

APPEARANCES

FOR THE ORDER MAKING AUTHORITY

Mr G.N.Y.Lomas

A solicitor of the Kirklees Metropolitan Borough Council.

He called

Mr R.Dailey

An engineer of the Kirklees metropolitan Borough Council.

FOR THE SUPPORTER

Mr B. Grundell

Of Jordans, solicitors of Neil Jordan House, Wellington Road, Dewsbury.

He called

Mr .C.Lilley

High Barn, near Hey Beck Lane, Woodkirk, Dewsbury.

FOR MR I. BRAGG, AN OBJECTOR

Mr J Nixon

A partner of Hewison and Nixon, 24 Station Lane, Featherstone, Near Pontefract, West Yorkshire, WF7 5BE.

He called

Mr I.Bragg

75 Hey Beck Lane, Woodkirk, Dewsbury. WF12 7QU

OTHER OBJECTORS

Mr J.Fountain

73 Hey Beck Lane, Woodkirk, Dewsbury. WF12 7QU.

Mr G.L.Spurr

63 Hey Beck Lane, Woodkirk, Dewsbury. WF12 7QU.

Mr J.Boothroyd

71 Hey Beck Lane, Woodkirk, Dewsbury. WF12 7QU.

Mrs H Boothroyd

71 Hey Beck Lane, Woodkirk, Dewsbury. WF12 7QU.

Mr J.W.Haywood

76 Bradford Road, Tingley, Near Wakefield, West Yorkshire. WF3 1NN.

DOCUMENTS

1. Attendance List.
2. Extract from the definitive map.
3. Extract from the definitive statement.
4. Copy of undertaking dated 21 August 1991 by Mr R.C.Lilley.
5. Photograph of High Barn looking southwards.
6. Copy of a letter dated 18 December 1992 from Mr J Longbottom.
7. Copy of a letter dated 25 November 1993 from the Co-operative Insurance Society Limited.



Solicitor to the Council
Michael R G Vause
Legal Services

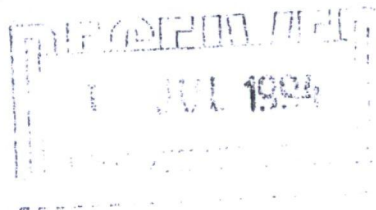
2nd Floor
Civic Centre III
Huddersfield HD1 2TG

Tel: 0484 422193
DX: 712986 Huddersfield
Fax: 0484 442231

28th June, 1994

All lines have Direct Dialling - prefix extension number with 44
If calling please ask for Miss S. J. Haigh Extn. 2982
Our Ref: P&H/SJH/22PAT/HDV.142
Your Ref: JN.AS

Hewison and Nixon
24 Station Lane
Featherstone
Nr. Pontefract
West Yorkshire
WF7 5BE



FOR THE ATTENTION OF MR. NIXON

Dear Sirs

KIRKLEES METROPOLITAN COUNCIL PUBLIC FOOTPATH NO. 49 BATLEY (PART) - HIGH BARN, HEYBECK LANE, BATLEY - PUBLIC PATH DIVERSION ORDER 1992

I write in response to your letter of May and apologise for the delay in replying.

However, I can inform you that Public Footpath 49 has now been inspected by one of the Council's Footpaths Officers, who agrees that the footpath sign does not point precisely along the definitive path line, nor along the alternative path, but somewhere between the two. The Footpaths Officer has therefore arranged for the correct route to be reinforced by the provision of waymark arrows in the next waymarking programme, which should be later this summer.

The Footpaths Officer is of the opinion that the definitive route is clearly visible as a well used line of tread across the grassed area. Also, that the stile at the field boundary mid way between X and Y (on the Order Plan) is clearly visible as a point to aim for from the farm track and the signpost at X is equally visible from the opposite direction, whilst in contrast the "alternative" route is totally obscured by overgrown vegetation and appeared not to be used at all.

Since there is at present a perfectly adequate gap stile between the fence and the gatepost and, in addition, the gate is openable and not locked, the Council believes that it is not necessary for the stile to be replaced.

