

30<sup>th</sup> September 2020

[REDACTED]  
 Kirklees Council  
 Flint Street Depot,  
 Fartown  
 Huddesfield.



Dear [REDACTED]

Holmfirth Footpath 60 Wolfstones. Wildlife & Countryside Act 1981 Application To Vary Particulars.

Please find enclosed a completed application re the above. If you could acknowledge receipt by email I will then serve notice on the landowner.

I may receive further user evidence forms and will forward these on as they arrive. I will also be visiting the archives to view various documents. For the moment I have included the 1826 Netherthong Enclosure Map which shows the physical existence of the enclosed lane section of Footpath 60 leaving Wolfstones Road. I haven't seen what the award says as yet and would like to view the adjoining enclosure map & award. The OS 1885-1900 (surveyed 1871-72) shows the extent of the enclosed lane at that time along with a footpath (now FP 60) heading off east. By the time of the 1950 survey the enclosed section reaches the wicket gate (no longer there) which is recorded on the 1950 walking schedule. The walking schedule (also enclosed) records a change in nature of the path at this point describing the lane section west up to Wolfstones Road as a metalled C.R.B which is indicative of a greater width in line with what is recorded on OS maps. It would seem implausible that all pedestrian users have kept to a 1.2 meter width to the north side of the enclosed section as is now suggested by the landowner. In all my many walks on the path I have never seen this happen. The evidence forms I have so far collected show that the full width of 4 to 3 meters has been in regular use. When I first used the path in 1995 the enclosed section was extended to the stone stile at SE 12966 09116, although it was all very dilapidated. The public have had use of this full width from at least that time from my own personal knowledge of the path.

[REDACTED] and recall during training and various cases that came up being advised that the surveying authority (West Riding County Council) had a policy of recording a maximum width of 1.2 metres for public footpaths which ran within enclosed but much wider lanes such as this. The purpose of the policy was to limit the authority's maintenance liability. So on an enclosed lane such as at Wolfstones only 1.2 metres of the 4 metre width would be recorded on the statement. This is regardless of any evidence of public use of a greater width. Just where the 1.2 metres was within the greater width was not identified. The council's rights of way expert at the time was a [REDACTED] who was a very experienced Group Engineer and dealt with legal matters relating to public rights of way. He had direct experience of the original Definitive Map surveys in the Leeds area. According to [REDACTED] there is a memo from the county council outlining the policy I have described above. I have confirmed with another ex member of Kirklees Rights Of Way that that the memo exists and may be with the original surveys or draft maps.

I also include a Highways Act 1980, section 130A(6)(b) Form 3 served on Peak & Northern Footpaths Society on 7<sup>th</sup> December 2018. The form confirms that [REDACTED] has "assured the council in writing that the said gates will remain open from 11<sup>th</sup> December 2018". The gates cover the full width of the path ie 3 to 4 metres. It would appear clear from this written undertaking that the landowner implicitly accepts the 3 to 4 metre width of Footpath 60. It is worth noting that these gates have no legal authority to be there and this is also implicit in [REDACTED] response. I hardly recall seeing the gates closed but during 2018 they appeared to be on a timer to close automatically at dusk. When closed like this the only access onto Footpath 60 was via a gap to the South side of the gates. [REDACTED] is now stating via his agent that Footpath 60 is confined to a 1.2 metre strip to the North of the lane which directly contradicts previous arrangements.

Regards



Andy Leader

Peak & Northern Footpaths Society

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