

[Redacted]

**From:** [Redacted]  
**Sent:** 07 December 2018 12:38  
**To:** [Redacted]  
**Cc:** Karl Battersby  
**Subject:** Footpath 60 Holmfirth

Further to our telephone call – please see email from [Redacted] :-

**From:** [Redacted]  
**Sent:** Friday, December 7, 2018 10:32  
**To:** Karl Battersby  
**Cc:** [Redacted]  
**Subject:** RE: footpath 60 Holmfirth

Good morning Karl,

Thanks for jumping on this and no issue with the reply timing, I was only conscious of [Redacted] deadlines.

I will organise an electrician to come out on Monday and disconnect the gates for now as the time clock is unreliable and there is no manual override. I can safely reassure that they will remain open from Tuesday morning?

The longer term solution is all about the footpath diversion, and we will have a new application prepared and in straight after Christmas, this is where we need help and guidance in order to complete the development work that requires the old PROW diverted. So, yes please, a meeting in the early New Year would be very useful.

In the meantime, thanks for your help Karl and if we don't speak then have a great Christmas.

Regards

[Redacted]  
[Redacted] | [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]



[Redacted]  
**Secretary to Karl Battersby**  
**Strategic Director Economy and Infrastructure**  
**1st Floor, Civic Centre 3, Huddersfield**  
**Tel: 01484 221000 & ask for [Redacted]**



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 31 October 2018 12:31  
**To:** Russell Earnshaw  
**Cc:** [REDACTED]  
**Subject:** RE: Footpath Diversion Application - Wolfstones Heights Farm  
**Attachments:** RE: Holmfirth 60 - footpath diversion application

Hello Russell,

[REDACTED] emailed the Parish Council's response to you on 25 October at 15:08. It is attached here.

Committee reports are generally published about a week before the committee meeting, after they have been signed off and after the chair's briefing.

The council has been asked to ensure the removal of the mechanically-operated gate on footpath 60 at Wolfstones Road. Erection and retention of a gate does not appear to be authorised, in highways terms, in this position. Observations from the landowner have been invited, which may include any information/history regarding a gate being authorised. In the absence of relevant information, the council may then ask for the gate to be removed. I've sought some input from you and the [REDACTED] on this prior to it being referred to our reactive and enforcement colleagues. The presence of the gate over recent years does not confer authority for its retention\*, and now public complaint has been made to the council, seeking its removal, which we will have to respond to.

\*For example, paragraph 6.7 of DEFRA circular 1/09 refers to gates on paths, and their authority.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69304/pb13553-rowcircular1-09-091103.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf)

I'd also note that in other locations previously, whether a gate has been authorised or not, the council has responded to similar public reports and has taken informal and formal action for the removal of electric-powered, mechanically-operated gates. Any observations on this are welcome.

Regards,

[REDACTED]  
Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for [REDACTED]

E [REDACTED]@kirklees.gov.uk

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o Public rights of way: local authority responsibilities <https://www.gov.uk/public-rights-of-way-local-authority-responsibilities>

o Public rights of way: landowner responsibilities <https://www.gov.uk/public-rights-of-way-landowner-responsibilities>

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**From:** Russell Earnshaw [mailto:Russell.Earnshaw@adp-architects.com]  
**Sent:** 31 October 2018 10:03  
**To:** [REDACTED]@kirklees.gov.uk>  
**Cc:** [REDACTED]@kirklees.gov.uk>  
**Subject:** Re: Footpath Diversion Application - Wolfstones Heights Farm

Good morning [REDACTED]

Thank you very much for coming back to me. This is appreciated.

I am afraid that I do not know anything about any 'obstruction'. As far as I am aware the position has been the same up there for very many years, until more recent development.

Is it possible that either you or [REDACTED] could please send me the outstanding response from the Parish Council as soon as possible? That would be very helpful.

Do you know when you might be in a position to let us know what you have concluded and will be recommending to Committee? I infer that you mean Committee scheduled for 13th December, but please do let me know if I am wrong with that.

Thank you in advance.

Kind regards

**Russell Earnshaw** Dipl Arch MCSD ARB RIBA  
Director

ADP Architecture and Design Limited  
The Old Police Station  
16 Bridge Lane  
Holmfirth  
HD9 7AN

---

**From:** [REDACTED]@kirklees.gov.uk>  
**Sent:** 25 October 2018 17:20  
**To:** Russell Earnshaw  
**Cc:** [REDACTED]  
**Subject:** RE: Footpath Diversion Application - Wolfstones Heights Farm

Hello Russell,

I was away from the office when your 4 previous emails were received (including your email of 15 October that you don't include below). I presume that you received an automated response from my email account.

██████ had forwarded additional consultation comments to you on 12 October. I understand there is another from the Parish Council.

A report on the diversion application will be taken to committee. I haven't formed my view on a recommendation. I would note that the committee report recommendation is made on behalf of officers of the council, and, like the report as a whole, has to be signed off by people in more senior positions.

Schedule of committee meetings is at the following link:

<https://democracy.kirklees.gov.uk/ieListMeetings.aspx?CId=149&Year=0>

#### Obstruction

We have also received public report of unlawful obstruction of public footpath 60 by the 'electric' gate at Wolfstones Road closing and locking mechanically, preventing public passage over footpath 60. It is suggested to the council that the gate should be removed. The council has now received further information relating to potential legal action against the council regarding this alleged obstruction. Observations on this matter would be welcomed. I'm not aware of authority being recorded for a limitation (e.g. stile or gate) at this location.

Regards,

██████

████████████████████

Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for ██████████

E ██████████@kirklees.gov.uk

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o Public rights of way: local authority responsibilities <https://www.gov.uk/public-rights-of-way-local-authority-responsibilities>

o Public rights of way: landowner responsibilities <https://www.gov.uk/public-rights-of-way-landowner-responsibilities>

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[REDACTED]

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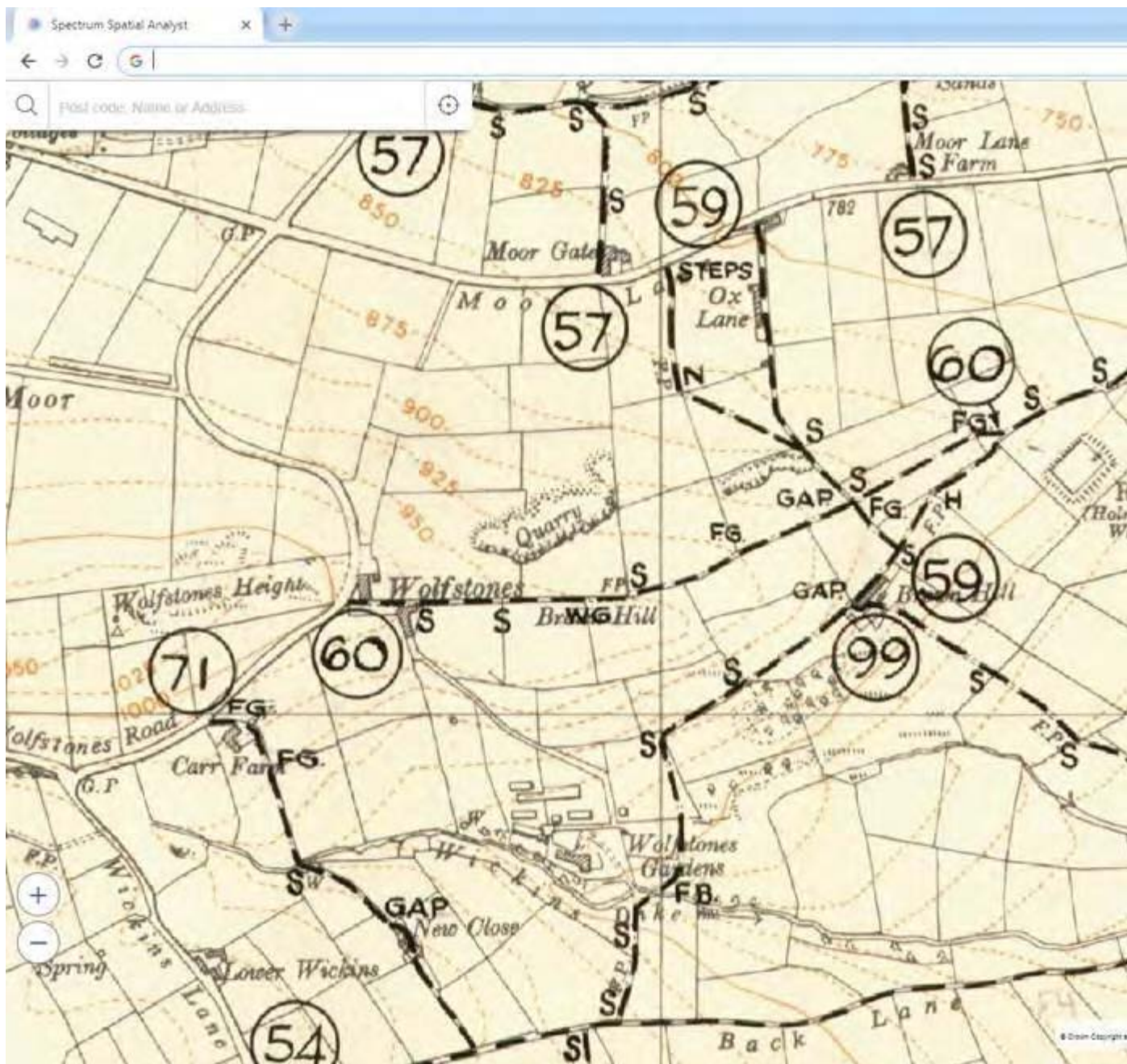
**From:** [REDACTED]  
**Sent:** 05 November 2018 15:19  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Russell Earnshaw; [REDACTED]  
**Subject:** RE: Footpath Diversion Application - Wolfstones Heights Farm etc  
**Attachments:** Scanned from a Xerox Multifunction Printer.pdf

Hello,  
[Footpath Diversion Application - Wolfstones Heights Farm  
– report of obstruction by electric gate and history of limitations/structures](#)

Thanks for your email.

Attached is a copy of the path survey sheet, completed by Holmfirth Urban District Council in 1950, as part of the early stages of preparation of the definitive map and statement by the County Council. Footpath 60 was identified as path number 240 at that stage.

Below is a copy extract of the definitive map subsequently published by WRCC which had a “relevant date” in 1952.



This definitive map extract mirrors the HUDC survey sheet, and the limitations to user recognised therein.

The modified definitive map and statement as published in 1985 by WYCC also do not recognise any additional authority for a limitation at the roadside end of footpath 60.



It is not unusual for landowners to amend their landholdings on the ground without appropriate authority. Even if such a change took place before your ownership, it does not convey authority for structures that limit the public user.

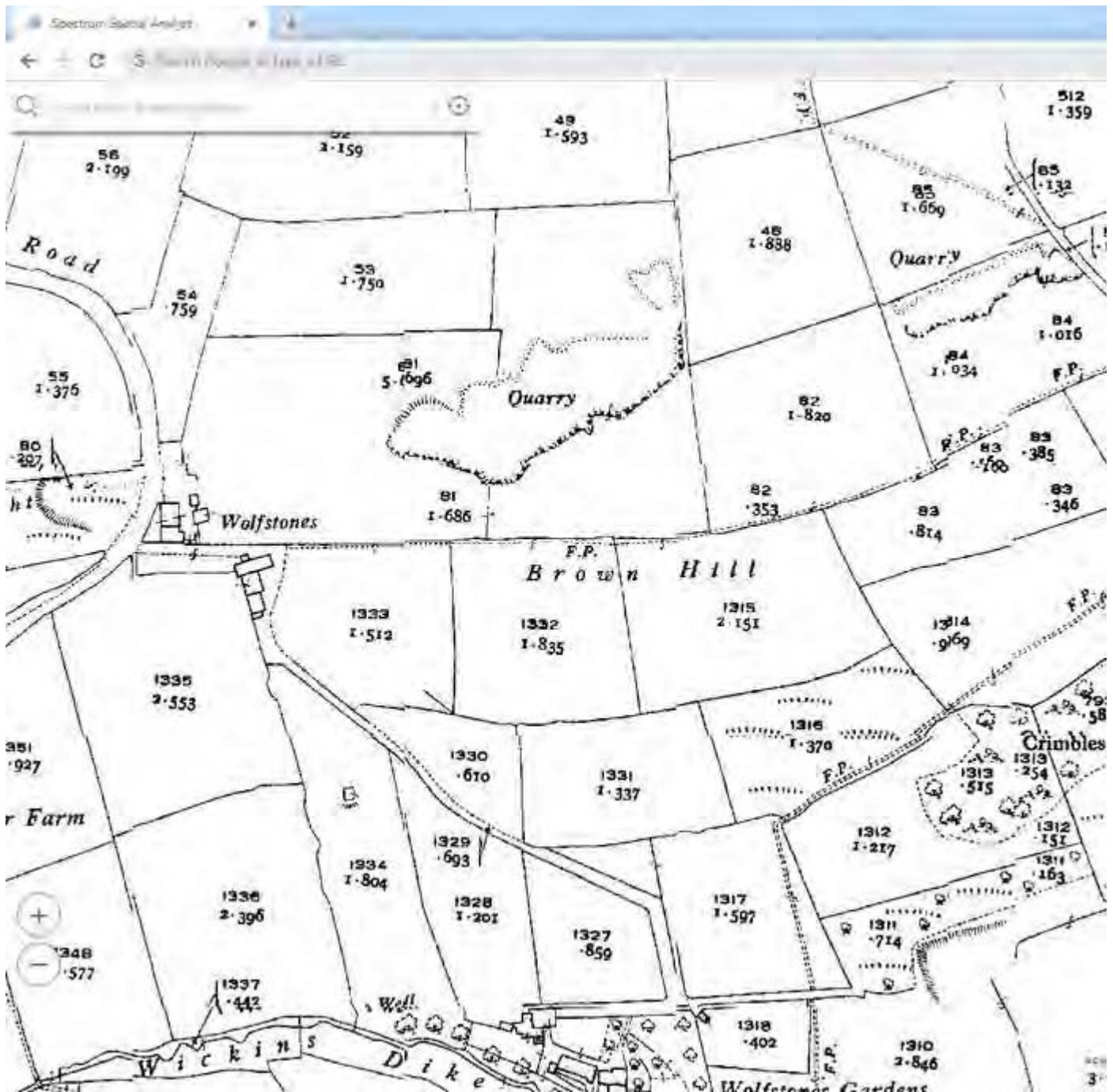
DEFRA's circular 1/09 refers to such matters at paragraph 6.7

“Stiles, gates and other structures on a public right of way are unlawful obstructions on a public right of way unless they are recorded on the definitive statement as a limitation or it can be shown that the way was dedicated with such a structure despite not being recorded on the definitive statement (i.e. the statement requires updating) or have been authorised by the highway authority under section 147 of the 1980 Act.”