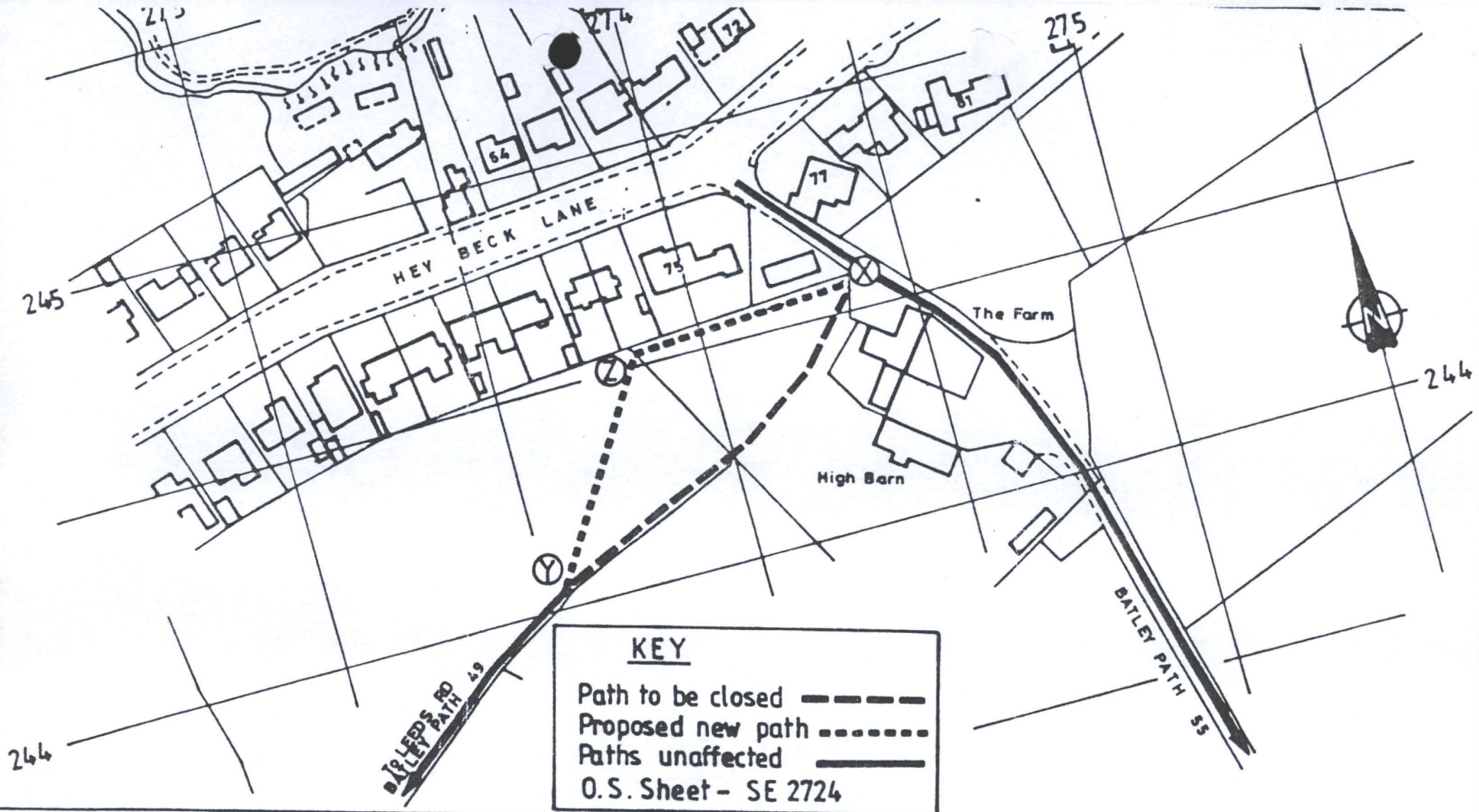
I have on the 23rd June received a further letter from you which I have now passed to our Footpaths Officer for comments and I will reply to you as soon as I can.

In the meantime, if you have any queries on this matter please do not hesitate to contact either Mrs. Windett on extension 6541 or myself on extension 2892.

