

Appendix D

Comments were received further to three informal consultations. The proposals were not identical in detail but were basically similar in principle. The proposal before members is the latest application proposal. Officers responded to enquiries and concerns, noting to respondents and the applicant that consultation responses would be reported to members.

Comments received on the application proposal from July 2019. Previous consultees and respondents were informed of the new consultation.

Kirklees Highways Safety

“comments are as follows;

- 1 The site is not ideal for pedestrians as it lies on a blind / narrow bend. There is little intervisibility between oncoming drivers, which will result in vehicles squeezing past each other in the vicinity of pedestrians from time to time. I acknowledge that traffic flow will be low, but also recognise the general issue of motorists travelling faster than ideal on rural roads which results in harsh braking when unexpectedly encountering oncoming vehicles.
- 2 My view was that the correct way of mitigating for pedestrians being diverted onto this blind bend is to convert the verge into footway between the proposed and existing points where the footpath joins the road (approx. 110m total length). I did not state that ‘further improvement work is not necessary in terms of highway safety’. In hindsight I should have responded to the query by email rather than taking an unexpected telephone call - my comments would then be fully documented, but I recall the discussion very well and my views are unchanged.
- 3 Safety did not ‘welcome’ the application as previously stated. However if suitable mitigation measures were provided, a scheme may be acceptable on safety grounds.
- 4 The suggested stones / fencing / lining indicate there is a recognised potential safety issue. However, stones or fencing would be vulnerable on a road of this nature, and constitute a hazard. The suggested edge of carriageway line would be prone to scrubbing, and in time would become badly faded / invisible.
- 5 My comments are based on those walkers wishing to reach the trig point, or turn south towards Upperthong. Whilst the proposed footpath point of access onto the Highway is not an issue, the route south beyond that point is. A footway on the outside of the bend may help mitigate safety issues arising from a footpath diversion. If this is not done prior to the diversion and complaints are then received from walkers, the expectation would be that the Council would deal with the issue.
- 6 It is noted that Paragon’s survey was undertaken in the winter months, when pedestrian numbers may be less. However, irrespective of the level of use, there is a general expectation that works are carried where practical to mitigate for Highway schemes which are detrimental to safety.
- 7 If we were asked to undertake a formal Safety Audit on the issue, we would recommend that the verge was converted to a formal footway.

Just to reiterate, my view is that the only suitable mitigation measure would be to convert the verge on the outside of the bend to a formal footway.”

Earlier comments received were:

“A site visit was not necessary for Safety to comment on this issue, and indeed is not something generally undertaken when asked to comment on Planning Applications. Streetview tells the story very well, and Safety have much experience of problems involving pedestrian / vehicle conflict on blind bends. There is nothing to suggest the situation here is exceptional.

If Safety were asked to carry out a formal Audit

Safety’s comments are based on the wish of walkers to reach the trig point. Whilst the proposed point of access of the footpath onto the Highway is not an issue, the route south beyond that point is. A footway on the outside of the bend may help mitigate safety issues arising from a footpath diversion. If this is not done prior to a diversion and complaints are then received from walkers, the expectation would be that the Council would deal with the issue. If however, it was demonstrated that the majority of pedestrians walked northwards upon exiting the footpath, then it could be argued that the proposal was in fact beneficial in terms of Highway safety.

Safety did not state that they ‘welcomed’ the application. However if suitable mitigation measures were provided, then a scheme may be acceptable on safety grounds.

It is noted that Paragon’s survey was undertaken in the winter months, when pedestrian numbers may be less. However, irrespective of the level of use, there is a general expectation that works are carried where practical to mitigate for Highway schemes which are detrimental to safety.”

Respondent A

“I would ask that you consider whether the application should be entertained at all.

Referring to the Supporting Statement submitted by NSCI it is stated at 4.9 that 'A public right of way cannot be diverted under Section 257 where a development is substantially complete.'

I would assume that the reference to development is to all the works granted planning permission.

At 6.2 it is stated that '..substantial constuction has taken place..' and at 6.3 sets out works that cannot be completed without the diversion.

Is it not the case that the development authorised by the planning permissions is in fact substantially complete and therefore that S.257 of the 1990 Act is not the appropriate vehicle for seeking the diversion?”

B

“Thank you for your notice.

Due to the number of notices received, we will not necessarily respond.”

C

“[...] on behalf of

The Huddersfield Rucksack Club to register our objections to the diversion. The footpath is still coming out on the dangerous bend. Which it is nessassary to walk around (without a pavement) in order to carry on the footpath to Wolfestone Heights. I hope that you still have, on your records, our original objections.”

D

"I wish to object to the proposed diversion for the same reasons as detailed in the separate email from [D]. It is a footpath that I use on a regular basis."

E

"I wish to object to the proposed diversion.

REASONS FOR OBJECTION

- 1) The existing line A-B is a straight line following the natural ridge route between Netherthong village and Wolfstones Heights.
- 2) The vast majority of pedestrians using this path will either (a) link it with the footpath emerging onto Wolfstones Road by Carr Farm, or (b) continue onto the open access land administered by the Holme Valley Land Charity. In both cases the diversion would involve taking an unnatural line around two sides of a triangle and would significantly increase (almost double) the distance they would have to walk on the road.
- 3) In a site meeting, the owner has told me that the existing line intrudes on his privacy and security. I do not believe this to be the case. Certainly the vast majority of the population have footpaths/pavements which pass more closely to their homes. He knew of the existence of the footpath when he purchased the property.

CRITERIA TO BE CONSIDERED BY KIRKLEES (as detailed at the end of the Reason Statement document)

- Bullet point 2) The proposed diversion cannot possibly "improve" the right of way.
- Bullet point 3) It would certainly have a very "adverse effect" on users.

RESPONSES TO STATEMENT IN SUPPORT OF FOOTPATH DIVERSION APPLICATION

- 1.2) The fact that the work is "well advanced" is irrelevant. The applicant has continued with the work for many months in full knowledge that there were objections to the diversion of the footpath. Indeed, it may have been a deliberate tactic to advance the work before reapplying.
- 2.5) The 'trig point' is NOT "relatively recently constructed". The programme to install Triangulation pillars began in the 1930s with the vast majority in place in the post war late 1940s. Locals have walked to this point over the unimproved/unused land since time immemorial. This practice has then been formalised under the stewardship of the Holme Valley Land Charity.
- 3.2 & 3.3) The problems outlined here are solved by the already laid out new vehicle access drive. This in no way necessitates blocking up the original footpath line.

RESPONSES TO THE HIGHWAYS SURVEY

- 1.3) Any conflict which may have existed between vehicles and pedestrians are eliminated by the creation of the new vehicle access drive and keeping pedestrians on the existing line.
- 2.1) The surveys do not take into account any usage after 1600. I, and my fellow walkers/runners often use the footpath after that, particularly in the summer evenings.
- 3.3) The cycle and equestrian survey is irrelevant. The route in question is a FOOTPATH. Cycle and equestrian use is prohibited so it is pleasing to read that "No cyclists were noted utilising the PRoW".

I would implore those making this decision to undertake a site visit and to actually walk both the existing and proposed diversion.

Please advise when this application will be considered and whether or not the meeting is open to the public."

F

"I would like to comment on the above new improved pathway.

The new pathway which the Butterfields have had build to run around the boarder of the property is a huge improvement to the old pathway. The pathway as you will have seen is fenced at both sides allowing my dogs to run freely without the fear of them heading off into the private drive ways of their home. Or the fear of a car leaving the property and the chance of them been knocked over. The new pathway is gated and joins the original further down the track which is perfect not just for my dogs but also when I walk with young children allowing them to run freely.

I use the new pathway twice daily and feel it is a huge improvement for all the reason of Health and Safety I have mentioned.

I hope you take my comments on board when making any decisions."

G

"Personally I have no objection to the diversion providing that the underfoot conditions on the diversion are not too muddy"

H

"Once again I send my objections to yet another application re Wolfstones footpath

I have walked several times on that route this year, I have seen nobody with a clip board taking note on how many people walk that path. I noticed comparison in figures for 2017 & 2019, there does appear to be an increase for February and March this year of 29 in February and 44 in March. Also whoever's doing this survey seems to assume people only walk at weekends, groups do walk during the week Health Walks, U3A, there again I observed no one with a clip board, guide dog or white stick

There's been an increase in building/ renovation work going on it's starting to resemble a hamlet which the owner of the site will not want walkers who's aim is to enjoy the countryside.

I have seen no evidence of cables across the road to measure traffic, farm traffic figures will vary according to the time of year ie Summer farms will be busy cutting grass for winter feed

Have seen the footpath diversion is in place and has been there for quite some time, have been down to check but met with a dead end.

The original footpath is safer having been in large groups of walkers, there are usually one walker at both sides of the road making sure its safe to cross for walkers who are coming from Wolfstones Trigg point or going towards the point"

J

"I see that the notice has gone up detailing the proposed re-routing of footpath Holmfirth 60 at Wolfstone Heights. I have recent and relevant experience of this type of process and would like to give my views.

Before doing so I would like to declare some background information (most of which you already know) -

I have lived in Upperthong for nearly thirty years.

I have known the Butterfield family for over twenty years.

I am a passionate supporter of walkers and footpaths and believe in the inalienable right to stride the highways and bye-ways of Britain.

I have worked with Kirklees Council and its officers to maintain footpaths and promote walking in the Holme Valley.

I think that I am in a somewhat unique position to comment on this application because I went through a similar process a few years ago. As you will recollect this was at [...] to take it from running within a few of metres of the front door of my property to a route which took it to the back of the farmstead. My request was based on a numbers of factors. On the one hand I was concerned about the privacy and security of this semi-isolated property, and on the other I was keen to facilitate an equal or better path for walkers. I was grateful for your support with the application and that of the various walking groups that I had consulted.

The new path that I proposed gave a more open transit through [...] with better views down the valley. I built a dry-stone 'walkers seat' and undertook drainage works adjacent to [...] at the request of [...] to improve the surface of the path. I was happy that I had demonstrated a path that was superior in all aspects to the existing one. You will remember that all was going well until the final day of the consultation period when two objections were received. One was from a [...] local resident [...] The other objection was from a man from Wakefield who only walked the route once and, having seen the notice, decided to object. Both objectors were well within their rights but this meant that the matter had to be considered by The Planning Inspectorate. I'm glad to say that (with your support) the Inspector found that the public would not be disadvantaged in any way, and agreed to the re-routing. The new route was perhaps 100 metres longer if you were walking up [...] but conversely it was 100 metres shorter if you were walking down!

It should be noted that a significant effect of this re-routing was the increased usage of the path. The increase wasn't immediate, but built up over a number of months. My rough count suggested that the number of walkers using the path increased by between 50 and 100%. (I remember ringing your office in high excitement to pass on this news!) It seemed to me to be a win-win situation. When I asked walkers about the reasons for this increase there were a number of repeated comments. One was that there had been reluctance to use the path because of a slight 'discomfort' about walking so close to someone's home "You don't know quite where to look" and "It felt like you were walking through someone's garden". I can certainly empathise with this! Another comment was about the new path giving better views of the far vista, including Emley Moor mast! A few people said that it was a relief not to have to walk down the concrete track to [...], especially when vehicles were coming out.

And, of course, everyone loves the drystone seat!

I have observed the footpath at Wolfstone Heights at close quarters. It seems a reasonably well-used path. There are the 'regulars', the dog-walkers and the occasional tourist. It is definitely a recreational route, [...], rather than something for people going to work.

We have been carrying out building works at the adjacent house. We have had to use the drive to Wolfstone Heights Farm to get materials to site. We are always considerate of walkers and try to accommodate them at all times. There are occasions, however, when we have to use the drive with vehicles and sharing a narrow carriageway with walkers is far from ideal.

My view of this application [...] is that whilst there may be advantages to the house-owner, the greater advantage is for the users of the footpath. There is an opportunity for walkers to benefit from this small alteration. The proposed route is wide and level, it has wonderful views over the duckpond to lands far far away, and definitely better than the current path which loses all views as it goes between two buildings. Perhaps most importantly, it is dedicated walkers route which isn't shared with vehicles. It just seems overall a nicer route all round.

For these reasons my balanced opinion is that the application should be supported, subject to the conditions and strictures that you would normally put on the applicant.”

K

“I would like to reiterate my original objections, in that I strongly object to this diversion on the grounds that it comes out on the road around a dangerous bend which requires walking back along (without a pavement) around this bend in order to pick up the footpath again to Wolfstones Heights. Please include my original objection.”