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69304/pb1353-rowcircular1-09-091103.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb1353-rowcircular1-09-091103.pdf)

Note: The survey sheet by HUDC refers to the 1932 Ordnance Survey and field numbers, which is the 1:2500 County Series 2<sup>nd</sup> revision





Regards,

[Redacted]

[Redacted]

Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for [Redacted]

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**From:** [REDACTED]  
**Sent:** 02 November 2018 18:34  
**To:** [REDACTED]@kirklees.gov.uk>  
**Cc:** [REDACTED]  
[REDACTED] Russell Earnshaw <Russell.Earnshaw@adp-architects.com>  
**Subject:** RE: Footpath Diversion Application - Wolfstones Heights Farm

Dear [REDACTED]

I thought that I had better intervene and communicate directly here, as I am absolutely staggered that this issue of any 'obstruction' has been raised. Somebody is being silly here and I am guessing that this has come about from my application to divert the footpath, which is unfortunate.

I am taking it that this will not have any bearing on your consideration and reporting of the diversion order, but if I am wrong on that, please let me know. As an aside, are you not able to provide any idea of where your thought processes are with reporting and recommending on the diversion

Those gates and that style pre-date our ownership of the land, over 25 years ago now. We purchased the property with those in place. I don't know how long they were in place before we purchased our house all those years ago.

I also can't believe that nothing is showing that the gates and style (a 'limitation', as you refer to it) were not supposed to be at the end of the footpath when it was designated. Given it is old agricultural estate land, I would guess that gates and the passing style of some sort have nearly always been in place.

I don't think that I should comment further or answer any more questions on this until you and the Council recover all documents associated information with the designation of footpath 60. I would like you to completely exhaust that enquiry and provide me with the necessary information on the designation and all the extraneous information leading to that, in order that I can study it and respond, if need be.

I do not think that this is unreasonable in the circumstances and hopefully you agree. The Council must hold that information.

I am away on business after today for a week, so shall look forward to receiving that information as soon as possible and hopefully by the time I return.

Thank you for your assistance. I look forward to hearing from you on this and more immediately, although hopefully unrelated, what your position is regarding the diversion application.

Yours Sincerely

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]



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**From:** [Redacted] <[\[Redacted\]@kirklees.gov.uk](mailto:[Redacted]@kirklees.gov.uk)>  
**Sent:** 25 October 2018 17:20  
**To:** Russell Earnshaw <[Russell.Earnshaw@adp-architects.com](mailto:Russell.Earnshaw@adp-architects.com)>  
**Cc:** [Redacted] <[\[Redacted\]@kirklees.gov.uk](mailto:[Redacted]@kirklees.gov.uk)>  
**Subject:** RE: Footpath Diversion Application - Wolfstones Heights Farm

Hello Russell,

I was away from the office when your 4 previous emails were received (including your email of 15 October that you don't include below). I presume that you received an automated response from my email account.

[Redacted] had forwarded additional consultation comments to you on 12 October. I understand there is another from the Parish Council.

A report on the diversion application will be taken to committee. I haven't formed my view on a recommendation. I would note that the committee report recommendation is made on behalf of officers of the council, and, like the report as a whole, has to be signed off by people in more senior positions.

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We have also received public report of unlawful obstruction of public footpath 60 by the 'electric' gate at Wolfstones Road closing and locking mechanically, preventing public passage over footpath 60. It is suggested to the council that the gate should be removed. The council has now received further information relating to potential legal action against the council regarding this alleged obstruction. Observations on this matter would be welcomed. I'm not aware of authority being recorded for a limitation (e.g. stile or gate) at this location.

Regards,

[Redacted]  
[Redacted]  
Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for [Redacted]

e [Redacted] <[\[Redacted\]@kirklees.gov.uk](mailto:[Redacted]@kirklees.gov.uk)>

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**From:** Russell Earnshaw [<mailto:Russell.Earnshaw@adp-architects.com>]

**Sent:** 25 October 2018 13:27

**To:** [REDACTED] [@kirklees.gov.uk](mailto:[REDACTED]@kirklees.gov.uk)>

**Cc:** [REDACTED] [@kirklees.gov.uk](mailto:[REDACTED]@kirklees.gov.uk)>

**Subject:** Re: Footpath Diversion Application - Wolfstones Heights Farm

Hello [REDACTED] and [REDACTED]

A further two weeks have elapsed since my email below and still we have not heard from you with an update with progress in preparing your report to committee. Please please please can we have a response?

Kind regards

**Russell Earnshaw** Dipl Arch MCSD ARB RIBA  
Director

ADP Architecture and Design Limited  
The Old Police Station  
16 Bridge Lane  
Holmfirth  
HD9 7AN

---

**From:** Russell Earnshaw

**Sent:** 08 October 2018 13:28

**To:** [REDACTED]  
**Cc:** [REDACTED]

**Subject:** Re: Footpath Diversion Application - Wolfstones Heights Farm

Hello [REDACTED]

Still not heard from you with an update on progress regarding the application for the diversion of the PROW at Wolfstones Heights Farm. As we are now 2 months beyond the 3rd of August 2018, which I think

was your informal consultation deadline we really would appreciate an update on how you are progressing with preparation of your report to committee?

Kind regards

**Russell Earnshaw** Dipl Arch MCS D ARB RIBA  
Director

ADP Architecture and Design Limited  
The Old Police Station  
16 Bridge Lane  
Holmfirth  
HD9 7AN

---

**From:** Russell Earnshaw  
**Sent:** 26 September 2018 20:18  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Footpath Diversion Application - Wolfstones Heights Farm

Hello [REDACTED]

A further week has elapsed since I sent you the email as follows and I received a message saying that you were away from the office, hopefully you are now back in the office and are able to let me have a response, as we are keen to see this matter progress?

Kindest regards

**Russell Earnshaw** Dipl Arch MCS D RIBA  
Director

ADP Architecture and Design Ltd  
The Old Police Station  
16 Bridge Lane  
Holmfirth  
HD9 7AN

01484 685411

---

**From:** Russell Earnshaw  
**Sent:** 21 September 2018 14:21  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Fw: Footpath Diversion Application - Wolfstones Heights Farm

Good afternoon [REDACTED]

It's three weeks since sending you the email as follows, please could you advise if any progress has been made?

Kindest regards

**Russell Earnshaw**

A+DP

---

**From:** Russell Earnshaw

**Sent:** 29 August 2018 16:03

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Footpath Diversion Application - Wolfstones Heights Farm

Good afternoon [REDACTED]

I wanted to touch base with you as I do note that we are now past the 3rd of August 2018, which I think was your informal consultation deadline.

Please could you let [REDACTED] and I know whether or not you will now be reporting and recommending the making of the Diversion Order.

Thank you in advance.

Kind regards

**Russell Earnshaw** Dipl Arch MCSD ARB RIBA

Director

ADP Architecture and Design Limited

The Old Police Station

16 Bridge Lane

Holmfirth

HD9 7AN



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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 13 November 2018 18:13  
**To:** [REDACTED]  
**Cc:** [REDACTED] Russell Earnshaw; [REDACTED]  
**Subject:** RE: Footpath Diversion Application - Wolfstones Heights Farm etc  
**Attachments:** 1952 DM notes.pdf; WP\_20181113\_16\_33\_20\_Pro.jpg; DEFRA guide-la.pdf; 1952 statement.pdf; 1985 statement.pdf; HVPC 2000\_Redacted.pdf

Hello,

Diversion proposal

I have not formed a view on a draft recommendation relating to the committee report, and have no current comment.

The officer report and any recommendation are subject to senior officer sign-off.

The report is usually published a week before the committee meeting containing the item on the agenda; which is when an applicant would generally be aware of the report content. Chair's briefing is generally a couple of days earlier.

Consideration and the decision on making an order rests with members of the committee. Public consultation comments would generally be included in reports to them.

Generally speaking, the obstruction of paths may be relevant to the council progressing proposals to divert footpaths; which concerns the exercise of a council power, not a duty.

Information

Could you explain what you mean by

- **“the plan and wording copy of the reference on the 'Definitive Map and Statement'”?**

Do you mean the 'key' or notes to the definitive map? I attach images of both 1952 and 1985 versions.

To assist further, I attach copies of the 1952 and 1985 definitive statements; I have already provided copy extracts of the associated definitive maps, as published.

Please note that the council would generally not conduct a *“completely exhaust-ive”* investigation into the recording of public rights of way by the County Council in a process that started in the early 1950s, in these circumstances. We have looked at the formal records published, and you have been invited to offer comments. The council would be looking to any evidence that shows that relevant authority has been granted or recorded since 1952, or that the way was dedicated prior to 1952 subject to the existence of any relevant structures in this location.

If you would like to clarify any specific further information you seek, please do so.

I attach something further on file about this location, a pdf copy of a letter to the Parish Council in 2000, and a plan, which appear to describe the situation on the ground at that time.

Obstruction report

The council has been served a notice under section 130A (1) Highways Act 1980 in relation to the report of obstruction of the footpath Holmfirth 60 by a mechanically-operated 'electric gate', which is apparently being closed at your property. The council would generally be expected to serve any notices as appropriate under section 130A (6), within the relevant timeframes. This process may result in a court order being sought against the council, and I attach a DEFRA-produced guide for your information.

Regards,

[REDACTED]



[REDACTED]  
Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for [REDACTED]

e [REDACTED]@kirklees.gov.uk

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 16 November 2018 16:38  
**To:** [REDACTED]  
**Cc:** [REDACTED] Russell Earnshaw; [REDACTED]  
**Subject:** Footpath Holmfirth 60  
**Attachments:** HOL 60 Form 1\_Redacted.pdf; DEFRA guide-la.pdf

[Footpath Holmfirth 60](#)

Hello [REDACTED]

Thank you for your email.

1. Various records regarding the recording and history of public paths in Holmfirth are held by the council and at various other sources, such as the West Yorkshire Archive Service <http://www.wyjs.org.uk/archive-service/>. The council has not and would not generally provide copies of every document that may exist at any source. You have been provided with documents that relate to the recording of limitations and public rights of way at this location. You have also been provided with various relevant information produced by DEFRA in relation to such matters and additional information. You have the opportunity to discuss this and we have sought your comments before a decision is made about the alleged obstruction.
2. As already noted, the comments of the public are likely to be reported to committee. Officers may offer comment on public comments in the report. Sub-committee members consider and determine whether an order be made.
3. I attach a copy of a Form 1 notice received by the council on 8 November 2018. It is signed and is dated 6 November 2018. The council ought to respond within one month at the latest.
4. You ask about the council "resisting" or using "discretion" .

The council has a duty to protect and assert the public right and to prevent the obstruction of the public footpath. <https://www.legislation.gov.uk/ukpga/1980/66/section/130> If an allegation is made of obstruction, then officers would form a view on whether an obstruction has occurred. As well as dealing with matters informally, officers are delegated to deal with formal notices in connection with obstructions and associated enforcement processes. In this case, the council has been formally notified that an obstruction exists and the specific legislative process, designed to enable the public to take action against the highway authority, has been commenced. The council has to respond formally.

If there is considered to be no obstruction then the council would respond accordingly.

