

Name of meeting: Planning sub-committee (Huddersfield Area)

Date: 22 February 2018

Title of report: Application for a definitive map modification order to add a public footpath to the definitive map and statement, Cellars Clough, Marsden.

Purpose of report: Members are asked to consider the evidence and decide on any requisite modification of the definitive map and statement of public rights of way. An application has been received for a definitive map modification order to record a public footpath.

Members are asked to make a decision on making an order and forwarding any order made to the Secretary of State, if opposed.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not applicable If yes also give date it was registered
The Decision - Is it eligible for call in by Scrutiny?	No – council committee
Date signed off by <u>Director</u> & name	Karl Battersby 12 February 2018
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	James Anderson on behalf of Debbie Hogg 12 February 2018
Is it also signed off by the Service Director (Legal Governance and Commissioning)?	Julie Muscroft 9 February 2018
Cabinet member portfolio	N/A

Electoral wards affected: Colne Valley

Ward councillors consulted: Cllrs. Bellamy, Turner, Walker.

Public or private: Public

1. Summary

- 1.1 The council received an application (at App A, with KC identifying plan App A1) from Peak & Northern Footpath Society (“PNFS”) on 15 April 2009 for an order to modify the definitive map and statement of public rights of way to record a public footpath from both points A and B at the Huddersfield Narrow Canal, via point C to point D at public footpath Colne Valley 181 at Cellars Clough, as shown on the plan at App A and App A1.
- 1.2 The area is located around Ordnance Survey grid reference SE 054123.
- 1.3 The council has received 34 user evidence forms. These forms are generally used by witnesses to describe their personal knowledge and experience of routes. This user evidence is appended as a summary and time line at App C, along with a plan indicating the various path points identified by witnesses. Please note that the location points in the evidence are described as A-G and are not the same shown in the Plan appended at App A1.
- 1.4 The council has received 34 witness (user evidence) forms relating to this application. (“UEF”). These describe use on foot, variously between prior to 1950 and 2009 at the time of the application. The majority of those user witnesses describe their individual use over decades. The council has also received a statutory declaration about public user / access at the site along the application routes from the former Cellars Clough mill manager (from 1980) who was employed there originally in 1955 and whose father was mill manager before him.
- 1.5 The council has received written representations from the landowner Cellars Clough Properties Ltd. (“CCPL”) via its solicitor, denying the existence of public footpath rights over the land and opposing the application (at App B).
- 1.6 A plan showing ownership is at App D.
- 1.7 Officers were also contacted by CCPL, indicating that fishing takes place at mill ponds on the land, previously through a fishing club (Cellars Clough Fishery) and now, via day licence use from CCPL. The landowner has indicated that public access, and access with dogs would affect this use of the site. CCPL stated that gates had been locked at the site and notices displayed that the land was private.
- 1.8 The council is yet to receive any written evidential submissions from the landowner, but will update sub-committee members if this changes.
- 1.9 The Public Rights of Way unit was contacted on 12 May 2009 by the council’s Marsden Information Point staff regarding a number of signs that had been erected stating, *“the fishermen have put up private property, no public access, no public right of way signs all along the path - these are red metal signs.”*
- 1.10 That 2009 report about signs was after the DMMO application date.

