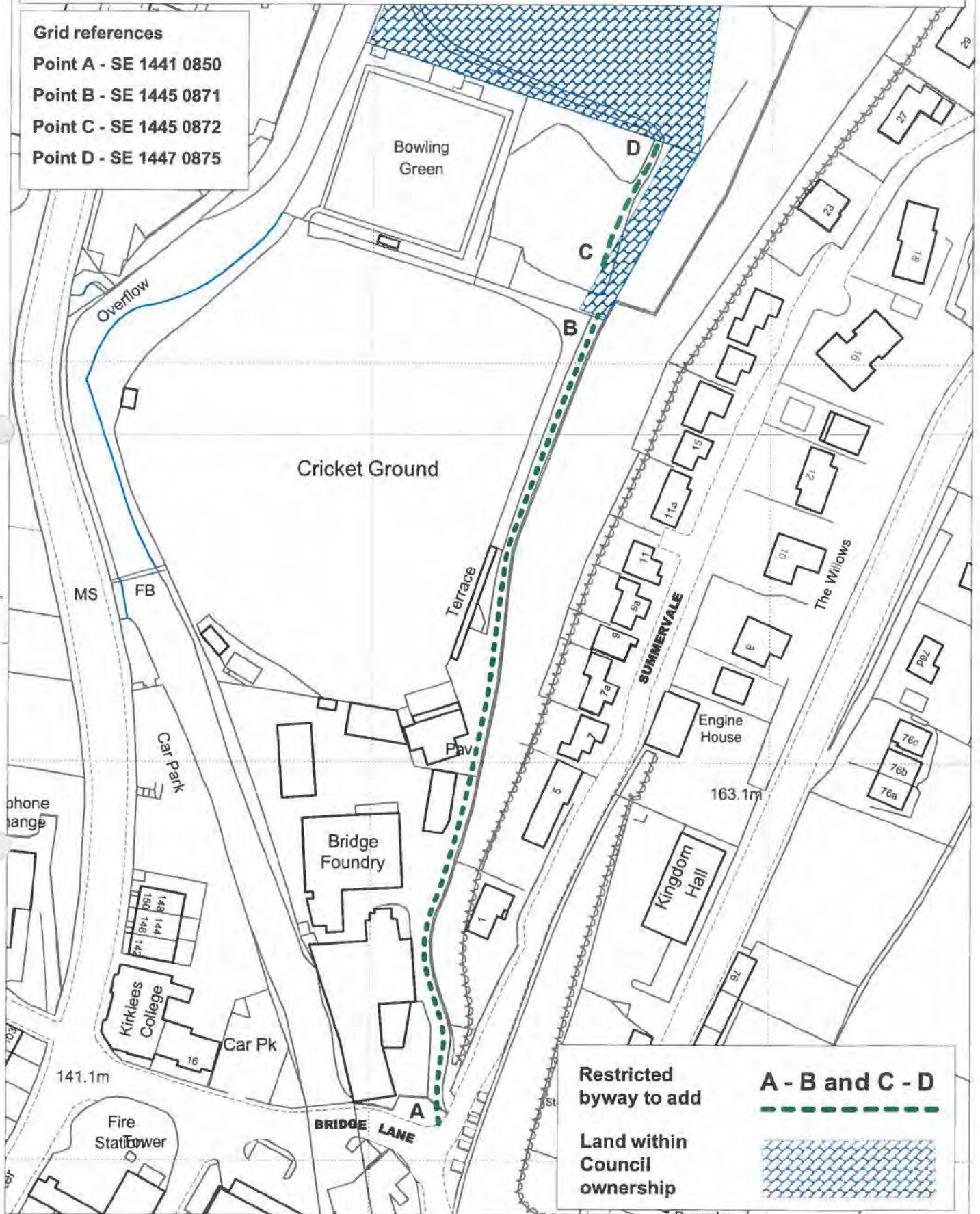
Restricted byway commencing at its junction with Bridge Lane and proceeding in a northerly direction along the track running to the east of the cricket pitch, to the boundary of the cricket club and Kirklees Council land at the southern tip of the spur of Council land. Recommencing approximately 12 metres north at the Council land boundary with the Bowling Green car park and continuing to the boundary of the Council's land at Sands Recreation Ground

Nature of surface	150 m tarmac 62 m planings/old tarmac 42 m sand stone/planings
Length	254 m
Width	3 m

Wildlife & Countryside Act 1981, Section 53. Modification order to add a restricted byway to the definitive map and statement - Holmfirth 231 Bridge Lane, Holmfirth

Grid references

- Point A - SE 1441 0850
- Point B - SE 1445 0871
- Point C - SE 1445 0872
- Point D - SE 1447 0875



© Crown Copyright and database right 2018.
Ordnance Survey 100019241



Map prepared on 8 March 2018

Scale 1 : 1250

**KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018**

Dated 14 May 2018

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

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018**

This Order is made by Kirklees Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that Authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i) that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a restricted byway.

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

The Kirklees Council hereby order that:-

1. For the purpose of this Order the relevant date is 1 May 2018.
2. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area shall be modified as described in Part I and Part 2 of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date that it is confirmed and may be cited as the "Kirklees Council (Holmfirth Restricted Byway 231 – Bridge Lane, Holmfirth) Public Path Modification Order 2018."

GIVEN under the Corporate Common)
Seal of the Council of the Borough)
of Kirklees this Fourteenth day of May)
Two thousand and eighteen)



010765

~~Service Director/ Legal, Governance and Commissioning~~

Authorised Signatory

SCHEDULE

PART 1 - MODIFICATION OF THE DEFINITIVE MAP

DESCRIPTION OF PATH OR WAY TO BE ADDED

A restricted byway shown on the plan annexed hereto by the broken green line commencing at its junction with Bridge Lane at point A at grid reference 1441 0850 and proceeding in a northerly direction for 212 metres to point B at grid reference 1445 0871. Recommencing at point C at grid reference 1445 0872 and proceeding in a north north-westerly direction for 42 metres to point D at 1447 0875

PART 2 – MODIFICATION OF THE DEFINITIVE STATEMENT

The following details to be added to the Definitive Statement

Area	Holmfirth
Path No	231
Map Reference	SE 10NW 1408

Description of route:

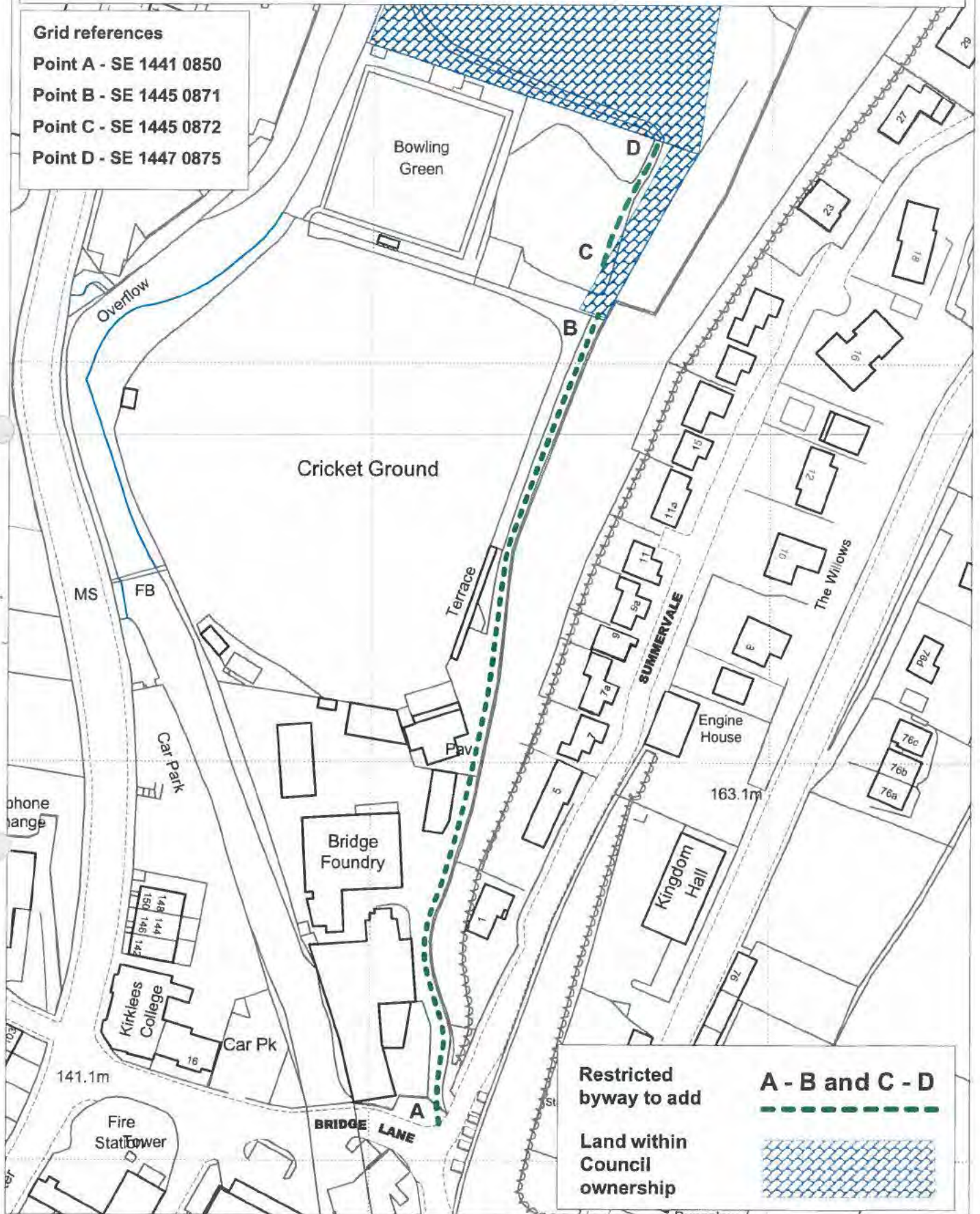
Restricted byway commencing at its junction with Bridge Lane and proceeding in a northerly direction along the track running to the east of the cricket pitch, to the boundary of the cricket club and Kirklees Council land at the southern tip of the spur of Council land. Recommencing approximately 12 metres north at the Council land boundary with the Bowling Green car park and continuing to the boundary of the Council's land at Sands Recreation Ground

Nature of surface	150 m tarmac 62 m planings/old tarmac 42 m sand stone/planings
Length	254 m
Width	3 m

Wildlife & Countryside Act 1981, Section 53. Modification order to add a restricted byway to the definitive map and statement - Holmfirth 231 Bridge Lane, Holmfirth

Grid references

- Point A - SE 1441 0850
- Point B - SE 1445 0871
- Point C - SE 1445 0872
- Point D - SE 1447 0875



© Crown Copyright and database right 2018.
Ordnance Survey 100019241



Map prepared on 8 March 2018

Scale 1 : 1250

**KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018**

Dated 14 May 2018

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

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018**

This Order is made by Kirklees Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that Authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i) that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a restricted byway.

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

The Kirklees Council hereby order that:-

1. For the purpose of this Order the relevant date is 1 May 2018.
2. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area shall be modified as described in Part I and Part 2 of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date that it is confirmed and may be cited as the "Kirklees Council (Holmfirth Restricted Byway 231 – Bridge Lane, Holmfirth) Public Path Modification Order 2018."

GIVEN under the Corporate Common)
Seal of the Council of the Borough)
of Kirklees this Fourteenth day of May)
Two thousand and eighteen)



010765

~~Service Director/ Legal, Governance and Commissioning~~

Authorised Signatory

SCHEDULE

PART 1 - MODIFICATION OF THE DEFINITIVE MAP

DESCRIPTION OF PATH OR WAY TO BE ADDED

A restricted byway shown on the plan annexed hereto by the broken green line commencing at its junction with Bridge Lane at point A at grid reference 1441 0850 and proceeding in a northerly direction for 212 metres to point B at grid reference 1445 0871. Recommencing at point C at grid reference 1445 0872 and proceeding in a north north-westerly direction for 42 metres to point D at 1447 0875

PART 2 – MODIFICATION OF THE DEFINITIVE STATEMENT

The following details to be added to the Definitive Statement

Area	Holmfirth
Path No	231
Map Reference	SE 10NW 1408

Description of route:

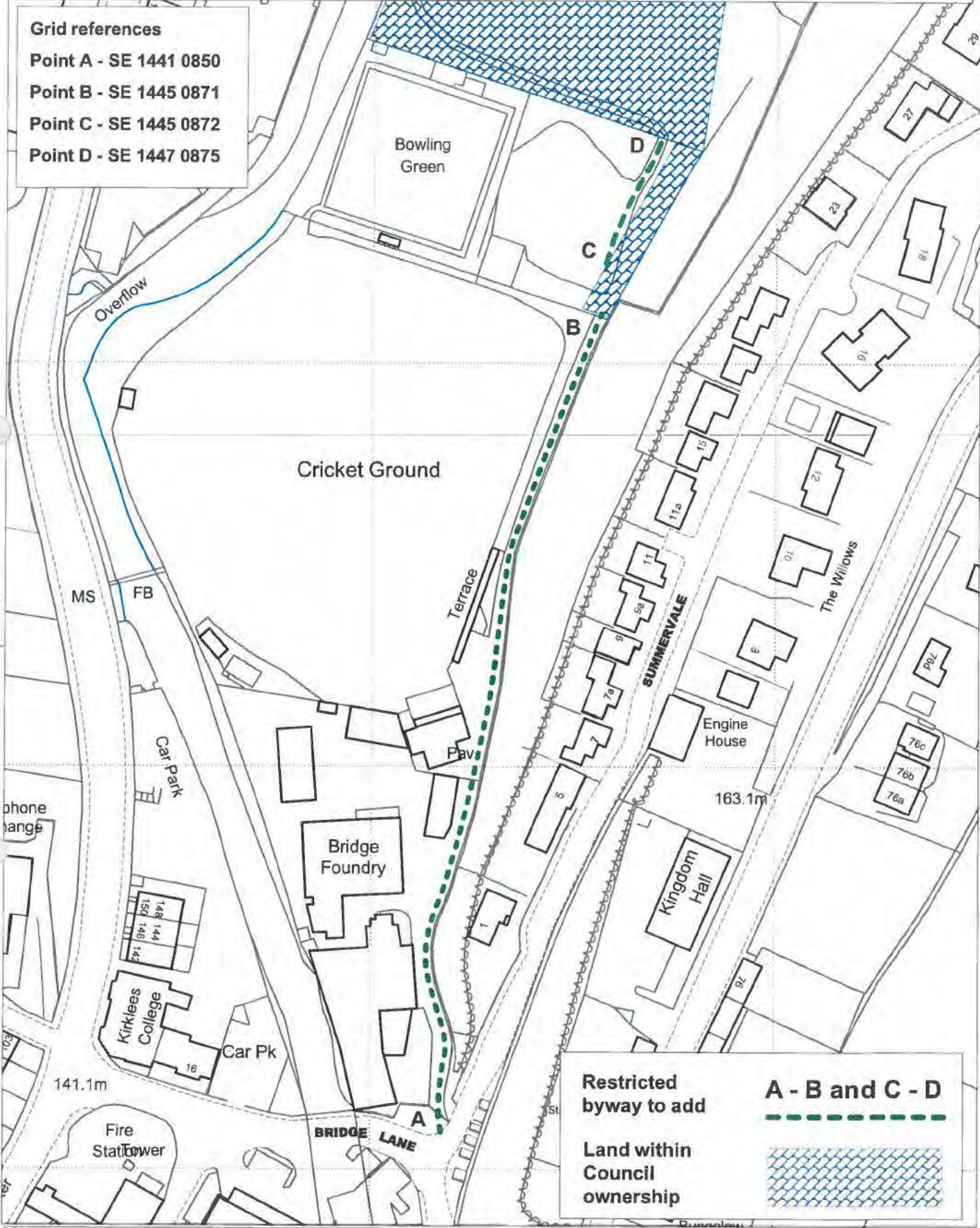
Restricted byway commencing at its junction with Bridge Lane and proceeding in a northerly direction along the track running to the east of the cricket pitch, to the boundary of the cricket club and Kirklees Council land at the southern tip of the spur of Council land. Recommencing approximately 12 metres north at the Council land boundary with the Bowling Green car park and continuing to the boundary of the Council's land at Sands Recreation Ground

Nature of surface	150 m tarmac 62 m planings/old tarmac 42 m sand stone/planings
Length	254 m
Width	3 m

Wildlife & Countryside Act 1981, Section 53. Modification order to add a restricted byway to the definitive map and statement - Holmfirth 231 Bridge Lane, Holmfirth

Grid references

- Point A - SE 1441 0850
- Point B - SE 1445 0871
- Point C - SE 1445 0872
- Point D - SE 1447 0875

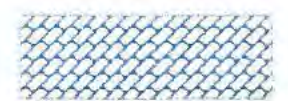


Restricted byway to add

A - B and C - D



Land within Council ownership



© Crown Copyright and database right 2018.
Ordnance Survey 100019241



Map prepared on 8 March 2018

Scale 1 : 1250

CD 3

The OMA's submission letter including, where possible, dates when the Council would not be available for hearing/inquiry over the next 11 months.