L

“I wish to register an objection to the proposal to divert the footpath which currently passes between buildings at Wolfstones Heights Farm. My family and friends have used this route from Netherthong for more than thirty years. Through all this time we have enjoyed the variety of interest as the track passes from the field stile to its junction with Wolfstones road. The path seemed to cause little threat to the security or privacy of the householder because the property has always been gated off from the track. I have read the extensive arguments submitted in support of the proposal, but I take issue with some points made. It is inaccurate to describe the existing path between the growing buildings as lacking the amenity of the proposed one. The established path is a broad track, not a dark, narrow 'pinch point' as the application suggests. In fact, from the little one is able to see of the new path, it seems that it may be more enclosed and narrower than that which walkers already enjoy. The natural route for walkers from the end of the path is towards Upperthong; well-trodden paths make for a pleasant circular walk which I and my friends take regularly. The diverted path takes the route needlessly northwards, interrupting the smooth, direct climb from Netherthong and adding unnecessary distance. The new path's junction with Wolfstones road means that the walker is inconvenienced by having to climb the hill on the road - and walk on the bend with potential risk of harm and nuisance from traffic. The applicant argues that nothing is lost and that walkers may even benefit from the new path. His arguments overlook the emotional connection that local walkers feel with historic paths such as this one, which we and those before us have used for many years. They are part of local culture and heritage woven together with ancient dwellings such as Wolfstones Heights. It seems a great pity to spoil them.”

M

“I'm writing regarding the above as I feel I have very valid points to raise as a “fan” of the new footpath.

I regularly walk my dogs through Netherthong and up the fields to Wolfstones and must say that the new unofficial path is my path of choice for several reasons...

Number 1 reason is that from a Health and Safety point of view it's far far safer than negotiating the tarmac drive, as this becomes slippery especially in winter. There's also the obvious issue that it's a driveway so we often have to get out of the way of vehicles without much warning! Why would people want to walk up a drive?? It's stressful!

The second reason is that, in my opinion, the new path is much more scenic and relaxing to use. The views are great from there and seeing the ducks and small ponies just adds to the experience. Far more preferable to walking up a drive with walls either side! My dogs can still be off lead and I know they are safe.

The third reason comes from a place of frustration.. I overhear conversations in my local pub about the new footpath, along the lines of 'it's a nicer route but then we don't get to see what's going on at the big house'!! Wow, these people are so hypocritical, not to mention just outright nosey!!"

N

"Objection to this diversion, this path has been there for 100 or more years, i've used it at least twice a week for 50 years. The new way is after reaching the top taking one 200yds down again to the right and on to a narrow road and a quite dangerous.

The current route is on the lane down to the stables which is access for vehicle use so can't be closed.

The only reason i can see, they just don't want us walking through."

O

"I write to object, again, to the proposed diversion of public footpath Holmfirth 60 (part) at Wolfstones Heights Farm, Wolfstones Road, Upperthong following the reapplication with a new supporting statement dated 29 March 2019.

This lengthy document seems to rely heavily on the need to divert the existing driveway in order to fulfill planning permissions and facilitate access for emergency vehicles. I have no objection whatsoever to the driveway and vehicle access being diverted but I dispute this being a necessary justification for the diversion of the footpath.

I would point out that there is an existing 'walkround' stile from the current footpath/driveway onto Wolfstones Road. Surely it would be possible to leave this stile intact while stopping up the gateway to the current driveway. In this way vehicles could be diverted to the new driveway but pedestrian access to the current footpath route would remain unchanged. The plan shows no obstacle to this proposal.

It seems to me that this solution is a common sense compromise and could put an end to a lengthy and costly process. My previous objections, which I have submitted twice already, still stand and are detailed below."

P

"I wish to object to the proposed diversion of Holmfirth footpath 60 at Wolfstones.

I walk with friends on a regular basis and am a registered as a Kirklees walking for health leader.

I am also a member of Holmfirth Walkers are Welcome.

This path is road-free from both Netherthong and Holmfirth. But the diversion would mean having to walk the last part along a road to get to the trig point at Wolfstones if the diversion goes ahead. This is both inconvenient and potentially dangerous for walkers

Kirklees and Holme Valley Parish Council are signed up to the Climate Change Emergency and this proposal goes against encouraging and supporting that ethos.

Furthermore the Holme Valley Neighbourhood Plan (in preparation) has policies (Policy 13 - including road safety and Policy 15 Sustainability) on encouraging walking and maintenance of

existing footpaths and the number one priority requested in feedback by local residents was to support the maintenance and improvement of footpaths in the area.”

Respondent Q

“I wish to object to the proposed diversion of public footpath Holmfirth 60 (part) at Wolfstone Heights Farm.

My objections are detailed in the attached document. This includes the objections I've sent previously and some additional points in relation to the STATEMENT IN SUPPORT OF FOOTPATH DIVERSION APPLICATION dated 29th March 2019”

“Proposed diversion of public footpath Holmfirth 60 (part) at Wolfstones Heights Farm, Wolfstones Road, Uppershong.

I am writing this in response to the proposed diversion of public footpath 60 at Wolfstones Heights Farm. As a local resident and regular user of this path over many years I wish to object to this proposal. First I'd like to deal with each of the points the applicant makes in favour of the diversion:

1. *“It would be required to implement planning consent 2014/92814 for formation of new access and stopping up existing access, diversion of public right of way and related external works”*

It is not logical that a planning consent can give the right to divert a public right of way. As you stated in a previous email to me “planning consent does not divert or close public rights of way”. The granting of planning consent should have no bearing on the decision to divert a right of way, which should be considered on its own merits alone. The planning consent referred to above does not prevent the existing path being retained subject to a suitable gate or stile at either end of the property.

2. *“The diverted public footpath will improve highway safety by removing the potential for conflict between pedestrians and vehicles, as well as improving the vehicular access to the site”*

This is a ridiculous statement. How can the ‘potential conflict between pedestrians and vehicles’ on a very lightly used driveway (the only vehicles I have ever encountered have been involved in the building works at Wolfstones Heights), where vehicles travel at around walking pace, be improved by forcing pedestrians along 120 meters of public highway, which has no public footpath and a speed limit of 60 mph? The simplest way to resolve any conflict is for vehicles accessing Wolfstones Heights Farm to use the new access road and for pedestrians to continue to use the existing public footpath.

3. *Security*

If this was valid reason to divert a public footpath then many other paths in the Holme valley, which pass through gardens and directly in front of properties, would also have a reason to be diverted, completely spoiling the character of the paths. When the applicant purchased the property they were aware of the public footpath.

I'd now like to consider a number of related issues:

- *Aesthetics and enjoyment*

The current path forms an almost straight line from Netherthong village to the summit of Wolfstones Height. The diversion would spoil this approach and would not pass the test of having “regard to the effect it will have on public enjoyment of the path or way as a whole” (A guide to definitive maps and changes to public rights of way, 2008).

To quote from Rights of Way Circular (01/09): “They enable people to get away from roads used mainly by motor vehicles and enjoy the beauty and tranquillity of large parts of the countryside to which they would not otherwise have access”.

Part of the pleasure of using a footpath is passing by and through building and hamlets and having “the opportunity to experience the immense variety of English landscape and the settlements within it” (Rights of Way Circular (01/09)), diverting away from buildings, one of which is listed, means they can be no longer enjoyed. It is like taking a picture out of a public museum and putting it in a private collection, where the general public can no longer enjoy it.

- *Safety*

Forcing pedestrians to use a stretch of narrow derestricted public road, which is on a bend and does not have a footpath, increases the risks of accidents. Rights of way “are becoming more important as increases in the volume and speed of traffic are turning many once-quiet country roads into unpleasant and sometimes dangerous places for cyclists, equestrians, walkers and carriage drivers” (Rights of Way Circular (01/09)).

- *Planning permission*

The proposal to divert the right of way should have been properly considered and consulted on **prior to** granting the associated planning permission. Relevant points from the Rights of Way Circular (01/09, my bolding):

- “the need for adequate consideration of the rights of way **before** the decision on the planning application is taken”
- “The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered”
- “Any potential disadvantages to the public arising from alternative arrangements proposed for an affected right of way can be minimised by means of the **early liaison** between the developer, planning and highway authorities, **local amenity groups, prescribed organisations... and affected individuals**”

I would like to make the following additional points in relation to the STATEMENT IN SUPPORT OF FOOTPATH DIVERSION APPLICATION dated 29th March 2019:

- Para 5.1 – The fact that many of the previous representations were repetitive does not diminish their value and reinforces the point that many people object to the proposed diversion for similar reasons.

- Para 5.2 – In my experience most users approaching the proposed diversion from the direction of Netherthong continue to the Wolfstones trig point.
- Paras 5.6, 6.10.4.2 and 6.10.5.3 – The surveys were undertaken in winter, some on weekdays. If surveys were to be carried out on summer weekends with good weather the number of footpath users would undoubtedly be significantly higher.
- Para 5.7.7 – Pedestrians exiting the suggested termination point of the proposed diversion and continuing towards the Wolfstones trig point on the verge will have their backs to the traffic on their side of the road.
- Para 5.8.3 – A memorial, with seating, has recently been constructed immediately to the west of the Wolfstones trig point and the landowner has erected a sign giving permission to cross the land at this point.

- Para 6.10.1.3 – As noted above, part of the pleasure of walking the footpaths of the Holme valley is not just for the far reaching countryside views but also to see, at close hand, the old buildings that form an integral part of that countryside landscape.
- Para 6.10.2.4 – On one hand the statement states that there are relatively few footpath users and on the other that a ‘pinch point’ of 120 cm would be a disadvantage. Given the many stiles on this and other footpaths, which are narrower, I doubt if a gap of 4 feet would cause a problem.
- Para 6.10.6.1 – It is not unknown for runners, especially those of advancing years, following a demanding run from the valley bottom to stop to catch their breath and admire both the views and buildings.
- Para 6.10.5.3 – As stated above, part of the pleasure of using the Holme valley footpaths is walking past old buildings and hamlets and getting close enough to see the detail of their construction, use and history.”

Respondent R

“I would like, (if I may and not too late,) to offer my support to the custodian of footpath 60 at a Wolfstones, Holmfirth. I am an avid walker as an ex serviceman I like to maintain fitness in my retirement, walking many miles each day gives me immense pleasure.

I was delighted to see the spectacular view offered by the instated new route. A resting area has been supplied with views over a new pond, upon which I notice, a flock of Canadian geese have recently settled to roost. Fascinating viewing with far reaching views as far as Emley and beyond on a clear day.

Once more, my terrier can be let to run free without the panic of him upsetting the property owner by trespassing!!

Most importantly though, the top of the original route (up the driveway of the property, comes out at a highly dangerous bend. The new paths exit point provides visibility each way. Even though this adds a few minutes to my walk, rather this than try to play chicken against fast moving traffic on a very dodgy bends!

I genuinely believe the owner has done us a great service in providing this clean, safe and pretty alternative

. I wish them luck in their application.”

Respondent S

This is your submitted note regarding Holme Valley Parish council support – HVPC is yet to respond to our consultation, but I’ve looked online:

HVPC website includes this page

https://www.holmevalleyparishcouncil.gov.uk/UserFiles/Files/Other/73286-list_17_06_19_part_2_amended.pdf

which is linked to from this webpage for 17 June 2019 meeting

https://www.holmevalleyparishcouncil.gov.uk/Planning_Committee_23015.aspx

Respondent T

“I wish to register my objection to the proposed public footpath diversion on the following grounds:

(1) The diversion destroys the continuity of the ridge line walk from Wolfstones Heights

down to Netherthong. This walk has some of the finest views in the Holme Valley and has a high amenity value, with the many local walkers using this path.

(2) The diversion forces walkers to use the public road, rather than follow the existing off- road footpath when walking from Wolfstones Heights down to Netherthong

Both these are a variance with the Kirklees Local Plan and the draft Holme Valley Neighbourhood Plan. Both Plans seeks to encourage and promote safer walking and the creation of a pleasant environment for walking – this proposal does neither.

The only benefit appears to be the increased privacy of the people living in the properties either side of the existing public pathway. This is not sufficient justification for the loss of amenity and increased safety risk to the many local walkers using this footpath.

[....]

I trust that the Council will reject this application and not allow the proposed diversion”

Respondent U

Holmfirth Harriers

“I am now submitting an objection [..] The objection is the same as set out below when the earlier diversion request was made in 2017.

I look forward to acknowledgement of receipt of the objection and trust that careful consideration will be given to the points raised.”

“16 October 2017

On behalf of the committee and members of Holmfirth Harriers, with regard to the planning application to divert the footpath at Wolfstones Heights Farm, I would like to register our opposition to this proposed diversion.

Our members have used this path hundreds of times over the last 50+ years, both individually and as part of our organised summer training runs and as a club, we feel that this seems to be a classic case of someone buying a property with the knowledge that an ancient and well used right of way runs

along what was the farm track, through the property and then decides to block the route for their privacy.

With regards to the proposed works, we would expect that a temporary diversion might be appropriate while building is going on, for safety reasons, but that the original right of way should be reinstated as soon as it is finished. The proposed diverted path with its tree & shrub planting between the path and the main property, is being taken as far away from the original route and the property as is physically possible within the property's boundaries and is obviously just an attempt to obtain total privacy for this very expensive development.

Having recently run on the footpath myself, I noted that the diversion has already been built, which would suggest that the applicants are confident that permission will be granted!

Finally, in addition to the fact that the diversion not only destroys the traditional route that has been in existence for hundreds of years, it would also emerge at a particularly poor point further down the road for those wishing to either visit the Trig point or continue to link up with the footpath from Carr Farm to New Close and Upperthong. Anyone wishing to continue their walk or run would now be forced along the side of the road on what is a blind corner, in an unrestricted speed limit zone, which is clearly not acceptable.”