- 1.11 The applicant wrote to the council stating that gates had been locked across the way in March 2016, asking for the application's priority score to be reviewed as a result of the claimed way now being obstructed to prevent public access. PNFS 2016 photos and letter at App E.
- 1.12 This is also after the application date.
- 1.13 Officer photos of the claimed routes taken in 2015 are appended at App G.
- 1.14 At the time of the application, the land was owned by Smith Developments Ltd, which went into receivership. Before going into receivership, Smith Developments' solicitor wrote to the council, upon being served notice of the application by the applicant in April 2009, to note their client's objection to the modification of the definitive map. (App B)
- 1.15 The land was subsequently owned by Richmond Residential and Commercial PLC, whose ownership appears to be common with CCPL.
- 1.16 The applicant, PNFS, has submitted a statutory declaration from the former manager of the site, which is appended at App F, as well as user and other personal evidence.
- 1.17 The council should identify a date when the use of the route was brought into question. There appears to be some dispute demonstrated by the conflicting evidence regarding this, which may not be settled until after a public inquiry, but it appears that heightened concerns regarding the erection of signs and conflict between some anglers and some walkers in early 2009 prompted PNFS's application in April 2009, along with some local concern, which may lead to consideration of a period of 1989-2009 for the purposes of assessing any potential statutory presumption of dedication of a public right of way. If it is shown that use of the way brought into question before that date then an earlier 20 year period would apply.
- 1.18 Locked gates in two locations blocking pedestrian access across the width of the route, with no bypass (e.g. by squeeze stile) were reported to the council by the applicant in 2016. This would be after the date of application.
- 1.19 It may be considered that some earlier action prior to 2009 brought the use of the way by the public into question, and choosing an earlier date may be appropriate regarding any section 31 consideration of the date from which to work out the relevant user. It may be that this would be clarified only after more detailed examination of the evidence, such as in cross-examination at public inquiry, were one to take place.
- 1.20 The council has to determine the definitive map modification order application. The council must consider the available evidence, before reaching a decision on making any requisite order to modify the definitive map and statement.

- 1.21 If the council makes an order, it must be advertised and notice given, with a period for formal objections to be made. If opposed, it would have to be submitted to the Secretary of State at DEFRA to determine.
- 1.22 Even though the application is for a public footpath to be recorded, the council must decide what, if any, rights have been shown to satisfy the relevant test(s). This means that the council may make a different order or none at all, after appropriate consideration of the available evidence.
- 1.23 The evidence and comments of the landholders and anyone objecting to the application and any recording of any public right of way are to be noted as well as those describing use and wishing to see a way recorded.
- 1.24 When considering additions to the definitive map and statement of public rights of way, the council must make an order
 - 1.24.1 If a public right of way is shown to subsist on the balance of probabilities, or
 - 1.24.2 if the right of way is shown to be reasonably alleged to subsist.

2. Information required to take a decision

- 2.1 Members are asked to consider the report and the available evidence for and against the recording of public rights, and decide what order, if any, to make.
- 2.2 It is the council's statutory duty to maintain the definitive map and statement and make any requisite orders.
- 2.3 Guidance for members is appended (Appendix 1).
- 2.4 The application is made under the Wildlife & Countryside Act 1981.
- 2.5 The council should consider the available evidence and make an order to modify the record of public rights of way when it is requisite in accordance with section 53 of the Wildlife & Countryside Act 1981.
- 2.6 The statutory provision in Section 53(3)(b) (WCA81), requires the Surveying Authority (Kirklees Council) to modify the Definitive Map and Statement following: *"the expiration in relation to any way in the area to which the map relates of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway."*
- 2.7 Section 53 (3) c (i) requires the council to make an order to modify the definitive map when evidence is discovered which shows *"that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;"*.

- 2.8 Unrecorded public rights of way may come into being in a number of different ways, such as a result of a legal event such as a creation or diversion. Further, Section 53(3)(b) of the 1981 Act requires the Council to modify the Definitive Map and Statement on expiration of any period of public use if it can be shown that the public have used the path for a sufficient length of time to raise a presumption that the path has been dedicated as a public path. This presumption, detailed in the Highways Act 1980 section 31, states “*where a way over any land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of 20 years the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it*”. In identifying a relevant 20 year period for the purpose of section 31, we have to work retrospectively from this date of challenge.
- 2.9 The 20 year period is taken to run backwards from the date when the use of the path was first “brought into question”, whether by a notice or otherwise (HA Section 31 (2)). Section 69 of The Natural Environment and Rural Communities Act 2006 (NERC) clarified that the submission of an application to modify the Definitive Map was sufficient to call the use of the route into question by inserting subsections 7A and 7B into Section 31 HA 1980.
- 2.10 Section 31 states that only ways that are capable of being public highways are able to be considered under the statutory test. In the case of Moser v. Ambleside U.D.C. (1925) 89 J.P.L. 118, it was determined by Lord Justice Atkins that:
- 2.11 “*One of the first questions that one always has to enquire into in such a case as this is from whence does the highway come and whither does it lead? It has been suggested that you cannot have a highway except in so far as it connects two other highways. That seems to me to be too large a proposition. I think you can have a highway leading to a place of popular resort even though when you have got to the place of popular resort which you wish to see you have to return on your tracks by the same highway*”.
- 2.12 In Kotegaonkar v SSEFRA (2012) EWHC 1976 (Admin), Mr Justice Hickinbottom looked at the establishment of public rights of way, particularly regarding a route not connecting to an existing highway. At paragraph 72 he concluded “*In my judgment, to be a highway, it is insufficient for a way to be linked to a place to which “the public would have a reasonable expectation to go” or “a place to which the public may resort”, as the Inspector considered to be the case: a highway, by definition, requires to be linked to a highway or to other land to which the public*