If obstruction is considered to exist, then the council's responsibility would generally be to act to prevent it. The alternative would be for the council to risk acting contrary to its duties and contrary to the public interest, to resist the seeking and making of a court order for something that the council would consider to be an obstruction.

I've again attached the DEFRA 12-page document about section 130A-D for your information, and I have brought your attention to this and to DEFRA circular 1/09 regarding this matter. In responding to the Form 1 notice received, the council should tell the sender of Form 1 what it intends to do about the alleged obstruction (see attached guide at para 21). In paragraph 36 it notes that the council should also inform the person responsible for any alleged obstruction what the council intends to do.

If, as you appear to suggest, a situation arises that the council considers there to be an obstruction, but states that it intends to do nothing anyway, it should have sufficient reason for choosing that course. We can understand that a landowner may wish to retain something, but neither this or someone “being very silly” would likely be sufficient reason.

5. I generally don't discuss recommendations. As you are being insistent on the point, you may wish to consider that your proposal is controversial and has attracted more objections than any other diversion proposal to the council in at least 15 years, and that I identified several uncertainties about the proposal from our early discussions with Russell, before an application was even made.
6. Reports are generally signed off, as appropriate and applicable, by or on behalf of the Director, (Economy & Infrastructure), Karl Battersby; the Service Director (Legal Governance and Commissioning), Julie Muscroft; & the Service Director (Finance, IT & Transactional Services), Eamonn Croston.

We can discuss this matter and an informal appropriate resolution would be preferred. The notice served on the council will be considered and an appropriate response made (see paragraph 25 onwards of attached guide). If the council serves notice on a person responsible, the DEFRA publication refers to this situation from paragraph 36 onwards in the attached guide.

Please note that the council is not seeking conflict in this matter. There are likely to be numerous situations on the ground within Kirklees where limitations to public user of the public highway (including public footpaths etc.) have been erected over the years without appropriate historic authority or satisfactory reason, and without relevant grant of statutory authority.

Whilst recognising that the council does not have to have received (i) public complaint or (ii) formal notice before it investigates and considers action in connection with alleged footpath obstruction, the current circumstances are that the council is in receipt of both, which introduces formal process and specific timeframes, which the council ought to address appropriately.

If you have any further submissions relating to the diversion proposal for the council to consider, please let us have them.

Regards,

██████████

████████████████████

Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for ██████████

e ██████████@kirklees.gov.uk

W [www.kirklees.gov.uk/](http://www.kirklees.gov.uk/)

o Public rights of way: local authority responsibilities <https://www.gov.uk/public-rights-of-way-local-authority-responsibilities>

o Public rights of way: landowner responsibilities <https://www.gov.uk/public-rights-of-way-landowner-responsibilities>

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**From:** [Russell Earnshaw](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Wolfstones Heights Farm - Diversion of Holmfirth Footpath 60  
**Date:** 23 November 2018 16:37:52

---

Dear [REDACTED] and [REDACTED]

To cut a long story short and with apologies in advance that this is seemingly late in the day, we would like to withdraw the current section 257 footpath diversion application for Footpath 60.

You may or may not be aware that we have recently secured non-material amendment planning permissions to the permissions being implemented on different aspects of the overall site. We have a couple of minor things to sort out very briefly on site in this respect. However, as a result, we cannot give the diversion application the headspace it requires at present.

I shall stress on behalf of our clients that this is not directly as a result of the seeming volume of objections (all of which are rebuttable) and the more recently raised 'obstruction' issue, which I personally do not know too much about. It is simply that we have a couple of things to sort, before we come back with a further new and reinforced diversion application, which you can expect shortly.

Please could you come back to me with any information as to how we go about formal withdrawal of the application on behalf of our clients. Alternatively, please could you confirm that this email is sufficient to withdraw the diversion application for your purposes.

Any information that you may be able to provide will be useful.

Kindest regards

**Russell Earnshaw** Dipl Arch MCSD RIBA  
Director

ADP Architecture and Design Limited  
the Old Police Station  
16 Bridge Lane  
Holmfirth  
HD9 7AN

**From:** [Redacted]  
**To:** [Redacted]  
**Cc:** [Redacted]; [Russell Earnshaw](#); [Redacted]  
**Subject:** RE: Footpath Diversion Application - Wolfstones Heights Farm etc  
**Date:** 16 November 2018 09:28:12  
**Attachments:** [image004.png](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)

---

Dear [Redacted]

Thank you for your email and the several attachments. I must confess that I do not quite understand everything, nor everything that you are saying, but I do thank you for the response all the same.

I do maintain that this is somebody being very silly and I have strong reason to believe things are not quite as they seem here, but I shall respond on that in due course when you confirm that I have all of the information. You need to do your job and I obviously don't expect you to comment on people being silly, etc..

Before I do respond to everything here, I am sure that you will understand my reluctance to respond until I have confirmation that the Council has provided all of the information that it holds and I can consider everything.

I therefore need, or in some cases need to understand from you:

1. That, as I requested, all that you have provided in relation to this 'obstruction' and footpath 60 is all of the information that the Council holds or is able to access - 'yes' or 'no' please.
2. That this will **not** form part of your deliberations in relation to the footpath diversion application - 'yes' or 'no' please (incidentally, see further below in that respect)
3. That you are able to provide me with a copy of this s.130A Notice that you refer to and all items associated with it - please could you provide a copy to me immediately. I guess that you may have to redact names, etc. beforehand.
4. I don't know about s.130A notices and have never heard of them, but I take it that the Council has the opportunity to resist them, or tell the applicant (if that is the right term) that you do not feel the need to take any action? I guess the situation is different if you have to go to the magistrates' court, but surely the Council has discretion.
5. Why are you not able to offer information on a recommendation as yet - surely you have come to a conclusion by now?
6. Who is the senior officer that has to sign off your officer recommendation report on the diversion please?

Incidentally, we may have some updated information in relation to the diversion application very shortly. This does not detract from what I am asking here, but just to let you know that we might be in touch shortly.

Thank you very much for providing me with answers to those questions. Please be assured that I have every intention of responding to your queries on this 'obstruction'.

Regards

[Redacted signature block]



---

[Large redacted block of text]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Footpath Holmfirth 60  
**Date:** 03 December 2018 13:49:22  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)

---

Dear [REDACTED]

Thank you for your email on this. I have learned that what you are proposing is in fact discretionary and not compulsory action by the Council. Much as I understand what you are saying in your email below, the fact is that you do have a choice in whether or not to take any action.

That aside, as I have clearly stated, these gates and side stile pre-date us. Of that there is no question. I have now done some brief checking into things and in fact there is now reason to believe that a gate or even a wall before a gate was in place, with the stile, was in place way before this, perhaps even going back to the 1930s or 40s. In other words, it transpires that this 'obstruction' may well pre-date Footpath 60 actually coming into being. It actually seems obvious, given that we are talking about old agricultural land.

Accordingly, it is now entirely possible that is the information with your Definitive Map and Statement that is wrong. You have mentioned that it would not usually be up to you or the Council to recover and investigate all information connected with the Definitive Map and its history. However, due to this latest information, I am seriously disputing the fact that the information that the Council holds is accurate so far as the gates are concerned. Should you wish to take this any further, it is not unreasonable that the Council now conducts a thorough investigation of all of the available records that it and whomsoever holds.

That aside and in any event, the stile is always in place and open, so as the guidance puts, the Council cannot seriously believe that this interferes significantly with anybody's rights of way on foot. The gates or some kind of obstruction have been in place for decades and nobody has ever complained. [REDACTED]. As this diversion application has now been withdrawn, albeit for other reasons, I suspect the problem will abate. I imagine that this is not on top of your list of priorities in any event, but I accept that because of the notice, if I have read all this right, you are in the position whereby you have to return notice to this complainant, which is why I have come back to you now.

Again, I am aware that your powers here are discretionary, not compulsory. I would strongly suggest that in returning notice you take an appropriate view, that the Council does not have all of the necessary information to justify taking any action and apart from anything else, given the information before you now, it cannot be fair or reasonable at all to take any action to attempt to remove the gates. It would in fact be completely irrational without exhausting a full search given the information you have before you.

I accept that, again if I have read this right, where you do send notice back to the complainant telling them that the Council is not taking any action they have their own recourse to apply to the Court themselves. I shall have to cross that proverbial bridge if and when. Whilst I am sure that it was in your mind anyway, I need to tell you that I am reserving rights to show all of this to whomsoever I might need to in the future, including in any formal proceedings.

Thank you for taking the time to read this. I trust that you will come to the correct conclusion

Regards

[REDACTED]

[REDACTED]

[REDACTED]





[REDACTED]

**From:** Karl Battersby

**Sent:** 04 December 2018 17:21

**To:** [REDACTED]

**Subject:** RE: footpath 60 Holmfirth

[REDACTED] I have spent a good hour going through this and PROW process and case law with [REDACTED]. Given we have been served what is termed a form 1 notice by Peak and Northern footpaths, we have to respond by this Friday. If we don't take action we will end up in court with likely costs awarded against us.

From what I understand the gates class as an obstruction to the footpath, and we have no evidence to show that permission is in place for such gates. There is also no permission in place for a stile, and case law that talks about the public being able to pass across the whole width of a public right of way.

Pragmatically, I suggest that you keep the gates open and give me an undertaking that they will remain so, and this will be sufficient for us to recommend that the obstruction has been dealt with. That would deal with the immediate issue. You could then consider whether to re-submit your application for a diversion, or indeed provide the evidence of the existence of gates which you have alluded to in your email.

[REDACTED] is more than happy to have a conversation with you to explain the process and options available to you.

Happy to discuss.

Regards

Karl Battersby

Strategic Director, Economy and Infrastructure

Kirklees Council

Email; [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

Mob: [REDACTED]

---

**From:** [REDACTED]

**Sent:** 04 December 2018 10:56

**To:** Karl Battersby <[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>

**Cc:** [REDACTED] <[\[REDACTED\]@kirklees.gov.uk](mailto:[REDACTED]@kirklees.gov.uk)>

**Subject:** RE: footpath 60 Holmfirth

Good morning Karl

Thanks for picking up and responding, I appreciate it...

I'm keen for some pragmatism as without doubt [REDACTED] can use discretion on this as it not compulsory that [REDACTED] allows it to grow into a formal case.

It would be good to chat it through Karl as this really is a case of local trouble making and I'm pretty sure [REDACTED] recognises this, therefore I'm asking [REDACTED] not to indulge them taking into account the fact that the gates have been in situ from [REDACTED] over 24 years ago without any issue and there is a stile in place!

If you have chance for a call it would be good so I can explain my perspective before this ends up

in a legal battle in court at a higher level.

Many Thanks

[REDACTED]



---

**From:** Karl Battersby <[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>

**Sent:** 04 December 2018 10:37

**To:** [REDACTED]

**Cc:** [REDACTED] <[\[REDACTED\]@kirklees.gov.uk](mailto:[REDACTED]@kirklees.gov.uk)>

**Subject:** footpath 60 Holmfirth

Good morning [REDACTED], Jacqui shared your email with me, and as PROW fall under me, she has asked me to get in touch.

More than happy to discuss, and see if we can reach a pragmatic solution to this.

I am in meetings at the moment, but will pick up with [REDACTED] when I get out.

Regards

Karl Battersby

Strategic Director, Economy and Infrastructure

Kirklees Council

Email; [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

[REDACTED]



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[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 19 December 2018 12:11  
**To:** Noel Scanlon  
**Cc:** Karl Battersby  
**Subject:** RE: footpath 60 Holmfirth

Hello Noel,

Thanks for your email.

Section 130C (3) states that Form 4 can't be served under HA 1980, section 130C (1) until the end of 2 months since Form 1 service (Notice Form 1 was received on 8 November 2018).

Application to the court for an order cannot be before the end of 5 days after Form 4.

Further to our telephone conversation, I look forward to our meeting on site at 11 am this Friday. I'll send an appointment email too.

Regards,

[REDACTED]  
[REDACTED]  
Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for [REDACTED]

e [REDACTED]@kirklees.gov.uk

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**From:** Noel Scanlon [mailto:noel.scanlon@nsconsult.co.uk]  
**Sent:** 19 December 2018 11:49  
**To:** [REDACTED]@kirklees.gov.uk>

Cc: Karl Battersby <Karl.Battersby@kirklees.gov.uk>  
Subject: Re: footpath 60 Holmfirth

Apologies it has taken until today to get in touch on this.

It seems the limitation issue is on a pause for breath at the minute by virtue of [redacted] leaving the gates open, unless the complainant has moved with Form 4 to the court (please do let me know if that is the case - hopefully not).

Before the meeting scheduled for the 24th January 2019, I wonder if there is some merit in just you and I getting together to discuss on a more technical level. [redacted] has asked if you would be willing to meet with me beforehand to discuss matters. Maybe even on site, but that is not essential and I can meet you at your offices, or elsewhere.

I am actually available this Friday morning/lunchtime due to a cancellation of something, but that is pretty much it on my availability until the New Year, unless you can do Christmas Eve early morning (which I doubt in advance). I accept that this is short notice and like me you may well have one or two other things to be wrapping up this particular week.