Tel: 01484 221000

Fax: 01484 513237

Email: sandra.haigh@kirklees.gov.uk
www.kirklees.gov.uk

20 March 2020

Our Reference: DEV/SJH/GDM/D105-147

Your Reference: FPS/Z4718/14D/5

The Planning Inspectorate
3/G Hawk Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sir/Madam,

Wildlife and Countryside Act 1981 – Section 53
West Yorkshire Metropolitan County Council
Definitive Map & Statement for the Kirklees Area – Kirklees Council (Holmfirth
Restricted Byway 231 – Bridge Lane, Holmfirth)
Public Path Modification Order 2018

On 14 May 2018 Kirklees Council made the above Modification Order and objections were made to the Order.

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

Should this matter be determined by way of Public Inquiry.

The dates that the Council is not available for hearing/inquiry are:-

30 June to 2 July inclusive; and
9 September to 5 October inclusive.

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



Sandra Haigh
Senior Legal Officer
for Service Director – Legal, Governance and Commissioning

Enc

CD 4

The statement of the grounds on which it is considered that the Order should be confirmed.

CD4 - Wildlife & Countryside Act 1981 – Section 53

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

**Kirklees Council (Holmfirth restricted byway 231 – Bridge Lane, Holmfirth) Public Path
Modification Order 2018**

Statement of grounds on which it is considered the Order should be confirmed.

1. The order was made by Kirklees Council ("the Council") under Section 53 of the Wildlife and Countryside Act 1981 ("the 1981 Act"). For the purpose of the Order the relevant date is 1 May 2018.
2. The Council considered evidence associated with a definitive map modification order ("DMMO") application, to modify the definitive map and statement under the Wildlife & Countryside Act 1981. The evidence received has been considered and the investigation and decision of the Council addresses the matters raised in applications and submissions.
3. The bridleway addition DMMO application, file reference 'DMMO 169' is appended.
4. The evidence relating to the DMMO application was investigated and considered by the Council. The relevant Council reports form part of the bundle submitted with this order, as appended to this statement. Due to a typographical error, citing 'section 53 3 c ii', a second report was taken to sub-

committee, for confirmation of the nature of the Council's decision to make an order under subsection 53 3 c i.

5. Use of the Council land by the public, including use of the application and user witness routes is considered to have been by right, during the time that the land was in public use. Public user of routes over other land, without sufficient evidence of relevant landowner challenge or action, was considered sufficient to raise a presumption of dedication under the statutory provisions of section 31, Highways Act 1980.
6. This presumption, detailed in the Highways Act 1980 section 31, states 'where a way over any land has actually been enjoyed by the public as of right and without interruption for a period of 20 years the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it'
7. 169 evidence forms from users ("UEF") have been submitted relating to the application. There is some mention in witness evidence of relevant encumbrances to use, but overall there is considered to be sufficient evidence to raise the presumption of dedication. Further alleged evidence against the establishment of public rights has been cited but not adduced; where the Council has been told of the gathering of evidence, that it has not subsequently received, which may affect the further consideration of this matter. The Council has sought submission of additional, cited evidence for over two years.
8. Generally, the cricket club, the foundry and the bowling club are landholders

that oppose the Order as made.

9. Even if it was not the intention of landowners that the route should be dedicated as a public right of way there is contradictory evidence about whether this was sufficiently communicated to the public, before the use of the land was brought into question, by the application made to the Council, or otherwise.

10. There is some adduced evidence relating to the demonstration by the landowner of no intention to dedicate the path as a public path, or challenge to user in the 20 years prior to 2011. User witnesses were sent follow-up questionnaires by the Council relating to challenge to use, the result of which, when combined with the paucity of evidence against, made it difficult to conclude that the landowners did demonstrate either. The evidence relating to challenge concerns the requirement of payment, and the blocking of the route, at a social centre frequented by large numbers of people over the years connected with the operation of a cricket club. However, there are, to date, very few people bearing witness on this claim. Players, officials, spectators, both from this and the visiting clubs, over many years, would be counted in their hundreds, and such evidence may be important in consideration of this matter.

11. The Council has been informed that additional witness evidence has been collected which would count against the Order's confirmation, but as this has not been adduced, despite it being requested by the Council, therefore it cannot be considered or assessed. It has been suggested to the Council that this will all be sorted at inquiry, but this does not assist the Council in preparing this documentation for submission with the opposed Order, indeed it may be

considered to hamper.

12. The Holmfirth area is covered by the modified definitive map and statement ("DMS") with a relevant date of 30 April 1985, published by West Yorkshire Metropolitan County Council in 1985. No recorded public right of way in the DMS connects to the Order route.
13. Objections have been received to the Order. The bowling club comments appear to relate to the inconvenience of having a route through the car park. The objection, submitted on behalf of the cricket club, questions the establishment of public rights due to matters of interruption, passage upon payment and landowner challenge. The Council has asked for submission of cited further evidence, reportedly being collected in January 2018.
14. When deciding what order is requisite, the council has considered the evidence submitted by the applicants, along with other relevant evidence. The Council recognised a need to consider all issues relating to the way at the same time and to make the appropriate order thereafter. This approach naturally follows from the introductory wording of section 53(3)(c) of the 1981 Act which requires the Council to act upon a wide evidential basis considering the evidence that has been discovered with all other relevant evidence available.
15. In the appended committee reports taken before the Council's relevant sub-committee, the investigation, evidence and recommendations are covered in detail.

16. Consideration of evidence relating to the existence of any such public rights of way now falls within the determination of the opposed Order. A public inquiry may be considered the appropriate format for addressing the objections raised, particularly given the number of witnesses and the alleged existence of witness evidence against the Order that has not been adduced, despite Council request.

17. The Council notes that the process may unfortunately be unnecessarily drawn out, due to the non-submission of evidence against the Order. At the time of the Council's order-making decision in 2018, an objector stated that it was gathering further evidence negating the claim, stating "evidence of this permission is being obtained", "to that end I am obtaining statements", "in the process of creating sworn affidavits"; however, the Council has not received such further evidence despite invitation. It appears possible that the objector may rely on witnesses and evidence not known or available to the order-making authority at this time, so any consideration of that information and its effect on the Council's position has not been possible.

18. The Council would respectfully ask that the Order be confirmed if the Secretary of State or his appointed inspector is satisfied that public rights have been shown to subsist on the balance of probabilities. If the determination is that the Order should be modified prior to confirmation, for example to reflect a different status, then the Council would support such modification.

Appendices

Committee reports [Kirklees Council planning sub-committee (Huddersfield area)]

4 January 2018

22 February 2018 (Clarification of use of WCA 1981, section 53 3 c i)

DMMO application to add footpaths – DMMO ref: 169.

Name of meeting: Planning sub-committee (Huddersfield Area)

Date: 4 January 2018

Title of report: Application for a definitive map modification order to add a public bridleway to the definitive map and statement, Bridge Lane to Sands, Holmfirth.

Purpose of report: Members are asked to consider the evidence and decide on the requisite modification of the definitive map and statement of public rights of way. An application has been received for a definitive map modification order to record a public bridleway.

Members are asked to make a decision on making an order and forwarding any order made to the Secretary of State, if opposed.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable If yes also give date it was registered
The Decision - Is it eligible for call in by Scrutiny?	No – council committee
Date signed off by <u>Director</u> & name	Naz Parkar 19 December 2017
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	James Anderson on behalf of Debbie Hogg 19 December
Is it also signed off by the Service Director (Legal Governance and Commissioning)?	Deborah Wilkes on behalf of Julie Muscroft 18 December 2017
Cabinet member portfolio	N/A

Electoral wards affected: Holme Valley South

Ward councillors consulted: Cllrs. Patrick, Sims & Firth.

Public or private: Public

1. Summary

- 1.1 The council received an application (at App A, with plan) from Mr N Charlton in April 2011 for an order to modify the definitive map and statement of public rights of way to record a public bridleway between point A at Bridge Lane and point B on the south side of the bridge crossing the River Holme at Sands (Ordnance Survey grid reference SE 1451 0893. (DMMO file ref: 169). The witnesses writing the emails mentioned in the application form were sent the council's form WCA8, which is a user evidence form. If they did not subsequently complete a form, their email comments are included at the foot of the WCA8 evidence summary at App J.
- 1.2 The council has received 118 user evidence forms. These forms are generally used by witnesses to describe their personal knowledge and experience of routes.
- 1.3 A small number of these witnesses do not consider the route to be public.
- 1.4 The council has received representations from landowners, "Holmfirth Cricket Club" "Holmfirth Bowling Club" and "J & JW Longbottom Ltd (Bridge Foundry)" opposing the application.
- 1.5 Yorkshire Electric has a caution registered against the land, within the 'J & JW Longbottom' Foundry ownership. The majority of the Foundry land is not registered with Land Registry. Longbottom granted a 60-year lease in 2005 concerning land for use associated with an electricity sub-station.
- 1.6 Submissions have been received from the Physical Resources and Procurement (PRP) service, on behalf of the council ("KC") as landowner of Sands Recreation Ground, and from Holmfirth Bowling Club, which owns land near the application route. KC land ownership plans are appended at App B.
- 1.7 Holmfirth Cricket club and Bridge Foundry dispute the existence of public rights over their landholdings and oppose the making of any order. Their submissions are at App C. They have both engaged Mr Andy Dunlop as their representative. Holmfirth Cricket Club contend that public rights could not have been established as public use has been interrupted, physically prevented and/or has been by permission. The Cricket Club also contends that it has communicated an intention not to dedicate public rights over its land. The contentions raised in Mr dunlop's correspondence was repeated in a letter from a long-term committee member of the Cricket Club.
- 1.8 Mr Dunlop's correspondence and the cricket club submissions at App C cite a number of witnesses and proposed declarations; the council has received evidence (the letter) from the one mentioned above.

- 1.9 Mr Dunlop states: *"Having been brought into this late and time pressing for the Councils determination I'll mainly restrict myself to the application as made, whilst recognising that your investigation may cover other areas not within the evidence relied upon by the applicant.*

With that in mind, this highlights the issue raised already with the Councils current policy in that it does not permit the applicant or potential objector to review evidence obtained by the process or the report until a few days before it goes to Committee for determination. The applicant and potential objectors then only get three minutes to plead their case. This process was challenged successfully as far back as the 1980s and led to most Counties or Authorities changing their practices to take account of natural justice and prevent unnecessary orders being made. A review of Anna O'keefes first case against the Isle of Wight may assist your policy makers. Her first challenge against the decision making body as to the process they used, which is almost exactly as Kirklees do now, was wholly successful, causing the made Order to be quashed and started again. (Her later "assault" on the subsequent Order and the WCA process was not ultimately successful)

Turning to the application; Which appears to be based wholly upon "user" evidence dating back a number of years.

The objectors have been consulted on these matters and are in the process of creating sworn affidavits from two of the cricket clubs longest members, [names redacted] with first hand direct knowledge from 1963 and 1966 to date. These members can and will attest the following:

In 1963 the Cricket club used the now roadway as a seating area. It was not passable except on foot. The current lower seating area was then a grass bank only. Whilst it eventually led to a gate into an enclosed area, that was initially over grown, that area had a fence across it on the northern side and no access out of that area to the field beyond (now a football field). This fact is separately confirmed by [redacted], the retired President of Huddersfield and District Football League, who can state that the field was a rough field they used in the 1940s for games and again later in the late 70s or early 80s when they formed a football field on it. He confirms there was no way through initially until he formed the way in the 80s.

The Bowls Club members historically only had foot access to the end of the now road but usually used the private foot bridge (after parking on Huddersfield Road as there was none at their site) to walk across the western end of the field and enter via a (now blocked but still visible) gateway in their southern wall.

There was a gate across the entrance to the now road at a point where a metal post now exists by the club house. This was used to control access on match days, events and also as a security measure. It was locked shut when the club was not in use or groundsmen were not present. It was also used to control access to private events.

Circa 1977 the Council constructed Sands Swimming Pool and formed a road to the bridge that leads to the area now used as a football pitch and recreation ground. Bowls Club members made use of this and then started to drive that way, parking adjacent their wall and hopping over. This practice was curtailed by the formation of the football pitch by Laurie Platt and others when they constructed the pitch. Posts were constructed to prevent unlawful use and are still partially extant.

Later, after the construction of the pitch and as there were no changing rooms, Mr [name redacted, of the Huddersfield football league] negotiated with the Cricket club to allow use of clubs changing rooms (for a fee) and an opening was made in the dividing fence for this purpose.

It is acknowledged that people other than football users started to use the route occasionally at this time but a sign was erected stating that the route was private and the gate was locked when the club was not in use. There was one notable occasion in the 80s when the gate was closed because of a private event at the cricket club. To gain access one had to pay an entrance fee, at the gate.

[redacted], one of the committee members was in charge of the gate and takings, and he prevented a man from "Power Tool Trades" from coming through. This man claimed he didn't want to go to the function but just to walk through. He was denied access and attempted to climb the gate. He was pushed back and a ruckus ensued. He was informed, in front of many witnesses that the route was not a public right of way. The man said he would report the assault to the Police but nothing came of it.