have a right of access.” That decision described the consideration of the existence and establishment of *cul-de-sac* public highways

2.13 [http://www.bailii.org/cgi-](http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2012/1976.html&query=kotegaonkar&method=boolean)

[bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2012/1976.html&query=kotegaonkar&method=boolean](http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2012/1976.html&query=kotegaonkar&method=boolean)

- 2.14 The Committee must consider whether there is sufficient evidence to raise the presumption of dedication. The standard of proof is the civil one that is the balance of probabilities. Members must weigh up the evidence and if, on balance, it is reasonable to allege that there is a public right of way, then the presumption is raised. The onus is then on the landowner to show evidence that there was no intention on his/her part to dedicate. This must be by some overt act on the part of the landowner to show the public at large that there was no such intention.
- 2.15 Such evidence relied upon may consist of notices or barriers, or by locking of the way on one day in the year, and drawing this to the attention of the public, or by the deposit of a Statutory Declaration under HA Section 31 (6) to the effect that no additional ways (other than any specifically indicated in the Declaration) have been dedicated as highways since the date of the deposit.
- 2.16 “Intention to dedicate” was considered in *Godmanchester, R (on the application of Godmanchester Town Council) (Appellants) v. Secretary of State for the Environment, Food and Rural Affairs (Respondent) [2007] UKHL 28*, which is the authoritative case dealing with the proviso to HA80 s31. In his leading judgment, Lord Hoffmann approved the obiter dicta in the ruling of Denning LJ in *Fairey v Southampton County Council [1956]* who held “*in order for there to be ‘sufficient evidence there was no intention’ to dedicate the way, there must be evidence of some overt acts on the part of the landowner such as to show the public at large – the people who use the path...that he had no intention to dedicate*”.
- 2.17 Lord Hoffmann held that “*upon the true construction of Section 31(1), ‘intention’ means what the relevant audience, namely the users of the way, would reasonably have understood the owner’s intention to be. The test is...objective: not what the owner subjectively intended nor what particular users of the way subjectively assumed, but whether a reasonable user would have understood that the owner was intending, as Lord Blackburn put it in Mann v Brodie (1885), to ‘disabuse’ [him] of the notion that the way was a public highway*”.
- 2.18 For a landowner to benefit from the proviso to s31(1) there must be ‘sufficient evidence’ that there was no intention to dedicate. The evidence must be inconsistent with an intention to dedicate, it must be contemporaneous and it must

have been brought to the attention of those people concerned with using the way. Although s31 ss (3), (5) and (6) specify action which will be regarded as “sufficient evidence”, they are not exhaustive; s31 (2) speaks of the right being brought into question by notice “or otherwise”.