Please do let me know either way. Thank you in advance.

Kind regards

**Noel Scanlon**  
**Director & Consultant**  
NSCL

Tel: 07921 385901

Email: [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



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**From:** [redacted]  
**Sent:** 18 December 2018 12:44  
**To:** [redacted]  
**Cc:** [redacted]; Noel Scanlon; Karl Battersby  
**Subject:** RE: footpath 60 Holmfirth

Hi [redacted]

OK, perfect, then I'm sure Noel will also be in touch directly.

Many Thanks

[redacted]

[redacted]

[redacted]

[redacted]



From: [REDACTED] <[REDACTED]@kirklees.gov.uk>  
Sent: 18 December 2018 12:09  
To: [REDACTED]  
Cc: [REDACTED] <[REDACTED]@kirklees.gov.uk>; [REDACTED] <[REDACTED]@kirklees.gov.uk>; Noel Scanlon <noel.scanlon@nsconsult.co.uk>; Karl Battersby <Karl.Battersby@kirklees.gov.uk>  
Subject: RE: footpath 60 Holmfirth

Hello [REDACTED]

Thanks for your email.

I've been invited to the meeting, along with [REDACTED]

I do know Noel, and look forward to hearing from him.

Regards,  
[REDACTED]

[REDACTED]  
Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for [REDACTED]

E [REDACTED]@kirklees.gov.uk

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From: [REDACTED]  
Sent: 18 December 2018 11:03  
To: [REDACTED] <[REDACTED]@kirklees.gov.uk>

Cc: [redacted]@kirklees.gov.uk>; [redacted]@kirklees.gov.uk>; Noel Scanlon <noel.scanlon@nsconsult.co.uk>; Karl Battersby <Karl.Battersby@kirklees.gov.uk>  
Subject: RE: footpath 60 Holmfirth

Good morning [redacted],

Thank you for your email and for sending through the 'Form 3'. In thinking through our next actions, Russell Earnshaw will still be involved, but I have engaged Noel Scanlon, who I believe you know, and who is cc'd, to advise and manage the situation regarding a prospective future footpath diversion and the gate obstruction issues moving forwards.

I understand from Karl that you have offered a meeting with [redacted] in attendance to discuss the overall situation. I would suggest that you both meet with Noel on my behalf. I am not sure if Karl would like to be there also and maybe this would be useful. At least you will be able to talk technically more technically with Noel if need be.

Noel will contact you directly in the near future and is/will be up to speed with everything.

In the meantime, all the best for Christmas.

Kind Regards

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]



---

From: Karl Battersby <Karl.Battersby@kirklees.gov.uk>

Sent: 07 December 2018 10:34

To: [redacted]

Cc: [redacted]@kirklees.gov.uk>; [redacted]@kirklees.gov.uk>

Subject: Re: footpath 60 Holmfirth

Thanks [redacted] same to you.

[redacted] will find us a slot.

Regards

Karl Battersby  
Strategic Director Economy and Infrastructure  
Kirklees Council  
[karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

Mob: [REDACTED]

---

**From:** Karl Battersby <[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>

**Sent:** 07 December 2018 09:55

**To:** [REDACTED]

**Cc:** [REDACTED] <[\[REDACTED\]@kirklees.gov.uk](mailto:[REDACTED]@kirklees.gov.uk)>

**Subject:** RE: footpath 60 Holmfirth

Good morning [REDACTED] apologies that I have not come back to you sooner.

Firstly, thank you for your confirmation regarding the gates. I will ask the team to prepare the paperwork accordingly.

Hopefully this deals with the immediate issue, and we can then move on to discuss what the long term solution looks like.

Shall I arrange for a meeting with [REDACTED] and [REDACTED] ( who manages the green spaces team, which includes PROW) early in the new year?

Regards.

Karl Battersby  
Strategic Director, Economy and Infrastructure  
Kirklees Council  
Email; [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)  
Mob [REDACTED]

---

**From:** [REDACTED]

**Sent:** 05 December 2018 15:43

**To:** Karl Battersby <[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>

**Subject:** RE: footpath 60 Holmfirth

Dear Karl

Thank you for your prompt email response. I apologise that I have only just responded, but I have been away from my desk and I just needed to consider this carefully, and take a bit of advice.

I shall say in the first instance that it is disappointing where this is at and there is an alternative, perhaps more belligerent approach that I could take here. However, considering my relationship with the Kirklees Team and positive working relationship, and the important work that we are trying to do at higher levels, I shall take a more measured approach for now.

Given the forms that you and [REDACTED] have to send out imminently, I am prepared to leave the gates open (despite the risk from a security perspective), but in no way should it be considered that this is on the basis that I agree with the assertion, because I still contend that this is an historic gate and that the information the Council has is incorrect, which I understand can be a contest to the primacy of the definitive map and statement. We obviously don't have time to deal with that particular situation conclusively before you have to go back to the footpath society complainants. I appreciate that there are deadlines looming for the Council in that respect and that you do have to respond.

I must add a further couple of caveats in addition to my position on this.

The first is that my agreeing to leave the gates open means that when you complete and return your form 2 or form 3 or whatever it is, the Council clearly states that the objection has been dealt with, with no further information in the forms. The second is that, in the hopefully unlikely event that the Council is challenged further, for example the footpath society takes the Council to Court for an order to remove the gates even though they are left open, the Council will fully defend its position. I do not expect a perfunctory acquiescence and 'rolling over'. I expect the Council to defend the position vigorously and properly.

Overall, if you please come back to me and confirm that you have understood and accede to this, I shall do my bit, if the Council does its bit. This is only fair and not unreasonable in the circumstances.

Thank you in advance and sorry to put you in this situation. Calling / e-mailing you and Jaquie Gedman was the last thing I wanted to do, but I felt left with little choice other than defending my position through formal action against the Council, which is the last thing I want given what we are doing more widely. I am also grateful for your offer that [redacted] will be able to talk through the options if need be.

Can I finally thank you again for your prompt and what I view as a pragmatic response, given the deadline that [redacted] is up against. It is appreciated.

Kind Regards

[redacted]  
[redacted] | [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]



---

[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]



**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [Karl Battersby](mailto:Karl.Battersby@kirklees.gov.uk); [REDACTED]  
**Subject:** RE: Holmfirth public footpath 60 - reported obstruction and legal notice  
**Date:** 10 December 2018 09:23:00  
**Attachments:** [Form 3 Holmfirth footpath 60 s130A Redacted.pdf](#)  
[image001.png](#)

---

[REDACTED]  
Copy attached.

[REDACTED]  
Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG  
Tel: 01484 221000 – ask for [REDACTED]  
e [\[REDACTED\]@kirklees.gov.uk](mailto:[REDACTED]@kirklees.gov.uk)

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**From:** [REDACTED]  
**Sent:** 08 December 2018 10:50  
**To:** [REDACTED]@kirklees.gov.uk>  
**Cc:** Karl Battersby <Karl.Battersby@kirklees.gov.uk>; [REDACTED]  
[REDACTED]@kirklees.gov.uk>; [REDACTED]@kirklees.gov.uk>  
**Subject:** RE: Holmfirth public footpath 60 - reported obstruction and legal notice

Good morning [REDACTED]

Thank you for the information. Please could you send me a copy of Form 3 for my records. No need to redact as I know from Karl Battersby it was the Peak and Northern Footpath Society.

Thank you in advance.

[REDACTED]

[REDACTED]

[REDACTED]



**From:** [REDACTED]@kirklees.gov.uk>

**Sent:** 07 December 2018 15:09

**To:** [REDACTED]

**Cc:** Karl Battersby <Karl.Battersby@kirklees.gov.uk>; [REDACTED]  
<[REDACTED]@kirklees.gov.uk>; [REDACTED]@kirklees.gov.uk>

**Subject:** Holmfirth public footpath 60 - reported obstruction and legal notice

Holmfirth public footpath 60 - reported obstruction and Highways Act 1980section 130A notices

Thank you for providing information to the council in relation to the reports of obstruction and the notice Form 1 served on the council under Section 130A (1) Highways Act 1980.

Please find attached notice Form 2 from the council to you, served under Section 130A (6)(a) Highways Act 1980.

I've also attached a flowchart and notes which were produced by DEFRA about the process.

Regards,

[REDACTED]

[REDACTED]

Definitive Map Officer – Public Rights of Way

Streetscene & Housing Service

Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG

Tel: 01484 221000 – ask for [REDACTED]

e [REDACTED]@kirklees.gov.uk

W [www.kirklees.gov.uk/](http://www.kirklees.gov.uk/)

o Public rights of way: local authority responsibilities <https://www.gov.uk/public-rights-of-way-local-authority-responsibilities>

o Public rights of way: landowner responsibilities <https://www.gov.uk/public-rights-of-way-landowner-responsibilities>

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[REDACTED]

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**From:** Noel Scanlon <noel.scanlon@nsconsult.co.uk>  
**Sent:** 11 February 2019 15:16  
**To:** [REDACTED]  
**Subject:** Re: Footpath 60 130A Notices - Peak & Northern Footpath Society

It is; you are right. I just didn't think that this would be a useful conversation to have on site! You get the idea...

Sent from my iPhone

---

**From:** [REDACTED]@kirklees.gov.uk>  
**Sent:** 11 February 2019 14:38  
**To:** Noel Scanlon  
**Subject:** RE: Footpath 60 130A Notices - Peak & Northern Footpath Society

Hello Noel,

Thanks for your email.

You are correct in identifying that I did not inform your client of the identity of the server of this s130A notice Form 1.

As a general point, I am informed that groups are not a natural person and therefore are not protected in the same way regarding data protection legislation. It is noted that the published S130A guidance notes by DEFRA do not reflect this situation.

Regards,

[REDACTED]  
Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG  
Tel: 01484 221000 – ask for [REDACTED]

E [REDACTED]@kirklees.gov.uk

W [www.kirklees.gov.uk/](http://www.kirklees.gov.uk/)

o Public rights of way: local authority responsibilities <https://www.gov.uk/public-rights-of-way-local-authority-responsibilities>

o Public rights of way: landowner responsibilities <https://www.gov.uk/public-rights-of-way-landowner-responsibilities>

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**From:** Noel Scanlon [mailto:noel.scanlon@nsconsult.co.uk]  
**Sent:** 11 February 2019 14:07  
**To:** [REDACTED]@kirklees.gov.uk>  
**Subject:** Footpath 60 130A Notices - Peak & Northern Footpath Society

[REDACTED]  
I should probably let you know something privately.

I met with [REDACTED] who is the Kirklees rep for the PNFS on site regarding the diversion.

██████████. Very constructive discussion. Useful information and suggestion was imparted by ██████████ and we will be having a good dialogue moving forward. However, the reason for getting on touch with you specifically, is to let you know that ██████ asked how we knew that it was the PNFS that had raised the 130A Notices, etc. In fairness, it was not you, it was actually Karl Battersby that had said it in email to us. Although likely discoverable eventually by other means anyway, I am sending this to you just in case the PNFS raises this with you/the Council. I don't think it will, but forewarned is forearmed, and all that. This is probably one of those messages that I might delete...you get the idea I am sure...

Kind regards

**Noel Scanlon**  
**Director & Consultant**  
**NSCL**

Tel: ██████████

Email: [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



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[Redacted]

**From:** Noel Scanlon <noel.scanlon@nsconsult.co.uk>  
**Sent:** 29 May 2019 13:33  
**To:** [Redacted]  
**Cc:** [Redacted]; Karl Battersby; Russell Earnshaw  
**Subject:** Re: Footpath Hol/60 - Wolfstones

[Redacted]

Thank you for your email. No, no plans to switch to a HA1980 justification. Please could the current s.257 application be reported to Committee on 18th July. I would simply ask that this latest unfortunate incident is noted and reported. As you have not re-consulted yet, which I am surprised about, if you would really like, I can adjust the accompanying statement to include this information. However, I shall otherwise leave that with you. Many thanks.  
Kind regards  
Noel

Sent from my iPhone

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**From:** [Redacted]@kirklees.gov.uk>  
**Sent:** 29 May 2019 11:29  
**To:** Noel Scanlon; [Redacted]  
**Cc:** [Redacted] Battersby; Russell Earnshaw  
**Subject:** RE: Footpath Hol/60 - Wolfstones

Noel,  
Thanks for the email, I'm sorry to hear of this crime and the loss of property. At the time of considering potential enforcement action, you and I had a detailed discussion on site about how four-wheeled vehicle access off Wolfstones Road could be physically controlled whilst not obstructing the footpath 60. I believe that this was also covered at the meeting at Civic III. You later commended my voluntary openness about the required path width. If you'd like any further guidance on these matters, please let me know. Re-consultation on the latest version of the proposed diversion, under s257 of TCPA 1990, has not yet been undertaken, we have a number of applications in progress and waiting for this stage to be done. If an application for an order under a provision in the HA 1980 is sought instead, please let me know.