In 1986 the Bowls club could no longer use the Sands Football Pitch route so they and the Cricket Club constructed the current car park and opened up the now road. The sloping sides of the ground were remodelled to permit seating and the upper seating was removed. The boundary wall and gate were removed but the old line is still visible.

In 1989 the club removed the old gate across their entrance and replaced it with a lockable swing barrier. This was mostly locked shut when the club was not in use or groundsmen were not in attendance. It was also used as a pay line for private events.

The swing barrier was demolished by a Dray Wagon in the middle 90s. This was immediately replaced with a lockable chain across the now road, in the position it still remains. This was locked whenever the club was not occupied or when groundsmen were not present. The payment of entrance fees to private events was replaced by a temporary desk when appropriate.

This chain drew complaints from Mr Nick Charlton repeatedly as it prevented use by many users who were not able to climb over it. He was rebuffed and the chain remained. He was pointed to a sign on the exterior wall that said that the road was private. This has been in existence for many years.

In around 2005 the Club replaced the chain with sturdy metal gates in the position they are now as there had been a number of incidents of vandalism. Mr Charlton came across the club members when they were installing these and he questioned what was going on. He was told in no uncertain terms that it had nothing to do with him, it was a private path and to be on his way.

These metal gates allow access on foot with the clubs permission but are locked completely over the Christmas period when the club is unoccupied and no groundsmen are present, unless there is a paid private event then they are manned.

Over the years, the Cricket Club have specifically granted permissive access outside normal hours to organisers of special events so that access can be gained to their events on Sands Field. This includes Rotary events and similar. Evidence of this permission is being obtained and is supported by the Councils own records

that will show that when they sought to extend the path from the playing field along the application route in the last 20 years the club, not wishing to create a public right of way, refused.

The objectors believe that there is no case for a claim of statutory or common law dedication. We say that there is not even a reasonable allegation of public rights on the claimed route or any other. We will resist any such claim.

Your offer of sight of the user evidence maps and claims is acknowledged and welcomed but serves no purpose in light of the above, in particular at such short notice to yourselves as it creates more work for the Council to provide and it is apparent that the claimed route is not the trodden path. It would however be appreciated if the Officers report could be made available to us, for the reasons outlined at the start of this report, so that we may respond fully in writing, if necessary, to the Committee.

I recognise the Councils policy on sharing information and consultation is restrictive. Perhaps it should be brought to the attention of policy makers that the policy is ultra vires as it goes against Judgement set out in O'Keefe (1). Indeed, KMBCs policy seems to cause additional officer time, fails to uncover available facts and restricts land owners to a three minute response (which in turn is likely to lead to wasteful and unnecessary public enquiries).

I sought to meet with you to discuss the application and clarify the "user" claims as on the available paper they make no sense;

- 1. The claimed route is clearly not the trodden path.*
- 2. Mr Charlton refers to it as a footpath but makes a claim for a bridleway. Whilst it is recognised that there have been some users on foot and bicycle, the only horse ever seen was once, recently and ridden by an on duty Police Officer.*

As for fundamentally flawed and without hope, the route has been gated for as many years as it has been in existence. The route was and is closed multiple times per year during sporting events and access is restricted to those with express permission from the bowls club or upon payment. Although I would not surprised if the claimed users don't mention it, as the Council will be aware that such an acknowledgement or arrangement destroys the claim. To that end, I am obtaining statements from those that have memory back to the 1950s and before. I also

hope to provide financial accounts that run from before earliest claimed public user, up to modern times.

I am also interested in the Councils ownership or occupation of the eastern part of the claimed route, along with restrictions attached thereto. If you feel you can share information that would be most useful.

I have received instructions to represent Holmfirth cricket club and their neighbours in relation to the claim across their land. You will receive written confirmation shortly. Initial investigations suggest that the claim is fundamentally flawed and without hope but I would like to see the application, evidence adduced and to discuss anything you may have turned up."

- 1.10 The Foundry opposes the recording of any public rights over its land and states that public user would be contrary to their safe operations.
- 1.11 Further to matters raised by the Cricket Club in objection and during a site meeting with the Club and Mr Dunlop, officers have contacted users who had submitted witness evidence, sending out a form of supplementary questions to try to clarify various points.
- 1.12 The supplementary form is appended at App G. It was sent by email to 47 witnesses and 3 ward councillors, and by letter to 37 witnesses. 45 had been returned by 15 December 2017.
- 1.13 PRP's submissions, on behalf of the council as landowner, are at App D. Sands Recreation Ground is vested in the Streetscene & Housing (Parks & Open Spaces, under deed reference number 1722). The council made deposits in 2012 under s31(6) of the Highways Act 1980 regarding establishment of public rights of way – the deposits were made after the date of the DMMO application and do not have retrospective effect on this application.
- 1.14 Holmfirth Bowling Club submissions are at App E and it considers that "this route has been used as a public right of way for many years." (WCA 10 landowner evidence form.) The Bowling Club identify a "roadway" 15'6" wide over the council land to the east of the bowling club land, as shown in their property deeds. In 2011 the Bowling club wrote to the council of its objection to the recording of the way as a public right of way.
- 1.15 The applicant, Mr Charlton, has submitted documentary evidence which is appended at App F., as well as user and other personal evidence.
- 1.16 Mr Charlton & family have property at Summervale, and land between Summervale and the council's landholdings. Some of Mr Charlton's evidence may relate to the existence and use of potential private rights of way. Even though Mr

Charlton is the applicant, the council must consider the available evidence as a whole in reaching its conclusion on the existence of public rights.

- 1.17 The council should identify a date when the use of the route was brought into question. There is a dispute demonstrated by the conflicting evidence regarding this, which may not be settled until after a public inquiry, but it is clear that the erection of a chain in March 2011 prompted Mr Charlton's application in April 2011, some local concern and media attention, which would lead to consideration of a period of 1991-2011 for the purposes of assessing any potential statutory presumption of dedication of a public right of way. Security gates were reported in the local press in 2012, but this would be after the date of challenge. (App Y)
- 1.18 The council has to determine the definitive map modification order application. The council must consider the available evidence, before reaching a decision on making any requisite order to modify the definitive map and statement. If the council makes an order, it must be advertised and notice given, with a period for formal objections to be made. If opposed, it would have to be submitted to the Secretary of State at DEFRA to determine.
- 1.19 Even though the application is for a bridleway to be recorded, the council must decide what, if any, rights have been shown to satisfy the relevant test(s). This means that the council may make a different order or none at all, after appropriate consideration of the available evidence.
- 1.20 For example, if there is sufficient evidence only to record public footpath rights, then an order should be made for a public footpath. If bicycle user is sufficient for an order to be made to record those rights, then it would be appropriate to record a bridleway or a restricted byway, depending on the circumstances.
- 1.21 The evidence and comments of the landholders objecting to the application and any recording of any public right of way are to be noted as well as those describing use and wishing to see a way recorded.
- 1.22 When considering additions to the definitive map and statement of public rights of way, the council must make an order
 - 1.22.1 If a public right of way is shown to subsist on the balance of probabilities,
or
 - 1.22.2 if the right of way is shown to be reasonably alleged to subsist.

2. Information required to take a decision

- 2.1 Members are asked to consider the report, the available evidence for and against the recording of public rights, and decide what order, if any, to make.

- 2.2 It is the council's statutory duty to maintain the definitive map and statement and make any requisite orders.
- 2.3 Guidance for members is appended (Appendix 1).
- 2.4 The application is made under the Wildlife & Countryside Act 1981.
- 2.5 The council should consider the available evidence and make an order to modify the record of public rights of way when it is requisite in accordance with section 53 of the Wildlife & Countryside Act 1981.
- 2.6 The statutory provision in Section 53(3)(b) (WCA81), requires the Surveying Authority (Kirklees Council) to modify the Definitive Map and Statement following: *"the expiration in relation to any way in the area to which the map relates of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway."*
- 2.7 Section 53 (3) c (i) requires the council to make an order to modify the definitive map when evidence is discovered which shows *"a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;"*.
- 2.8 Unrecorded public rights of way may come into being in a number of different ways, such as a result of a legal event such as a creation or diversion. Further, Section 53(3)(b) of the 1981 Act requires the Council to modify the Definitive Map and Statement on expiration of any period of public use if it can be shown that the public have used the path for a sufficient length of time to raise a presumption that the path has been dedicated as a public path. This presumption, detailed in the Highways Act 1980 section 31, states *"where a way over any land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of 20 years the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it"*. In identifying a relevant 20 year period for the purpose of section 31, we have to work retrospectively from this date of challenge.
- 2.9 The 20 year period is taken to run backwards from the date when the use of the path was first "brought into question", whether by a notice or otherwise (HA Section 31 (2)). Section 69 of The Natural Environment and Rural Communities Act 2006 (NERC) clarified that the submission of an application to modify the

Definitive Map was sufficient to call the use of the route into question by inserting subsections 7A and 7B into Section 31 HA 1980.

- 2.10 Section 31 states that only ways that are capable of being public highways are able to be considered under the statutory test. In the case of *Moser v. Ambleside U.D.C.* (1925) 89 J.P. 118, it was determined by Lord Justice Atkins that:
- 2.11 *"One of the first questions that one always has to enquire into in such a case as this is from whence does the highway come and whither does it lead? It has been suggested that you cannot have a highway except in so far as it connects two other highways. That seems to me to be too large a proposition. I think you can have a highway leading to a place of popular resort even though when you have got to the place of popular resort which you wish to see you have to return on your tracks by the same highway".*
- 2.12 In *Kotegaonkar v SSEFRA* (2012) EWHC 1976 (Admin), Mr Justice Hickinbottom looked at the establishment of public rights of way, particularly regarding a route not connecting to an existing highway. At paragraph 72 he concluded *"In my judgment, to be a highway, it is insufficient for a way to be linked to a place to which "the public would have a reasonable expectation to go" or "a place to which the public may resort", as the Inspector considered to be the case: a highway, by definition, requires to be linked to a highway or to other land to which the public have a right of access."* That decision described the consideration of the existence and establishment of *cul-de-sac* public highways
- 2.13 <http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2012/1976.html&query=kotegaonkar&method=boolean>
- 2.14 The Committee must consider whether there is sufficient evidence to raise the presumption of dedication. The standard of proof is the civil one that is the balance of probabilities. Members must weigh up the evidence and if, on balance, it is reasonable to allege that there is a public right of way, then the presumption is raised. The onus is then on the landowner to show evidence that there was no intention on his/her part to dedicate. This must be by some overt act on the part of the landowner to show the public at large that there was no such intention.
- 2.15 Such evidence relied upon may consist of notices or barriers, or by locking of the way on one day in the year, and drawing this to the attention of the public, or by the deposit of a Statutory Declaration under HA Section 31 (6) to the effect that no additional ways (other than any specifically indicated in the Declaration) have been dedicated as highways since the date of the deposit.

- 2.16 "Intention to dedicate" was considered in *Godmanchester*, which is the authoritative case dealing with the proviso to HA80 s31. In his leading judgment, Lord Hoffmann approved the obiter dicta of Denning LJ in *Fairey v Southampton County Council* [1956] who held "*in order for there to be 'sufficient evidence there was no intention' to dedicate the way, there must be evidence of some overt acts on the part of the landowner such as to show the public at large – the people who use the path....that he had no intention to dedicate*".
- 2.17 Lord Hoffmann held that "*upon the true construction of Section 31(1), 'intention' means what the relevant audience, namely the users of the way, would reasonably have understood the owner's intention to be. The test is...objective: not what the owner subjectively intended nor what particular users of the way subjectively assumed, but whether a reasonable user would have understood that the owner was intending, as Lord Blackburn put it in Mann v Brodie (1885), to 'disabuse' [him] of the notion that the way was a public highway*".
- 2.18 For a landowner to benefit from the proviso to s31(1) there must be 'sufficient evidence' that there was no intention to dedicate. The evidence must be inconsistent with an intention to dedicate, it must be contemporaneous and it must have been brought to the attention of those people concerned with using the way. Although s31 ss (3), (5) and (6) specify action which will be regarded as "sufficient evidence", they are not exhaustive; s31 (2) speaks of the right being brought into question by notice "or otherwise".
- 2.19 Dedication of a public path at Common Law should also be considered. The main principles of establishing a highway under common law are:
- 2.19.1 Use by the public should be as of right; without force, secrecy or permission.
 - 2.19.2 The landowner should know of the use but do nothing to prevent it. No minimum period of use is required (unlike the statutory process where a minimum of 20 years is required).
 - 2.19.3 The more intensive and open the use and the greater the evidence of owners knowledge and acquiescence the shorter the period required to raise a presumption that the way has been dedicated.
 - 2.19.4 Each case is judged on the facts available.
 - 2.19.5 The onus of proof lies with the person making the claim to show that there was use and that the owner knew of it and did nothing to stop it.

- 2.20 In considering the addition of unrecorded footpaths, there are two tests to be applied, as identified in the case of *R v Secretary of State for the Environment ex parte Mrs J Norton and Mr R Bagshaw*, and clarified in the case of *R v Secretary of State for Wales ex parte Emery*.
- 2.20.1 Test A: Does a right of way subsist? This requires clear evidence in favour of public rights and no credible evidence to the contrary.
- 2.20.2 Test B: Is it reasonable to allege that a right of way subsists? If there is a conflict of credible evidence but no incontrovertible evidence that a right of way cannot be reasonably alleged to subsist, then a public right of way has been reasonably alleged.
- 2.21 If the council were to make a decision to make an order adding a public right of way only on the basis of Test B, members may note that the public rights of way provisions of the Deregulation Act 2015, which are yet to come into force, will remove Test B, so any such authorised order could only be made prior to commencement of any such relevant provisions.
- 2.22 Section 32 of the Highways Act 1980 states "*A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.*" Whether determination is by the Inspectors appointed by the Secretary of state, the highest courts or the council as surveying authority for public rights of way, it is appropriate and correct for those deciding such matters to consider documents that form part of the available evidence, and to decide the weight of that evidence in reaching a decision.
- 2.23 Government guidance to local authorities is contained in DEFRA'S Rights of Way Circular 1/09, version 2
- 2.24 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf
- 2.25 Members are advised that if a definitive map modification order is made, which then attracts objections which are not withdrawn, then the council would have to forward it to the Secretary of State at DEFRA for determination. The DMMO

consistency guidelines, are issued to the Secretary of State's inspectors in the planning inspectorate