- 2.19 Dedication of a public path at Common Law should also be considered. The main principles of establishing a highway under common law are:
- 2.19.1 Use by the public should be as of right; without force, secrecy or permission.
 - 2.19.2 The landowner should know of the use but do nothing to prevent it. No minimum period of use is required (unlike the statutory process where a minimum of 20 years is required).
 - 2.19.3 The more intensive and open the use and the greater the evidence of owners knowledge and acquiescence the shorter the period required to raise a presumption that the way has been dedicated.
 - 2.19.4 Each case is judged on the facts available.
 - 2.19.5 The onus of proof lies with the person making the claim to show that there was use and that the owner knew of it and did nothing to stop it.
- 2.20 In considering the addition of unrecorded footpaths, there are two tests to be applied, as identified in the case of R v Secretary of State for the Environment ex parte Mrs J Norton and Mr R Bagshaw, and clarified in the case of R v Secretary of State for Wales ex parte Emery.
- 2.20.1 Test A: Does a right of way subsist? This requires clear evidence in favour of public rights and no credible evidence to the contrary.
 - 2.20.2 Test B: Is it reasonable to allege that a right of way subsists? If there is a conflict of credible evidence but no incontrovertible evidence that a right of way cannot be reasonably alleged to subsist, then a public right of way has been reasonably alleged.
- 2.21 For information and clarity, officers would note that if the council were to make a decision to make an order adding a public right of way only on the basis of Test B, members may note that the public rights of way provisions of the Deregulation Act 2015, which are yet to come into force, will remove Test B, so any such authorised order could only be made prior to commencement of any such relevant provisions. These provisions are not currently in force.
- 2.22 Section 32 of the Highways Act 1980 states “*A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any*

map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.” Whether determination is by the Inspectors appointed by the Secretary of state, the highest courts or the council as surveying authority for public rights of way, it is appropriate and correct for those deciding such matters to consider documents that form part of the available evidence, and to decide the weight of that evidence in reaching a decision.

- 2.23 Government guidance to local authorities is contained in DEFRA'S Rights of Way Circular 1/09, version 2
- 2.24 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf
- 2.25 Members are advised that if a definitive map modification order is made, which then attracts objections which are not withdrawn, the council would have to forward it to the Secretary of State at DEFRA for determination. The DMMO consistency guidelines, are issued to the Secretary of State's inspectors in the planning inspectorate
- 2.26 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/517495/Full_version_February_2016_consistency_guides_2_.pdf
- 2.27 PNFS made the application in April 2009, after concerns about access through the Cellars Clough land and reports of incidents and conflict involving some of the anglers.
- 2.28 The canal towpath is owned by the Canal & Rivers Trust. It is land that is accessible and regularly used by the public.
- 2.29 The user evidence identifies use by 34 witnesses identifying use over Cellar's Clough land between the mill and the canal. Of these, over two thirds give evidence of use for the whole period 1989 – 2009, with others' evidence including time within that period. (see App C).
- 2.30 Users noted seeing others and described use on foot, countryside walking, recreation, photography, dog walking etc. Such use would appear to be open, notorious and of a nature similar to that expected of public rights of way.

- 2.31 The submitted user evidence demonstrates regular and frequent use over many years by the public. App C shows summarised WCA8 user evidence.
- 2.32 A number of witnesses have mentioned incidents such as challenge by some fishermen and the existence of gates and signs at various points in time. Many mention, at the time of completing evidence forms in 2009, that the signs and conflict have been recent, and that passage was available around the side of gates etc. if present. It is open to question whether the anglers would have sufficient authority to challenge the public user, not being the landowner.
- 2.33 The current landowner CCPL states that the way has been subject to gates and signage. CCPL also claims that relevant notices have been posted regarding access by the public.
- 2.34 The former site manager, in his statutory declaration, reports that the site was open and available to the public for passage over the application routes and was well-used by the public over many years, and that this was quite normal and the ways being public footpaths was accepted by management of the mill.
- 2.35 The evidence discovered is contradictory and unclear, and members are reminded of the test described at 2.20.2 above for making an order where the two sides may have credible evidence but there is not incontrovertible evidence to show that no public way subsists.
- 2.36 A decision on the appropriate status of any route alleged to subsist here would have regard to the user evidence. For this route, there is bicycle as well as pedestrian user. If sufficient, the bicycle user would lead to a question of whether to record the route as a bridleway or as a restricted byway. Generally, following the decision in *Whitworth v Secretary of State for Environment, Food and Rural Affairs* [2010], it would be appropriate to record the less burdensome status to the landowner. However in this case, the route is not an historic bridleway, and there is a lack of evidence of equestrian user or sufficient bicycle user (1 user witness).
- 2.37 None of the user evidence forms describes equestrian use by witnesses, one describes their own bicycle use (1), whilst two witnesses (11 & 16) describe seeing cycling and horse-riding by others. This would appear insufficient to be indicative of the existence of public bridleway rights.
- 2.38 No evidence has been submitted describing motor vehicular use.