Regards,

[Redacted]

Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield, HD1 6LG  
Tel: 01484 221000 – ask for [Redacted]  
E [Redacted]@kirklees.gov.uk  
W [www.kirklees.gov.uk/](http://www.kirklees.gov.uk/)

o Public rights of way: local authority responsibilities <https://www.gov.uk/public-rights-of-way-local-authority-responsibilities>

o Public rights of way: landowner responsibilities <https://www.gov.uk/public-rights-of-way-landowner-responsibilities>

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**From:** Noel Scanlon [mailto:noel.scanlon@nsconsult.co.uk]

**Sent:** 29 May 2019 10:35

**To:** [REDACTED]@kirklees.gov.uk; [REDACTED]@kirklees.gov.uk

**Cc:** [REDACTED]@kirklees.gov.uk; Karl Battersby <Karl.Battersby@kirklees.gov.uk>; Russell Earnshaw <Russell.Earnshaw@adp-architects.com>

**Subject:** Footpath Hol/60 - Wolfstones

[REDACTED]  
**Criminal Incident**

I am afraid that there has been an incident overnight at Wolfstones. In short, an organised criminal job has been done, the upshot of which a pick-up truck has pulled down the footpath and stolen a very recently laid new roof and plant/machinery from the Wolfstone Heights Farm development. This has been reported to the Police.

You will recall that owing to the goodwill gesture following the s.130A Notices from the Peak and Northern Footpath Society, [REDACTED] left the gates open.

However, given this unfortunate occurrence, this is no longer feasible, as it means that the properties are sitting ducks. The continued lack of security for persons and property is not tenable, or safe.

The Council has already conceded that it may only enforce four feet (120cm) of the footpath in any event. Accordingly, one of the gates will now be closed to prevent the possibility of truck, van and car access. This will still comfortably leave more than four feet for the continuation of footpath access.

You may or may not wish to inform the PNFS. I shall not be doing so, as I have conveyed the 120cm enforceability to [REDACTED] when I met with [REDACTED] on site.

**Determination of Application**

Aside from this unfortunate criminal incident clearly adding to the argument for this diversion of the footpath, which could now be justified under other sections of the HA1980 and not only s.257, as previously countenanced, I have noticed that when I passed last week there are still no notices for pre-publicity/consultation prior to your reporting. I can only deduce that either you have elected not to do pre-consultation, or you are behind schedule.

I believe that Russell Earnshaw has also been chasing for updates recently.

It is imperative that this application goes before the next available Committee so that at least an Order can be made. You had previously raised the prospect of this going to July 18th Committee at the latest.

Please can you confirm the position.

Thank you in advance.

Kind regards

**Noel Scanlon**

**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



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[REDACTED]

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**From:** Noel Scanlon <noel.scanlon@nsconsult.co.uk>  
**Sent:** 06 September 2020 22:12  
**To:** [REDACTED]@kirklees.gov.uk>  
**Cc:** Karl Battersby <Karl.Battersby@kirklees.gov.uk>  
**Subject:** Re: Footpath 60 - Wolfstones Road

Dear [REDACTED]

I have not copied [REDACTED] in, as I am not sure the extent of [REDACTED] involvement given that you mentioned that [REDACTED] role had changed more recently.

I suspect that there may be complaint against [REDACTED] shortly. I write to you as a courtesy courtesy given the useful dialogue between parties on this so far.

[REDACTED] has now narrowed [REDACTED] current driveway to just over the width of the footpath. I attach a photo to illustrate for your information. Please note that this will be meshed to approximately 5' high shortly, which will likely result in a greater *tunnelling* effect on the area of the footpath between the two buildings at its westernmost end.

As identified by the Council itself previously and as identified in all information, as well as submitted to the Secretary of State in relation to the recent application to divert, Footpath 60 on the Definitive Map and Statement and from all available information is legally enforceable to just 120cm (4') on the northernmost side of the current driveway which it shares a surface with.

For information, [REDACTED] may narrow this again in due course, as the most narrow point at present is restricted to 125cm (i.e. 4' 2"). Nevertheless, the situation is clear enough for now to users of the footpath.

The southernmost gate leaf has been closed and the northernmost gate leaf has been left open, so nothing has changed to what has been requested by the Council (including below) and what [REDACTED] has adhered to hitherto.

In the event that complaint is received, or more formally, where the Council is served with a Form 1 under Section 130A(1) Highways Act 1980 as amended, very respectfully but accurately nevertheless, there is no action that the Highway Authority can take. This is because in very simple terms, the part of the legal highway, being Footpath 60, is not in any way obstructed.

Should you need me to provide greater legal detail, then of course I can do so. However, I am sure that your own legal team and even your PROW officers will be able to confirm the situation accordingly.

It is not lost that this may be difficult to convey to complainants initially and will result in a likely short-term administrative burden to the Council. Nevertheless, there is unfortunately nothing that we can do about that, other than sending this email and forewarning. Otherwise, it is a simple matter of legal fact.

Where the Council should end up in Court, then please do keep us informed, as we may wish to offer our own representation to the Court or to anyone else whom it may concern, which may well assist the you (the Council) in defending its position should it need to in due course.

It may well be appropriate to keep lines of communication open, given the useful dialogue and recent history of this matter. Therefore, as always, the proverbial *door is open* at this end should you need to discuss anything.



Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)

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**From:** Noel Scanlon

**Sent:** 16 June 2020 16:50

**To:** [REDACTED]; Karl Battersby

**Cc:** [REDACTED]

**Subject:** Re: Footpath 60 - Wolfstones Road

Dear [REDACTED]

Thank you for coming back to me on the gates/access. That is helpful. Good news that affirmative action appears to have dealt with matters for everyone.

[REDACTED]

Karl Battersby has informed me that the motorsport event has been put back until next year, which is a shame but obviously understandable.

Please could you confirm whether the footpaths will be closed temporarily for that and whether spectators will be standing on the verges at the sides of the roads for that.

That would obviously be a usual arrangement for traditional car raleigh events, etc., but just wanted to check.

Very many thanks and apologies to disturb.

Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

Tel: [REDACTED]

Email: [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)

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**From:** [REDACTED] <[\[REDACTED\]@kirklees.gov.uk](mailto:[REDACTED]@kirklees.gov.uk)>

**Sent:** 16 June 2020 15:34

**To:** Karl Battersby; Noel Scanlon

**Cc:** [REDACTED]

**Subject:** RE: Footpath 60 - Wolfstones Road

Dear Noel,

I have had no further representation from any party over obstruction on the route, so I consider the matter closed at this point, unless we receive any further issues, or the route is again blocked then of course we will revisit this and review based on the information at the time.

I have had no involvement in the motor event, so cannot comment on this. I have CC'd in a colleague who may have more information on this issue.

Regards

[REDACTED]

Regards

[REDACTED]

Greenspace Operations Manager

01484 22100

StreetScene  
Flint Street  
Huddersfield  
HD1 6LG

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**From:** Karl Battersby <[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>  
**Sent:** 16 June 2020 09:47  
**To:** Noel Scanlon <[noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)>; [REDACTED] <[REDACTED]@kirklees.gov.uk>  
**Subject:** RE: Footpath 60 - Wolfstones Road

Noel, its 25-27<sup>th</sup> 2021. They put it back a year.

Regards

Karl Battersby  
Strategic Director, Economy and Infrastructure  
Kirklees Council  
Email; [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)  
Mob: [REDACTED]

---

**From:** Noel Scanlon <[noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)>  
**Sent:** 16 June 2020 09:44  
**To:** [REDACTED] <[REDACTED]@kirklees.gov.uk>  
**Cc:** Karl Battersby <[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>  
**Subject:** Re: Footpath 60 - Wolfstones Road

Dear [REDACTED]

**Gate Closure**

I was just checking in. [REDACTED] has made arrangements to leave to northernmost gate leaf open as you requested, so the legal footpath is unimpeded. [REDACTED] has not received anything further from either yourselves or anyone else. I am therefore working on the basis that no further formal or other representation has been received by the Peak and Northern Footpaths Society, Ramblers Association, etc., or anyone else

Please could you confirm that as a result, the situation is now at a satisfactory position from the Council's perspective.

**Motor Sport Festival Works**

In addition, it has been noted that significant road surfacing works appear to have been taking place on Wolfstones Road and in the area generally. I infer that this has arisen out of the postponed and hopefully now impending Motor Sport Festival. Please could I ask, when will that now be taking place and are the footpaths in the area likely to be temporarily closed for that? Also, are spectators going to be allowed to view that event from the verges at the sides of the roads?

Please could you confirm. Many thanks in advance.

Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



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**From:** Noel Scanlon

**Sent:** 25 May 2020 11:53

**To:** [REDACTED]

**Cc:** Karl Battersby; Sue Procter; [REDACTED]

**Subject:** Fw: Footpath 60 - Wolfstones Road

Dear [REDACTED]

Thank you for your call to me on Friday 22nd and the 'heads up' that you believe that the Council is about to be issued with a 'Form 1' to secure removal of an alleged obstruction.

I noted what you said regarding leaving the northernmost gate leaf (i.e. the one on the right, looking up the footpath towards Wolfstones Road) open. I managed to speak with [REDACTED] at the weekend on this.

As a goodwill gesture and given his relationship with the Council, [REDACTED] has asked me to convey that [REDACTED] will leave the said northernmost gate leaf open. It will take several days to commission this, as it requires the assistance of an engineer. Given the C19 situation, the Bank Holiday and the difficulty in commissioning the right people, [REDACTED] would just ask for a modicum of patience from the Council on that, whilst stressing that [REDACTED] is on to this.

However, this up-front gesture is on the basis that the 'Form 2' which you will have to serve on [REDACTED] and the 'Form 3' that you will have to serve back on the Form 1 purveyors, requests just that: that the northernmost gate leaf as described, is left open. Nothing more.

In this way, the alleged obstruction is removed and the required (in fact more than required) 1.2m/4' width of legal footpath is unobstructed.

In the alternative, as described, it is still within the legal powers of the Council to issue a 'do nothing' notice, on the grounds of public safety at this particular time, but I infer from your call that this is surprisingly not something that the Council is willing to support, for reasons unknown.

I have on that note passed on your suggestion regarding signage regarding vulnerable persons and useable permissive path diversion, etc. Thank you for that, it is helpful.

I trust that this assists. Thank you again for the heads up and again, this movement deals with a problem before it even arises and this therefore becomes nothing more than an administrative exercise for the Council.

Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



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**From:** Noel Scanlon

**Sent:** 21 May 2020 10:43

**To:** Karl Battersby; [REDACTED]

**Cc:** [REDACTED]; Sue Procter

**Subject:** Re: Footpath 60 - Wolfstones Road

Karl

Thank you for that. I understood from [REDACTED] that you had taken such advice early in the C19 occurrence.

However, I shall respectfully and with due deference say that this is where we have to agree to disagree, or possibly where I have to respectfully disagree with those advising you.

Whilst it is agreed that there is nothing specific on public 'health' grounds to close a footpath, the advice (which may well have depended on the question asked) may respectfully have been one-dimensional.

This is because the Council does have legal powers to make emergency closures, on public safety grounds; i.e. because of the likelihood of a danger to the public. This does not need to be limited to the condition of the highway, etc.

Obviously the Council selected other measures where Wolfstones Footpath 60 was concerned, but I infer from your email that this could have been because you may not have been advised of full extent of the Council's powers here.

I shall leave that with you and thanks again for the contact on this one. The 'heads-up' from [REDACTED] to [REDACTED] was well-intentioned and very much appreciated. It has allowed potential solutions to be in place swiftly if/where the Council receives a formal 'Form 1' from the PNFS.

Kind regards

Noel

**Noel Scanlon**  
**Director & Consultant**  
**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



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**From:** Karl Battersby <[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>

**Sent:** 21 May 2020 08:56

**To:** Noel Scanlon; [REDACTED]

**Cc:** [REDACTED]; Sue Procter

**Subject:** RE: Footpath 60 - Wolfstones Road

Just one point Noel. We can't make an emergency closure order under public health grounds. We did consider this early doors in some detail, and took advice on the matter.

Regards.

Karl Battersby  
Strategic Director, Economy and Infrastructure  
Kirklees Council  
Email; [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)  
Mob: [REDACTED]

---

**From:** Noel Scanlon <[noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)>

**Sent:** 20 May 2020 18:22

**To:** [REDACTED] <[\[REDACTED\]@kirklees.gov.uk](mailto:[REDACTED]@kirklees.gov.uk)>

**Cc:** [REDACTED] Karl Battersby  
<[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>; Sue Procter <[sue.procter@kirklees.gov.uk](mailto:sue.procter@kirklees.gov.uk)>

**Subject:** Re: Footpath 60 - Wolfstones Road

■  
Karl Battersby has phoned me today, which was helpful.

I now understand that you have been contacted, likely by the Peak and Northern Footpath Society ('PNFS') regarding alleged closed gates, but you have not yet received a formal 'Form 1' as described in my email below.

However, I understand from Karl that one might be imminent, which is why the PNFS has contacted you and which is why you had subsequently contacted ■, so thank you for that. It is helpful.

When/if that Form 1 lands from the PNFS or whomsoever, you/the Council are required to send a 'Form 2' to ■ as the landowner in an attempt to secure removal of the alleged obstruction. You then have to send 'Form 3' to the PNFS to explain what you have done and what you have requested, if anything.