Yours sincerely

Sandra J Haigh

Sandra J. Haigh
for Solicitor to the Council




KEY

Path to be closed - - - - -

Proposed new path ·····


Paths unaffected ———

O.S. Sheet - SE 2724



Kirklees
TRAFFIC AND HIGHWAY
DEVELOPMENT MANAGER

P. J. JARROLD
 C. ENG. (TRC), INST. CIVIL ENGRS.
 OLDCASTE BRIDGE, BRISTOL, AVON, GLOS.



Time

PROPOSED DIVERSION OF BATLEY PATH 49 (part)
at HIGH BARN, HEY BECK LANE.

Scale		approx. 1 / 1250	
Drawn	E N	Checked	
Section	D.C.	Date	
Dwg / Ref No.		July 1992	

101447

BATLEY

Batley, Borough, 2300 List (S Plan) 4

EXTINGUISHMENT / DIVERSION ORDERS

BATLEY Borough.

Rural District

Urban District.

Parish.

Path No.	Act under which Alteration obtained.	Title of Order (or name of Mag. Court)	Date of Order (or Mag. Court)	Shown on Review Map		Remarks (inc. Widths of Streets)
				Sheet	Date, Initial.	
43	T.C.P Act 1962	The STOPPING UP OF HIGHWAYS (COUNTY OF YORK W.R.) (No. 9) ORDER 1962	16. 8. 62	SE	1/272 81	
29(10)	T.C.P Act 1962	The STOPPING UP OF HIGHWAYS (COUNTY OF YORK W.R.) (No. 9) ORDER 1962	16. 8. 62	SE	1/272 81	
28(10)	T.C.P Act 1962	The STOPPING UP OF HIGHWAYS (COUNTY OF YORK W.R.) (No. 9) ORDER 1962	16. 8. 62	SE	1/272 81	
25(10)	T.C.P Act 1962	The STOPPING UP OF HIGHWAYS (COUNTY OF YORK W.R.) (No. 9) ORDER 1962	16. 8. 62	SE	1/272 81	
8(10)	1906	1906	1. 1. 61	SE	1/272 81	
14(10)	T.C.P Act 1962	The STOPPING UP OF HIGHWAYS (COUNTY OF YORK W.R.) (No. 9) ORDER 1962	16. 8. 62	SE	1/272 81	
11(10)	T.C.P Act 1962	The STOPPING UP OF HIGHWAYS (COUNTY OF YORK W.R.) (No. 9) ORDER 1962	16. 8. 62	SE	1/272 81	

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DEF

0 x

EXTINGUISHMENT / DIVERSION ORDERS

.....BATTLE.....Borough.

.....Rural Distr

.....Urban District.

..... Parish.

Path No.	Act under which Alteration obtained.	Title of Order (or name of Mag. Court)	Date of Order (or Mag. Court)	Shown on Review Map		Width	Remarks (Inc. Widths in Colours)
				Sheet	Date, Initials		
✓ 37(A)	T.C.P Act 1962	The DIVERSION OF HIGHWAYS (COUNTY OF YORK W.R) (No 9) ORDER 1964	4-12-64	SE	1/2/72		
✓ 5(P)	T.C.P Act 1962	The STOPPING UP OF HIGHWAYS (COUNTY OF YORK W.R) (No. 8) ORDER 1964	25-3-64	22 NW	4/2/72		
✓ 24(W)	ACQUISITION OF LAND (AUTHORISATION PROCEDURE) Act 1946	COUNTY OF YORKSHIRE W.R SITE OF PROPOSED HICKSON HAVEN SECONDARY SCHOOL) RIGHTS OF WAY ORDER 1964	31-1-64	22 NW	4/2/72		Part 10/19
✓ 33(P)	T.C.P Act 1962	The STOPPING UP OF HIGHWAYS (COUNTY OF YORK W.R) (No. 16) ORDER 1963	27-6-63	22 SW	4/2/72		
✓ 35(W)	ACQUISITION OF LAND (AUTHORISATION PROCEDURE) Act 1946	REMOVAL OF PART OF (HICKSON ESTATE) RIGHTS OF WAY ORDER 1958	16-12-1958	22 SW	1/2/72		
✓ 21(P)	ACQUISITION OF LAND (AUTHORISATION PROCEDURE) Act 1946	COUNTY OF YORK W.R (HICKSON PARK) RIGHTS OF WAY ORDER 1957	7-10-1957	22 NW	1/2/72		

EXTINGUISHMENT / DIVERSION ORDERS

.....BATLEY.....Borough.

