

Wildlife and Countryside Act 1981

The Kirklees Council (Huddersfield Public Bridleway 231 Sandy Lane to Nether Moor Road, South Crosland) Public Path Modification Order 2018 (“Order”)

Statement of Case on behalf of the Objectors, Mr and Mrs Bradley of Nether Moor Farm, Sandy Lane, South Crosland, Huddersfield HD4 7BX (“Objectors”)

PINS Reference: ROW/3202859

Proof of Evidence of John Leon Boothroyd on behalf of the Objectors

1. Introduction

- 1.1. My name is John Leon Boothroyd. My address is Goose Butts House, Top of the Hill Farm, South Crosland, HD4 7BY.
 - 1.2. I am a retired farmer and heavy goods vehicle driver.
 - 1.3. I have prepared this Proof of Evidence in support of the Objectors to the Order. I grew up on a neighbouring family farm.
 - 1.4. I intend to attend the public inquiry into whether the Order should be confirmed, which I understand from the Objectors is due to commence on 29 January 2019.
 - 1.5. The facts and matters set out in this Proof of Evidence are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified. Any facts and matters derived from other sources are true to the best of my knowledge and belief.
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1.6. Where I refer to documents within this Proof of Evidence, these are to documents taken from the Objectors' document list. Unless stated otherwise, a reference to a page number within this Proof of Evidence is to the corresponding page of the Objectors' document list (e.g. OBJ/1).

2. Evidence

2.1. I was a third generation farmer in South Crosland until 2015, when my brother and I gave up farming. I am still a neighbour of the Bradley family, who live and work at Nether Moor Farm, Sandy Lane, South Crosland, Huddersfield HD4 7BX ("Farm"). My friendship with Edward Bradley spans 50 years and I consider that I am a long-standing member of the local community based on my family heritage.

2.2. I have visited the Farm on an almost daily basis, both as a young boy playing outside, and walking to school with Edward and as his farming counterpart for all my life. The Order Route, to my knowledge, is owned privately by the Bradleys and has always been managed in such a manner. My own use of the track was always with the permission of a member of the Bradley family (specifically Arthur or Edward Bradley), even when going to school.

2.3. There has always been a green gate at the yard end (Point C on the Plan at OBJ/1) and several rails at various intervals used over the full length of the lane. Two of the rails are now replaced by proper gates. These are:

2.3.1. The gate at Point F on the Plan at OBJ/1; and

2.3.2. The gate which crosses the Order Route and is located just to the left of the words "Nether Moor House" on the Plan at OBJ/1.

2.4. I have seen Mary Whitham and Janet McCrorie and her mother use the Order Route on horseback on one or two occasions. Edward and I were at school with both Mary and Janet and I was informed by Edward that they had permission from


him and his father Arthur before him to use the Order Route. I have also seen Frank Garside at the Farm, who used to walk both across the fields and also up and down the Order Route. I do not think that Frank lives locally now. Other than the above persons referred to in this paragraph and the other persons referred to in paragraph 2.6 below, I have never seen anyone else using the Order Route other than members of the Bradley family.

2.5. I have always, along with my brother David, helped out at the Farm during silage and hay time and the tractors and machinery at those times were always busy in the track. This normally took place in or around May or June time during the year. During those activities, which were carried out over very long days, I did not see any pedestrians or horses at all using the Order Route.

2.6. I have on one occasion seen two horse riders turn around and head back towards Sandy Lane (Point Z on the Plan at OBJ/1) as Edward was busy mucking a cattle shed out and the Order Route was completely blocked by his tractor and trailer. I do not recall the names of those horse riders. I was standing talking to him about moving cattle for us to market at the time.

2.7. I have helped Edward in the past to manually push straw bales into the smaller sheds on the north side of the Order Route but he has bigger sheds now and machinery to do that job.

I believe that the facts stated in this Proof of Evidence are true.

Signed: ... 

Name: John Leon Boothroyd

Dated: 10/1/19