You rightly state that the Council's options become less flexible on receipt of a 'Form 1'. However, it would be wrong to state that the Council does not have any options here and, in these circumstances, it can actually take a legitimate 'do nothing' approach at present.

Were the Council so minded, it could state on Form 2 that it will not take any action at this time due to safety concerns of the landowner due to C19, which has been conveyed to the Council. Very respectfully and without wishing to pick unnecessary battles, we don't agree that there is no legal mechanism for the Council to close footpath routes due to C19. The Council does have legal powers to make closures where there is a potential danger to the public. Perhaps you might wish to revisit this in light of information previously provided by ■ to both ■ and Karl.

In the alternative, should you decide against a do-nothing option, notwithstanding the width of the driveway/gates, the Council can only enforce four (4) feet (i.e. 120cm) of footpath width, which ■ has also conceded previously. The PNFS will probably not receive that well, but it is a legal fact.

There are two gates as the path terminates on Wolfstones Road, both of which exceed four feet in width. The northernmost gate can be left open permanently.

All that we would ask is that you allow a sufficient and reasonable amount of time if this is required. The gates are electric and need to be disconnected/removed by an engineer, who will require some time to be commissioned and be able to get on site at present, for obvious reasons.

Therefore, if/when the PNFS issues a formal Form 1 to the Council, the Council can simply send a Form 2 to ■ to either:

- (i) state that no action will be taken at this time due to the potential danger to public health and will make an emergency temporary closure order; or
- (ii) request that the northernmost gate be left open, which provides more than the required 120cm in width for footpath 60 users.

Thank you again for the initial contact and putting ■ on notice. I don't think that ■ quite understood the reason for your call at first, but it is obvious that you were doing this to assist and facilitate, so thank you again for that. I hope that this is helpful and if/when the Council receives a Form 1 from the PNFS or whomsoever might issue one. It would seem that there are routes and options all round to deal with the situation swiftly should the PNFS issue a Form 1 to the Council in due course.

Please do feel free to ring if you would like to discuss or require any further information.

Kind regards

Noel

**Noel Scanlon**  
**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)

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---

**From:** Noel Scanlon

**Sent:** 19 May 2020 18:47

**To:** [REDACTED]

**Cc:** [REDACTED]; Karl Battersby; Sue Procter

**Subject:** Re: Footpath 60 - Wolfstones Road

Hello [REDACTED]

Thank you for the response.

I just need to be clear on the nature of the complaint please.

Is it a complaint through the Council's corporate complaints system? I infer that it might be given your reference to more formal footings later.

In the alternative, is it a formal complaint notice under Section 130A of the Highways Act 1980, whereby the Council has received a Form 1 under the Schedule to the Removal of Obstructions from Highways (Notices etc.) (England) Regulations 2004, formally requesting that you to liaise with the landowner to secure the removal of an alleged obstruction to a highway?

Or, is it something else?

Either way, please could you let me know and also send me the complaint, so that I can understand exactly what is going on in order to be able to advise and to help.

I am sure that once we understand, then any situation can be dealt with quickly.

Many thanks in advance.

Kind regards

Noel

**Noel Scanlon**  
**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)





- Legal Consultancy & Advisory Service -  
- Planning - Development - Highways & Rights of Way -  
- Local Government - Compulsory Purchase - Licensing - Management -

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**From:** [REDACTED]@kirklees.gov.uk>  
**Sent:** 19 May 2020 14:22  
**To:** Noel Scanlon  
**Cc:** [REDACTED]; Karl Battersby; Sue Procter  
**Subject:** RE: Footpath 60 - Wolfstones Road

Dear Noel,

As you are aware the gates go across a public right of way, and as such are an unauthorised obstruction if closed.

Under the guidance issued by Defra in response to C19 there is no mechanism to close routes, however it is possible for landowners to offer alternative routes that user may choose to follow, and there is signage ( already supplied by Kirklees to support this.) Which I understand is in place, and from the narrative supplied by [REDACTED] is in use by at least some users of the route.

We have received a complaint about the route being blocked – and notwithstanding any previous discussions on shielding and response times we are obliged to respond to this, the first stage of this response is a discussion with the landowner to remove the obstruction. If this is not done then the matter may be escalated, to a more formal footing, I sincerely hope this can be avoided.

Whilst it may not seem it I do have sympathy with [REDACTED] circumstances, however unless I am advised otherwise the flexibility available to the highways authority is limited in regard to this matter.

I have cc'd in my operational and strategic directors so they can have visibility of this, in case of escalation beyond myself.

Regards

[REDACTED]

---

**From:** Noel Scanlon <[noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)>

**Sent:** 19 May 2020 14:05

**To:** [REDACTED] <[\[REDACTED\]@kirklees.gov.uk](mailto:[REDACTED]@kirklees.gov.uk)>

**Cc:** [REDACTED]

**Subject:** Footpath 60 - Wolfstones Road

Dear [REDACTED]

I understand that you have phoned [REDACTED] on something to do with the the 'gates' and 'action' on something to do with the current footpath. [REDACTED] has phoned me for assistance.

So that I can hopefully help quickly all round, what is the problem please?

Many thanks in advance.

Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



- Legal Consultancy & Advisory Service -  
- Planning - Development - Highways & Rights of Way -  
- Local Government - Compulsory Purchase - Licensing - Management -

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NATIONAL PARKS & ACCESS TO THE COUNTRYSIDE ACT 1949

SURVEY OF PUBLIC RIGHTS OF WAY

EXPLANATORY NOTES

ROAD USED AS PUBLIC PATH	-----	.....
BRIDLEWAY	-----	-----
FOOTPATH	-----	-----
CART BRIDGE	-----	SHOWN THUS
FOOTBRIDGE	-----	
STEPPING STONES	-----	
FIELD GATE	-----	
BRIDLE OR HUNTING GATE	-----	
WICKET GATE	-----	
KISSING GATE	-----	
TURNSTILE	-----	
STILE	-----	
GAP IN FENCE OR HEDGE	-----	
FINGER OR DIRECTION POST	-----	
HURDLE	-----	
POST	-----	
RAIL OR BAR	-----	
LOW FENCE	-----	
OBSTRUCTION	-----	
NOTICE BOARD	-----	
BARBED WIRE	-----	

C. B.  
 F. B.  
 S. S.  
 F. G.  
 B. G.  
 W. G.  
 K. G.  
 T.  
 S.  
 GAP.  
 D.  
 H.  
 P.  
 R.  
 F.  
 O.  
 N.  
 B. W.

Reference No.	Map Reference	Description of Route	Nature of Surface	Approximate Length	Approximate Width	General
57	SE 10 NW	Footpath commencing at its junction with Mary Lane at Mary Lane Bottom and proceeding in a south westerly and westerly direction to its junction with Knoll Road with (1) a branch proceeding southward to its junction with Moor Lane at Moor Lane and (2) a branch to Moor Lane at Moor Gate.	Pasture (Part Metalled and Ashed)	0.80	1' 0"	No. 10 Stilts No. 1 Field Gate No direction signs.
58	SE 10 NW	Footpath commencing at its junction with Moor Lane and proceeding in a south westerly direction to Wolfstones Gardens thence southward to Town Gate at Hatlock.	Pasture and Arable	1.03	4' 0"	No. 11 Stilts No. 4 Hunting Gates No. 1 Gap No. 1 Footbridge No direction signs.
59	SE 10 NW	Footpath known as Ox Lane commencing at its junction with Path No. 58 and proceeding in a north westerly direction to its junction with Moor Lane with a branch footpath proceeding northward to its junction with Moor Lane.	Pasture Roughly metalled	0.25 0.14	4' 0" 4' 0"	No. 1 Set Steps No. 2 Stilts No. 1 Field Gate No. 1 Gap No direction signs.
60	SE 10 N7	Footpath commencing at its junction with Path No. 58 and proceeding in a south westerly direction to its junction with Wolfstones Road.	Pasture and part metalled	0.43	4' 0"	No. 3 Stilts No. 2 Field Gates No. 1 Flock Gate No direction signs.
61	SE 00 NS	Footpath commencing at its junction with the Greenfield and Shapley Lane Road County Road A.635 and proceeding in a north westerly direction to the Holtham Urban District Boundary.	Soil	0.08	4' 0"	No direction signs.
62	SE 00 NE	Bridleway used as a public path commencing at its junction with the Greenfield and Shapley Lane Road County Road A.635 and proceeding northward to the Holtham Urban District Boundary.	Roughly metalled	0.11	8' 0"	No direction signs.
63	SE 00 NE	Road used as a public path known as Springs and Old Lane commencing at its junction with the Greenfield and Shapley Lane Road County Road A.635 and proceeding in a south westerly direction to its junction with Nether Lane with a branch footpath proceeding southward to its junction with Nether Lane.	Roughly Metalled	0.61 0.20	20' 0" 4' 0"	No direction signs.
64	SE 00 NE SE 10 NW	Footpath commencing at its junction with Nether Lane and proceeding south eastward via Blackpool Bridge and southward to Issues Road thence north eastward along Issues Road to its junction with Mead Hill Road.	Green Lane Moorland	1.02 1.24	4' 0" 4' 0"	No. 1 Footbridge (Destroyed 1944) No. 1 Field Gate No direction signs.

Continued over.....

Nature Of Sub-...ce Length (M) Width (M) General

Map Reference Description of Routes

Map Reference	Description of Routes	Nature Of Sub-...ce	Length (M)	Width (M)	General
051 SE 10NE / 1509	Bridleway known as Sycamore Land and Tenter Hill Road commencing at its junction with Spring Wood Road and proceeding in a southeasterly direction to its junction with Stoney Bank Lane at Kirkbridge Mill with (1) a branch proceeding southwestward to Sycamore Inn and (2) a branch proceeding northward to its junction with Stoney Bank Lane.	Roughly Metalled	1014	2.4	
052 SE 10NE / 1509	Footpath commencing at Tenter Hill Road and proceeding in a southwesterly direction thence southward and westward to its junction with Daleside Avenue, continuing west to Co-operative Terrace then southerly to Kirkroyds Lane.	Arable and Pasture	386	1.2	1 Wicket Gate
053 SE 10NW / 1409	Footpath commencing at its junction with New Road and proceeding east south and eastward to its junction with the Huddersfield and Woodhead County Road A6024 at Upper Fear Nought.	Ash and Metalled and Pasture	531	1.2	2 Posts 1 Stile
054 SE 10NW / 1309	Footpath along Broomy Leas and Back Lane commencing at its junction with Moor Lane and proceeding southward to Dead Man's Hole thence westward to its junction with Wickins Lane at the Sunday School.	Green Lane (Part Metalled)	1931	1.2	3 Stiles
055 SE 10NW / 1309	Footpath commencing at its junction with Path No. 54 and proceeding southeastward to its junction with Hebble Lane with a branch proceeding eastward to its junction with New Road.	Pasture	918	1.2	1 Foot Bridge 1 Notice 1 Step 5 Stiles
056 SE 11SW / 10NW / 1310	Footpath commencing at its junction with Miry Lane and proceeding in a southwesterly direction to its junction with Path No. 57 at New Dam with a branch road proceeding westward to its junction with Knoll Lane.	Metalled Pasture	306 596	1.2	1 Gap 5 Stiles
057 SE 10NW / 1309	Footpath commencing at its junction with Miry Lane at Miry Lane Bottom and proceeding in a southwesterly and westerly direction to its junction with Knoll Road with (1) a branch proceeding southward to its junction with Moor Lane at Moor Lane Farm and (2) a branch to Moor Lane at Moor Gate.	Ash and Metalled and Pasture	1223	1.2	1 Field Gate 10 Stiles
058 SE 10NW / 1309	Footpath commencing at its junction with Moor Lane and proceeding in a southwesterly direction to Wolfstone's Gardens thence southward to Town Gate at Matlock.	Arable and Pasture	1657	1.2	4 Bridle Gates 1 Foot Bridge 1 Gap 11 Stiles
059 SE 10NW / 1309	Footpath known as Ox Lane commencing at its junction with Path No. 58 and proceeding in a northwesterly direction to its junction with Moor Lane with a branch footpath proceeding northward to its junction with Moor Lane.	Pasture Roughly Metalled	403 225	1.2 1.2	1 Field Gate 1 Gap 1 Step 2 Stiles
060 SE 10NW / 1309	Footpath commencing at its junction with Path No. 58 and proceeding in a southwesterly direction to its junction with Wolfstones Road.	Pasture and Part Metalled	691	1.2	2 Field Gates 3 Stiles 1 Wicket Gate
061 SE 00NE / 0707	Footpath commencing at its junction with the Greenfield Road A635 and proceeding in a northwesterly direction to the Colne Valley Boundary.	Soil	129	1.2	
062 SE 00NE / 0907	Bridleway commencing at its junction with the Greenfield Road A635 and proceeding northward to the Meltham Boundary.	Roughly Metalled	161	2.4	

FORM 2

HIGHWAYS ACT 1980, SECTION 130A(6)(a)

NOTICE BY A LOCAL HIGHWAY AUTHORITY TO PERSONS WHO MAY BE RESPONSIBLE FOR AN OBSTRUCTION

OBSTRUCTION AT Public footpath Holmfirth 60, OS grid reference SE 126 091, near its junction with Wolfstones Road, by mechanically operated gates

To: [redacted] of [redacted]  
[redacted]

Notice has been served on this authority under section 130A(1) of the Highways Act 1980 to secure the removal of an obstruction from a highway. It appears that you may be for the time being responsible for the obstruction [note 1].