- 2.26 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517495/Full_version_February_2016_consistency_guides_2_.pdf
- 2.27 Mr Charlton made the application in April 2011, after he reported his concerns about access through the cricket club land.
- 2.28 The council's land at Sands, identified in App B, was acquired by the predecessor urban district council in the 1960s under the Physical Training and Recreation Act 1937.
- 2.29 <https://www.legislation.gov.uk/ukpga/Edw8and1Geo6/1/46/section/4/enacted>
- 2.30 Papers relating to the acquisition of the land by the district council, and now owned by Kirklees Council, are shown at App M. The council's land includes a spur of land to the east of the Bowling Club land which connects to a common boundary with the Cricket Club's land.
- 2.31 The council's land at Sands has been laid out for the use of the public, the public are entitled to use it, so use of this council land is not use "as of right" and public rights of way could not be acquired across it. The council's land managers (Corporate Facilities Manager, Jonathan Quarmby) identify in form WCA 10 form that the land was acquired in September 1969 and is "*retained and managed by the Council as public open space*". The public user of council land described in evidence is user by deemed permission or by right in accordance with that designation from the acquisition by the district council.
- 2.32 Use of the way by those taking a linear route could not be distinguished by the landowner from use of the land for recreation. Only 8 of the 118 witnesses identify their use towards the north as reaching the public highway (e.g. Huddersfield Road). For the large majority, witnesses identify the bridge across the river or other points within the council's Sands landholdings not on the public highway.
- 2.33 This aspect is explored in the Planning Inspectorate order decision of July 2017 (ref: FPS/X1355/7/4M), which considers relevant case law, including Barkas, and is of interest.
- 2.34 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/636720/fps_x1355_7_4m_final_od.pdf

- 2.35 The route in question has been raised in some council correspondence in the past. This is appended at App H.
- 2.36 The spur of land identified in paragraph 2.30 above has been identified by the Bowling Club as carrying a right of way, but is not currently all available for public passage, as after entering the council's land from the south, most of the spur has been left under a pile of earth and stone, which the Cricket Club states is the scrapings from the groundworks preparing for the Bowling Club car park in the mid-1980s. This appears likely to have caused deviation from the line of the KC spur onto the Bowling Club land via the car park to the Sands council land. The spur of land does not appear to have been enclosed or maintained, since the deposit of materials.
- 2.37 The matter of the old spur and the currently available route over the Bowling Club car park was raised in the council's supplementary questions form sent out to witnesses. As identified above, it is possible for a public right of way to have been gained connecting to the council's recreational landholdings. This could be at the southern end of the spur and/or to the main body of the council's land further north across the bowling club car park.
- 2.38 The user evidence identifies use by 118 witnesses nearly all identifying a route from Bridge Lane to the northern extent of the Cricket Club land. Of these, over 60 give evidence of use for the whole period 1991-2011, with many others' evidence including time within that period. (see App J).
- 2.39 Evidence submitted includes 12 witnesses claiming use by bicycle including the whole period 1991-201, with 10 others' evidence including use within that period.. (App J).
- 2.40 Users noted seeing others and described use on foot, dog walking, accessing play area, running, going to doctor's, visiting recreation ground, cycling. Such use would be appear open, notorious and of a nature similar to that expected of public rights of way.
- 2.41 The submitted user evidence demonstrates substantial and frequent use over many years by the public. App J shows WCA8 user evidence, and App K shows responses to the council's supplementary questions.

- 2.42 As well as the Cricket Club's evidence, a small number of witnesses have mentioned incidents such as a table being laid out by the Cricket Club and bonfire night.
- 2.43 The Cricket Club claims that the way has been blocked and that access was not allowed without payment for access to watch cricket matches, and that controls on access occurred in relation to other events. It also claims that relevant notices have been posted regarding access by the public.
- 2.44 The various evidence discovered is contradictory and unclear, and members are reminded of the test described at 2.20.2 above for making an order where the two sides may have credible evidence but there is not incontrovertible evidence to show that no public way subsists.
- 2.45 A decision on the appropriate status of any route alleged to subsist here would have regard to the user evidence. For this route, there is bicycle as well as pedestrian user. If sufficient, the bicycle user would lead to a question of whether to record the route as a bridleway or as a restricted byway. Generally, following the decision in *Whitworth v Secretary of State for Environment, Food and Rural Affairs* [2010], it would be appropriate to record the less burdensome status to the landowner. However in this case, the route is not an historic bridleway, and there is an absence of evidence of equestrian user, so there is no basis from which a less burdensome bridleway can be inferred. If sufficient to satisfy the relevant criteria, the bicycle use would suggest a status of restricted byway in the order.
- 2.46 A 2017 Planning Inspectorate DMMO decision (ref: FPS/E2001/7/30) on this point, subsequent to *Whitworth* and of interest is at this link:
- 2.47 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/608941/fps_e2001_7_30_od.pdf
- 2.48 None of the user evidence forms describe equestrian use by witnesses.
- 2.49 Motor vehicular use in user evidence forms – 4 witnesses describe motor vehicular use (2002-17 and 2004-17 and 2005-11 and 1976-11). This would appear insufficient to be indicative of the existence of public motor vehicular rights.
- 2.50 Ordnance Survey plans showing the land over the years are appended at App X (1893, 1906, 1931, 1967). These are not demonstrative of public rights of way but indicate the physical nature of the site over the years. The physical existence of a route through the Foundry, Cricket club and KC spur of land is clear from these

plans. They may indicate the presence of gates at certain years, but this is not evidence that any gate may have been or was locked.

- 2.51 After considering the evidence and the relevant criteria members have a number of options.
- 2.52 The first option for members is to refuse the application and to decide that the council should not make any order.
- 2.53 The second option for members is for the council to make an order to record a public right of way, and either confirm it or forward it to the Secretary of State if it is opposed.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

- 3.1.1 Providing better facilities for physical activity works towards local and national aims of healthy living.

3.2 Economic Resilience (ER)

- 3.2.1 There is an indirect impact of a welcoming environment which helps promote and retain inward investment

3.3 Improving Outcomes for Children

- 3.3.1 See 3.1.1

3.4 Reducing demand of services

- 3.4.1 See 3.5.

3.5 Other (e.g. Legal/Financial or Human Resources)

- 3.5.1 The Council has a statutory duty to maintain the formal record of public rights of way and to respond to applications and discovery of evidence of unrecorded and mistakenly recorded public rights of way.
- 3.5.2 The Council must make a decision regarding the order application and any appropriate PROW status of this route, making any order that is requisite further to Wildlife & Countryside Act 1981, e.g. section 53. In accordance with the Council's delegation scheme, this is a decision for the sub-committee.
- 3.5.3 Any person may make an objection or representation to an order modifying the definitive map and statement. If objections are not withdrawn, any order made would be forwarded to the Secretary of state at DEFRA, and

GDE-GOV-REPORTTEMPLATE-v3-02/17 NEW

likely considered by an inspector appointed by the Secretary of State, who may or may not confirm the order.

4 Consultees and their opinions

- 4.1 Ward members have been informed about the public bridleway claims and have been informed of the report being brought to sub-committee.
- 4.2 Officers have contacted landowners, statutory and local user groups and the Parish council.
- 4.3 The Parish council response was *"Although the Council has no specific evidence, my Members are aware that the bridleway has been used as a public right of way for at least 50 years."*
- 4.4 Some individual witness evidence was subsequently received, and is as described elsewhere in this report.
- 4.5 Kirklees Bridleways group ("KBG") submitted some historic documents in connection with the setting up of the railway serving Holmfirth, which includes the land of the route from Bridge Lane route under reference 104. (App L).
- 4.6 KBG wrote *"photos from the Railway Plan and book of reference. This shows an occupation road up to a field which he informs me belongs to him and it also has an old gateway at the start of his field. The plan and book of reference is available to view at the Parliamentary Archives document reference HL/PO/PB/3/plan1845/H2. The Huddersfield and Sheffield Junction Railway was incorporated with the Manchester and Leeds Railway in an Act of 1846 and the Manchester and Leeds Railway became the Lancashire and Yorkshire Railway"*

5 Next steps

- 5.1 If an order is made, it will be advertised on site and in the local newspaper. All owners and occupiers will receive a copy of the order as well as other statutory consultees. Anyone may submit written objections to the order during the relevant notice period.
- 5.2 If no one makes an objection the Council could confirm the order. If objections are made, and not withdrawn, the order has to be referred to Secretary of State DEFRA, who will decide if the order should be confirmed. This usually involves appointing an inspector to consider the evidence from all parties at a public inquiry, hearing or by exchange of correspondence.

5.3 If the Council does not make any order, then the applicant may appeal by way of representations to the Secretary of State who may direct the Council to make an order. [WCA 1981, Schedule 14, 3 (4)]. The applicant has 28 days to appeal after notice is served by the council of its refusal decision.

6. Officer recommendations

6.1 **Officers recommend that** members authorise the Service Director, Legal, Governance and Commissioning to make a definitive map modification order ("DMMO") to record a restricted byway between points A & B and between points C & D shown on appended plan 1, under section 53 (3) c (i) of the Wildlife & Countryside Act 1981.

6.2 **Officers further recommend that** if the order recommended at 6.1 above is made, members authorise the Service Director, Legal, Governance and Commissioning to confirm the order or if opposed, to submit it to the Secretary of State at DEFRA to determine.

Reasons

6.3 There is significant evidence regarding public use of the route from Bridge Lane to the northern extent of the Cricket club land and then across the Bowling Club car park land towards Sands.

6.4 Public user over routes within the council's landholdings would not appear to have resulted in the establishment of a public right of way. This is because such user would be by right (or potentially by deemed permission) in accordance with that designation from the acquisition.

6.5 Use over the council land described in the evidence has been to varying terminal points, over various routes, with a small proportion of witnesses identifying any northern end point of the journey on the public highway network. This suggests that the user has not been as a public highway and additionally in this case it would appear difficult to distinguish from the usual activity of people walking throughout the public access land held by the council.

6.6 It has been established that a public right of way may have only one point on the public highway network (e.g. Bridge Lane), if the other terminal point leads to a place of popular resort. (*Moser v Ambleside U.D.C.* (1925) 89 J.P. 118).

- 6.7 In *Moser v. Ambleside U.D.C.* (1925) 89 J.P. 118, it was determined by Lord Justice Atkins that: "*One of the first questions that one always has to enquire into in such a case as this is from whence does the highway come and whither does it lead? It has been suggested that you cannot have a highway except in so far as it connects two other highways. That seems to me to be too large a proposition. I think you can have a highway leading to a place of popular resort even though when you have got to the place of popular resort which you wish to see you have to return on your tracks by the same highway*".
- 6.8 Officers have considered whether it could be appear reasonable to allege that a public highway may subsist between two places of popular resort, such as in a case of a cliff-top path between two busy beaches, or in this case at Holmfirth. Sands recreation ground is considered to be a place of popular resort and a public right of way could therefore be reasonably alleged to subsist between Bridge Lane and the Sands council-owned land.
- 6.9 Considering *Kotegaonkar*, and noting that the particular circumstances of this matter differ – e.g. the council as landholder states that its land is maintained as a public open space – then one can consider Sands Rec to be land that is not only a place of popular resort, but is also land to which the public have a right of access where, (unlike the health centre and shopping arcade land in *Kotegaonkar*), the public access is not trespass and also it cannot be prevented by the owner. In such circumstances, a public right of way could be reasonably alleged to subsist between two points of this 'public access' land, over other land. This is reflected in the officer recommendation to include route C-D over the bowling Club land in Plan 1 in the order, linking two parts of the council land.
- 6.10 At paragraph 2.36 of the Planning Inspectorate's consistency guidelines for DEFRA inspectors, it states: "*The courts have long recognised that, in certain circumstances, culs-de-sac in rural areas can be highways. (e.g. Eyre v New Forest Highways Board 1892, Moser v Ambleside 1925, A-G and Newton Abbott v Dyer 1947 and Roberts v Webster 1967). Most frequently, such a situation arises where a cul-de-sac is the only way to or from a place of public interest or where changes to the highways network have turned what was part of a through road into a cul-de-sac. Before recognising a cul-de-sac as a highway, Inspectors will need to be persuaded that special circumstances exist.*"

- 6.11 In this case, when considered by the criteria in paragraph 2.20.2 above, there is a conflict of evidence provided, but there is no incontrovertible evidence that a right of way cannot be reasonably alleged to subsist. The appropriate status should be reflected in any order made.
- 6.12 In conclusion, as there is credible evidence on both sides in this case and no incontrovertible evidence that no public right of way subsists then officers consider that an Order to modify the Definitive Map and Statement should be made to record a restricted byway under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 over the Bridge Foundry, Cricket Club and Bowling club lands as shown in appended Plan 1.
- 6.13 If an order is made and objections made and not withdrawn, it must be forwarded to the Secretary of State to make a decision. In that event, a public inquiry may be considered by his inspector to be the preferred process to assist in a final determination of this matter, allowing for evidence to be given in person, where it would be open to cross-examination.
- 6.14 Section 53 (3) c (i) requires the council to make an order to modify the definitive map when evidence is discovered which shows "*a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;*".

Summary of officer recommendation

- 6.15 Officers recommend that:

6.15.1 an Order to modify the Definitive Map and Statement should be made to record a restricted byway under Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 between points A-B and C-D on Plan 1 **and that**

6.15.2 the said Order should be forwarded to the Secretary of State for determination if opposed, or otherwise confirmed as unopposed by the council.

7. Cabinet portfolio holder's recommendations

- 7.1 Not applicable

8. Contact officer

Giles Cheetham, Definitive Map Officer

01484 221000

giles.cheetham@kirklees.gov.uk

9. Background Papers and History of Decisions

9.1 872/1/MOD/169

9.1.1 Appendices -

<https://democracy.kirklees.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13500>

9.1.2 Appendix 1 – guidance for members.

9.1.3 Plan 1 – showing recommended addition

9.1.4 App A – DMMO application form and plan

9.1.5 App B – Land ownership plans

9.1.6 App C – Representations from Holmfirth Cricket Club

9.1.7 App C – Representations from Bridge Foundry

9.1.8 App D – Submissions from PRP service for Kirklees Council as landowner.

9.1.9 App E – Submissions from Holmfirth Bowling Club

9.1.10 App F – Applicant submissions – documentary papers.

9.1.11 App G – Supplementary questions for witnesses

9.1.12 App H – Kirklees council “PROW general” file records

9.1.13 App J - User evidence summary

9.1.14 App K - Supplementary form evidence.

9.1.15 App L – KBG railway documents

9.1.16 App M – Sands council acquisition documents

9.1.17 App X – Ordnance Survey plans

9.1.18 App Y – Press cutting

9.1.19 1937 Act extract

10. Assistant Director responsible

10.1 Joanne Bartholomew, Service Director, Commercial, Regulatory & Operational Services

Name of meeting: Planning sub-committee (Huddersfield Area)

Date: 22 February 2018

Title of report: Clarification of decision on item 13 of Planning sub-committee (Huddersfield area) of 4 January 2018. Bridge Lane to Sands recreation, Holmfirth. Application for a definitive map modification order to add a public bridleway to the definitive map and statement. (Application reference 169).

Purpose of report: Members are asked to note a clarification of the sub-committee's previous decision and to reaffirm the decision that was made.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable If yes also give date it was registered
The Decision - Is it eligible for call in by Scrutiny?	No – council committee
Date signed off by <u>Director</u> & name	Karl Battersby 12 February 2018
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	James Anderson on behalf of Debbie Hogg 12 February 2018
Is it also signed off by the Service Director (Legal Governance and Commissioning)?	Julie Muscroft 9 February 2018
Cabinet member portfolio	N/A

Electoral wards affected: Holme Valley South

Ward councillors consulted: Cllrs. Firth, Patrick and Sims.