Respondent V

“I object to the plan to divert the footpath The proposed change would endanger pedestrians on a bend and blind summit on Wolfstones Road The path is important and historic It is a well used ridgeway from Netherthong to Wolfstone Heights The applicants have already created the alternative path”

Respondent W

Holmfirth Walkers are Welcome

“These are our objections as discussed at our last meeting:

- This footpath is a very popular and ancient straight path from Netherthong to Wolfstone Heights. To divert it as proposed would alter the whole character of this ancient way.
- The footpath is on one of our most popular circular walks from the library in Holmfirth and is used very frequently by WaW ,U3A and Health walking groups. The proposed diversion is not in any way as convenient as the existing path. The proposed path would leave users, who regularly go up to Wolfstones or take the footpath to Upperthong joining the road at a difficult corner and would necessitate them walking on this narrow and busy road. The verge is not suitable for walking on as there are too many obstructions. This presents a dangerous situation, especially to elderly walkers.
- There appear to be no windows on the side of the buildings facing the existing path so there is no disturbance of visual amenity.
- Why should one person's benefit outweigh the public's loss of this path.
- It mentions in the application that there is no public right of way up to Wolfstones. This is not strictly true as the HV Land Charity designated this for 'informal public recreation'. In fact seating was placed there some years ago for this very purpose.”

Respondent X

"I regularly walk the path from Netherthong to the Trig Point on Wolfstone Heights and the proposed diversion would not be beneficial to me. The alternative route would be substantially less convenient and less enjoyable as the open and direct rural footpath would be diverted to a constructed footpath, about 130 meters long, going downhill in the wrong direction. I would then have to walk approximately 120 meters uphill, on a road without a footpath, to get back on track. This compares with about 140 meters of the existing path. It is therefore erroneous to claim that the diverted route is "a more pleasant walking experience" or that it represents a "neutral position on distance and journey time"."

Respondent Y

"Please find our comments with reference to the proposed diversion of the footpath :

- direct & traffic free access to Wolfstone height is priceless & the alternative proposal makes access dangerous to pedestrians, cyclists, dogs & drivers due to the curves in the road & no provision for a footpath
- it appears this proposal has been withdrawn once already ? This new proposal wastes valuable council time & appears to be a shortcoming on the councils behalf that they are allowing a second attempt to push this through
- part of the proposal seems to suggest that the building of garages cannot go ahead unless the path is diverted as of today 28/7/19 the garages seem to be almost complete !
- there appear to be some rather dubious claims about possible closure of access to the trig point referenced by the proposal however public rights of way are presumably to be upheld for the benefit of the public & such this is irrelevant & we wish to ensure this is reviewed by Kirklees
- on a personal point - I don't wish to walk around someone's property - the current path does not cause any particular issues of overlooking or invading privacy the domiciles are situated well back from the current path. I believe that it would in no way be beneficial to myself or others members of the public to move the path, I believe the alternative route will be much less convenient & significantly less enjoyable for the reasons stated above.

Please accept our comments / objections as part of the consultation on footpath 60."

Respondent Z

"We wish to register our strong objections to the proposed public footpath-diversion on the following grounds:

1. The proposed diversion ruins the continuity of the beautiful walk from Wolfstones Heights to Netherthong. This walk has some of the finest views in the Holme Valley and is loved and well used by both local walkers and visitors to the Valley
2. The diversion would force walkers to walk on a public road, rather than follow the existing, off-road, public footpath, when walking to and from Wolfstones Heights to Netherthong.
3. The many "green lanes" (all public rights of way) within the Holme Valley are a unique feature of the Valley, characterised by dry stone walls and grass verges on either side of the lane, often with grass in the centre, providing an invaluable habitat for wild life and a much used facility for walkers between villages or on longer or circular walks within the Holme Valley. The proposed replacement for the public footpath at Wolfstones Heights Farm (which has already been built!) is not a 'green lane' and spoils the walk to and from Wolfstones Heights
4. Green lanes have been a unique feature of the landscape with the Holme Valley for centuries. The solid oak gate that has been installed at the entrance to the public footpath, ruins the character of the lane and ruins the view when walking down the hill from Wolfstones Heights
5. Green lanes in the Holme Valley are a highly valued, much used, public right of way and should remain unspoilt and be protected

6. Approval of this diversion will set a dangerous precedent for other residents throughout the valley who feel that they can change established footpaths simply for their own personal benefits. In this case the owner will have realised the situation when they purchased the property and consequently should accept it.

These points are at variance with the Kirklees Local Plan and the draft Holme Valley Neighbourhood Plan. Both plans seek to encourage and promote safer walking and the creation of a pleasant, unspoilt, landscape and environment for walking - this proposal does not support these aims.

The existing public footpath runs between two properties and the only benefit of the proposed diversion appears to be increased privacy for the owner. This is not sufficient justification for the increased safety risk to the many walkers who use this footpath who will be forced to walk on the road, on a bend, with no off-road footpath to walk on.

We trust that the Council will reject the application PROPOSED DIVERSION OF PUBLIC FOOTPATH HOLMFIRTH 60 (PART) AT WOLFSTONES HEIGHTS FARM and refuse to grant permission for the proposed diversion.”

Respondent ZA

Kirklees Countryside Volunteers

“Last night the Kirklees countryside volunteers visited the proposed diversion of this path again at Wolfestone Heights. Still the same problems with the diversion as before. The new path comes out at a blind corner, there are no paths nearby to connect to it, only road walking. There is nothing wrong with it where it is and we use it, as do others to gain straight access to The Trig point at Wolfstones Height which is a very popular site to visit. So we strongly object to the proposed diversion.”

Respondent ZB

“As a long-standing walker who has lived in the Holme Valley for more than fifty years, I write to protest against the proposed diversion of the above footpath, for the following reasons:

In my opinion, any diversion of a public footpath which reduces the safety of walkers by causing them to have to walk on a road, instead of being able to continue walking safely along an ancient, well-established footpath, should be rejected.

Regardless of the statistics relating to number of cars/walkers on specific days; the facts are that:

year-on-year, the number of car-users increases; the number of new homes being built in this area increases, even as I write, and that this proposed section of road to be walked, includes a bend on a narrow country-road without a pavement, only confirms that, where there is no essential need to create an increased risk of accident to the general public, it would be ill-advised of the council not to reject this proposal.

The local ancient footpaths in this area form an important, integral part of the special character and beauty of the landscape of the Holme Valley; some run through or alongside farms and houses and have existed for many years in harmony, with an attitude of mutual respect and tolerance, shared between farmers, landowners and walkers.

In the past, I know that permission has been granted on occasions to successfully redirect a footpath when, for example, a route has been changed from one field to another, rather than from field to road, as in this case.

In my opinion, when an extensive property with many acres of land such as this is purchased, in the full knowledge that a long-standing footpath is already in existence, all desired extensions/modifications/renovations, needed to improve movement, etc., should be planned and implemented within the private land boundary, without the need to disrupt and destroy an ancient right of way and create risk of accident to the general public.

For these reasons, I strongly object to this footpath diversion.”

Respondent ZC

“Please can I raise a strong objection to the request to divert the path.

I work for Kirklees and I have recently been enthused by the decision at chief executive level to push for Kirklees to be an area that promotes walking !

In order to do this Kirklees must surely champion existing paths that have been walked for years.

I was out this week with members of Signpost (Kirklees Countryside Volunteers) and was dismayed to see a request to divert the fabulous footpath (regularly walked by the people I was with) that takes one directly up to the Heights. A friend at work also confirmed that his running group regularly use the path.

The diversion takes you away from the other walking routes in the area and comes out on the bend of the road, then requiring unnecessary road walking to reach the top.

I urge you to respect the views of many walkers and runners over the convenience of the farm owner.”

Respondent ZD

PNFS

“Peak & Northern Footpath Society object to this proposal.

The application is made in connection with two planning permissions previously granted by the Council. Diversion of Footpath 60 is required to permit the developments to go ahead. However it should not be assumed that because a planning application has been granted that an order for diversion of the path will automatically follow and there is in fact no obligation on the Council to make any such order (Defra Circular 1/09 para 7.11).

The Council accepted this diversion application in ignorance of Footpath 60's use as direct off road access to Wolfstones Heights access land. Officers wrongly concluded in the planning process that **“ moving the terminus of path 60 to the north will take it away from the existing access to Wolfstones Height, by over 100 metres, however that access is not currently recognised as public and this rural road has a serviceable verge for walking”** In fact the access referred to is public being owned by Holme Valley Land Charity (Land Registry WYK821600 whose sole trustee is Holme Valley Parish Council) and the land is reserved for use by the public for informal recreation. It is therefore a place of public resort and Footpath 60 connects directly to it from centres of population in the Holme Valley. Any movement of Footpath 60 from its current terminus makes access to this

popular location much more difficult. It is also worth noting that the "serviceable verge" referred to does not in fact exist as it is covered with boulders and unwalkable.

The above in itself is sufficient reason for the Council not to make an order in line with the government advice contained within Defra circular 1/09 para 7.15 ie "***Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.***" In addition the overwhelming number and quality of public objection to the previous consultation on the proposal carried out in 2018 clearly demonstrates the public view on loss of public amenity and safe, direct off road access which Footpath 60 provides to Wolfstone Heights . When weighed against the proposed development which benefits no one but the applicant it is clear Footpath 60 should not be diverted.

At the moment it is possible to walk from population centres in the Holme Valley such as Holmfirth or Netherthong on an entirely traffic free route using rural paths including Holmfirth Footpath 60 to reach the viewpoint at Wolfstone Heights. The trig point here provides a focus for a number of quite walks which are enjoyed by many. Footpath 60 is a key link in these off road walks and is of high amenity value to both residents and visitors alike. The proposed diversion takes walkers away from their intended destination just as they are about to arrive. At the moment walkers have 80 metres of direct walking to reach Wolfstones Road and the access land from where the proposed diversion starts. This will be over 250 metres on the proposed new route which includes a 140 metres road walking. The proposed new route is therefore less commodious than the existing route and suffers a loss of amenity as walkers are forced to walk on a road whereas currently they walk on an access between two long established farm buildings which are now residential properties. I've never met a vehicle on there in 25 years. People generally walk to enjoy the quiet pleasures of the countryside and being forced onto a road as is proposed here is anathema to such enjoyment.

Should the Council make an order to divert Footpath 60 it will no doubt lead to a public inquiry and it is worth pointing out that there are cases of inspectors not confirming similar orders on the grounds of the loss of amenity described above. The Council should be mindful of this in making any decision as costs for public inquiries are met by the council not the applicant. In the last public inquiry held into an order made by Kirklees in January 2019 the councils costs for legal representation alone were £21,000. The costs of the planning inspectorate and preparation/hosting an inquiry are likely to be as much again. Whereas not making an order ends the matter at very minimal, if any, costs to the Council and can be justified on the grounds outlined above."

[Respondent ZE](#)

"I have read and digested the lengthy application submitted in relation to the proposed diversion of the above footpath.

Firstly, I am surprised by the nature of the research conducted on behalf of the applicant. The survey of walkers which took place over a few days in November, December and March is not representative and appears to have been chosen to avoid the summer months when the majority of local people use the path. A more impartial approach would have been to conduct the research at a time when the path was in most frequent usage so a more accurate reflection could be obtained. It is clear from anyone walking the route that it is well used.

I also find the rationale behind the request for the diversion to be superficial. Although clearly a distressing event, there is no direct evidence in the report that the burglary at the property was as a result of the use of the footpath. There is clearly sufficient room for walkers to use the footpath without coming into conflict with visitors to the property. The difficulties the fire engine encountered accessing the property has nothing to do with the public right of way.

The main purpose of the path is for local people (who are not all committed walkers by any stretch of the imagination) to walk on a linear route from villages such as Netherthong to Wolfstones Heights and return. I appreciate that the last segment (short path up to Wolfstones Height is not a PROW) but it is currently used as such with permission. There is now a recently erected and lovely memorial and seating area, a couple of metres past the trig point at the top of the Heights. This has been landscaped and designed with a windbreak and bench so that people walking to the top of the heights can sit down and admire the extensive views and reflect on the beauty of the local scenery. The argument that access to the heights may not always be the case is a smokescreen. It is not evidenced by the applicant and is only a suggestion to create doubt and justify the submission..

Further, the suggestion that user satisfaction and safety is increased by diverting the path to exit onto a road at a lower point is farcical albeit, it is clear that a considerable amount of money has been spent attempting to justify this. Any individual or group using the path from Netherthong to access the trig point at the heights would in future have to divert around the front of the farm and then effectively double back walking along a stretch of the road to approach the brow of the hill. Pedestrians would then still have to cross the road in a potentially more dangerous position to walk facing oncoming traffic. There is no pavement on this road and it is a country lane with no speed restriction in place. It is clear that whatever manner in which it is reported this is not safer than the current position which involves a short traverse of the road at the top. The fact that there has been no accident in the location with the current route in place is evidence of the safety of the current exit point.

