

RE: Clarification points

yvonneparker@programmeofficers.co.uk

Wed 26/01/2022 17:03

Inbox

To:

Noel Scanlon;

Cc:

'Sandra Haigh' <Sandra.Haigh@kirklees.gov.uk>;

'Anthony Gill' <AGill@kingschambers.com>;

Noel

Response from the Inspector:

"I assume that para 289 relates back to paras 100 and 101 of the Applicant's Closing Statement detailing Mr Appleton's evidence and quoting para 4.1.3 of his Proof.

The figure of "a third" would seem to be that mentioned in the highlighted sentence of para 4.1.3. Reading that sentence, in the context of the one before it, it appears to be saying that a third of all users of the permissive path to the Trig Point used footpath 60 to get to/from it. Indeed, analysis of the figures in Table 4 of Mr Appleton's proof tallies with that interpretation.

The 42% is the same calculation as the "third", simply including the walking group of 38 people."

Kind regards

Yvonne Parker

01282 450522 / 0781 333 4305

Programme Officer Services Limited

[www.programmeofficers.co.uk](http://www.programmeofficers.co.uk)

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

**Sent:** Wednesday, January 26, 2022 4:10 PM

**To:** yvonneparker@programmeofficers.co.uk

**Cc:** Sandra Haigh <Sandra.Haigh@kirklees.gov.uk>; Anthony Gill <AGill@kingschambers.com>

**Subject:** Re: Clarification points

Dear Yvonne

I apologise to only just be able to respond to this. No discourtesy is intended. The responses to the Inspector's questions are in **red** higher-case font below, opposite the said questions.

*"It is apparent from all the evidence submitted and Witness Evidence at the Inquiry, that it is impossible to state that a majority of **Footpath users** are either going to or from the Wolfstone Heights Trig Point owned and administered by the Holme Valley Land Charity on behalf of the Holme Valley Parish Council."*

Am I correct in assuming the Footpath users referred to in this sentence are the users of the section of Footpath 60 proposed to be stopped-up?

**ANSWER: YES.**

“Even during IXQ Mr. Appleton, including the date of what he considered was an anomaly of a 38-strong memorial walking group, meant that on the applicant’s evidence 42% would be using the current route to access the Trig Point land. Otherwise, as we heard from Mr. Appleton’s analysis, only a third of users actually use the current route to access the Trig Point.”

Am I correct in assuming that the 42% and the third of users referred to in these sentences are the proportion of all surveyed users of the permissive path leading from Wolfstones Road to the Trig Point who reached or left the permissive path via the section of Footpath 60 proposed to be stopped-up?

**ANSWER: NO. I DON'T THINK THAT ASSUMPTION IS CORRECT. HOWEVER...**

**APOLOGIES, I HAVE RE-READ THIS QUESTION SEVERAL TIMES AND CONSIDERED IT IN THE CONTEXT OF THE STATEMENT, BUT I DO NOT QUITE FOLLOW THE LINE OF THE QUESTION. I AM WONDERING IF MY CONFUSION MIGHT STEM FROM THE REFERENCE TO THE "PERMISSIVE PATH" IN THE QUESTION. I ACCEPT THAT I MAY BE READING THIS WRONG OR MISINTERPRETING THE QUESTION, IN WHICH CASE I POLITELY ASK FOR YOUR FORGIVENESS AND PATIENCE PLEASE.**

**I WOULD INVITE THE INSPECTOR TO PROVIDE SOME FURTHER CONTEXT TONIGHT/TOMORROW AND I SHALL TRY AND RESPOND WITH PROPER CLARIFICATION STRAIGHT AWAY, BEFORE THE INQUIRY RECONVENES ON FRIDAY IF POSSIBLE.**

Kind regards  
Noel

**Noel Scanlon** *Solicitor, BA(Hons), MSc, MCIWM*  
**Director & Consultant**  
NSCL  
Tel: [07921 385901](tel:07921385901)  
Email: [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)

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**From:** [yvonneparker@programmeofficers.co.uk](mailto:yvonneparker@programmeofficers.co.uk) <[yvonneparker@programmeofficers.co.uk](mailto:yvonneparker@programmeofficers.co.uk)>  
**Sent:** 21 January 2022 09:30  
**To:** Noel Scanlon  
**Cc:** [sandra.haigh@kirklees.gov.uk](mailto:sandra.haigh@kirklees.gov.uk); [Agill@kingschambers.com](mailto:Agill@kingschambers.com)  
**Subject:** Clarification points

Noel – a note from the Inspector for you – see below – please respond by [5pm on Wednesday 26 March](#) at the latest. Thank you.

I would like to clarify the precise meaning of parts of paragraph 289 of the Applicant's closing statement, in particular the second, third and fourth sentences:

*"It is apparent from all the evidence submitted and Witness Evidence at the Inquiry, that it is impossible to state that a majority of **Footpath users** are either going to or from the Wolfstone Heights Trig Point owned and administered by the Holme Valley Land Charity on behalf of the Holme Valley Parish Council."*

Am I correct in assuming the Footpath users referred to in this sentence are the users of the section of Footpath 60 proposed to be stopped-up?

*"Even during IXQ Mr. Appleton, including the date of what he considered was an anomaly of a 38-strong memorial walking group, meant that on the applicant's evidence **42%** would be using the current route to access the Trig Point land. Otherwise, as we heard from Mr. Appleton's analysis, only **a third of users** actually use the current route to access the Trig Point."*

Am I correct in assuming that the 42% and the third of users referred to in these sentences are the proportion of all surveyed users of the permissive path leading from Wolfstones Road to the Trig Point who reached or left the permissive path via the section of Footpath 60 proposed to be stopped-up?

I am requesting a response to the two questions in writing prior to the resumption of the Inquiry to avoid any possible misunderstanding/misinterpretation through attempting to clarify the points verbally at the Inquiry.

Kind regards

Yvonne Parker

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