Public or private: Public

1. Summary

- 1.1 At the meeting of 4 January 2018 members of sub-committee voted on agenda item 13 to support the officer recommendation, as noted at paragraph 6.1, to make an order under section 53 3 c (i) of the Wildlife & Countryside Act 1981 to add a restricted byway to the definitive map and statement. Website Link to item:
- 1.2 <https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CIId=149&MIId=5289>
- 1.3 Unfortunately the report erroneously referred to section 53 3 c (ii) (at paragraph 6.15.1) and the separate summary report also erroneously referred to section 53 3 c (ii) at Part 4
- 1.4 Elsewhere in the report the subsection references were correct.
- 1.5 Officers do not consider that anyone would be disadvantaged by this typographical error, but wish to clarify and reaffirm the decision made by sub-committee.
- 1.6 After identifying the typographical error, advice was taken from both legal and governance officers, with a recommendation to report back to members for clarity prior to the order being made.
- 1.7 Additionally, it may help limit any potential for the council's formal decision to be misunderstood or queried in future proceedings.
- 1.8 Officers apologise for the inconvenience and ask members to recognise their previous decision by reaffirming that the order to be made under section 53 3 c (i).

2. Information required to take a decision

- 2.1 Members are asked to consider the report, and reaffirm the previous decision that an order is to be made under section 53 3 c (i).

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

- 3.1.1 Providing better facilities for physical activity works towards local and national aims of healthy living.

3.2 Economic Resilience (ER)

- 3.2.1 There is an indirect impact of a welcoming environment which helps promote and retain inward investment

3.3 Improving Outcomes for Children

- 3.3.1 See 3.1.1

3.4 Reducing demand of services

- 3.4.1 See 3.5.

3.5 Other (e.g. Legal/Financial or Human Resources)

- 3.5.1 The Council has a statutory duty to maintain the formal record of public rights of way and to respond to applications and discovery of evidence of unrecorded and mistakenly recorded public rights of way.
- 3.5.2 The Council must make a decision regarding the order application and any appropriate PROW status of this route, making any order that is requisite further to Wildlife & Countryside Act 1981, e.g. section 53. In accordance with the Council's delegation scheme, this is a decision for the sub-committee.
- 3.5.3 Any person may make an objection or representation to an order modifying the definitive map and statement. If objections are not withdrawn, any order made would be forwarded to the Secretary of state at DEFRA, and likely considered by an inspector appointed by the Secretary of State, who may or may not confirm the order.

4 Consultees and their opinions

- 4.1 None.
- 4.2 Officers have informed ward members.

5 Next steps

- 5.1 The order will be made, it will be advertised on site and in the local newspaper. All owners and occupiers will receive a copy of the order as well as other statutory consultees. Anyone may submit written objections to the order during the relevant notice period.
- 5.2 If no one makes an objection the Council could confirm the order. If objections are made, and not withdrawn, the order has to be referred to Secretary of State DEFRA, who will decide if the order should be confirmed. This usually involves appointing an inspector to consider the evidence from all parties at a public inquiry, hearing or by exchange of correspondence.

6. Officer recommendations

- 6.1 **Officers recommend that** members note the typographic errors, and confirm the 4 January 2018 sub-committee decision to make and seek confirmation of an order under section 53 (3) c (i) of the Wildlife & Countryside Act 1981.

Reasons

- 6.2 To clarify the decision and limit the potential of challenge and confusion.

7. **Cabinet portfolio holder's recommendations**

7.1 Not applicable

8. **Contact officer**

Giles Cheetham, Definitive Map Officer

01484 221000

giles.cheetham@kirklees.gov.uk

9. **Background Papers and History of Decisions**

9.1 872/1/MOD/169

9.2 Item 13 – planning sub-committee (Huddersfield area) 4 January 2018.

<https://democracy.kirklees.gov.uk/ecSDDisplay.aspx?NAME=SD1464&ID=1464&RPID=504772864>

10. **Assistant Director responsible**

10.1 Joanne Bartholomew, Service Director, Commercial, Regulatory & Operational Services

FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1983 (Schedule 7)

WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES METROPOLITAN DISTRICT AREA

To: Public Rights of Way Unit

of: Kirklees Council, PO Box B93, Civic Centre 3, Huddersfield HD1 2 JR

I/We: (name of applicant)

of: (address of applicant)



hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by:

1) DELETING the (*footway/bridleway/byway open to all traffic/restricted byway) in the District of (*Batley/Colne Valley/Denby Dale/Dewsbury/Heckmondwike/Holmfirth/Huddersfield/Kirkburton/Meltham/Mirfield/Spenborough)

known as number:
which starts at:
and ends at:

and shown on the map annexed hereto.

2) ADDING the (~~footway~~/bridleway/~~byway~~ open to all traffic/restricted byway) in the District of (*Batley/Colne Valley/Denby Dale/Dewsbury/Heckmondwike/Holmfirth/Huddersfield/Kirkburton/Meltham/Mirfield/Spenborough)

known as number: SANDS FOOTPATH.
which starts at: JUNCTION OF SUMMERVALE & BRIDGE LANE HOLMFIRTH
and ends at: BRIDGE ACCESSING SANDS CHILDRENS PLAY AREA.

and shown on the map annexed hereto.

* Please delete as appropriate

continued over.../

3) (UPGRADING/DOWNGRADING) to a (*footway/bridleway/byway open to all traffic/restricted byway)

known as number:

in the District of

(*Batley/Colne Valley/Denby Dale/Dewsbury/Heckmondwike/Holmfirth/Huddersfield/Kirkburton/Meltham/Mirfield/Spenborough)

which starts at:

and ends at:

and shown on the map annexed hereto.

4) (*VARYING/ADDING) TO THE PARTICULARS in the statement accompanying the definitive map relating to (*footway/bridleway/byway open to all traffic/restricted byway)

known as number:

in the District of

(*Batley/Colne Valley/Denby Dale/Dewsbury/Heckmondwike/Holmfirth/Huddersfield/Kirkburton/Meltham/Mirfield/Spenborough)

which starts at:

and ends at:

by providing that:

and shown on the map annexed hereto.

* Please delete as appropriate

I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application:

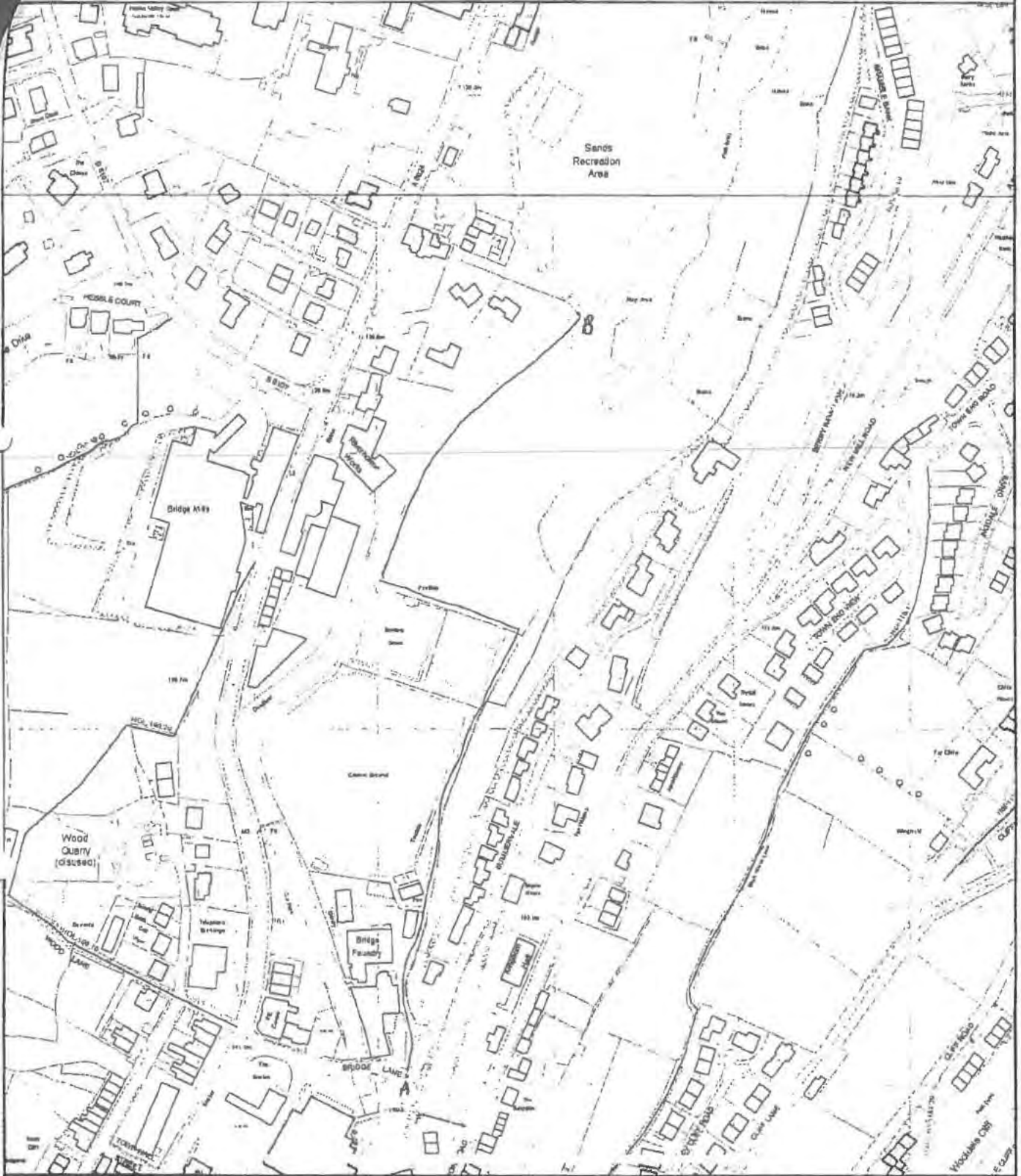
List of documents provided:-

66 CORRECTLY COMPLETED PUBLIC RIGHTS OF WAY INFORMATION SHEETS (MAPS SIGNED & DATED)
19 ADDITIONAL WCA8 FORM WITHOUT MAPS SIGNED.
35 COPY E-MAILS FROM MEMBERS OF PUBLIC CONFIRMING THEIR USAGE OF THE ROUTE.
FORM WCA7 COMPLETED COVERING LETTER.

Dated:

Signed:

Woolfirth Cricket Club



Used with the permission of the Controller of Her Majesty's Stationery Office
 © Crown Copyright. Unauthorised reproduction of this map may lead to prosecution or civil proceedings.
 Licence Number 100019241, 2010.

Scale 1/3000

Centre = 414475 E 408779 N



Date 7/4/2011

CD 5

Representations and objections to the Order (including supporters) along with a covering list of their names.

Emailed Representation from [REDACTED] (Holmfirth Bowling Club)
Dated 22nd May 2018 and 23 May 2018.

Letter from [REDACTED]
Dated 9th June 2018.

Submission from [REDACTED] on behalf of two occupiers of the land affected by the Order, [REDACTED]



9th June 2018

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

Dear Sirs

Re: Path Modification Order, Path No 231, Map reference SE10NW1408, Bridge Lane, Holmfirth

We noted your map dated 8th March 2018 and letter dated 14th May 2018, regarding the above proposed path modification. Please be aware that the proposal as set out encroaches onto land owned by Holmfirth Bowling Club (HBC), and used as our car park.

We grant no permission for any path modification which runs over HBC land – we request that the proposed bridleway should run along the council owned land adjacent to our car park – but this would need to be cleared.

We would request a meeting with yourselves on site to discuss this matter at your earliest convenience.

Thanking you in anticipation.

Yours faithfully



Patricia Whiteley (Mrs)
Secretary
Holmfirth Bowling Club

Sandra Haigh

From: [REDACTED]
Sent: 22 May 2018 18:35
To: Sandra Haigh
Subject: Ref- Proposed byway231

Dear Ms Haigh, It is fact that the dogleg between points B&C takes the byway on to land owned by Holmfirth Bowling Club. It is our intention to fence off our car park, this will necessitate Kirklees clearing the accumulated weeds and seeded trees to enable the byway to be contained on Kirklees land. We await your comments [REDACTED]

[REDACTED]

Sandra Haigh

From: [REDACTED]
Sent: 24 May 2018 15:08
To: [REDACTED]
Cc: Sandra Haigh
Subject: RE: Definitive map modification order to record a restricted byway - Holmfirth 231 - Holmfirth Bowling Club

Hello [REDACTED]

Thanks for that,

The order has already been made by the council, and the Bowling Club has been formally notified.

The order has been advertised and notices placed on site.

The order is not creating a right of way; if confirmed, it would formally recognise a public right of way currently alleged to subsist.

The route across the Bowling Club land is the one described as used by many witnesses who have provided evidence.

If the Bowling Club or anyone else opposes the order that has been made, recording a restricted byway partly on the Bowling Club land, then they may send in any representations or objections in writing, including particulars of the grounds relied on.

This order procedure is described in Schedule 15 of the Wildlife & Countryside Act 1981.

<https://www.legislation.gov.uk/ukpga/1981/69/schedule/15>

- Any objection to the order should be sent to Sandra Haigh, in our legal offices, as described in her correspondence to the Bowling Club.

If you have any query about how to object to the order please contact Sandra Haigh directly.

1484 221000

sandra.haigh@kirklees.gov.uk

I've copied Sandra into this response.

Separate from the order process, I've spoken with the council's land manager for the Sands site and we'll be discussing your request further.

Regards,

[REDACTED]
PROW

[REDACTED]
Sent: 23 May 2018 21:43

To: [REDACTED]

Subject: Re: Definitive map modification order to record a restricted byway - Holmfirth 231 - Holmfirth Bowling Club

[REDACTED] We are saying that the proposed route should be on Kirklees land not on land owned by Holmfirth Bowling

Definitive Map Officer – Public Rights of Way

Streetscene & Housing Service

Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for [REDACTED]

e [REDACTED]

W www.kirklees.gov.uk/

o [Public rights of way: local authority responsibilities https://www.gov.uk/public-rights-of-way-local-authority-responsibilities](https://www.gov.uk/public-rights-of-way-local-authority-responsibilities)

o [Public rights of way: landowner responsibilities https://www.gov.uk/public-rights-of-way-landowner-responsibilities](https://www.gov.uk/public-rights-of-way-landowner-responsibilities)

From: [REDACTED]
Sent: 22 May 2018 18:35
To: Sandra Haigh <Sandra.Haigh@kirklees.gov.uk>
Subject: Ref- Proposed byway231

Dear Ms Haigh, It is fact that the dogleg between points B&C takes the byway on to land owned by Holmfirth Bowling

Club.It is our intention to fence off our car park,this will necessitate Kirklees clearing the accumulated weeds and seeded

trees to enable the byway to be contained on Kirklees land.We await your comments.Geoff. Rollinson.(for Holmfirth

Bowling Club)

Sandra Haigh

From: [REDACTED]
Sent: 29 June 2018 15:38
To: Sandra Haigh
Subject: Objection re Holmfirth Restricted Byway 231
Attachments: I am [REDACTED] This is an application under the Wildlife and Countryside Act to add a route to the Definitive Map and Statement.docx

Dear Ms Haigh,

As previously advised, I act on behalf of the two occupiers of land affected by the above Order.