It is clear that the report writer is not local to the area and has attempted to underplay the main purpose and usage of this path as a direct route to the trig point at the Heights. The footpath is used locally by families and children, dog walkers, and runners (it is a recognised summer running route for Holmfirth Harriers). It is also used by visitors to the area and is a recognised and published walking route. The proposed alteration is not justified, necessary or proportionate based on the reasons given and I object on the basis that, in its current format, it will create a more dangerous situation for all future users of the path for generations to come."

Respondent ZF

"I would like to object to the proposed diversion to public footpath Holmfirth 60 (part) at Wolfstones Heights Farm.

My reasons for objecting are:

1. The existing footpath follows an ancient and the best route between Netherthong and Wolfstones Heights and the proposed diversion in no way improves the right of way as is suggested in the Reason Statement. It seems obvious that the route change is designed to

take users, of the right of way, as far away as possible from the development and to hide them from the development and the development from them. i.e. purely to increase privacy. The design of the garage and other features would appear to be a deliberate attempt to create an excuse for the 'need' for a change, and could have been designed not to impede the present route.

2. While we all expect a certain level of privacy the present route has far less impact on those living in the development than the average pavement does on any village, town or city. The footpath was known about when the property was purchased and any development should have taken the route into account. Not deliberately sought to change it.

Responses to Supporting Statement for the Diversion

1. The statement suggest the Trig point is "relatively recently constructed". This is hardly the case since it is likely to have been there for at least 70 years. The route to the Trig point has been walked, in all probability since its construction and there is, in addition, now a memorial structure there as well. Many people visit on a summers evening and at weekends.
2. With the newly constructed access driveway there is no reason why walkers and cars (or other vehicles) should cause an increased risk to pedestrians. Even if vehicles continue to use the present drive this should not cause a problem. Pedestrians and vehicles have both used the track from the time of horse and carts, through to the occasional tractor or other farm machinery and more recently the odd car. There is no reason sensible behaviour by all should not avert any problems.
3. The statement refers to the construction being "well advanced". This is because the applicant has continued with the construction, of the features that they say necessitate the diversion, even though they knew that objections had been made. Another attempt to force the diversion through.
4. The pedestrian surveys are really irrelevant since they do not take account of summer evening use, one of the main times many local footpaths are used, nor do they compare with other similar rural footpaths. My own observations and the wear of connecting footpaths would suggest this path is one of the more heavily used rural footpaths in the area.
5. Also since this is a footpath, cycle and equestrian use has no bearing. Neither should be using it!"

Respondent ZG

"[...] NCOM Walkers, [...] wish to register the objection of this local community walking group to the proposed diversion"

ZH

Ramblers

"Huddersfield Ramblers wishes to **object to the proposed diversion.**

We note the statement in support of the footpath diversion application by Noel Scanlon Consultancy Ltd, acting for the applicant. We cannot support the conclusion reached by this report (sections 5.7.7 and 6.10.5.4) that the proposed new point of entry or exit from the footpath onto Wolfstones Road (point C on the plan) is "preferable" to the current termination point (A) in terms of "safety".

In objecting to the previous application to divert this path in 2017, and an amended application in 2018, we stated that it was our belief that most **users of the public footpath** continue their walk from the existing exit point (point A on the plan) either by going south towards Uppershong or by crossing straight over the road to enter the land owned by Holme Valley Land Charity, to which permissive access has been granted for many generations, and thus gain the trig point at the summit of Wolfstones Height. In my previous objection I estimated that around 80% of users of the footpath proceed towards, or have come from, these two directions. We have read the applicant's traffic survey, the results of which are contained in the separate report by Paragon Highways, which irrefutably support our belief. These figures show:

- That, on 30/11/2017, 11 of the pedestrians arriving at point A who had used, or were intending to use, Holmfirth 60, had arrived there from Uppershong or the trig point on Wolfstones Height, or were proceeding thereto, compared to only 2 pedestrians who had used or intended to use Holmfirth 60 who had arrived from or were proceeding to the north (Moor Lane) direction;
- That, on 03/12/2017, 19 of the pedestrians arriving at point A who had used, or were intending to use, Holmfirth 60, had arrived there from Uppershong or the trig point on Wolfstones Height, or were proceeding thereto, compared to only 4 pedestrians who had used or intended to use Holmfirth 60 who had arrived from or were proceeding to the north (Moor Lane) direction;
- That, on 11/02/2019, 12 of the pedestrians arriving at point A who had used, or were intending to use, Holmfirth 60, had arrived there from Uppershong or the trig point on Wolfstones Height, or were proceeding thereto, compared to 0 (zero) pedestrians who had used or intended to use Holmfirth 60 who had arrived from or were proceeding to the north (Moor Lane) direction;

- That, on 17/03/2019, 24 of the pedestrians arriving at point A who had used, or were intending to use, Holmfirth 60, had arrived there from Uppershong or the trig point on Wolfstones Height, or were proceeding thereto, compared to 0 (zero) pedestrians who had used or intended to use Holmfirth 60 who had arrived from or were proceeding to the north (Moor Lane) direction.

If the survey information is to be believed – and it seems to have been rigorously conducted – then it appears that even my original estimate that 80% users of Holmfirth 60 have come from or will proceed to Uppershong or Wolfstones Height trig point is on the low side. The survey data suggests that more than **90%** of pedestrians who have used Holmfirth 60 to reach point A have those directions in mind for their onward journey, or arrive at Point A from those directions.

Mr Scanlon's report, rather strangely, but perhaps understandably given the aims of his client, seems to harp on the fact that more pedestrians walk on the road than use the footpath "in any event" (6.10.5.3). This is true, according to the survey, but is disingenuous on Mr Scanlon's part. **The intentions and destinations of users who do not plan to incorporate Holmfirth 60 into their route at all are immaterial in any consideration of whether the path should be diverted.** What is at issue is whether **those who are using Holmfirth 60** are disadvantaged by the proposed diversion.

We note the comments of other groups about the architectural and historical interest of the group of buildings, and the merits or demerits of the views from either route. However, we believe that the issue turns – or should turn – on the safety of users of the path. Mr Scanlon's report posits – in rather mangled syntax – that "*the visibility for pedestrians egressing the new*

footpath location of oncoming traffic on Wolfstones Road is considerably improved from the existing situation. Intervisibility [??] for drivers travelling along the major road of pedestrians stepping onto the carriageway or verge is also to a high standard.”

We believe that there is no significant advantage to the proposed new exit on these grounds. From the existing exit (point A), walkers have an uninterrupted view down the road to the south (towards Upperthong) and a more restricted, but still perfectly good, view along the road to the north. From the proposed new exit (C), walkers have a good view down the road to the north (towards Moor Lane) and a more restricted, but still good, view to the south. It is six of one, half a dozen of the other.

But recreational walkers, from dog-walkers to committed hikers, do not like walking on public tarmac roads for longer than they need to, however quiet they are. There are myriad reasons for this; one is that they go walking in the countryside precisely as an escape from cars and traffic. Overriding even this, though, is the safety aspect. Drivers on rural roads do not always show the same care as they would in towns and cities, and the sudden presence of pedestrians on roads usually free from people can cause drivers surprise. Dogs being walked add to the risk. Given that the survey suggests that over 90% of **users of Holmfirth 60** are coming from or going towards Upperthong or the Wolfstones Height trig point, the proposed diversion will force the overwhelming majority of path users to walk on the road for longer than they currently do in order to achieve these objectives¹. It is beside the point to maintain, as Mr Scanlon does, that “the local highway network operates safely” (6.10.5.5).

Any more time spent walking along the road than is at present required cannot but increase the risk to pedestrians. To state that the effect on distance and journey time would be “neutral” (6.10.3.3) is simply fatuous – unless, that is, one belongs to the small percentage of path users heading north.

¹ At present, users emerging on Wolfstones Road at Point A who intend to proceed to Wolfstones Height trig point can cross the tarmac in seven paces. The proposed diversion will see them having to use the road for over 200m.

We are also completely unconvinced that the physical risk to walkers from vehicles using the current route (A to B on the plan) along the drive of Wolfstones Heights Farm outweigh the risk they would face on the public road if the diversion is approved. We note the comments about access for emergency vehicles – and, naturally, the applicant has our sympathy for the house fire he has suffered – but cannot see visits by such vehicles as being anything other than exceptional events. Of course there will be construction vehicles connected to the ongoing works, but they should cease when complete. As for the applicant's own use of the drive and the "potential conflict between pedestrians and vehicles" (7.7), Mr Scanlon's description of the drive's "relative awkwardness, limited manoeuvrability and visibility" (3.2) should be sufficient indication that motorists using it have to proceed slowly and with caution, as much out of care for themselves and their own vehicles as for any pedestrians who may be present. The drive will of course see daily use by the odd vehicle coming to and from the properties, but owing to its nature it is a safer environment for walkers than a public road with bad bends and a 60 mph speed limit. I might add that there are many, many public rights of way along access drives that are much narrower and more hazardous than this one.

We note Mr Scanlon's comments about the "necessity" test and the "merits" test – the necessity test having been, at least according to Mr Scanlon, already passed by virtue of the need to implement the proposed development in accordance with the planning permissions. On this we have nothing to say.

We urge the Council, though, to consider our views in its "merits" test about whether to make order. To allow the diversion would, we feel, be against the interests of users of the footpath."

Respondent ZJ

"I wish to register my objection to the proposed diversion of the captioned footpath. As a regular walker between Netherthong and Wolfstone Heights, I consider the diversion of the path away from its intended and natural course to be unnecessary. It might be advantageous to the applicant in terms of privacy and susceptibility to theft, but I'm sure appropriate measures can be installed to accommodate these concerns. The additional 100m walk along Wolfstones Road will obviously entail greater risk to pedestrians whatever any traffic report may contend. I conclude that diversion of the footpath will not be beneficial to walkers and will be less convenient and less enjoyable for the public."

Respondent ZK

"I refer to recent correspondence concerning the re-submission of an Application to divert the public footpath Holmfith 60 (part). I have already objected twice to earlier Applications and am writing once more to object again. I can see little if any difference in the latest Application, compared with previous ones, which have either failed or been withdrawn, as I understand. Nothing is new.

[...] I have struggled a bit with your statement that approval of the application is "required to implement planning consents" previously made. I have to admit, as a person who simply enjoys walking and values the benefits that walkers derive from the network of footpaths which have been established over many years, that I know little about the inner workings of the Application Process. However, I cannot believe that Kirklees would tentatively agree to a footpath diversion in

order to grant another planning application, without public consultation, given the circumstances. It may be that the original planning consents need to be re-visited? Were all the original data and assumptions correct?

That said, the basis of my objection remains very much the same and revolves around safety for walkers. I have read the report put together by the Applicant's representatives (Scanlon) and, whilst it is lengthy, it adds very little to what has been said previously and is in part quite subjective in its conclusions (considerably improved visibility, "...can only further reduce the potential for accidents" etc).

As we all know, walkers using the current footpath are either heading for, or have come from the Trig Point or the footpath which passes Carr Farm. The existing footpath, where it emerges onto Wolfstones Road, provides very good visibility for such routes and one could say that the favourable accident record to date is, in part, as a direct result of the current arrangements. As I have said previously, the proposed footpath means that Walkers would have to negotiate two additional bends on a narrow road with vegetation encroaching onto the road. It is a dangerous series of bends for traffic, let alone pedestrians. Given the recent addition to the housing stock in Upperthong, usage of Wolfstones Road is only likely to increase. It only takes one serious accident.....

I do hope that Kirklees does not feel under pressure to "nod through" this Application given that the Applicant has shown little regard so far for public feeling. He has gone ahead with constructing the new footpath despite known objections. It shows arrogance beyond belief and disregard for due process."

Respondent ZL

"I must register my objection to this proposal.

The diversion means that walkers heading uphill to Wolfstone Heights must walk along a road with no public footpath and round a "blind" bend."

Respondent ZM

"After using the path between Netherthong and Wolfstones Heights for family walks, as a route to Upperthong play group, as a member of a running group, Millennium celebration at Wolfstones trig point for the past 40 years. I am left disappointed to read that the path is to be redirected. But for who's benefit? The map detailing the proposed alternative route clearly shows several highway dangers that are an unnecessary hazard to pedestrians, e.g. expecting them to use the new Junction on the bend lower down Wolfstones road on an increasingly busy and narrow road, with the grass verge being further narrowed by the placement of large stones placed by the wall to protect it not to protect the pedestrians making the path even narrower. Regarding the applicants, there is no danger to the security of their homes as security has never been an issue for the past 40 years.

It would appear that the genuine groups of people who have regularly used this route for many decades are now being asked to make the sacrifice for the few. I hope my concerns, and those of many others are taken into consideration by Kirklees MC. "

Respondent ZN

"While walking through Wolfstones Heights Farm today I noticed yet another planning application to divert footpath HOL/60/20.

I am surprised to see this again as I thought it had been refused at least twice already. This path is part of a clear, established and mapped right of way that goes straight across fields from the village of Netherthong to the impressive Wolfstones Heights. It will have linked farming communities at Netherthong with Wolfstones Heights Farm. Although times have changed, these paths have a place in our history and there is no good reason to change the route. The owner of the property must have known the Right of Way existed at purchase and should embrace its existence instead of trying to remove it. At the Netherthong end, the path passes through a property with no problem.

