

Wolfstones Holmfirth Footpath 60 Peak & Northern Footpaths Society. 2278 zip file notes.
12/12/2020

Reference is made to information provided by Kirklees Council in 2278 zip file. The full files are provided in support of the PNFS claim to vary the width of Holmfirth Footpath 60. Highlighted below are some key points but please take into account all the information. The council likely has further detailed information on file and with those officers involved which should be investigated.

Information in 2278 zip file is redacted but is, given the context, between [REDACTED] and council officers. Obviously the council has access to unredacted documents and can confirm this is the case.

1. Email dated 2nd November 2018 at 18.36 From [REDACTED] to [REDACTED] [REDACTED] on the gates subject to notice ***“Those gates and that stile 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”***. The gates cross the full width of Holmfirth 60 being claimed ie 4 metres at this point. According to [REDACTED] 2nd November 2018 email to [REDACTED] Footpath 60 can be accessed via a stile on the South of the gates (when closed) which clearly gives access to the full 4 metre width. It would seem from this & other correspondence from [REDACTED] (see below) that [REDACTED] believes the stile to the South of the gates is part of Holmfirth Footpath 60, along with both gates and that public use is over the full 4 metre to 3 metre width on the ground. At no point in the correspondence does is any claim made that the public are confined to a 1.2 metre width to the north side of the 4 to 3 metre width used on the ground
2. A letter & plan from Kirklees Council to Holme Valley Council dated 21st November 2000 ref 872/6/60/ AL4906 ALF confirms this arrangement.
3. Email 3rd December 2018 at 13.49 From [REDACTED] to [REDACTED] [REDACTED] [REDACTED] advises ***“That aside, as I have clearly stated, these gates and side stile pre-date us. Of that there is no question”*** Again he is very clear that the gates are over Footpath 60 but access is via the stile to the South of the gates if the gates are closed. This gives access to the full 4 metre width. He goes on to say that ***“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”***. This confirms access to the South of the gates and to the full 4 metre width.
4. Email dated 4th December 2018 at 10’56 From [REDACTED] to Karl Battersby, Kirklees. [REDACTED] advises ***“I’m asking not to indulge them taking into account the fact that the gates have been in situ from over 24 years ago without any issue and there is a stile in place!”*** Again he is clear that the gates are across Footpath 60 and a stile to the South side gives access. This arrangement gives access to the full 4 metre width of Footpath 60.

5. Email dated 4th December 2018 at 17.21 From Karl Battersby Kirklees Strategic Director to [REDACTED] Mr Battersby advises [REDACTED] as follows ***“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.”*** Mr Battersby, a very senior Kirklees Director is clear that the gates are across footpath 60 and that the full width must be available to the public. The gates are 4 metres wide. There is no discussion of the 1.2 metre width recorded in the statement nor of footpath 60 being confined to the North side of the 4 metre width. Clearly Kirklees believe both gates are obstructing footpath 60 and [REDACTED] believes the full width between boundaries through [REDACTED] property (4 to 3 metres) is footpath 60 and that the stile to the South of the gates forms part of footpath 60
6. Email dated 7th December 2018 at 10:32 From [REDACTED] to Karl Battersby, Kirklees. [REDACTED] agreement to disconnect both the gates on Holmfirth Footpath 60 and keep them open. This provides access to the full 4 metre width on the ground.

From the above it is clear that [REDACTED] accepts both gates are across Holmfirth Footpath 60 and that the stile to the south of the path gives access to the path when the gates are closed. This arrangement has been in place for at least 25 years (point 1. above) if not much longer. During this time public access on Holmfirth 60 has not been confined to a 1.2 metre strip on the north side of the 4 to 3 metre width. The public have used the full 4 to 3 metre width.