- 2.39 Ordnance Survey plans showing the land over the years are appended at App X (1893 - 2018). These are not demonstrative of public rights of way but indicate the physical nature of the site over the years. The physical existence of a route through the site is clear from these plans. Such plans sometimes indicate the presence of gates at certain years, but this is not evidence that any gate may have been or was locked, nor that it precluded access all of the width of the way.
- 2.40 After considering the evidence and the relevant criteria members have a number of options.
- 2.41 The first option for members is to refuse the application and to decide that the council should not make any order.
- 2.42 The second option for members is for the council to make an order to record a public right of way, and confirm it if unopposed or forward it to the Secretary of State if it is opposed.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

- 3.1.1 Providing better facilities for physical activity works towards local and national aims of healthy living.

3.2 Economic Resilience (ER)

- 3.2.1 There is an indirect impact of a welcoming environment which helps promote and retain inward investment

3.3 Improving Outcomes for Children

- 3.3.1 See 3.1.1

3.4 Reducing demand of services

- 3.4.1 See 3.5.

3.5 Other (e.g. Legal/Financial or Human Resources)

- 3.5.1 The Council has a statutory duty to maintain the formal record of public rights of way and to respond to applications and discovery of evidence of unrecorded and mistakenly recorded public rights of way.
- 3.5.2 The Council must make a decision regarding the order application and any appropriate PROW status of this route, making any order that is requisite further to Wildlife & Countryside Act 1981, e.g. section 53. In accordance

with the Council's delegation scheme, this is a decision for the sub-committee to determine.

- 3.5.3 Any person may make an objection or representation to an order modifying the definitive map and statement. If objections are not withdrawn, any order made should be forwarded to the Secretary of state at DEFRA, and likely considered by an inspector appointed by the Secretary of State, who may or may not confirm the order.

4 Consultees and their opinions

- 4.1 Ward members have been informed about the public footpath claims and have been informed of the report being brought to sub-committee.
- 4.2 Officers have contacted the landowner, statutory and local user groups, the former landowner, the receiver and the former fishery club.
- 4.3 Evidence is described above, including from the landowner, CCPL, which disputes the existence of any public right of way across its land. Officers would update members as appropriate, before committee sub-decision.

5 Next steps

- 5.1 If an order is made, it will be advertised on site and in the local newspaper. All owners and occupiers will receive a copy of the order as well as other statutory consultees. Anyone may submit written objections to the order during the relevant notice period.
- 5.2 If no one makes an objection the Council could confirm the order. If objections are made, and not withdrawn, the order has to be referred to Secretary of State DEFRA, who will decide if the order should be confirmed. This usually involves appointing an inspector to consider the evidence from all parties at a public inquiry, hearing or by exchange of correspondence.
- 5.3 If the Council does not make any order, then the applicant may appeal by way of representations to the Secretary of State who may direct the Council to make an order. [WCA 1981, Schedule 14, 3 (4)]. The applicant has 28 days to appeal after notice is served by the council of its refusal decision.

6. Officer recommendations

- 6.1 **Officers recommend that** members authorise the Service Director, Legal, Governance and Commissioning to make a definitive map modification order ("DMMO") to record a public footpath between points A and D via point C, and from points C – B shown on appended plan App A1, under section 53 (3) c (i) of the Wildlife & Countryside Act 1981.

6.2 **Officers further recommend that** if the order recommended at 6.1 above is made and is not opposed, members authorise the Service Director, Legal, Governance and Commissioning to confirm the order or in the event the order is opposed, to submit it to the Secretary of State at DEFRA to determine.