The proposed route comes out lower down the hill on to a bend with poor vision and no verge or pavement. There is no easy way to get from this bend back on to the footpath network. The current route goes out onto Wolfstones Road with a clear view in both directions to cross to walk to Wolfstones Heights. Alternatively with the current route, you can turn left and walk down the straight section of road, with good lines of sight to quickly join HOL/71/20 and go on to Upperthong.

I use this path regularly as a volunteer walk leader with the Kirklees health walks and the proposed route would be less safe for our walkers.
I hope you will reject this application.”

Respondent ZO

“I understand that there is another application to divert PROW HOL/60/20 at Wolfstone Heights Farm. I think that the existing route should be retained for the following reasons:

- When you look back down the hill from the farm the footpath is a very distinct, linear feature in the landscape. To divert it would lose its essential character.
- It is an old farm track which links with others.
- It is a route that is well-used by individuals and groups.. for example, it is a favourite with the Friday Holmfirth Health Walks.”

Respondent ZP

“Hopefully this objection to the proposed diversion will be considered.

The diversion is simply an excuse to increase the privacy and property value of the houses (now owned by the same person) with an arrogant disregard to the users of the footpath and custom and practice of the community that have used it for generations. Although the applicant may have lived in one of the properties for 30 years, only now has the opportunity to divert the path become possible.

I am a regular user of the footpath both during the day and the evening especially in summer. I have also passed that way on winter evenings too. I have used the path for 16 years ie as long as I have lived in the area. I have ran, walked, taken my family to Upperthong and often met other users on it. To perpetuate the idea it is not well used is a disgrace.

The diversion will not improve safety, quite the contrary. I use the path to connect to and from the one adjacent to Carr Farm on Wolfstones Road. This change will mean more time spent on the road and having to negotiate the brow of the hill. The path's existing location is ideally placed at the crest of the hill, I suspect that's why it was originally located there. The so called survey is laughable to say the least.

The occupier no doubt moved to the property originally as they enjoyed the view and the setting as do the users of the path. The path was always there and sensibly located between the two dwellings to move it will spoil the aspect and make it much less safe.

I really hope that the protection of public rights of way prevails.”

ZQ - I object to this proposal.

The necessity for this diversion is not proven in the documentation. I cannot find details of the planning consents on the Council website but activity on the ground does not suggest that the applicant intends to build over the footpath. A plan of the proposed building work would have been helpful. The supporting statement by Noel Scanlon Consultancy mentions the difficulty of access for the applicant's vehicles and emergency vehicles. Presumably this can be mitigated by the creation of a new entrance in the area where construction work is ongoing but it does not justify realigning the public footpath, which is presumably what is referred to in paragraph 3.4.

Observations of walkers accessing the charity land other than by footpath 60 are irrelevant.

The assertion that the diverted route will form an enhanced walking experience is questionable at best. Walkers do not expect - or want - panoramic views 100% of the time; to pass between traditional local buildings from time to time is part of that experience.

To say that the road verge is "serviceable" as a walking route is not borne out on site. With low traffic volumes and the rocky and overgrown nature of the verge, walkers will use the road. The traffic survey notes that the verges are available in case of pedestrian vehicle conflict - as a refuge.

The traffic survey recorded a very small number of walkers using the route, but was carried out between November and March with recorded temperatures below 10C.

ZR - I object to the move of footpath at Wolfstones farm between Netherthong and Upperthong. The move would put walkers directly onto a blind corner where cars often drive fast. The current footpath gives walkers a chance to see traffic from both directions to cross directly to the popular Wolfstones Heights. The proposed change means walkers have to walk on the road on this tight bend to access this community land. There is clearly no need to move the path as I have known it in its current location for 16 years; the change seems inspired by the concerns of one land owner, outweighing the concerns and safety of 100s of walkers who use this route.

Respondent F

"With regards to the proposed diversion of the above footpath I would like you to take into consideration the following points:

I am and my family are Holmfirth born and bred and personally I have walked passed Wolfstones Heights Farm for over fifty years. The new diversion is a huge improvement for the following reasons:

1. The new route avoids the main drive way and as I turn right slightly shorter. I walk with [...] so having a dedicated pathway with beautiful views and no chance of my dogs escaping onto Wolfstone Heights Farm is fantastic.
2. On the approach to Wolfstones Road from the new route which I have walked all summer and in this last months dark mornings the new footpath is less hazardous from road safety perspective. The visual view is hugely

improved on exit from the new pathway easier to spot cars coming either down the hill or up the hill before joining the road.

In the past I have found it very difficult from the old pathway to see traffic approaching from the direction of Uppershong.

3. Not walking up or down the drive way of Wolfstone Heights Farm as improved the safety of my dogs. The Butterfield's have gone to great lengths to ensure the new pathway is secure, no vehicles access, fenced with beautiful views and the diversion only adding minutes or taking minutes off my walk. It also adds to the tranquillity of my walk without the intrusion from either party.

4. The diversion takes you away from walking between two properties on a quite narrow drive way. The safety aspect of no cars on the new path way must be a winner for all under Health and safety law.

I live in the area, two minutes from Wolfstone Heights Farm, so THE proposed pathway does benefit me. I walk passed at least twice a day and the people I see using it is very limited, so your proposals for or against please consider very carefully to the people it actually effects.”

Respondent ZS

“I am emailing you today regarding the proposed diversion of the public footpath at Wolfstones Heights Farm, Uppershong, Holmfirth.

I have been walking the new footpath for the last 6 months and I must say I find it a very enjoyable , scenic walk!

I have lived in Uppershong for the past 12 years and I have regularly walked both up and down the Butterfield’s drive!

I have always felt that I am being intrusive and nosey, I have had to keep my dogs on their leads to stop them running into the Butterfield’s garden and parking area!

I have always had to be aware of cars leaving the house with the risk of both the dogs and myself being knocked down!

I can now walk safely up and down the new footpath and my dogs can run free!

The views are fantastic which look across to castle hill, the new landscape garden with a pond that homes ducks and geese are a pleasure to watch sat on one of the new benches , which have been placed along the footpath!

At the end of the footpath I have turned both left and right to carry on with my walks and it is so much easier to see oncoming traffic, than crossing on the dangerous bend at the top of Butterfield’s drive!

I do hope that I can carry on walking my dogs safely on the new footpath!

Please do get in touch if you need any further information!”

Respondent ZT

“We are writing to you in support of the proposed diversion to the public pathway following the Notices seen; we walk our dogs in this area twice a day and feel this would be an excellent opportunity to improve the current public pathway.

Both my husband and I have lived at [...] Netherthong for nearly 2 years, and have frequented the area for walks for the last 10 years as a couple and over 30 years for [...] and his family; his mother lives at [...], Wilshaw.

We have taken this new route a number of times and it enhances the walk dramatically and provides a safe and beautiful route. We often take different circuits as part of our daily dog

walks and although it may be considered less direct, ourselves and other walkers are doing so for leisure, therefore it enhances our walking experience. We can also let our dogs off their leads, or at least on a long lead here, which we cannot do on the current public path. We are really impressed with the landscaping of the new path and it is an opportunity to take in the views. We shall continue to frequent this proposed route as it also feels less invasive to the two properties either side of the existing path. We both often walk in the morning and evening where traffic can be quite heavy on this road and in the winter it can be quite dark. This route at least provides some safety from the road which again, is a real benefit of its adoption. We strongly support this new public pathway.”

Respondent ZU

“Having seen the notices as I walk my dog regularly around Wolfstones, Roebucks Farm, Mark’s Bottoms and the Trig Point I feel I must put “finger to keyboard”.

When I walk new friends or old friends, some of whom lived in the area years ago – everyone of them has commented on what a wonderful job is being done at Wolfstones. Ducks, horses, Shetland ponies, benches, complete with nature’s panoramic view to sit and enjoy.

I was born in Upperthong 55 years ago, I have lived around the world but my heart is here. My family and myself, now, have lived here since early 1900s. I like the place, I have seen some absolute monstrosities built in and around the village. Farms, small holdings split up made into housing where no one can park. Red roofed bungalows built in the centre of a stone slate roof village. No extra parking made, no areas for children. Dog walking routes with no bins for their waste.

When I look at what has been done at Wolfstones the improvement is immense, fantastic stone work, drystone walls repaired properly, good path, benches to use. A grass verge to walk along at the side of road, allows you to get settled on the road, grab the dog etc.

I must admit I have enjoyed walking up the original path seeing all the superb work being done on the house and grounds but now the walls are either side I prefer the less claustrophobic open path, furthermore it does feel intrusive walking passed the house, my dog has to be on the lead as he would run into the courtyard, whereas the other route allows me to let him run free right to the road.

It perhaps gives a slighter longer walk for me, however that is what I want; even though it can’t be much more than 200 yards (I used to be able to run that in 20 odd seconds) but at least now I can rest on the bench after the climb up from Netherthong or Roebucks – looking at the view and relax in a splendid environment.

Finally, I would also like to point out, that in the dim and distant past a family called Booth lived at Wolfstones, they used to have a white 5 bar gate (painted white – which was unusual then) always closed to keep their dogs in. The Andrews who lived at Wolfstones below actually had to pass through the Booths, they cut a road at the side to avoid having to open the gate and also out of common courtesy to avoid driving / walking through the middle of someone’s property. I do think courtesy is something we should all be more aware of, in this modern world of complaining and look at issues, fairly, from all perspectives.”

Respondent ZV

“As a resident of Upperthong village and a regular runner around the area I have noticed the diversion signs along the Wolfstone Heights Farm walking route.

I have run along this route for the past 5 years and can say without doubt that the new path is a much more enjoyable and useful route for myself.

On my regular run I would turn right to run towards Honley, the new path makes this easier and in my opinion safer, as I have a clearer view of any oncoming traffic turning the corner.

In addition I often felt a little intrusive on the old route, running straight through someone's property and often causing their dogs to bark. The new path completely avoids this issue and allows me a more tranquil and pleasant run.

Thank you for taking this into consideration. “

Respondent ZW

I enjoy walking and have regularly used the existing footpath of Wolfstones Heights Farm.

A few weeks ago I tried the new proposed path which I was very impressed with. I thought it was great and a lovely job has been done. My sister who lives in Upperthong and I stopped to look at the view towards Thurstonland and Farnley Tyas, where I live. It was so nice to take a bit of time, watching ducks, ponies and enjoying the surroundings. I would never stop and hang around on the existing path as I wouldn't want to appear nosey or intrude on people's private property.

I can fully appreciate that the owners of Wolfstones Heights Farm require a degree of privacy and security within the grounds of their home. I suspect most people would.

I know sometimes accepting change can be difficult, however for me, I think their new footpath is an improvement.

Respondent ZX

“At the weekend as we do most weekends my family walked the path in question . We would like to put our thoughts forward on the diversion .

The new proposed path is excellent our children / grandchildren could run freely on the path without fear of vehicles / or farm machinery coming down the very narrow driveway .

The old path going out at the top directly on to wolfstones road is quite dangerous with a young family , you are stood on the road before you can see either way , right on the bend - where you have a blind bend to the right and usually parked cars on the left (due to dog walkers coming up to the trig point) parking and then walking their dogs the rest of the way .

We don't tend to see many other walkers ,the path further down that breaks away and connects Netherthong through to Upperthong tends to be busier .

We commend the diversion, it takes us round passed a lovely duck pond it's a nice wide path with lovely new benches put in.
For people to enjoy the lovely views back towards Netherthong and beyond.
A lot of thought has obviously been put into this diversion as you approach the exit the walkers come out on to a wide space set back from the roadside where you can then see up and down Wolfstones Road with ease.
We very much like the new diversion
Many thanks for taking the time to read our email"

Respondent ZY

"I am writing to express my opinion for the proposed new footpath around the above property.

I have used the current footpath for the last 27 years we used to live at [...] Moor Lane, Netherthong, and now live [.....] off Bradshaw Road, Upperthong, [.....], so have therefore used the footpath from all directions for leisurely walks over the years.

The new footpath may add a few minutes to your walk if you turn left towards Upperthong but the new route would not take you through somebody's property to exit on a bad bend. It is much prettier with beautiful views across the valley from all angles which is a bonus. The new route has been sensitively landscaped, there is a duck pond and with added new seating where on a good weather day it would be lovely to sit and appreciate the stunning scenery.

The proposed new exit route is much safer than the existing one as it is not on a blind bend so you can see vehicles clearly approaching from either direction. Also there is a grass verge on the left hand side of the road making it safer to walk if you do turn left. Because of where we now live I have got the option to turn in either direction, I can honestly say I would prefer to use the new proposed route."

Respondent ZZ

"Re: Letter Supporting the Proposed Diversion

I live in Upperthong and know the fields and footpaths well, as I have walked them many times over the last 45 years. I can, at times feel as though I'm trespassing, particularly if a footpath takes me by someone's private home. At Wolfstones Heights Farm, the footpath runs so close to this property, one can feel awkward trying not to gawp for too long at the beautiful house and garden. The proposed diversion would offer so much more privacy for everybody and it would feel alright to stay for a while and enjoy the scenery. Which I don't feel like doing on the existing route, not when I'm stood on the owners driveway.

