

# **KIRKLEES COUNCIL (KIRKBURTON 258 – CARR MOUNT, KIRKBURTON) DEFINITIVE MAP MODIFICATION ORDER 2024**

## **Wildlife and Countryside Act 1981 - Definitive Map Modification Order**

### **THIS STATEMENT DOES NOT FORM PART OF THE ORDER**

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

The Council has made a modification Order under section 53 to add a footpath to the Definitive Map and Statement for the area as shown between Points A-B-C at Carr Mount on the Order Map. The Order recognises the public rights that exist already. The Order does not seek to create or extinguish any public rights. Questions of suitability of the way or of the possible effects of use by the public are not relevant to the decision the authority must make.

The evidence on which the Order has been made supports a 'presumption of dedication' of a public right of way as the result of use by the public, without force, secrecy, or permission, and without interruption for a full period of 20 years (Section 31 Highways Act 1980). The evidence on which the Order has been made includes e.g., evidence statements from individual members of the public. If you wish to view this evidence please contact Deborah Stephenson, Kirklees Council, Public Rights of Way, PO Box 1720, Huddersfield, HD1 9EL. Telephone: 01484 221000 email to [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk).

Representations or objections relating to the Order must be made in writing by 09 August 2024 to Harry Garland, Kirklees Council, Legal Services, PO Box 1720, Huddersfield, HD1 9EL or by email to [harry.garland@kirklees.gov.uk](mailto:harry.garland@kirklees.gov.uk). You should quote reference HG/D105-177 and state the grounds on which your representation or objection is made.

To be relevant, representations or objections should relate to the existence or status of rights of way or the extent of or any limitation to those rights. Other issues, such as privacy, security or amenity are unlikely to be relevant. If you wish to discuss a representation or objection to this Order, please contact Deborah Stephenson, Kirklees Council, Public Rights of Way, PO Box 1720, Huddersfield, HD1 9EL. Telephone: 01484 221000 email to [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk).

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

If confirmed, this Order would record on the Definitive Map and Statement for that area, the footpath as shown on the Order Map for use by the public on foot.