We object to the Order on the basis that there is no evidence for this Order route of express dedication, presumed dedication during the required time or common law dedication of the route as a public right of way.

Furthermore, we object to the method adopted by the Council to determine the matter in that the elected Members were not given an opportunity to visit the site, they displayed a lack of knowledge of the matter to be decided, were partially advised and evidence, although provided, was not available to them.

I attach as part of this objection copies of the statements read out during the Determination hearing.

We look forward to the forthcoming Public Inquiry.

[REDACTED]

1. [REDACTED] I am a long standing resident of Holmfirth and a member of the cricket club.
2. [REDACTED] one of the committee members was in charge of the gate and takings, and he prevented a man from "Power Tool Trades" from coming through. This man claimed he didn't want to go to the function but just to walk through. He was denied access and attempted to climb the gate. He was pushed back and a ruckus ensued. He was informed, in front of many witnesses that the route was not a public right of way. The man said he would report the assault to the Police but nothing came of it.
3. By 86 the Bowls club could no longer use the Football Pitch route so they and the Cricket Club constructed the current car park and opened up the now road. The path used by the footballers and others then diverted to its current line.
4. In 89 the club removed the old gate, replaced it with a lockable swing barrier. This was mostly locked shut when the club was not in use and as a pay line for private events.
5. The swing barrier was demolished by a Dray Wagon in the middle 90s so was replaced with a lockable chain across the now road, where it is still. This was locked whenever the club was not occupied. The payment of entrance fees to private events was replaced by a temporary desk when appropriate.
6. This chain drew complaints from Mr Charlton repeatedly as it prevented use by those not able to climb over. He was rebuffed, pointed to a still existing sign that said that the road was private. The chain remained.
7. Around 2005 the Club replaced the chain with the gates in the current position. Mr Charlton came across the club members when they were installing these and he questioned why? He was told in no uncertain terms that it had nothing to do with him, it was a private path and to be on his way.
8. These metal gates allow access on foot with the clubs permission but are locked completely over the Christmas period when the club is unoccupied unless there is a paid private event then they are manned.
9. Over the years, we have granted permissive access outside normal hours to organisers of special events so that access can be gained to their events on Sands Field. This includes the Rotary Bonfire and Lions Duck Race.
10. The Council sought to extend the path from the playing field along the application route in around 2002 or so, the Club, not wishing to create a public right of way, refused.

- 1) [REDACTED] I have lived in Holmfirth all my life. I joined Holmfirth Cricket Club in 1963 and became a Committee member of that club.
- 2) In 63 the Cricket club used the current roadway as a seating area. It was not passable except on foot. It eventually led to a gate into an enclosed area that was over grown. There was no access out of that area to the field beyond (which is now a football field).
- 3) The Bowls Club members had foot access to the end of the now road but usually used the private foot bridge (after parking on Huddersfield Road as there was none at their site).
- 4) The Council purchased the rough field in 69. They asked the Cricket Club if they could access rights but we said no. They eventually turned the field into a football pitch in the late 70s or earlier 80s with access only via Sands.

- 5) There was a wooden gate across the entrance to the cricket ground at a point where a metal post now exists by the club. This was used to control access on match days, events and also as a security measure. It was locked shut when the club was not in use and used to control access to private events.
- 6) Circa 77 the Council built Sands Swimming Pool, forming a road to the bridge that leads to the area now used as a football pitch. The Bowls Club used this, starting to drive that way, parking adjacent their wall and hopping over. This practice was stopped when the football pitch was constructed. Posts were put in to prevent access.
- 7) Later, as there were no changing rooms, footballers negotiated with the Cricket club to allow use of our changing rooms (for a fee). An opening was made in the dividing fence for this purpose.
- 8) Some people other than football users started to use the route occasionally but a sign was erected stating that the route was private and the gate was still locked when the club was not in use. I recall a time in the 80s when the gate was closed because of a private event at the cricket club. To gain access one had to pay an entrance fee, at the gate.

[REDACTED] in rights of way.

This is an application under the Wildlife and Countryside Act to add a route to the Definitive Map and Statement.

It falls to the applicant to succeed at this stage to suggest there is just a reasonable allegation of a public path subsisting. However, should he be successful here he would have to show the following inevitable public inquiry that the evidence goes beyond "reasonable allegation" and has to show "on the balance of probability" that a public path exists.

In this case the applicant relies purely upon "user evidence" to lodge his claim, which in turn, has to be measured against Section 31 of the 1980 Highway Act to be successful.

Dedication of way as highway presumed after public use for 20 years.

(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, **has been actually enjoyed by the public as of right and without interruption for a full period of 20 years**, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

The Council Officers have rightly put the date of challenge at 2011, based upon the date of Mr Charltons application, but not the contents of his papers. Those papers tell a different tale.

Elected Members, the applicant's case is good in that he produces a vast number of people that say they have been using this route without any **secrecy, force or permission**.

However, within the bundles of [REDACTED] papers you have seen and noticed people, claiming the way, stating it was blocked to them or they had to pay to use it.

1. In 2002 a person tells of how they were prevented from using the way by the workers at the foundry. This put the date of first challenge then and not 2011. We therefore need to go back 20 years from here.
2. Another of [REDACTED] applicants confesses that he was prevented from using the way in 1985 when he refused to pay the gate charge. This was because there was a League Match being played that day and the cricket club are required to charge entry. This takes us back another 20 years, to a time when the route did not even exist.
3. In between all that, other applicants mention that they paid to use the track to attend the Bonfire Night event. An event that has taken place, in the same manner for well over 25 years.

All the above prove that there is not a **period that the route has been actually enjoyed by the public as of right and without interruption for a full period of 20 years**

There is of course a large amount of case of case law on this matter. From the Planning Inspectors Guidance Notes. The people who will decide this matter should you allow it to go through:

■ Parker B, Poole v Huskinson (1843) "that a single act of interruption by the owner was of much more weight upon the question of intention than many acts of enjoyment.

Chairman, ■ application fails at the first hurdle. His own evidence shows no clear period of 20 years without challenge.

That said, it is not the intention of the land owners to change their policy of free admission during the day unless it would impinge upon the function they arrange for the Communities benefit. Nothing will change. Mr Charlton may still use the route, just not at certain times. Just as its always been

You are advised to reject this application.

CD 6

Statement containing the OMA's comments upon the objections.

CD6 – Kirklees Council comments on the objections:

Wildlife & Countryside Act 1981 – Section 53

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

Kirklees Council (Holmfirth restricted byway 231 – Bridge Lane, Holmfirth) Public Path Modification Order 2018

1. The above Order was made by Kirklees Council (“the Council”) under Section 53 of the Wildlife and Countryside Act 1981 (“the 1981 Act”). For the purpose of the Order the relevant date is 1 May 2018. Objections to the Order are at CD5 in the submitted bundle file.

2. Holmfirth Bowling Club objects to the Definitive Map Modification Order (“DMMO”). Its response, both by letter and Mr Rollinson’s email, appears to concern the Order route being on their land, across their car park. This may be some suggestion regarding the correct alignment for addition routes shown in this definitive map modification Order.

3. This opposed Order is submitted to the Secretary of State, who, after consideration of the evidence, may determine that it is appropriate to modify the Order to reflect his decision. The evidence suggests that the routes have been used for many years by many people and that, if contested, the objections may be best resolved in the process decided upon and undertaken by DEFRA. The Council’s view is that it is appropriate and sensible to seek the Secretary of State’s determination regarding the existence of public rights of way across the

land.

4. The Council submits the Order and would suggest that it is appropriate, for the Secretary of State, thereafter to determine whether to confirm the opposed 2018 order. The determination of this Order (the "DMMO") does not require, nor allow for, any consideration of whether the Bowling Club may prefer the alignment of Order routes to be different, or that anyone might prefer it to be away from the car park land. The evidence clearly suggests that people have walked across the car park land since the large pile of materials was created, mainly on the adjacent Council-owned spur of land. This also had the effect of blocking part of the older way on the ground within Council land.
5. Holmfirth Cricket Club, in correspondence from Mr Dunlop, objects to the Order, writing:
6. "We object to the Order on the basis that there is no evidence for this Order route of express dedication, presumed dedication during the required time or common law dedication of the route as a public right of way. Furthermore, we object to the method adopted by the Council to determiner [sic] the matter in that the elected Members were not given an opportunity to visit the site, they displayed a lack of knowledge of the matter to be decided, were partially advised and evidence, although provided, was not available to them. I attach as part of this objection copies of the statements read out during the Determination hearing. We look forward to the forthcoming Public Inquiry."
7. The submitted objection includes statements by Mr Dunlop, Dan Thompson and Bruce Jakeman. It states there has been no period of 20 years public use

without interruption, citing some contra-indicatory examples. Although this raises a number of relevant points, it is not incontrovertible evidence that necessarily defeats the contrary evidence from many witnesses. At the time of the Council's order-making decision in 2018, this objector stated that it was gathering further evidence negating the claim, e.g. "evidence of this permission is being obtained", "to that end I am obtaining statements", "in the process of creating sworn affidavits"; however, the Council has not received such further evidence despite invitation. It appears possible that the objector may rely on witnesses and evidence not known or available to the order-making authority at this time, despite our requests, so any consideration of that information and its effect on the Council's position has not been possible.

8. The objector's allegations of impropriety by the Council in its actions and procedures are refuted. In any case, they are not material grounds for objection to the Order in these proceedings, as they are not a matter for consideration in determination of the opposed Order by the Secretary of State.
9. The other submitted statements within the objection both tell a history of the site, which is contrary to the vast majority of user evidence submitted. Determination of this Order would allow for detailed investigation of the claims and counter-claims, which would hopefully inform and benefit the appointed Inspector, the Council and other parties.
10. The Secretary of State is well placed to consider the evidence and independently determine the Order. Once the Council has made a decision to make an Order, which has then been opposed, the current situation involves forwarding the opposed Order for determination as required and as

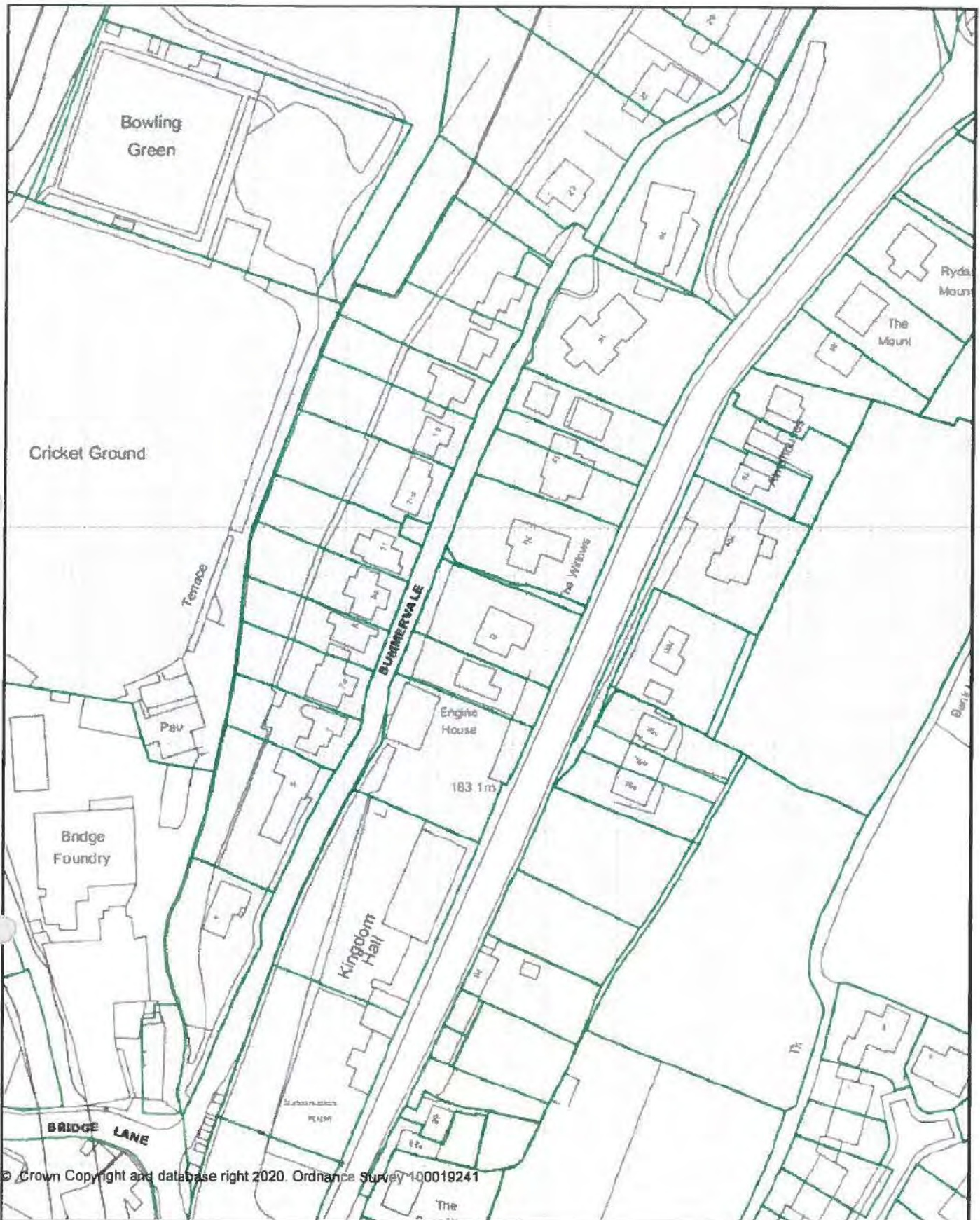
appropriate. It allows for a further and final independent assessment of the evidence.


11. If it is determined, perhaps after hearing and considering evidence given in person and the witnesses being subject to questions thereon, that the Order ought to be confirmed, or proposed for modification, that decision would rest with the Secretary of State.
12. The Council would note that the Order is to be assessed against the relevant legal tests and that any public rights of way determined, after due consideration of the evidence, to subsist on the balance of probability should be recognised. Fundamentally, the question is whether public rights subsist.
13. The Order is subject to duly-made objections and is submitted for determination, as appropriate, to the Secretary of State.
14. From Bridge Lane, the land carrying the Order route is owned by the Foundry, further north it is the Cricket Club's and then the Bowling Club's. Appended is a plan showing the layout of Land Registry land title plots.
15. Consideration of evidence relating to the existence and, perhaps, the status of any such public rights of way now falls within the determination of the opposed Order. In the circumstances, a public inquiry may be considered the appropriate format for addressing the objections raised.
16. The Council would respectfully ask that the Order be confirmed if the Secretary

of State or his appointed inspector is satisfied that restricted byway public rights have been shown to subsist on the balance of probabilities. If the determination is that the Order should be modified prior to confirmation, for example to reflect appropriately aspects of the route concerned, including status, then the Council would recognise the potential for such modification.