Reasons

6.3 There is significant evidence regarding public use of the route over a period of some decades, there appears to be some conflict regarding the nature and date of challenge, signs on site and physical blockage of the ways to pedestrians.

6.4 It has been established that a public right of way may have only one point on the public highway network (e.g. Colne Valley public footpath 181 before it crosses the mill reservoir near the buildings), if the other terminal point(s) lead(s) to a place of popular resort. (Moser v Ambleside U.D.C. (1925) 89 J.P.L. 118 - as described at paragraphs 2.11 – 2.12 above.

6.5 At paragraph 2.36 of the Planning Inspectorate's consistency guidelines for DEFRA inspectors, it states: "*The courts have long recognised that, in certain circumstances, culs-de-sac in rural areas can be highways. (e.g. Eyre v New Forest Highways Board 1892, Moser v Ambleside 1925, A-G and Newton Abbott v Dyer 1947 and Roberts v Webster 1967). Most frequently, such a situation arises where a cul-de-sac is the only way to or from a place of public interest or where changes to the highways network have turned what was part of a through road into a cul-de-sac. Before recognising a cul-de-sac as a highway, Inspectors will need to be persuaded that special circumstances exist.*"

6.6 It appears reasonable to consider that the canal land and its towpath form a place of popular resort.

6.7 There is available evidence of public user of the application routes over some decades and it would be reasonable to suggest that public rights may be inferred at common law. The statutory declaration by the former mill manager does not support any argument that it is incontrovertible that the ways are not public footpaths.

6.8 In this case, when considered by the criteria in paragraph 2.20.2 above, there is a conflict of evidence provided, but there is no incontrovertible evidence that a right

of way cannot be reasonably alleged to subsist. The appropriate status should be reflected in any order made.

- 6.9 In conclusion, as there is credible evidence on both sides in this case and no incontrovertible evidence that no public right of way subsists then officers consider that an Order to modify the Definitive Map and Statement should be made to record a public footpath under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 over the Cellars Clough land as shown by bold dashed lines A-C-D and B-C in appended Plan at App A1.
- 6.10 If an order is made and objections are made and which are not withdrawn, it must be forwarded to the Secretary of State to make a decision. In that event, a public inquiry may be considered by his inspector to be the preferred process to assist in a final determination of this matter, allowing for evidence to be given in person, where it would be open to cross-examination.
- 6.11 Section 53 (3) c (i) requires the council to make an order to modify the definitive map when evidence is discovered which shows *“that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;”*.

Summary of officer recommendation

- 6.12 Officers recommend that:

6.12.1 an Order to modify the Definitive Map and Statement should be made to record a public footpath under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 between points A-C-D and B-C on the appended Plan at App A1 **and that**

6.12.2 the said Order should be forwarded to the Secretary of State for determination if opposed, or otherwise confirmed as unopposed by the council.

7. Cabinet portfolio holder’s recommendations

- 7.1 Not applicable

8. Contact officer

Giles Cheetham, Definitive Map Officer 01484 221000 giles.cheetham@kirklees.gov.uk

9. **Background Papers and History of Decisions**

9.1 872/1/MOD/151

9.2 Appendices

<https://democracy.kirklees.gov.uk/ecSDDisplay.aspx?NAME=SD1466&ID=1466&RPID=504772925>

9.2.1 Appendix 1 – guidance for members.

9.2.2 App A – DMMO application form and plan

9.2.3 App A1 - KC plan showing claimed footpath and definitive footpaths

9.2.4 App B – Representations from Cellars Clough Property Ltd & Smith Developments

9.2.5 App C – User evidence summary.

9.2.6 App D – Land ownership plans.

9.2.7 App E – April 2016 PNFS letter and photos

9.2.8 App F – Applicant’s submission – statutory declaration from mill site manager.

9.2.9 App G - Officer claimed route photos 2015

9.2.10 App H – Supplementary questions for witnesses

9.2.11 App J - Land ownership plans.

9.2.12 App X – Ordnance Survey plans

10. **Assistant Director responsible**

10.1 Joanne Bartholomew, Service Director, Commercial, Regulatory & Operational Services