I've walked the proposed part diversion and I really like it. It's easily accessed, generously wide, with lots of space. I also think safer with dogs and children due to no motor vehicles. It will make no remarkable difference to the various walks I take.

The owners have made it very lovely for us, the public to enjoy. For which I am grateful, as there are other paths in the area (such as near Wilshaw) which are inaccessible due to broken stiles and overgrown brambles.

In recent years there has been a spate of burglaries/thefts. My home has been targeted on two occasions, an intruder walked through the front door and took my handbag and secondly an opportunist thief (as the police called it) smashed the garage window, looking for items to steal. I have since erected wooden gates to try and deter would be burglars. The proprietors of Wolfstones Heights Farm will want to have their privacy and feel secure in their home. I would therefore like to offer my support for the proposed footpath diversion.”

Respondent ZZA

“I am a regular runner and frequently use the the paths between Netherthong and the trig point. I wanted to make it known I am very happy with the new diversion. Whilst I am aware it is not fully accepted as the new route I wanted to express my view that the diversion offers great improvement from running on a semi private drive which we invariably have to share with cars.

The new route adds to my regular running route by just six minutes, taking into account running back up the road from the new exit point towards the trig point land, before turning around at the trig point and going back along the same route. Obviously as I am running for leisure, six minutes extra considering the benefit of improved views and ground surface is a small price to pay. The existing route offers a tarmac driveway sandwiched between two extremely high stone walls which act as a very unpleasant wind tunnel.

I also like the point where the new exit point joins Wolfstone Road, I have a perfect line of sight in both directions before running up the grass verge to the trig point entrance, although the boulders do still cause an issue. When using the old drive exit / entrance, not only are you endangered by cars using the drive, but it is impossible to fully see sufficiently up or down the road to know it is safe to turn onto the road. The new path resolves this issue and solves many of my safety concerns.

Local people like myself would be far better off and safer if more footpaths were improved as this one is proposed. Please approve this diversion as soon as possible as it offers a significant enhancement of this area. ”

Respondent ZZB

“I wish like to show my support for the diversion of the above public footpath. Having lived in the area for over 25 years, and used the path from my youth through to it becoming part of a family walk, I for one really hope that the new route is adopted as the footpath.

I generally walk this route with my 2 young boys and our dog on at least a weekly basis, more often in summer than winter, and usually at the weekend, however we absolutely hate the driveway section which is narrow and confined, EXTREMELY DANGEROUS to exit with young children too - the speed in which vehicles come around the blind corner, I am surprised that nobody has been killed!! And there is nothing worse than trying to squeeze young children, a dog, myself all out of the way of cars using the drive to access the house. It isn't fair on us as users of the path or to visitors of the house. The owners are always polite and try to give way, but at the very least it is embarrassing as it feels like we are on private land rather than a footpath.

I haven't used the new route yet. We haven't used that route since our near miss at the top of the driveway not so long ago, but I do have a pretty good idea that it is going to be easier

for us than the old route as it avoids the section of the private driveway and brings us out further down the road in the direction of Wilshaw and Meltham to where we usually walk.

I hope it is open to use very soon as from what I have seen the diversion process seems to have been going on for years which seems ridiculous in this day and age and for something that provides benefits and safety to the users.”

Respondent ZZC

“I write to you with reference to the application to divert the public footpath that passes the property at Wolfstone Heights Farm. I am a regular runner (currently training for a marathon and having run numerous half marathons over recent years), I run both alone and with friends. My friends and I use the footpath that goes past Wolfstone Heights Farm and have done so for the past 8+ years. My regular run, most mornings, takes me from Brockholes, along the road to Holmfirth, up through Netherthong village, joining the footpath immediately on the way out of Netherthong, following it past Wolfstone Heights Farm, then back to Moor Lane and back through Netherthong on my way back to Brockholes. I know this path well, and I have watched the progress in re-developing Wolfstone Heights Farm after their fire. I also regularly walk my dogs along a similar route, at weekends heading up through Oldfield and then along to Wolfstones and back via the footpath and through Netherthong and Dean Brook.

I was amazed to find out recently that the diversion to this route is not yet the main route and that the old route up the drive past the entrance to Wolfstone Heights Farm is still valid, I noticed the signs only a few days ago confirming that the application to divert is still valid and not yet decided, which means this application must have been around for well over two years from memory. As a resident of Kirklees, I am sure there must be other more pressing issues to resolve in the area and I dread to think the time that has been spent on this.

In recent months I / we have been using the new route, and in our opinion it is vastly superior in every respect to the route between the two buildings and up past the entrance to the main house. It always felt extremely awkward and as though invading privacy to have to run in such close proximity to someone`s private living space, and it felt extremely awkward to say the least to meet people or traffic coming in or out of the property. Over and above this, it is not ideal to have to transition from a beautiful countryside track to a narrow tarmac drive whereby the only view is solid stone walls to either side, and that`s before entering Wolfstone`s Road on a blind bend, though we have made a point always of using the verge (now grassed) to take us down the road in the direction of Moor Lane. We also felt that walking the dogs down the drive was not convenient, we felt nervous of potentially bumping in to animals who reside at the house as we are aware how territorial even the softest animals can be, though we never experienced an issue, with the potential of meeting either traffic or other animals from the property, it always created a potential moment of tension when walking or running on an otherwise relaxed and enjoyable outing.

The new pathway is considerably better in every respect. The views are amazing in both directions, and it`s become our regular resting point whereby we can catch our breath before the second half of the walk or run back down the valley and home. We don`t actually mind that it has shortened our journey distance as it is so minimal, and the route is so much more enjoyable, it is a much better surface to run on before joining the tarmac road and around the area there are many opportunities for extension to your route if you wish to go further. The exit point onto Wolfstones Road is hugely improved and with a very wide

resting point before turning right and down the hill, we can see the traffic in both directions for a considerable distance too so we can pick our timing before heading down the road and remain clear of traffic.

I / we are supporters of what's been achieved here, and once again I am amazed that this has been such a seemingly long process when it seems so weighted to improvements for the footpath users and turns an awkward and potentially embarrassing part of our journey into a much more pleasant experience.

Please contact me if you wish to hear more, and by the way I am aware of the lobbying going on by our local running club which encourages all fellow runners to object to the diversion, assuming that we will all want to exercise our right to invade privacy simply because we can, probably why despite being a keen runner I am not a member nor want to play any part in what they are doing! Having moved in to the area around 12 years ago, I was keen to join a running club and was saddened to experience the "clique" and negative tone of conversation within the club which should be much more inclusive than it is, in my opinion.

I applaud this new route and the effort put into providing it for all of our enjoyment."

Respondent ZZD

"I would like to contribute positively towards the suggested diversion of the Wolfstones's public footpath bordering wolfstone heights farm. I have walked the route from Netherthong for many years to access my horse (stabled at wilshaw.) Whereas previously I had to pass the house and walk up the drive with my two dogs, (who...even by my own admission are rebellious escape artists and would often run into the private property,) then to turn left at the top of said drive and negotiate the entire road towards Wilshaw and back down towards wilshaw road, all through very fast moving traffic. I can now use the diversion, turn right towards the wilshaw/Honley/Netherthong cross roads and left to cut through in front of Judith Roberts property. Once more, the new route is scenic, securely bordered and I can let the dogs off without risk of intrusion. The new route has had a lot of bad press and in actual fact I think it's a fabulous replacement and I'm grateful for the consideration given to walkers when designing and implementing it."

Respondent ZZE

"I write today as a supporter of the footpath route up at Wolfstones that Mr. Butterfield has developed. I am [...] old gentleman, 12 months in recovery from a hip operation. A long standing resident of the Holme valley and a great grandfather. After many months of gradually increasing my walking distance post operation, I recently managed the route with four generations of my family! The new path is easier on the joints. The substrate and gradient have made it possible for me join Wolfstones road without the deep mud which plagued the original route when the surface water following heavy rainfall would flow from the highest point (trig point,) directly down the path and inevitably down the driveway route into the soft ground. My 18 month old managed the latter part of the route with ease and was treated to a display by a flock of Canadian geese that have set up residence in the new pond. I was delighted to see that small benches have been installed. Ideal for a family picnic. Furthermore, the roadside path when turning left towards upperthong is now a neat turf and not the previous unnegotiable, banked, rough terrain, therefore providing a much safer route for anybody navigating the road on foot."

Respondent ZZF

“My wife and I would like to offer our support in relation to the newly instated footpath route at Wolfstone heights.

We are keen walkers and have used this route for many years to join the Knoll hill footpath back towards Deanbrook.

A lot of thought has been given to foot users, the substrate is ideal for drainage and comfort. The new path removes the discomfort of walking directly past the private property owners house which I personally find highly intrusive. The aforementioned drive is also extremely challenging when wet or icy. On occasions we might opt to walk towards Upperthong or up to the Wolfstones moorland. Even with a very slight route extension, the road path has been leveled and made safe and good for pedestrians and looks much neater than it has done for many years. We look forward to being able to use the new path as one of our preferred routes for years to come. “

Respondent ZZG

“I would like to offer my support to the guardian of the Wolfstones footpath 60, Holmfirth.

I was the victim of a minor pedestrian accident at Wolfstones in 2014, whereby a fast moving vehicle clipped me and caused my dog to break his front legs. Upon exiting the existing path at the top of the ‘Wolfstone heights farm,’ driveway a fast moving car coming from upperthong direction didn’t see us. The junction is completely blind for walkers and drivers alike.

The exit point of the diversion provides a wide exit point with views up and down the road and a large area for our walking group to congregate before moving on.

I hope my support will contribute to the diversion application.”

Respondent ZZH

“I am writing in **reference to your notice about diverting Footpath 60 at Wolfstones, Upperthong.**

I am a local resident of Honley, and extremely familiar with the footpath that runs past Wolfstone Heights Farm at Upperthong. Sorry for the early morning email, I have been meaning to put pen to paper for some time, and saw that the notices regarding this proposed footpath diversion were still up a couple of weeks ago, so I'm hoping I'm in time for my opinion to be used.

My three young children and I have now started using the new path, though I'm not sure if official or not, but what I can say is that this is a massive improvement to my regular walk from Holmfirth, through to Upperthong and back to Holmfirth via Wolfstones. Whilst it takes me a little further down Wolfstones Road from Upperthong village before I join the new path, most of my walk up until this point has been on tarmac roads so it is hardly a major issue doing another 200 yds on tarmac, though of late we have been using a neat grass verge down the side of the road at the side of the house and linking the old and new paths, this is ideal as we face oncoming traffic whilst being on the right side of the road and with great visibility in both directions. This is a major advantage when walking with such young

children, as safety is high on my list of priorities when out walking with them, also the tarmac ground is much better for my youngest who is only 2!

We love the new seating area on the path, and this is situated to enjoy what is probably the very best view in West Yorkshire looking out over the whole valley from this vantage point. Even the pond with ducks is perfectly placed for us all to enjoy, and my youngest daughter, Isabella has aptly named this new 'route' the duck walk - she loves it. I would also say what a lovely job the family living at Wolfstone Heights Farm have done of restoring the property after their terrible fire a few years ago, at the same time as sorting out the rebuilding of the house it seems that have restored most of the dry-stone walls around the fields and down the side of the footpath, they seem to have been on with this for years now making it nice for all. I must say however, we don't miss having invading their privacy when the old path went straight past their bathroom window at eye level. This always used to be the most stressful part of our walk, as trying to stop three youngsters from being extra inquisitive is a hard job when out 'exploring' - I'm not surprised they want the diversion, I would too.

Please take my comments into account when deciding upon this diversion, I hope it becomes formalised soon."

Respondent ZZJ

"I have seen the diversion notices on the surrounding lamp posts and thought I would write to provide my opinion on the proposed alteration and my support for this. I have used this route for many years and more recently have started to take my children (7 and 5 years old) along this route, the views are spectacular and it is very peaceful to walk on the weekend. I have always been a little apprehensive as we approach the intersection with Wolfstones Road, this is a blind corner when approaching from Upperthong and as the intersection to the footpath is also a driveway it can be quite dangerous, so I have obvious concerns for my children's safety. Based on this I have recently trialed the new proposed route and we all feel is a great improvement over the existing route. The new route diverts away from the driveway (which when cars approach creates a high sided pinch point) and provides a dedicated route with far seeking views over the whole surrounding area, it is a much more pleasant and relaxing route and far safer for my family to walk. The addition of the duck pond is also focal point and an additional benefit that comes with the new route which we have spent time watching. As you come to the end of the new route and exit onto Wolfstones Road it is also much safer, we can easily see traffic approaching from both directions making it a much easier transition back on to the section of road, also as we walk towards Henley it also means that our means that our walk is a little shorter. Based on all of the benefits that this provides and the improvements in safety I am happy to support the diversion to the new proposed route."

Respondent ZZK

"I wish to express my support for the proposed new footpath proposed by Mr & Mrs Butterfield.

[...], I have lived in this area for 30 years, formerly [...] and now [...], and throughout made extensive regular use of the footpath in both directions, both for walks and whilst running.