Appendix

CD6 Land Registry parcel plot plan



 <p>Kirklees COUNCIL</p>	<p>Kompass Kirklees Mapping Service</p>	<p>Land Registry parcels Scale = 1250 maps@kirklees.gov.uk</p>	
<p>© Crown Copyright and database right 2020. Ordnance Survey 100019241</p>			

CD 7

Copy of the notice publicising the Order together with a copy of newspaper cutting.

Notice dated 18 May 2018

Huddersfield Examiner – Friday May 18 2018

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 – BRIDGE LANE,
HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018**

The above order made on the 14 May 2018, if confirmed as made, will modify the definitive map and statement for the area by adding to them a restricted byway commencing at its junction with Bridge Lane at point A at Grid reference 1441 0850 and proceeding in a northerly direction for 212 metres to point B at grid reference 1445 0871. Recommencing at point C at grid reference 1445 0872 and proceeding in a north north easterly direction for 42 metres to point D at grid reference 1447 0875.

A copy of the order and the order plan may be seen free of charge at Holmfirth Library and Information Centre, 47 Huddersfield Road, Holmfirth HD9 3JH (tel. 01484 414868 for opening hours) and Legal Services, 2nd Floor, High Street Buildings, High Street, Huddersfield HD1 2ND.

Copies of the order and map may be bought there at the price of £5.00

Any representations or objections relating to the order must be sent in writing to Sandra Haigh, Kirklees Council, Legal Services, 2nd Floor, High Street Buildings, High Street, Huddersfield HD1 2ND quoting reference SJHD105-147 not later than 2 July 2018 and applicants are requested to state the grounds on which it is made.

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

Dated 18 May 2018

Kirklees Council
Legal Services
High Street Buildings
High Street
HUDDERSFIELD
HD1 2ND

Property

Property

SALES - AUCTIONS - LETTINGS PROPERTY MANAGEMENT

Property is our passion and we have been renting and selling homes in Huddersfield for over 35 years.

Call now to book your **FREE VALUATION 01484 548 126** or email on huddersfield@whitegates.co.uk

Property Wanted

goodmove the buying & selling experts

WE BUY HOUSES FOR CASH

- ✓ Sell in days - or in your timescale
- ✓ No fees & no obligation
- ✓ Any condition or location
- ✓ NAPB approved & RICS regulated

GET UP TO £30,000 CASH ADVANCE

BEST PRICE PAID

Call us **FREE** today for a cash offer available 24/7
0800 031 9071

goodhousemove.co.uk

Houses To Let

FARTOWN
1 bed flat, separate kitchen/shower room. Furnished. Very clean & tidy. Includes ch & elec bills. £350 pcm.
Sorry no DSS or pets.
Tel Steve 07944 043175

HOLMFIRTH
SMALL TERRACED COTTAGE Suit couple or single person. D/G, C/H, carpets and curtains. No pets. No DSS. £395 per month. Bond required.
Tel 01484 662842/07900 413874.

BIRKBY
2 Bed. Front garden with parking on road. C/H. No pets.
No smokers. £395 pcm.
Tel 07740 786247

TOWN CENTRE
SMALL c/h self contained flat. Some bills included. 07748 966604/01484 666603.

CROSLAND MOOR
AND Almondsbury. Clean, t/f rooms in shared house. From £45p/w 07912 111557.

NICE 1 BED s/c flat with garden. £85p/w. 07788 733973.

WHY NOT?
Book online

RELAX & BOOK
anywhere you want



BuySell market PLACE
examiner.co.uk

Business

Public Notices

KIRKLEES COUNCIL - INVESTMENT & REGENERATION
PO Box 893, Civic Centre 3, Huddersfield, HD1 2JR
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 application has been received which is for Listed Building Consent and is either within a Conservation Area or affects its setting

1. Replacement of windows and doors and internal alterations at Stonebow House, 103, Northgate, Almondsbury, Huddersfield. Application No. 2018/91424.

The following planning application has been received which is for Listed Building Consent

2. Installation of extractor fan in window at 9, Clough House Lane, Slaithwaite, Huddersfield. Application No. 2018/91240.

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

3. Erection of garage at 97, Church Street, Paddock, Huddersfield. Application No. 2018/91422.
4. Erection of one detached dwelling adjacent to, 84, Cross Lane, Primrose Hill, Huddersfield. Application No. 2018/91381.
5. Erection of detached garage at Butterworth Hill Farm, Butterworth Hill, Outlane, Huddersfield. Application No. 2018/91328.

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

6. Erection of detached dwelling adj Hillcrest, Whitegate Road, Holmfirth. Application No. 2018/91383.
7. Erection of two storey and single storey rear extension at 25, Cornfield Avenue, Oakes, Huddersfield. Application No. 2018/91377.
8. Variation of conditions 2, 3, 4, 8, 9, 12, 13, 14 and 15 on previous permission 2016/93196 for erection of extensions and alterations to convert barn to dwelling and replacement of roof structures and associated parking (modified proposal) at Glen View Barn, Reddish Road, Marsden, Huddersfield. Application No. 2018/91372.

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
NOTICE UNDER ARTICLE 16

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

9. Erection of single storey front extension and porch at 116, Dayne Road, Netherton, Huddersfield (Footpath No. HUD/223/40). Application No. 2018/91415.
10. Erection of agricultural building at The Old Dairy, Deershaw Lane, Cumberworth, Huddersfield (Footpath Nos. HDL/133/10 & HDL/133/30). Application No. 2018/91364.
11. Demolition of existing outhouse and log store and erection of detached garage and raised decking (within a Conservation Area) at 14, Upper Wellhouse, Upper Wellhouse Road, Wellhouse, Huddersfield (Footpath Nos. COL/76/10 & COL/76/20). Application No. 2018/91218.
12. Erection of dwelling and 3no. outbuildings at Upper Langley Farm, Langley Lane, Clayton West, Huddersfield (Footpath Nos. DEN/31/60 & DEN/22/110). Application No. 2018/91367.
13. Variation of conditions 2, 3, 4, 8, 9, 12, 13, 14 and 15 on previous permission 2016/93196 for erection of extensions and alterations to convert barn to dwelling and replacement of roof structures and associated parking (modified proposal) (within a Conservation Area) at Glen View Barn, Reddish Road, Marsden, Huddersfield (Footpath Nos. COL/187/10, COL/184/10 & COL/184/20). Application No. 2018/91372.
14. Erection of detached garage at Butterworth Hill Farm, Butterworth Hill, Outlane, Huddersfield (Footpath No. HUD/440/40). Application No. 2018/91328.

The following planning application has been received which, if it is approved, would be a departure from the Development Plan

15. Erection of 3 dwellings at Three Valleys, Cold Hill Lane, New Mill, Holmfirth. Application No. 2017/94319.

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. 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. 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 may be made public.

ROAD TRAFFIC REGULATION ACT 1984 - SECTION 14
KIRKLEES COUNCIL
(NED LANE, SLAITHWAITE, HUDDERSFIELD)
(TEMPORARY PROHIBITION OF TRAFFIC) ORDER 2018

NOTICE IS HEREBY GIVEN that the Council of the Borough of Kirklees by reason of works proposed to be carried out on or near the road has made an Order the effect of which will be that no person shall cause or permit any vehicle to proceed in that length of Ned Lane, Slaithwaite from a point outside house no. 5 to its junction with Melland Way PROVIDED THAT such prohibition shall not extend to vehicles being used in connection with the works to be carried out on or near the closed length of road or to vehicles requiring access up to the point(s) of the closure.

Pedestrian access will be maintained at all times.

Alternative routes for vehicles affected by the closure will be available via the unaffected length of Ned Lane, Manchester Road, Back O'Dam, the unaffected length of Ned Lane.

It is intended that the closure will operate on Sunday, 20th May 2018 only (although it can remain in force for any period up to 18 months if necessary).

(BROCKHOLES LANE, BROCKHOLES, HOLMFIRTH)
(TEMPORARY PROHIBITION OF TRAFFIC) ORDER 2018

NOTICE IS HEREBY GIVEN that the Council of the Borough of Kirklees by reason of works proposed to be carried out on or near the road has made an Order the effect of which will be that no person shall cause or permit any vehicle to proceed in that length of Brockholes Lane, Brockholes from a point approximately 5 metres either side of railway bridge PROVIDED THAT such prohibition shall not extend to vehicles being used in connection with the works to be carried out on or near the closed length of road or to vehicles requiring access up to the point(s) of the closure.

Pedestrian access will be maintained at all times.

Alternative routes for vehicles affected by the closure will be available via the unaffected length of Brockholes Lane, New Mill Road, Gynn Lane, Halling Lane, the unaffected length of Brockholes Lane and vice versa.

It is intended that the closure will operate on Sunday, 20th May 2018 between 08.00 and 17.00 hours only (although it can remain in force for any period up to 18 months if necessary).

(DOVER ROAD, HOLMFIRTH)
(TEMPORARY PROHIBITION OF TRAFFIC) ORDER 2018

NOTICE IS HEREBY GIVEN that the Council of the Borough of Kirklees by reason of works proposed to be carried out on or near the road has made an Order the effect of which will be that no person shall cause or permit any vehicle to proceed in that length of Dover Road, Holmfirth from a point outside Jeanwood View for approximately 5 metres either side PROVIDED THAT such prohibition shall not extend to vehicles being used in connection with the works to be carried out on or near the closed length of road or to vehicles requiring access up to the point(s) of the closure.

Pedestrian access will be maintained at all times.

Alternative routes for vehicles affected by the closure will be available via the unaffected length of Dover Road, Dover Lane, Dunford Road, Washpit New Road, the unaffected length of Dover Road and vice versa.

It is intended that the closure will commence on Monday, 21st May 2018 and remain in force until 25th May 2018 (although it can remain in force for any period up to 18 months if necessary).

Dated this 18th May 2018.

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

Kirklees Council
The Local Authorities (Members' Allowances) (England) Regulations 2003
Members' Allowances Scheme 2018-19
The scheme was adopted by the Council on 21 March 2018 and will apply from 1 April 2018 until 31 March 2019

In adopting this scheme, the Council had regard to and has implemented in full the recommendations of the Independent Review Panel which met on 10 November 2017; the recommendations being:

- An increase in the basic allowance for Councilors for ward duties from £13,899 to £13,360.
- No increase in the rate of special responsibility allowances which are paid in addition to the basic allowance.

The main features of the 2018-19 scheme are:

	£ per year
• Basic allowance for each elected member (to include all travel and subsistence within Kirklees)	13,360
• Special responsibility allowances, in addition to basic allowance:	
Leader of the Council	25,155
Deputy leader	18,866
Band A Cabinet member	12,274
Band A1 Chair of Overview and Scrutiny	11,047
Band B Opposition leader (30+ councilors)	11,047
Band B Opposition leader (7-29 councilors)	9,820
Band B1 Business manager (30+ councilors)	9,820
Band C Business manager (20-29 councilors)	8,592
Band C1 Chairs of Planning sub committees	7,365
Lead members of Overview & Scrutiny panels	6,138
Chair of District Committee	6,138
Band C2 Police and Crime panel member	6,003
Band D Business manager (7-19 councilors)	4,911
Band D1 Chair of Licensing and Safety committee	4,911
Opposition leader (2-6 councilors)	3,684
Deputy group leader (12+ councilors)	3,684
Chair of Appeals panel	3,684
Band E Chair of Corporate Governance and Audit committee	2,654
Band E1 Adoption panel member	1,227

- That the SRA for a Foster Panel Member is paid at the day rate of £114 per day
- That chairs of overview and scrutiny ad-hoc panels should receive £38.37 per day split into half day sessions.
- No Councilor shall receive more than one special responsibility allowance.
- Councilors may elect to forego their entitlement or any part of their entitlement to allowances.
- Car mileage outside the district, as set out in Regulation 8(1) of the 2003 Regulations, to be paid at HMRC rates which are 45p per mile for the first 10,000 business miles in the tax year and then 25p per mile thereafter.
- Provision for payment of dependants' carers' allowance in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in carrying out duties set out in Regulation 7(1) of the 2003 Regulations. To be paid at the rate of the national minimum wage for age 21 and above per dependant subject to the actual expense incurred.
- Provision of information technology to Councilors.
- Arrangements for publicity on the scheme.
- Sickness and holiday entitlement.
- Provision for the withdrawal of allowances if a Councilor is suspended from any duties for breach of the Code of Conduct.
- Provision for members of education appeals panels, who are not elected Councilors of Kirklees Council, will receive an allowance of £114 for a full day meeting and £65 for meetings less than four hours.

Copies of the 2018-19 Members' Allowances Scheme together with the records of payments made by the council to Councilors in accordance with the scheme are available for inspection during normal council office working hours at: The Democracy Service, Civic Centre 3, High Street, Huddersfield HD1 2TG and also on the Council's website: <http://www.kirklees.gov.uk/allowancescheme>

WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 63
WEST YORKSHIRE METROPOLITAN COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (HOLMFIRTH RESTRICTED BYWAY 231 - BRIDGE LANE, HOLMFIRTH) PUBLIC PATH MODIFICATION ORDER 2018

The above order made on the 14 May 2018, if confirmed as made, will modify the definitive map and statement for the area by adding to them a restricted byway commencing at its junction with Bridge Lane at point A at Grid reference 1441 0650 and proceeding in a northerly direction for 212 metres to point B at grid reference 1445 0871. Recommencing at point C at grid reference 1445 0872 and proceeding in a north north easterly direction for 42 metres to point D at grid reference 1447 0875.

A copy of the order and the order plan may be seen free of charge at Holmfirth Library and Information Centre, 47 Huddersfield Road, Holmfirth HD9 3JH (tel. 01484 414868 for opening hours) and Legal Services, 2nd Floor, High Street Buildings, High Street, Huddersfield HD1 2ND.

Copies of the order and map may be bought there at the price of £5.00

Any representations or objections relating to the order must be sent in writing to Sandra Heigh, Kirklees Council, Legal Services, 2nd Floor, High Street Buildings, High Street, Huddersfield HD1 2ND quoting reference SJHD195-147 not later than 2 July 2018 and applicants are requested to state the grounds on which it is made.

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

Dated 18 May 2018

Kirklees Council, Legal Services, High Street Buildings, High Street, HUDDERSFIELD HD1 2ND



The recycled paper content of UK newspapers in 2016 was 62.8%

BUY or SELL
wherever you are!

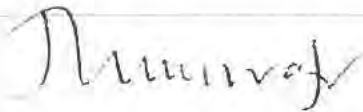
BuySell market PLACE
examiner.co.uk

BuySell market PLACE
Visit examiner.co.uk it's a no brainer!

CD 8

Certification that, in accordance with the requirements of the Act, notices have been published, served and posted on site and at the local office.

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



Julie Muscroft

Service Director – Legal, Governance and Commissioning

CD 9

Certification 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.

CD 10

Copies of any replies to the Pre-Order Consultation and the responses by the OMA.