The status and location of the highway, the location of the obstruction and a description of the obstruction are set out below :

Public footpath Holmfirth 60, OS grid reference SE 126 091, near its junction with Wolfstones Road, Mechanically operated gates.

This authority proposes to take the following action in relation to the obstruction:

Following dialogue, the above-named person responsible has stated an intention to disconnect the said mechanical gates, to open them, and has assured the council in writing that the said gates will remain open from Tuesday 11 December 2018. In those circumstances, with the gates secured open and public passage clear of physical impediments over footpath 60 at all times, the council does not currently propose any formal action in relation to the reported obstruction, but reserves its position.

Your attention is drawn to the notes below which include, at note 2, the action you should consider on receipt of this form.

Signed ... [redacted] .....  
Date 7 December 2018  
On behalf of Kirklees Council

[redacted]  
(Authorised principal technical officer)

Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield,  
HD1 6LG

Tel: 01484 221000 extension: [redacted]

## NOTES

### General:

This form gives notice to those, who appear to be for the time being responsible for an obstruction, that notice has been given to the local highway authority to enforce their duty to remove the obstruction. It also gives notice of the action that the authority propose to take to secure the removal of the obstruction.

The guidance booklet "Removal of obstructions from highways: enforcement of local authorities' duty to prevent obstructions on rights of way" PB9193, obtainable from Defra Publications, Admail 6000, London SW1A 2XX, sets out the relevant legislation relating to this notice (sections 130A to 130D of the Highways Act 1980).

1. The persons for the time being responsible for an obstruction include—
  - (a) the owner; and
  - (b) any other person who for the time being has possession or control of it, or who may be required to remove it (section 130A(7) of the Highways Act 1980).
  
2. On receipt of this form:
  - if you are the person responsible for the obstruction, you should remove it and inform the local highway authority; or
  - if you consider that you should not have been served with this form (e.g. because you are not responsible, or the obstruction has been removed or you think that this legislation does not otherwise apply) you should write to, or contact, the local highway authority. You may consider that you should seek advice.



FORM 3

HIGHWAYS ACT 1980, SECTION 130A(6)(b)

NOTICE BY A LOCAL HIGHWAY AUTHORITY, TO A PERSON WHO SERVED NOTICE IN FORM 1, THAT THE AUTHORITY HAVE SERVED NOTICE IN FORM 2

OBSTRUCTION AT Public footpath Holmfirth 60, OS grid reference SE 126 091, near its junction with Wolfstones Road, by mechanically operated gates

To: [REDACTED]

Address: [REDACTED]

On 8 November 2018 you served notice in Form 1 on this local highway authority to secure the removal of an obstruction.

This notice is to inform you that notice in Form 2 was served on the following persons who it appears may be for the time being responsible for the obstruction:

[REDACTED]

The authority propose to take the following action in relation to the obstruction:

Following dialogue, the above-named person responsible has stated an intention to disconnect the said mechanical gates, to open them, and has assured the council in writing that the said gates will remain open from Tuesday 11 December 2018. In those circumstances, with the gates secured open and public passage clear of physical impediments over footpath 60 at all times, the council does not currently propose any formal action in relation to the reported obstruction, but reserves its position.

Signed ... [REDACTED] .....

Date [REDACTED] per 2018

On behalf of Kirklees Council

[REDACTED]

(Authorised principal technical officer)

Definitive Map Officer – Public Rights of Way  
Streetscene & Housing Service  
Kirklees Council, Flint Street, Fartown, Huddersfield,  
HD1 6LG

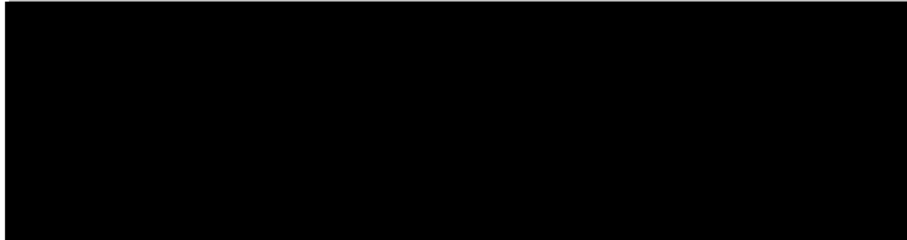
Tel: 01484 221000 extension: [REDACTED]

FORM 1

HIGHWAYS ACT 1980, SECTION 130A(1)

NOTICE REQUESTING A LOCAL HIGHWAY AUTHORITY TO SECURE  
THE REMOVAL OF AN OBSTRUCTION

Kirklees Council .....



hereby request you to secure the removal of the obstruction described below.  
Status of the highway

- Footpath      Bridleway
- restricted byway      byway open to
- all  traffic (BOAT)
- Description of the obstruction . . . .Mechanical security gates. ....

Location of the highway and of the obstruction . . . Holmfirth Footpath 60  
Wolfstone Heights SE 126 091

The date when I encountered the obstruction was: . . . . .7/8/2018 . . . . .

It appears to me that the following person(s) may be for the time being responsible  
for the obstruction

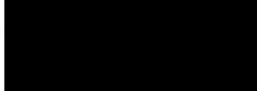
Name 1: . . . . .Not known . . . . .

Address: . . . . .

Name 2: . . . . .

Address: . . . . .

OR I do not know who may be responsible.

Signed . 

Date 

Information is available in large print, braille,  
audio tape or pc disk on request

Flint Street  
Fartown  
Huddersfield HD1 6LG  
West Yorkshire

**HIGHWAYS SERVICE**  
Policy & Planning Manager

Please contact:

[REDACTED], tel: 01484 22 [REDACTED]

Fax:

01484 225599

Text phone for deaf people:

01484 225531

Our Ref: 872/6/60/AL 4906/ALF  
Your Ref: None

Date: 21 NOV 2000

[REDACTED]  
Council Offices  
Huddersfield Road  
Holmfirth  
West Yorkshire  
HD7 1JP

Dear [REDACTED]

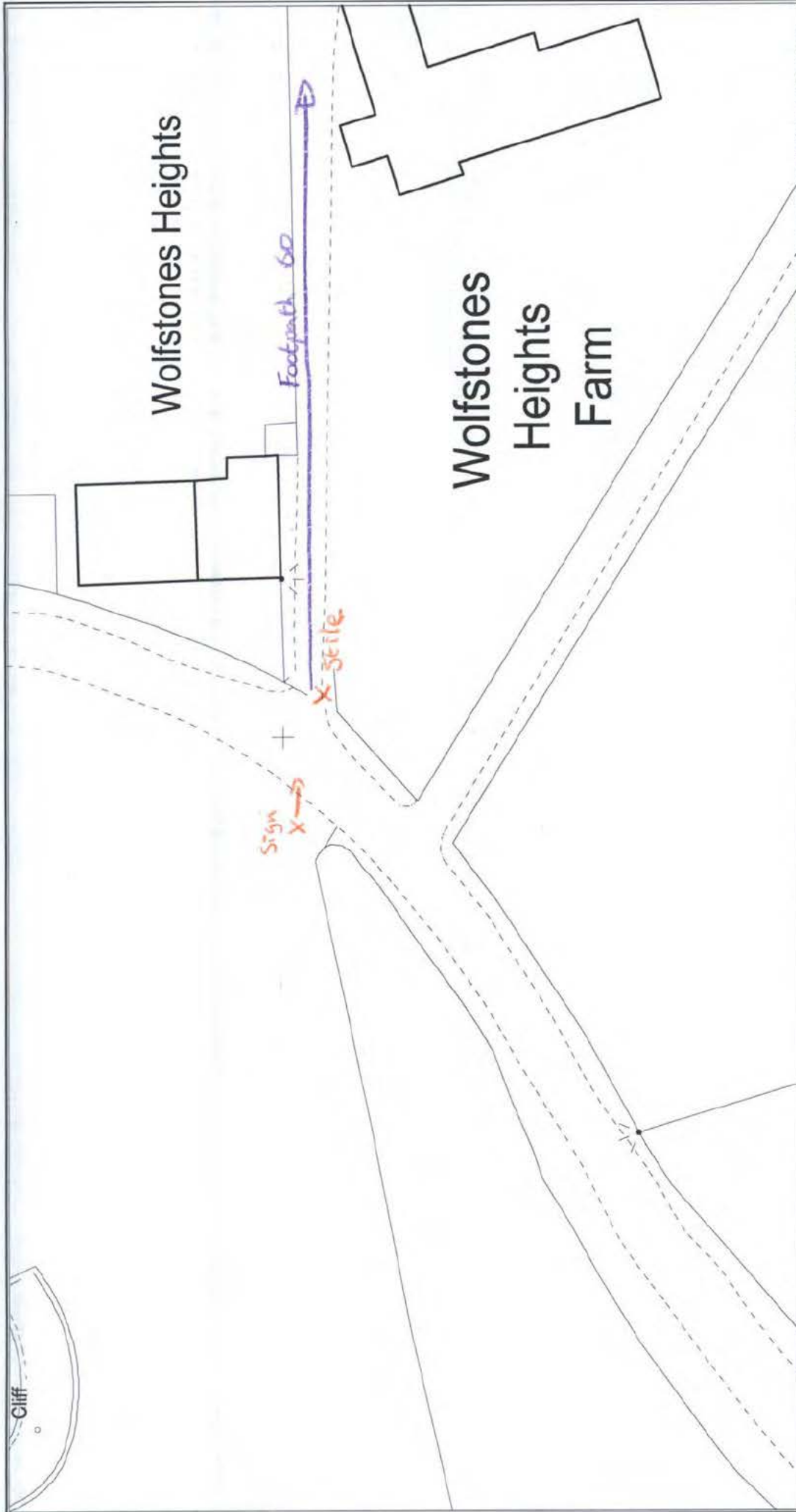
**HOLMFIRTH PUBLIC FOOTPATH 60**  
**WOLFSTONES HEIGHTS, UPPERTHONG**

Further to your letter of 26 October 2000 concerning the above. I can confirm that this particular footpath does have a 'Public Footpath' sign. Although the footpath is gated there is a stone stile to one side of the gate.

For your information I enclose a plan showing the location of the sign and stile. I trust this is helpful.



Yours sincerely

[REDACTED]  
[REDACTED]  
on behalf of [REDACTED]  
Chief Engineer, DC



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 <b>Kirklees</b> METROPOLITAN COUNCIL	Project	
	Scale	1:500
HIGHWAYS SERVICE  Head of Services Flint Street, Fartown, Huddersfield, HD1 6LG	Drawn	Checked
	Section	PROW
Title		Date
		20th November 2000
Dwg/Ref.No.		

**NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.**

Part IV. Public Rights of Way—Ascertainment of footpaths, etc.

Schedule to accompany Map No. 260 S.W. 260 S.E. 272 N.W.

HOLMFIRTH U.D.C. Council. Parish of HOLMFIRTH

Serial Number of Path as shown on Map.	Type of path, e.g. footpath, bridleway, or Road used as public path.	Name of Path (if any).	Starting Point of path.	Ultimate destination of path.
240	Footpath	None	Footpath 239 N. of Netherthong Reservoir	Wolfstones Road.

Concise information to be given here about features occurring on the path, including the nature of obstructions, the full wording of notice boards or direction posts, the nature of damage or of repairs required, particulars of the stiles and gates and any symbols shown on the Map which require further explanation.

Fieldgate 504-515, Stile 515 into Ox Lane, Gap Ox Lane to 84. Fieldgate 84-82. Stile 82-1315. Wicket gate 1315-1332. Stile 1332-1333, 1333 into C.R.B. leading into Wolfstones Road.

Ordnance Map 1932 Edition. 25". Sheet 260/15. 1931 Edition. 25". Sheet 272/2.  
1932 " 25". " 260/14.

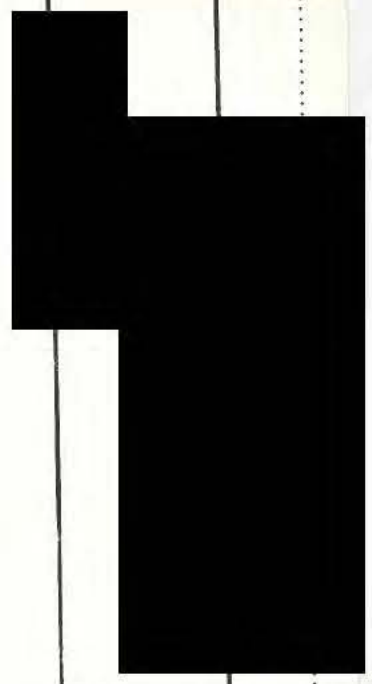
Concise information to be given here as to the average width and general condition of the path (particularly whether it is metalled or ploughed).