I have tried out the proposed route and now use it all the time being infinitely preferable to the current route for a number of reasons.

In my experience, most people turn right (continuing up the trig point is a public right of way dead end) and turning left is much more dangerous due to the poor visibility of oncoming traffic whereas the new route significantly improves that and provides a much-improved verge width refuge on what is a narrow carriageway for 2 vehicles passing.

The current route through Mr & Mrs Butterfield's narrow and tunnel like driveway is most unpleasant; cars enter and exit regularly and there is barely room for a pedestrian to pass making it both dangerous and intimidating as there is nowhere to shelter and particularly in winter, when the steepness of the drive has on occasions led to me falling due to its slippery nature.

The views available from the proposed route are magnificent and certainly a most welcome improvement on the funnelled high-walled route around the current drive.

When I walk our dog, the new route is much less stressful than the existing, as I can let her off the lead without fear of her running into Mr & Mrs Butterfield's private gardens.

The notion that any of the footpaths in this locality are used for "commuting" purposes (and therefore that this revised route may be slightly more inconvenient to somebody wishing to turn left) is completely outdated in today's day and age; the only users of this path in my experience are those doing so for leisure purposes.

I also feel strongly that unless you are an out-and-out type of nosey person, why would you wish to walk so close to Mr & Mrs Butterfield's property; they are entitled to privacy and the new route proposed affords them that, along with a much-improved environment along the new route for the reasons mentioned above."

Respondent J

"I would like to comment on the application to re-route footpath 60 at Wolfstone Heights.

I live in the village of Upperthong and regularly walk my dog around the area. One of my (our!) favourite walks is from the village, past the Village Hall to the junction of Wickens Lane and Wolfstones Road (near the duck pond) and up to the trig point via the new gate and permissive path provided by the landowner. From here we walk through the woods (again with the permission of the landowner) and exit at the junction of Wolfstones Road and Bradshaw Road. We turn right towards Wilshaw, but take the track on the right before meeting the T junction. At the end of this track we turn right (towards Wolfstones again) and usually head East along footpath 60 to Brown Hill, thence to Mark Bottoms / Dead Man's Hole / Back Lane and home to UpperThong.

I have tried the proposed route and I would make the following observations :

The negatives into positives....

The proposed route shortens my journey marginally (though, being out for a walk, this doesn't make a great deal of difference)

I avoid the section of the existing path between the high walls and the subsequent feeling of being 'hemmed in'

That rather awkward feeling of walking close to someone's private land and garden is negated.

The positives ...

The views from the new path are vastly superior to those from between the buildings. Your eye is automatically taken towards the distant views of the Holme Valley and beyond, rather than looking at your feet or blank stone walls.

The benches which have been provided give walkers the opportunity to rest their weary bones whilst taking in the views. In my experience there are few finer views in Yorkshire. There are no vehicles on this path.

The negatives.....

The entrance to the proposed footpath from Wolfstones Road is currently rutted and uneven. If this re-routing is to take place the landowner should be obliged to make improvements.

And so, on balance, I would support this application on the proviso that all necessary improvements are made and maintained."

Respondent ZZL

"I have seen the letters highlighting the proposed diversion of the footpath at Wolfstones Heights Farm and I wish to offer my support for this diversion.

I walk this route fairly often and having read the diversion notifications decided that I would try the new proposed route. I have to say that this is a drastic improvement over the current route, the intrusive walk past the farm house on the left and up the narrow viewless tube like driveway, has been replaced with views that expand across the whole horizon, the landscaping and layout that has been provided is a benefit to the route and reinforces my love for the area, even the connection to the main road is better as visibility is much improved.

I will happily support this diversion and look forward to using this route often."

Comments received on the modified application proposal from July 2018. This application was withdrawn on 23 November 2018. Consultees were informed of the withdrawal.

Respondent A

The amended diversion proposal of public footpath Holmfirth 60 (part) at Wolfstones Heights Farm, Wolfstones Road, Upperthong does nothing to address any of the issues that I raised in my objection to the original proposal

Respondent B

Having viewed the **Amended diversion proposal of public footpath Holmfirth 60 (part) at Wolfstones Heights Farm, Wolfstones Road, Upperthong. Town & Country Planning Act 1990, Section 257**, this proposal does nothing to alter my previous objections to the path diversion as it does not significantly change the previous proposal.

The proposal still alters an historic footpath bringing it out on the road in a poor position with no direct links to other paths or access areas all just to allow for the increase in garden space and a dog pen to

Wolfstones Heights Farm plus a strange shaped extension to an already enormous garage on the adjacent property.

While the addition of dedicated footpaths are always welcome the suggested new path linking footpath 60 and 58 (E – F) on the map is of little real value to walkers since for instance, those walking from the south, e.g. from the Upperthong direction towards Netherthong already have a direct route via path 58. Similarly anyone wishing to head towards Wolfstones Heights can take the path from Upperthong via Back Lane, New Close and Carr Farm or indeed the present footpaths 58 and 60.

This additional suggested path therefore in no way makes up for the loss / alteration of the present path 60 requested.

Respondent C

Whilst any additional dedicated footpath is to be welcomed the revised application still proposes to divert the existing route from its natural and historic course. This, therefore, is to confirm that I wish my original objections and reasoning to stand.

Respondent E

while I welcome the offer of an additional footpath between points E and F (as I would welcome any addition to the footpath network) it in no way compensates for the loss of the footpath between points A and B. My objections were to the unnecessary diversion A to D to C to B.

Respondent F

My original objections still stands

Were the path turns right at point B the lane ahead direct to the road will have to remain open to allow their vehicles down to the horse sheds. So after maybe a hundred years of being an open route it does not seem right. (Just don't want us walking through.

The new discretion footpath is one which is being offered is no help to path 60

Respondent K

still object to the diversion of the Right of Way that gives access to Wolfstone Heights.

Respondent L

I strongly object to the diversion of Holmfirth 60 footpath.

The footpath is part of a ridgetop walk from Netherthong to Wolfstones. It is established and well used.

The proposed alternative route would lead walkers on to Wolfstones Road on a sharp bend with a blind summit.

Respondent M

As a longtime, regular user of Holme Valley footpaths I've been following this proposal from a distance but I now feel obliged to object.

I find it inconceivable that in an age of increasing vehicle traffic where our dangerously inadequate roads are daily being commissioned as 'rat runs' that a local planning authority would give any consideration to a proposal that seeks to divert a safe off-road path onto a public road. It should have been knocked on the head long ago.

I use this path with my family on a regular basis. It is a beautiful walk. It is one of the natural routes from Upperthong to Netherthong and on over Oldfield to Honley whilst taking in the landmark of Wolfstone Heights. It's a route we use with weekend visitors to the valley. Children and families need to be able to walk safely, protected from vehicles. The two don't mix and should be avoided at all cost.

These paths are woven into our fabric and our culture, they are there for historical reasons and they help to make the Holme Valley the place that it is.

This proposal should receive a resounding No, No, No.

Respondent N

I have read the new amended footpath diversion but I still object strongly for the following reasons. The new intended diversion still brings walkers out onto a dangerous bend, in order to carry on the walk to Wolfstone Heights it would be necessary to walk along this narrow road which has no footpath along the bend in order to pick up the footpath.

The present footpath comes out on a straight bit of road(which has clear visibility) in order to cross straight over the road to pick up the footpath immediately opposite.

Respondent O

I've looked at the amendments re footpath diversion at Wolfstones Heights Farm, as far as I'm concerned there are still Health and Safety issues on proposed new path

There is still road walking on Wolfstones Road, it's not a straight road it bends reducing visibility for pedestrian's, cars also travel at speed both ways, even though groups are advised to walk in single file on roads with poor visibility, some car driver's seem oblivious to pedestrian's

My priority as a walk leader of groups which have mixed abilities and ages, eg children, is their safety. Walkers appreciate the countryside preferring to walk in fields, woods not roads, but some landowners object to people walking footpaths which have probably been in existence longer than they have, so therefore seek to divert routes onto roads without due consideration

Huddersfield Ramblers

Huddersfield Ramblers wishes to object to the amended proposal, as we did with the original proposal in October 2017.

Our objection to the amended proposal is made on the following grounds:

The amended proposal still means that the path would exit onto the public road (point D on the new plan) at exactly the same point as the original proposal – in a place which, we believe, is significantly disadvantageous to the users of the path. The proposed diversion places the walker on Wolfstones Road at a place which is further from their most likely onward route – which, we believe, is likely to be ahead to the trig point on Wolfstones Height or south for a short distance along the road to gain the footpath (Holmfirth 71) southwards towards Upperthong via Carr Farm.

Moreover, Wolfstones Road, though a minor road, carries a significant volume of traffic, much of it going at higher speeds than it ought to be around its bends. We strongly believe that (bearing in mind the point above about the likely onward routes for users of Holmfirth 60) the proposed diversion would result in the vast majority of path users having to spend more time walking along this dangerous road than is desirable.

In summary, we believe that the principal reasons for our objection are not addressed by this amended proposal. The applicant's rationale that the proposed amendment would retain more of the current route of Holmfirth 60 (between points B and E on the plan) is, in our view, neither here nor there when the point of proposed exit onto Wolfstones Lane remains as originally suggested, at point D.

Similarly, though we note the applicant's willingness to dedicate an additional definitive footpath should the diversion be approved (between points E and F on the plan), we do not feel that this is an adequate trade-off against the increased risk to the safety of the public who would have to accept an exit onto the road at point D.

Peak and Northern footpath society

Kirklees planners granted planning permission 2014/62/92814/w without properly considering the effects on Holmfirth Footpath 60 and how this popular public footpath is used.

Footpath 60 primarily provides access to Wolfstones Height on Thong Moor. This area of land is owned by Holme Valley Parish Council and is open for public access all year round. Footpath 60

gives direct, traffic free access to Wolfstone Height from the valley below. It is popular with a wide range of users who walk up to enjoy the fine view at the trig point.

Kirklees planners granted the planning permission without the benefit of this knowledge.

There are no measurements in the proposal to compare the existing route of Footpath 60 with the proposed new route (It would be very helpful to have this information). However the existing line of Footpath 60 from points B to point A on Wolfstones Road is approximately 80 metres of pleasant walking on a straight, open, traffic free path. On reaching point A members of the public can cross Wolfstone Road and gain access to the open land at Wolfstones Height. The height gain between B to A is approximately 7 metres.

The proposed new route from point B to Point D on Wolfstones Road is very approximately 117 metres. Point D gives no access to the open land at Wolfstone Height and members of the public would have to walk a further 140 metres to reach point A and access Wolfstone Height. This 140 metres is on a road with no footway. There is a height difference of 12 metres between point B and point A via this route.

The proposed new route has several sharp turns on it which are not acceptable. There is no information as to the surface or width of the new route nor any indication that it will be contained within boundaries. However Plan 13072D-122-Po6 included with the planning application would seem to indicate a narrow, enclosed path with sharp turns and a hard surface. In comparison the existing route of Footpath 60 is far more open on both sides and has a natural grass/earth surface (note this has been damaged by the landowners who have now put road plantings on the path)

The proposed new route is more challenging for anyone with a disability being much longer, climbing more and requiring a section of walking on a road without any footway.

The proposed new route for Holmfirth Footpath 60 is therefore considerably less commodious than the existing route (and the latest proposal to add a path from point E to F does not address this point) and therefore Peak & Northern Footpaths object to the proposal.

Kirklees Highway Safety

You will recall my previous concerns that pedestrians would be forced to negotiate a blind bend with no footways between points A & D, if the path between A & B was closed.

I can see that installing a new link between E & F would allow pedestrians to avoid the A – D route, but it would also involve a diversion of roughly 2/3 mile which, depending on the disposition of the pedestrians involved, may be too far. We may therefore have an undesirable increase in pedestrians using the A – D route.

HVPC

“The Parish Council has been consulted on the above footpath diversion proposal, considered at the Parish Council's Planning Committee meeting on 20 August 2018. The Committee objected to the proposed diversion, for the reasons as cited in **{redacted}**'s email below (already forwarded by **{redacted.}** to your colleague, Giles Cheetham).”

Comments on the first application proposal from September 2017

Respondent A

“ Proposed diversion of public footpath Holmfirth 60 (part) at Wolfstones Heights Farm, Wolfstones Road, Uppertong.

I am writing this in response to the proposed diversion of public footpath 60 at Wolfstones Heights Farm. As a local resident and regular user of this path over many years I wish to object to this proposal. First I'd like to deal with each of the points the applicant makes in favour of the diversion:

1. *“It would be required to implement planning consent 2014/92814 for formation of new access and stopping up existing access, diversion of public right of way and related external works”* It is not logical that a planning consent can give the right to divert a public right of way. As you stated in a previous email to me “planning consent does not divert or close public rights of way”. The granting of planning consent should have no bearing on the decision to divert a right of way, which should be

considered on its own merits alone. The planning consent referred to above does not prevent the existing path being retained subject to a suitable gate or stile at either end of the property.