Atkins	Email	28 May 2018
Cadent Gas Network	Letter	29 May 2018

Sandra Haigh

From: Khandke, Harshita <Harshita.Khandke@atkinglobal.com>
Sent: 28 May 2018 06:31
To: Sandra Haigh
Subject: No Objection: Holmfirth Restricted Byway 231 – Bridge Lane, Holmfirth – Public Path Modification Order
Attachments: 22-05-2018_11-15-09.pdf

Dear Sirs,

New Roads and Street Works Act 1991
Stopping Up Order / Footpath Diversion / Extinguishment / Gating Order

No Objection

We refer to the below or attached order and confirm that we have no objections

Please email Stopping Ups to osm.enquiries@atkinglobal.com


To enable us to process your application as quickly as possible, please ensure you include Grid References.

A copy of the Cable and Wireless process 4461 'Special Requirements relating to the external plant network of Cable and Wireless UK Services Ltd' is available on request. The process provides guidance on working in the vicinity of Cable and Wireless's apparatus.

IMPORTANT - PLEASE READ = Your Next Step?:

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

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

ATKINS working on behalf of Vodafone: Fixed 

This response is made only in respect to electronic communications apparatus forming part of the Vodafone Limited electronic communications network formerly being part of the electronic communications networks of Cable & Wireless UK, Energis Communications Limited, Thus Group Holdings Plc and Your Communications Limited.

PLEASE NOTE:

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

 Please consider the environment before printing this e-mail

From: Oncica, Ioana
Sent: 24 May 2018 15:56
To: National Plant Enquiry's <OSM.enquiries@atkinsglobal.com>
Subject: Holmfirth Restricted Byway 231 – Bridge Lane, Holmfirth – Public Path Modification Order

Name of Requester:	Sandra Haigh
Name of Company:	Kirklees Council
Requester Reference:	DEV/SJH/ML/D105-147
Email Address:	Sandra.haigh@kirklees.gov.uk
Site Location Address:	Holmfirth Restricted Byway 231 – Bridge Lane, Holmfirth – Public Path Modification Order
Telephone Number:	01484221000
Grid References:	SE 1441 0850

Ioana Oncica, Utility Coordinator, Utility Solutions

ATKINS

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

TEL: +44 (0)1454662269

This response is made only in respect to electronic communications apparatus forming part of the Vodafone Limited electronic communications network formerly being part of the electronic communications networks of Cable & Wireless UK, Energis Communications Limited, Thus Group Holdings Plc and Your Communications Limited.

ATKINS working on behalf of Vodafone: Fixed



From: Ioana.Oncica@atkinsglobal.com [<mailto:Ioana.Oncica@atkinsglobal.com>]
Sent: 22 May 2018 11:17
To: Oncica, Ioana <Ioana.Oncica@atkinsglobal.com>
Subject: Equitrac Scan-to-Me

This email and any attached files are confidential and copyright protected. If you are not the addressee, any dissemination of this communication is strictly prohibited. Unless otherwise expressly agreed in writing, nothing stated in this communication shall be legally binding. The ultimate parent company of the Atkins Group is SNC-Lavalin Group Inc. Registered in Québec, Canada No. 0590411-0. Registered Office 455 boul. René-Lévesque Ouest, Montréal, Québec, Canada, H2Z 1Z3. A list of Atkins Group companies registered in the United Kingdom and locations around the world can be found at <http://www.atkinsglobal.com/site-services/group-company-registration-details>

Plant Protection
Cadent
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@cadentgas.com
Telephone: +44 (0)800 688588

Sandra Haigh
Kirklees Council
Investment and Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.cadentgas.com

Date: 29/05/2018
Our Ref: XX_XX_3FWP_041416
Your Ref: DEV/SJH/ML/D105-147 (LMW)
RE: Formal Enquiry, HD9 7AN, Bridge Lane, Holmfirth

Thank you for your enquiry which was received on 21/05/2018.

Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Ltd, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry.

Cadent and National Grid therefore have no objection to these proposed activities.

The contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does **NOT** include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

Plant Protection Team

GUIDANCE

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the National Grid Website:

<http://www.nationalgrid.com/uk/Gas/Safety/work/downloads/>

ENQUIRY SUMMARY

Received Date

21/05/2018

Your Reference

DEV/SJH/ML/D105-147 (LMW)

Location

Centre Point: 414497, 408661

X Extent: 201

Y Extent: 324

Postcode: HD9 7AN

Location Description: HD9 7AN, Bridge Lane, Holmfirth

Map Options

Paper Size: A4

Orientation: LANDSCAPE

Requested Scale: 2500

Actual Scale: N/A

Real World Extents: N/A

Recipients

pprsteam@cadentgas.com

Enquirer Details

Organisation Name: Kirklees Council

Contact Name: Sandra Haigh

Email Address: sandra.haigh@kirklees.gov.uk

Telephone: 01484 221000

Address: Investment and Regeneration Service, PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR

Description of Works

S.U Wildlife And Countryside Act, 1981, Section 53 (P)

Enquiry Type

Formal Enquiry

Activity Type

Highways

Notice Types

Notice Type: Section Notice (Wildlife And Countryside Act, 1981, Section 53)

CD 11

Name and address of every person notified under
Paragraph 3(2)(b)(i), (ii) and (iv) of Schedule 15 to the 1981 Act.

3(2)(b)(i)

Holmfirth and District Bowling Club
Bridge Fold
Bridge Lane
Holmfirth
West Yorkshire
HD7 7AN

The Company Secretary
Yorkshire Electricity Distribution PLC
Lloyds Court
78 Grey Street
Newcastle Upon Tyne
NE1 6AF

Holmfirth Cricket Club
Bridge Road
Bridge Lane
Holmfirth
West Yorkshire
HD9 7AN

The Company Secretary
J & JW Longbottom Ltd
Bridge Foundry
Bridge Lane
Holmfirth
West Yorkshire

Paragraph 3(2)(b)(ii)

Mrs M A Bewick
Clerk to Holme Valley Parish Council
Council Offices
Huddersfield Road
Holmfirth
HD9 3JP

Paragraph 3(2)(b)(iv) – See attached list



Auto-Cycle Union
Wood Street
Rugby
Warwickshire
CV21 2XY

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

Freight Transport
Northern Region
Springwood House
Low Lane
Horsforth
LS18 5NU

Holme Valley Civic Society
Brian Hinchliffe
Carr Lodge
Hightown lane
Holmfirth
Huddersfield HD9 3HY

Mrs M A Bewick
Holme Valley Parish Council
Council Offices
Huddersfield Road
Holmfirth
HD9 3JP

Huddersfield Civic Society
67a Kaye Lane
Huddersfield
HD5 8XT

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

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

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

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

YEDL
Diversion Section
98 Akerton Road
Castleford
WF10 5DS

Rachael.martin@yas.nhs.uk

johningleadow@gmail.com

highwaysadmin@KCOM.com



Southernareapu@westyorkshire.pnn.police.uk

notices@bbtrust.org.uk

email@britishdrivingsociety.co.uk

○

○

CD11

Name and address of every person notified under (II) paragraph 3(2)(b)(i), (II) and (IV) of Schedule 15 to the 1981 Act.

Paragraph. 3(2)(b)(i):-

Holmfirth and District Bowling Club, Bridge Fold, Bridge Lane, Holmfirth, West Yorkshire, HD9 7AN.

The Company Secretary, J & J W Longbottom Limited, Bridge Foundry, Bridge Lane, Holmfirth, West Yorkshire.

The Company Secretary, Yorkshire Electricity Distribution PLC, Lloyds Court, 78 Grey Street, Newcastle Upon Tyne, NE1 6AF.

Holmfirth Cricket Club, Bridge Road, Bridge Lane, Holmfirth, West Yorkshire, HD9 7AN.

Paragraph 3(2)(b)(ii) – Not Applicable

Paragraph 3(2)(b)(iv) – See attached list

Paragraph 3(2)(b)(iv)

Auto-Cycle Union
Wood Street
Rugby
Warwickshire
CV21 2XY

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

Freight Transport
Northern Region
Springwood House
Low Lane
Horsforth
LS18 5NU

Holme Valley Civic Society
Brian Hinchliffe
Carr Lodge
Hightown lane
Holmfirth
Huddersfield HD9 3HY

Mrs M A Bewick
Holme Valley Parish Cou
Council Offices
Huddersfield Road
Holmfirth
HD9 3JP

Huddersfield Civic Society
67a Kaye Lane
Huddersfield
HD5 8XT

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

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

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

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

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

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

YEDL
Diversions Section
98 Akerton Road
Castleford
WF10 5DS

notices@bbtrust.org.uk

johnleadow@gmail.com

highwaysadmin@KCOM.co.uk

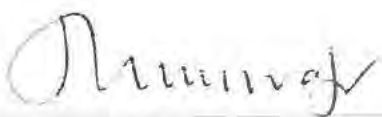
Southernareapu@westyorkshire.pnn.police.uk

email@britishdrivingsociety.co.uk

CD 12

An undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served.

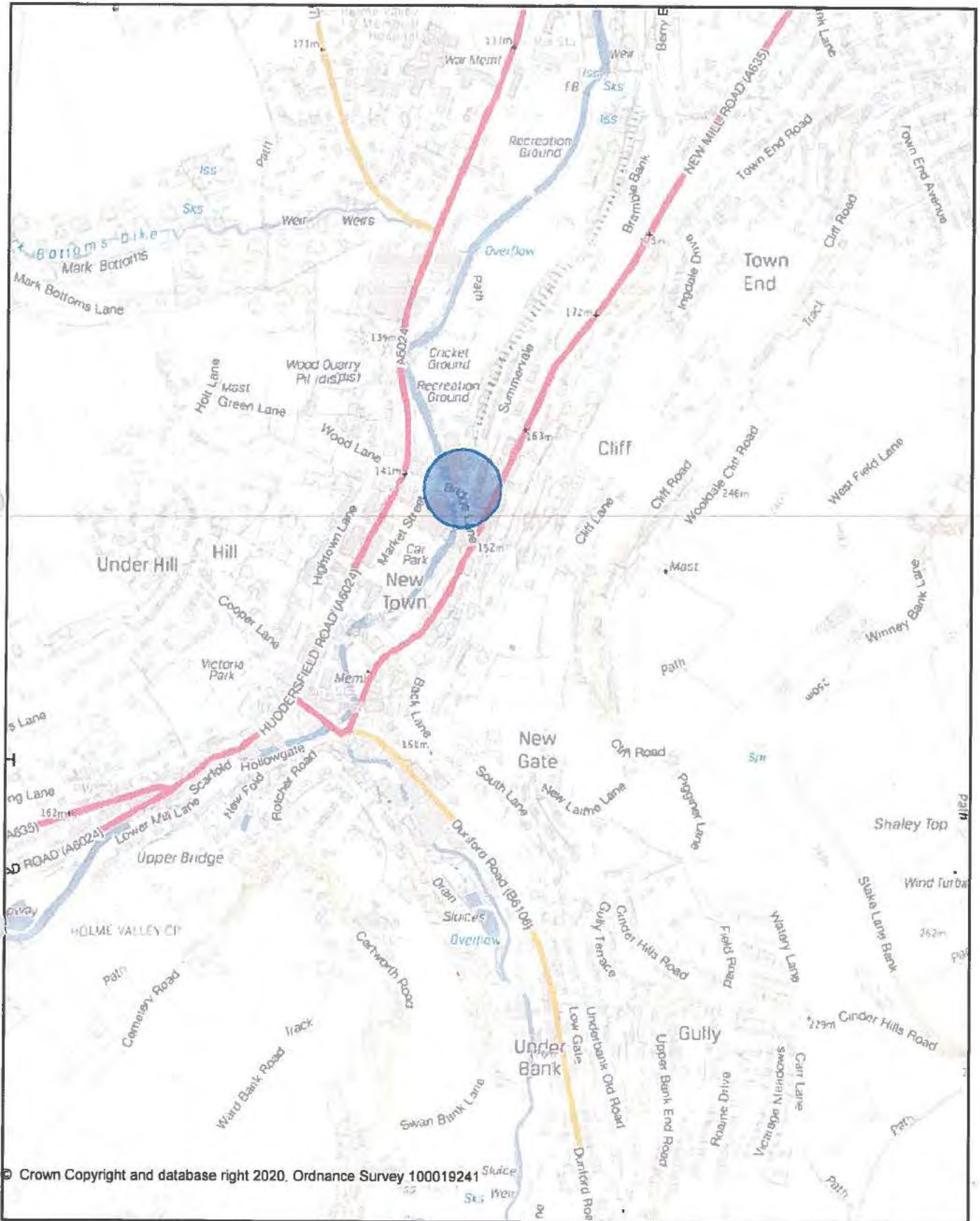
I hereby give an undertaking that if confirmed, notice will be duly published and served; or if not confirmed notice will be duly served.





Julie Muscroft
Service Director – Legal, Governance and Commissioning

CD 13

A Location Map to enable the Inspector to locate the site.



 <p>Kirklees COUNCIL</p>	<p>Kompass Kirklees Mapping Service</p>	<p>Location plan Bridge Lane, Holmfirth, HD9 7AW</p> <p>Scale = 7500</p> <p>maps@kirklees.gov.uk</p>	
<p>© Crown Copyright and database right 2020, Ordnance Survey 100019241</p>			

CD 14

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.

Holmfirth and District Bowling Club

Bridge Fold, Bridge Lane

Holmfirth HD9 7AN

14/02/2019

Reference Kirklees DEV/SJH/ML/D105-147

Dear Ms Haigh

With reference to your recent letter and our telephone conversation regarding access by the inspector to our land.

I can confirm access to the land is granted for the purpose of this inspection.

Yours faithfully

A large black rectangular redaction box covering the signature of the sender.A small black rectangular redaction box covering the name of the sender.

Holmfirth Bowling Club

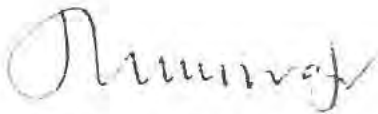
Name and address of the applicant:



CD 16

Confirmation that the OMA is supporting the Order.

I confirm that Kirklees Council is supporting the Order.



Julie Muscroft

Service Director – Legal, Governance and Commissioning

CD 17

Details of time and place where documents relating to the Order will be made available for public inspection by the authority.

Documents relating to the Order will be made available for public inspection by the authority at:-

Holmfirth Library & Information Centre, 47 Huddersfield Road, Holmfirth, West Yorkshire HD9 3JH

Kirklees Council Customer Services, Civic Centre 3, Huddersfield
(Monday to Friday 09:00 – 17:00 except Thursday 10:00 – 17:00)

CD 18

The completed Health and Safety Questionnaires.

Health and safety at the site questionnaire
Kirklees DMMO - Bridge Lane, Holmfirth

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?

No. Cricket ground may have usual activity.

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

None, that we are aware.

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

No. Access is usually available to the order route at time of writing (March 2020) from the southern terminus at Bridge Lane and the northern terminus at Sands Rec, off Huddersfield Road. The Order route may at times be blocked along the way by gates or other.

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?

See 3 above. Some landowners are objectors, and access is not always available.

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

None of which we are aware. Cricket ground may have the usual equipment and activity.

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

No

CD 19

Extract from the Definitive Map and Statement.

CD20
Evidence Forms

The Council is not submitting the evidence forms with the bundle. There are 118 user evidence forms.