.....Rural District

.....Urban District.

.....Parish.

Path No.	Act under which Alteration obtained.	Title of Order (or name of Mag. Court)	Date of Order (or Mag. Court)	Shown on Review Map		Width	Remarks (Inc. Widths in Orders)
				Sheet	Date, Initials		
16.6 (Pt)	PLANNING ACT 1968 (SECTION 106) (BATHING PROVISIONS) BATLEY TOWN COUNCIL	LOCAL HOUSING ESTABLISHMENT (KITCHEN)	16 7.53	22	11/72	100	
2	HIGHWAYS ACT 1959 (S.13 & 18) LOCAL GOVERNMENT ACT 1946 (S.27)	LANCASHIRE YARDWAY METROPOLITAN (RYER) COLON ELIEN GLOUCESTER STREET SIDE PDS	13.5.69	22 NW	11/72	100	
3	ditto	ditto	13.5.69	22 NW	11/72	100	
5	ditto	ditto	13.5.69	22 NW	11/72	100	
37 (Pt)	TOWN PLANNING ACT 1971	KIRKLEES (GRANGE RD - BRUNNEN RD BATLEY) FOOTPATH DIVERSION ORDER 1974	5.6.74	22 SE	11/71	100	
5 (Pt)	HIGHWAYS ACT 1959	BATLEY BORO COURT	29/4/65	22 NW	22/1/76	75	
37 (40 Pt)	"	"	28/10/65	22 SE	22/1/76	75	
31	"	"	5/10/67	22 SW	22/1/76	75	
15 (Pt)	"	"	22/2/68	22 NW	22/1/76	75	
22 (Pt)	"	"	27/4/65	22 SW	22/1/76	75	
37 (Pt)	TOWN PLANNING ACT 1971	KIRKLEES (GRANGE ROAD, SERRILL - BATLEY)	10/2/75	22 X	22/1/77		

FOOTPATH (AND OTHER HIGHWAY) ORDERS

YEAR	BATLEY	DEPOSIT
1975	GRANGE ROAD, SOOTHILL	380
1974	GRANGE ROAD TO BEAMLEY ROAD (D.V.V.)	431
1976	CARR STREET & THE AVENUE (FROM) BIRNALL STREET	427
1981	WINDY BRICK LANE, HIGHTOWN	823
1978	Almon St - Rousham	937
1976	Barrow Street Littleton	974
1981	PF No 16 Barrow Street Birstall Extg.	1044
1981	PF No 25 (Pt) Healey Close Batley	1066
1979	PF No 25 Paul Rd Batley	1070

FOOTPATHS etc BATLEY (2)

YEAR	DESCRIPTION	DEPOSIT
1985	Under Lane, Birstall PF No 6 Pt (Batg)	1153
1986	Under Lane, Birstall PF No 6 Pt. Ext.	1173
1983	F.P. No 45 (Part) Batley (WYDCC)	1224
1985	F.P. No 12 (A) - Under Lane, Birstall	1226
1987	F.P. No 8 of Gilders Rd Birstall (Thomas)	1254
1987	(F.P. No 25 (A)) Bunkers Lane, Framcliffe	1310
1988	F.P. No 26A, North Lane, Birstall, Batley	1316
1987	F.P. No 12 (A) + No 2 (A) Gilders Rd, Birstall	1355
1990	F.P. No 8 (part) - Batters, Colston Ave - Batley	2793

(3)
FOOTPATH AND OTHER HIGHWAY ORDERS

YEAR	BATLEY	DEPOSIT
1996	F.P. No 8 (Pt) - No 2 to Under Lane, Birstall	2544
1997	F.P. No 8 (Pt) - off Oakfield Ln, Birstall, Batley	2559
1995	KMC (Hittingale to Murgate Street, Hanging Meden) Medicinal Order	3375
2002	KMC (Batters Pt 64 - Kilp. Mill hse to Occupation hse, Neadonville)	3491
2004	KMC (Batters PF No 64 - The Drive to Batters PF No 88) F.P. No 22	3506