2. *“The diverted public footpath will improve highway safety by removing the potential for conflict between pedestrians and vehicles, as well as improving the vehicular access to the site”* This is a ridiculous statement. How can the ‘potential conflict between pedestrians and vehicles’ on a very lightly used driveway (the only vehicles I have ever encountered have been involved in the building works at Wolfstones Heights), where vehicles travel at around walking pace, be improved by forcing pedestrians along 120 meters of public highway, which has no public footpath and a speed limit of 60 mph? The simplest way to resolve any conflict is for vehicles accessing Wolfstones Heights Farm to use the new access road and for pedestrians to continue to use the existing public footpath.

3. *Security* If this was valid reason to divert a public footpath then many other paths in the Holme valley, which pass through gardens and directly in front of properties, would also have a reason to be diverted, completely spoiling the character of the paths. When the applicant purchased the property they were aware of the public footpath.

I’d now like to consider a number of related issues:

- *Aesthetics and enjoyment* The current path forms an almost straight line from Netherthong village to the summit of Wolfstones Height. The diversion would spoil this approach and would not pass the test of having “regard to the effect it will have on public enjoyment of the path or way as a whole” (A guide to definitive maps and changes to public rights of way, 2008). To quote from Rights of Way Circular (01/09): “They enable people to get away from roads used mainly by motor vehicles and enjoy the beauty and tranquillity of large parts of the countryside to which they would not otherwise have access”.

“Part of the pleasure of using a footpath is passing by and through building and hamlets and having “the opportunity to experience the immense variety of English landscape and the settlements within it” (Rights of Way Circular (01/09)), diverting away from buildings, one of which is listed, means they can be no longer enjoyed. It is like taking a picture out of a public museum and putting it in a private collection, where the general public can no longer enjoy it.

- *Safety* Forcing pedestrians to use a stretch of narrow derestricted public road, which is on a bend and does not have a footpath, increases the risks of accidents. Rights of way “are becoming more important as increases in the volume and speed of traffic are turning many once-quiet country roads into unpleasant and sometimes dangerous places for cyclists, equestrians, walkers and carriage drivers” (Rights of Way Circular (01/09)).

- *Planning permission* The proposal to divert the right of way should have been properly considered and consulted on prior to granting the associated planning permission. Relevant points from the Rights of Way Circular (01/09, my bolding):

- o “the need for adequate consideration of the rights of way **before** the decision on the planning application is taken”

- o “The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered”

- o “Any potential disadvantages to the public arising from alternative arrangements proposed for an affected right of way can be minimised by means of the **early liaison** between the developer, planning and highway authorities, **local amenity groups, prescribed organisations... and affected individuals**”

Respondent B

“With regard to the planning application to divert the footpath at Wolfstones Heights Farm, I would like to register my opposition to this proposed diversion.

Having used this path hundreds of time over the last 30+ years, this seems to be a classic case of someone buying a property with the knowledge that an ancient and well used right of way runs, along what was the farm track, through the property and then decides to block the route for their privacy.

The plans of the new garages do not seem to have any effect on the actual original footpath / track route, and I can see no reason why it should not still be usable after the building has been completed. If it had blocked the path it should not have been passed in planning.

I except that a temporary diversion might be appropriate while building is going on, for safety reasons, but the original right of way should be reinstated as soon as it is finished.

The proposed diverted path with its tree / shrub planting between the path and the main property is being taken as far away from the original route and the property as is physically possible within the properties boundaries and is obviously just an attempt to obtain total privacy for this very expensive development.

It should be noted that the diversion has already been built in obvious assumption that permission will be granted!

The diversion not only destroys the traditional route but also comes out at a poor point on the road for those wishing to visit the Trig point or continue to link up with the footpath from Carr farm to New Close and Upperthong.”

Respondent C

“The present line of the path (as still shown on the Kirklees Definitive Map) takes a direct line to and from Wolfstones Road at SE12704,09112 in a continuation of the existing route from Netherthong village. It follows a direct line to the path continuing to the O.S. triangulation pillar at SE12487,09085 through the open access land administered by the Holme Valley Land Charity. The proposed diversion would involve walking around the other two sides of a triangle, from I believe SE12767,09110 via SE12714,09159 and using the road to return to the present start/end of the footpath at SE12704,09112.”

“... the owner of Wolfstones Heights Farm, Mr Butterfield, obtained my details, contacted me and invited me to a site meeting with him which I accepted. It emerged that the proposed diversion was in fact longer than I describe in the paragraph above and that the new footpath was already laid out. Mr Butterfield suggested that the diversion would reduce the amount of road walking for those using the

path. However, this would only be the case for those coming from/going towards the north (Honley direction). My view is that the vast majority of walkers are going to or from the triangulation pillar or to/from the footpath which joins Wolfstones Road at Carr Farm. For these vast majority of walkers the proposed diversion would mean a totally artificial detour and an increased amount of road walking.

It is clear from the latest planning application that there is no necessity to divert the path in order to construct the garages and I trust that the historic right of way will be maintained."

Respondent D

"I wish to object to the proposed diversion of this footpath. The footpath crosses the road and continues on the other side of the road up to the Wolfstones Height Trig point. If the proposed diversion is implemented, walkers will have an unnecessary and possible hazardous section of road walking that they don't have at present. From what I can see of the building plans, the track that the footpath currently runs along is still going to be there after the building work, so there is no need to divert the footpath anyway other than the owner's desire to move it away from the vicinity of his house. This, I think, is not a sufficient reason."

Respondent E

I write to object to the proposed diversion of public footpath Holmfirth 60 (part) at Wolfstones Heights Farm, Wolfstones Road, Uppershong for the following reasons:

1. I frequently walk between this path and HOL/71/20 to Uppershong. Currently this involves a short stretch of walking on Wolfstone Heights Road but the traffic visibility is good. This diversion would cause me and my dog to walk 200m uphill on a narrow, blind bend.
2. The direct route from Netherthong to the trig point at Wolfstone Heights, a local landmark, and the permissive paths through the wood beyond would be lost. Walkers would be made to include the same dangerous stretch of road.
3. No walking routes or links to other footpaths would actually be improved by the proposal.
4. As the building plans do not seem to propose any new buildings which would block the existing route why does it need to be diverted?
5. The current path runs between two separate properties and does not cross any garden areas, the plans suggest this will remain the same - again why divert the path?

Respondent F

I have walked this path for fifty years, once or twice every week.

It is quite a climb and before the top, the diversion then drops down to the right to the main road giving a climb of 300 yds back to the top.

This is a bend in the road, narrow no walk way.

The current path does not interfere with the privacy of Wolfstone Heights farm nor does it appear to do so should it remain.

The view of the area will not be there as the proposed path has bushy trees on both sides."

Respondent G

"It seems to me that the proposed diversion of a long-standing public footpath is unnecessary and I doubt whether the Town and Country Planning Act tests that you have identified in your "Explanatory Statement" have been met. It also seems to me that there is a huge assumption on the part of Mr & Mrs Butterworth that their application will be "noddled through" because they have already completed much of the necessary route alterations, without regard for the views of the general public. The

current footpath, which provides a direct route between the existing properties, up to the Trig Point at Wolfstones Heights, has been in use for years, and does not impinge on residents' privacy. There should clearly have been an awareness of the existence of the public footpath at the time the Butterworths completed their purchase of Wolfstones Heights Farm. Walkers use the footpath either to take them up to the Trig Point, or to take them out and along the road to the Footpath at Carr Farm. The proposed alternative would bring walkers out further down the hill toward Honley, in the midst of a dangerous series of bends, which walkers would have to negotiate, creating added danger for those walkers. I would certainly be against such an alteration in route."

Huddersfield Ramblers

"We write with regard to the above application for a diversion order on a public footpath in the Uppershong area.

Huddersfield Ramblers wishes to object to the proposed diversion on the following grounds.

□ The proposed diversion route would exit onto the public road at a location (point C on the plan) which is significantly less convenient or desirable to users of the path (Holmfirth 60). The vast majority of users of Holmfirth 60 continue their walk from the existing exit point (point B on the plan) either by going south for a short distance along Wolfstones Road to Carr Farm to join public footpath Holmfirth 71 towards Uppershong or by crossing straight over the road to take the permissive footpath to the summit trig point at Wolfstones Height. We estimate that no more than 20% of users of Holmfirth 60 turn right onto Wolfstones Road towards Honley.

□ Wolfstones Road is a minor road which, though narrow, carries quite a large amount of traffic, some going faster than it ought to be on a country lane with restricted visibility and limited room for two vehicles to pass. It is therefore not in the interests of walkers to spend more time walking along Wolfstones Road than necessary. Should the diversion be approved, then (bearing in mind the above points about the onward destinations of most users of the path) it would mean that the overwhelming majority of walkers would have further to walk along this road than they do by using the existing route.

Huddersfield Ramblers also notes that a footpath has already been constructed along the proposed diversionary route. If (as we hope) the Council decides not to approve the diversion application we would like the Council to ensure that the existing footpath past the property is clearly waymarked as such, rather than the recently constructed alternative."

Follow up comments from Huddersfield Ramblers:

"I have no concrete evidence for my assertion about onward route choices - but it is an estimate based on the dozen or so guided walks with different groups that I have been on over the past 20 years which have used the path. On none of these can I ever recall having arrived from the Honley direction or proceeded thence. It is worth saying, though, that any walk heading towards Honley from there would be largely or entirely on roads, and walk leaders usually try to avoid road-walking when planning their routes. The network of rights of way in the area means that it is much more likely that walkers will arrive from Uppershong or Netherthong.

As for the path up to the trig point on Wolfstones Height, its status as a permissive path seems to be confirmed by a notice put up by the landowner where it leaves the road."

Peak & Northern Footpath Society

" This application is under TCPA90 section 257. Planning permission seems to have been granted according to the KMC website, notwithstanding that government advice now is that a consultation on a diversion can take place concurrently with the planning process & is not dependent on waiting for consent to be granted.

Work has already commenced on the development, although it is far from complete. What concerns me is that this diversion seems unrelated to the development. The existing route of the footpath is a track from the road which gives access to properties on either side of the track. If the development is going to affect the footpath along the track, the development will destroy the access to both properties.

For a diversion to comply with section 257 it must be "necessary" to divert the footpath to allow development to take place. Not "desirable" but "necessary" in the strictest meaning of that word. It may be desirable for the owners to have the footpath moved. This cannot be done under section 257. That would need a section 119 Highways Act 1980 Order.

The diversion would also destroy the direct link to Wolfstone Heights on the opposite side of the road from where the footpath currently joins the road. This is a popular viewing point owned by the Holme Valley Land Trust with a trig point and view finder. The diverted route would destroy this direct connection.

I think this proposal needs rethinking. If an Order is made under section 257, an objection might be warranted".

[Respondent H – Holmfirth Harriers](#)

"On behalf of [...] with regard to the planning application to divert the footpath at Wolfstones Heights Farm, I would like to register our opposition to this proposed diversion.

[We...] have used this path hundreds of times over the last 50+ years, both individually and as [...] a club, we feel that this seems to be a classic case of someone buying a property with the knowledge that an ancient and well used right of way runs along what was the farm track, through the property and then decides to block the route for their privacy.

With regards to the proposed works, we would expect that a temporary diversion might be appropriate while building is going on, for safety reasons, but that the original right of way should be reinstated as soon as it is finished. The proposed diverted path with its tree & shrub planting between the path and the main property, is being taken as far away from the original route and the property as is physically possible within the property's boundaries and is obviously just an attempt to obtain total privacy for this very expensive development.

[.] recently [...] on the footpath myself, I noted that the diversion has already been built, which would suggest that the applicants are confident that permission will be granted!

Finally, in addition to the fact that the diversion not only destroys the traditional route that has been in existence for hundreds of years, it would also emerge at a particularly poor point further down the road for those wishing to either visit the Trig point or continue to link up with the footpath from Carr Farm to New Close and Upperthong. Anyone wishing to continue their walk or run would now be forced along the side of the road on what is a blind corner, in an unrestricted speed limit zone, which is clearly not acceptable."

HVLC

"[.] your queries had to be referred to the Land Charity's Management Committee which met this evening.

In answer to your various questions, I am authorised to respond as follows:

- 1) There is public access to the site.
- 2) There is no public access by permission.

3) Public access is tolerated.

4) There is no formal public access through any other arrangement.

There is also no formal public access through the Land Charity's site to get to the adjacent farmer's field.

I have also been asked to enquire about any 'permission' to be granted. If the Land Charity wished to consider giving permission for public access, what would that entail and what would be the advantages/disadvantages? [...]"

"One further point, with reference to an email dated 24 May 2017, sent to Kirklees by [...] (and copied into the Land Charity's old email address). In his second paragraph, [...] refers to "open access land administered by the Holme Valley Land Charity". I think it is necessary to clarify that the site at Wolfstones is not designated as open access land with Natural England, but is ungated and therefore accessible by the community. Those who wish to access it can do so and don't need to keep to the footpaths, but it is not formally open access land."

Cllr Patrick queried the diversion proposal in the application. Later commenting "I think the amended route, as discussed, is acceptable to me given that the development will (as explained) affect some of the route between the two houses. Not perfect, but on balance ok. If the additional route across the fields were possible that would be an added benefit."

KC PROW also received some statutory undertaker (utility company) responses.