3ft. to Carriage Road ~~to~~ Bridleway leading to Wolfstones Road. Condition fair. Natural surface to C.R.B. then metalled.

Reasons to be given here for believing the path to be public, e.g. "Awarded," "Repaired at Public Expense (with date)," or "Uninterrupted user by public for — years," as the case may be, together with particulars of any documentary evidence referred to or producible in support.  
Uninterrupted user by public for 50 years.

Please state here names and addresses of the persons who carried out the survey, and the date on which it was carried out.

██████████ Council Offices, Holmfirth.  
September, 1950.



Date 30 Dec 1950 Clerk

**From:** [REDACTED]  
**To:** [Russell Earnshaw](mailto:Russell.Earnshaw@kirklees.gov.uk)  
**Subject:** RE: Holmfirth 60 - footpath diversion application  
**Date:** 25 October 2018 15:08:00  
**Attachments:** [image001.jpg](#)

---

Hello

Further to my email of the 12 October, please find below a redacted comment that was not included in that email :-

“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}. **Note : the Parish Council cite one of the responses I have already included in my email of 12 October**) to your colleague, [REDACTED]”

The 2 redactions are by Kirklees Council.

Sorry for not including this response earlier.



Assistant Definitive Map Officer

Public Rights of Way, Flint Street, Fartown, Huddersfield HD1 6LG

☎ 01484 221000 and ask for [REDACTED] or ext no [REDACTED]

✉ [REDACTED]@kirklees.gov.uk

🌐 [www.kirklees.gov.uk/rightsofway](http://www.kirklees.gov.uk/rightsofway)



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**From:** [Karl Battersby](#)  
**To:** [REDACTED]  
**Subject:** RE: Footpath 60 - Wolfstones Road  
**Date:** 19 May 2020 14:25:00  
**Attachments:** [image001.png](#)

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Sorry, I will re send to the right person this time.

Karl Battersby  
Strategic Director, Economy and Infrastructure  
Kirklees Council  
Email; [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)  
Mob: [REDACTED]

---

**From:** Karl Battersby  
**Sent:** 19 May 2020 14:25  
**To:** [REDACTED]@kirklees.gov.uk>  
**Subject:** RE: Footpath 60 - Wolfstones Road  
Noel have you got 5 minutes to discuss please.  
Karl Battersby  
Strategic Director, Economy and Infrastructure  
Kirklees Council  
Email; [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)  
Mob: [REDACTED]

---

**From:** [REDACTED]@kirklees.gov.uk>  
**Sent:** 19 May 2020 14:22  
**To:** Noel Scanlon <[noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)>  
**Cc:** [REDACTED]; Karl Battersby <[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>; Sue Procter <[sue.procter@kirklees.gov.uk](mailto:sue.procter@kirklees.gov.uk)>  
**Subject:** RE: Footpath 60 - Wolfstones Road

Dear Noel,

As you are aware the gates go across a public right of way, and as such are an unauthorised obstruction if closed.

Under the guidance issued by Defra in response to C19 there is no mechanism to close routes, however it is possible for landowners to offer alternative routes that user may choose to follow, and there is signage ( already supplied by Kirklees to support this.) Which I understand is in place, and from the narrative supplied by [REDACTED] is in use by at least some users of the route.

We have received a complaint about the route being blocked – and notwithstanding any previous discussions on shielding and response times we are obliged to respond to this, the first stage of this response is a discussion with the landowner to remove the obstruction. If this is not done then the matter may be escalated, to a more formal footing, I sincerely hope this can be avoided.

Whilst it may not seem it I do have sympathy with [REDACTED] circumstances, however unless I am advised otherwise the flexibility available to the highways authority is limited in regard to this matter.

I have cc'd in my operational and strategic directors so they can have visibility of this, in case of escalation beyond myself.

Regards

[REDACTED]

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**From:** Noel Scanlon <[noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)>

**Sent:** 19 May 2020 14:05

**To:** [REDACTED]@kirklees.gov.uk>

**Cc:** [REDACTED]

**Subject:** Footpath 60 - Wolfstones Road

Dear [REDACTED]

I understand that you have phoned [REDACTED] on something to do with the the 'gates' and 'action' on something to do with the current footpath. [REDACTED] has phoned me for assistance.

So that I can hopefully help quickly all round, what is the problem please?

Many thanks in advance.

Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



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**From:** [Karl Battersby](#)  
**To:** [Noel Scanlon](#); [REDACTED]  
**Cc:** [REDACTED]; [Sue Procter](#)  
**Subject:** RE: Footpath 60 - Wolfstones Road  
**Date:** 21 May 2020 08:56:00  
**Attachments:** [image001.png](#)

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Just one point Noel. We can't make an emergency closure order under public health grounds. We did consider this early doors in some detail, and took advice on the matter.

Regards.

Karl Battersby

Strategic Director, Economy and Infrastructure

Kirklees Council

Email; [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

Mob: [REDACTED]

---

**From:** Noel Scanlon <noel.scanlon@nsconsult.co.uk>

**Sent:** 20 May 2020 18:22

**To:** [REDACTED]@kirklees.gov.uk>

**Cc:** [REDACTED] Karl Battersby  
<Karl.Battersby@kirklees.gov.uk>; Sue Procter <sue.procter@kirklees.gov.uk>

**Subject:** Re: Footpath 60 - Wolfstones Road

[REDACTED]

Karl Battersby has phoned me today, which was helpful.

I now understand that you have been contacted, likely by the Peak and Northern Footpath Society ('PNFS') regarding alleged closed gates, but you have not yet received a formal 'Form 1' as described in my email below.

However, I understand from Karl that one might be imminent, which is why the PNFS has contacted you and which is why you had subsequently contacted [REDACTED], so thank you for that. It is helpful.

When/if that Form 1 lands from the PNFS or whomsoever, you/the Council are required to send a 'Form 2' to [REDACTED] as the landowner in an attempt to secure removal of the alleged obstruction. You then have to send 'Form 3' to the PNFS to explain what you have done and what you have requested, if anything.

You rightly state that the Council's options become less flexible on receipt of a 'Form 1'. However, it would be wrong to state that the Council does not have any options here and, in these circumstances, it can actually take a legitimate 'do nothing' approach at present.

Were the Council so minded, it could state on Form 2 that it will not take any action at this time due to safety concerns of the landowner due to C19, which has been conveyed to the Council. Very respectfully and without wishing to pick unnecessary battles, we don't agree that there is no legal mechanism for the Council to close footpath routes due to C19. The Council does have legal powers to make closures where there is a potential danger to the public. Perhaps you might wish to revisit this in light of information previously provided by [REDACTED] to both [REDACTED] and Karl.

In the alternative, should you decide against a do-nothing option, notwithstanding the width of the driveway/gates, the Council can only enforce four (4) feet (i.e. 120cm) of footpath width, which [REDACTED] [REDACTED] has also conceded previously. The PNFS will probably not receive that well, but it is a legal fact.

There are two gates as the path terminates on Wolfstones Road, both of which exceed four feet in width. The northernmost gate can be left open permanently.

All that we would ask is that you allow a sufficient and reasonable amount of time if this is required. The gates are electric and need to be disconnected/removed by an engineer, who will require some time to be commissioned and be able to get on site at present, for obvious reasons.

Therefore, if/when the PNFS issues a formal Form 1 to the Council, the Council can simply send a Form 2 to Richard to either:

(i) state that no action will be taken at this time due to the potential danger to public health and will make an emergency temporary closure order; or

(ii) request that the northernmost gate be left open, which provides more than the required 120cm in width for footpath 60 users.

Thank you again for the initial contact and putting [REDACTED] on notice. I don't think that [REDACTED] quite understood the reason for your call at first, but it is obvious that you were doing this to assist and facilitate, so thank you again for that. I hope that this is helpful and if/when the Council receives a Form 1 from the PNFS or whomsoever might issue one. It would seem that there are routes and options all round to deal with the situation swiftly should the PNFS issue a Form 1 to the Council in due course.

Please do feel free to ring if you would like to discuss or require any further information.

Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)

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---

**From:** Noel Scanlon

**Sent:** 19 May 2020 18:47

**To:** [REDACTED]

**Cc:** [REDACTED]; Karl Battersby; Sue Procter

**Subject:** Re: Footpath 60 - Wolfstones Road

Hello [REDACTED]

Thank you for the response.

I just need to be clear on the nature of the complaint please.

Is it a complaint through the Council's corporate complaints system? I infer that it might be given your reference to more formal footings later.

In the alternative, is it a formal complaint notice under Section 130A of the Highways Act 1980, whereby the Council has received a Form 1 under the Schedule to the Removal of Obstructions from Highways (Notices etc.) (England) Regulations 2004, formally requesting that you to liaise with the landowner to secure the removal of an alleged obstruction to a highway?

Or, is it something else?

Either way, please could you let me know and also send me the complaint, so that I can understand exactly what

is going on in order to be able to advise and to help.

I am sure that once we understand, then any situation can be dealt with quickly.

Many thanks in advance.

Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

Tel: ██████████

Email: [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



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[The following text is redacted with black bars]

**From:** [Karl Battersby](#)  
**To:** [Noel Scanlon](#); [REDACTED]  
**Subject:** RE: Footpath 60 - Wolfstones Road  
**Date:** 16 June 2020 09:46:00  
**Attachments:** [image001.png](#)

---

Noel, its 25-27<sup>th</sup> 2021. They put it back a year.

Regards

Karl Battersby

Strategic Director, Economy and Infrastructure

Kirklees Council

Email; [karl.battersby@kirklees.gov.uk](mailto:karl.battersby@kirklees.gov.uk)

Mob: [REDACTED]

---

**From:** Noel Scanlon <[noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)>

**Sent:** 16 June 2020 09:44

**To:** [REDACTED]@kirklees.gov.uk>

**Cc:** Karl Battersby <[Karl.Battersby@kirklees.gov.uk](mailto:Karl.Battersby@kirklees.gov.uk)>

**Subject:** Re: Footpath 60 - Wolfstones Road

Dear [REDACTED]

#### **Gate Closure**

I was just checking in. [REDACTED] has made arrangements to leave to northernmost gate leaf open as you requested, so the legal footpath is unimpeded. [REDACTED] has not received anything further from either yourselves or anyone else. I am therefore working on the basis that no further formal or other representation has been received by the Peak and Northern Footpaths Society, Ramblers Association, etc., or anyone else

Please could you confirm that as a result, the situation is now at a satisfactory position from the Council's perspective.

#### **Motor Sport Festival Works**

In addition, it has been noted that significant road surfacing works appear to have been taking place on Wolfstones Road and in the area generally. I infer that this has arisen out of the postponed and hopefully now impending Motor Sport Festival. Please could I ask, when will that now be taking place and are the footpaths in the area likely to be temporarily closed for that? Also, are spectators going to be allowed to view that event from the verges at the sides of the roads?

Please could you confirm. Many thanks in advance.

Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)



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**From:** Noel Scanlon

**Sent:** 25 May 2020 11:53

**To:** [REDACTED]

**Cc:** Karl Battersby; Sue Procter; [REDACTED]

**Subject:** Fw: Footpath 60 - Wolfstones Road

Dear [REDACTED]

Thank you for your call to me on Friday 22nd and the 'heads up' that you believe that the Council is about to be issued with a 'Form 1' to secure removal of an alleged obstruction.

I noted what you said regarding leaving the northernmost gate leaf (i.e. the one on the right, looking up the footpath towards Wolfstones Road) open. I managed to speak with [REDACTED] at the weekend on this.

As a goodwill gesture and given his relationship with the Council, [REDACTED] has asked me to convey that [REDACTED] will leave the said northernmost gate leaf open. It will take several days to commission this, as it requires the assistance of an engineer. Given the C19 situation, the Bank Holiday and the difficulty in commissioning the right people, [REDACTED] would just ask for a modicum of patience from the Council on that, whilst stressing that [REDACTED] is on to this.

However, this up-front gesture is on the basis that the 'Form 2' which you will have to serve on [REDACTED] and the 'Form 3' that you will have to serve back on the Form 1 purveyors, requests just that: that the northernmost gate leaf as described, is left open. Nothing more.

In this way, the alleged obstruction is removed and the required (in fact more than required) 1.2m/4' width of legal footpath is unobstructed.

In the alternative, as described, it is still within the legal powers of the Council to issue a 'do nothing' notice, on the grounds of public safety at this particular time, but I infer from your call that this is surprisingly not something that the Council is willing to support, for reasons unknown.

I have on that note passed on your suggestion regarding signage regarding vulnerable persons and useable permissive path diversion, etc. Thank you for that, it is helpful.

I trust that this assists. Thank you again for the heads up and again, this movement deals with a problem before it even arises and this therefore becomes nothing more than an administrative exercise for the Council.

Kind regards

Noel

**Noel Scanlon**

**Director & Consultant**

**NSCL**

**Tel:** [REDACTED]

**Email:** [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)