(4)
FOOTPATH (AND OTHER HIGHWAY) ORDERS

YEAR	BATLEY	DEPOSIT
2002	KMC (Footpath at Almon Way, Batley)	3631
2003	KMC (New derelict Springfield Av, Batley)	3758
2003	KMC (New derelict Springfield Av, Batley)	3759
2006	KMC (Pt. Batley 42 to 42 (part) - Birkdale St) Av.	3875

Tel: 01484 221000
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Email: sandra.haigh@kirklees.gov.uk
www.kirklees.gov.uk

11 November 2013

Our Reference: DEV/SH/SG/D104-038
Your Reference: JMC/RJT/211630-1

Mr J Cook
Ramsdens Whitfield Hallam
28 Bond Street
Dewsbury
WF13 1AU

Dear Sir

Your Client: Mr & Mrs Ian Bragg
Highways Act 1980 – Section 143
(Public Footpath Batley 49)



I write in response to your letter of the 5th November .

My responses to your enquiries listed 1 – 12 are:-

1. I could not confirm at this time when and for what purpose the pro-forma records were prepared however further investigation may form part of any consideration of a definitive map modification application.
2. I could not confirm at this time by which local authority the pro-forma records were prepared however further investigation may form part of any consideration of a definitive map modification order application.
3. I could not confirm at this time if the pro-forma records were maintained and reviewed on a regular basis however further investigation may form part of any consideration of a definitive map modification order application.
4. I could not confirm if the pro-forma records were reviewed on a regular basis why they begin in reverse chronological order however further investigation may form part of any consideration of a definitive map modification order application.
5. I could not confirm why the records from 1965 to 1975 appear chronologically whereas the earlier records are in reverse chronological order however further investigation may form part of any consideration of a definitive map order application.
6. As you will see from a response to a later numbered question the council maintains a list of deposited strong room orders. Orders made between 1969 to 1981 which appear on this list can be made available for inspection. (Contact Sandra Haigh to arrange for their retrieval from our Strong Room)

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7. The first page that is "illegible" appears to be a record of paths affected by the M62. This project required the closure and provision of paths. The next page notes three items, a new path 56, extinguishment /diversion of path 16 and a claim for a new path at grid 2224 2324.
8. The handwritten list headed KC Legal's List of Confirmed Orders is not drawn up in three sections it consists of four separate record cards.
9. The handwritten lists were prepared and maintained as legal's record of confirmed/brought into effect orders deposited in the Strong Room.
10. The hand- written lists were prepared by Kirklees.
11. I could not confirm if the initial hand-written lists were prepared on a single occasion but can inform you that since I have been in post I have maintained the record cards as and when confirmed/brought into effect orders were deposited in the strong room. Again further investigation into the initial card entries may form part of any consideration of a definitive map modification application.
12. The reason that the orders are not in chronological order is that the cards are legal's records of confirmed/ brought into effect deposited orders; various things (including objections, works not being carried out) will interfere with the date that the confirmed order is deposited. Regarding the annotation "As of 28.11.06 SJH" this is the annotation that I placed on the card when passing a copy of legal's record cards to Public Rights of Way to mark out that these were the records as of that date of confirmed/brought into effect orders that were deposited in the strong room.

Your presumption about the council's assumption on the Batley records is not agreed.

Regarding the archive and records I could not confirm at this time whether Kirklees believes that it has a complete archive or other record of all correspondence between Batley Borough Council and third parties regarding highway matters dating back to the 1960s and 1970s however further investigation may form part of any consideration of a definitive order application.

The Council would point out that it was West Yorkshire Metropolitan County Council who reviewed the 1952 Definitive Map and Statement and produced a modified Definitive Map and Statement in 1985. The County Council would have been part of formal public path order processes and the County Council would have taken into account public path orders in the Definitive Map and Statement review process and there was no modification of Footpath 49 in the production of the modified 1985 Definitive Map and Statement by the County Council.

As requested I am enclosing a Wildlife and Countryside Definitive Map and Statement Modification Order application pack. Any correspondence on the Definitive Map Modification Order process is best addressed to my colleague Giles Cheetham in Public Right of Way on 01484 225575

Yours sincerely

Sandra Haigh

Sandra Haigh
Legal Officer
for Acting Assistant Director – Legal, Governance and Monitoring

