

National Transport Caseworker Team

Our ref D114 -163

Tyneside House

Your ref NATTRAN/Y&H/S247/4337 and

Skinnerburn Road

DPI/Z4718/21/6

Newcastle upon Tyne

NE4 7AR

2021 July 13

Dear Mrs Moody

Re: Public Inquiry into the proposed stopping up and diversion of footpath 60 Holmfirth

I write further to my colleague's correspondence dated 7th and 12th May 2021 on behalf of the Council as Local Highways Authority and your replies of 12th and 26th May. You requested that the Council keep you informed with regard to the pending DMMO for Holmfirth 60.

The Council's Planning Sub-Committee (Huddersfield area) met on 17th June 2021 and resolved to make an order to amend the record of part of footpath Holmfirth 60.

The Council has now published the order including notice in the Huddersfield Examiner and on site on the 12th July 2021.

As the Council made clear in earlier correspondence the DMMO is clearly material to the consideration of the s.247 to be considered by Inspector Rivett.

In considering the s.247 order the Inspector will of course consider the relative utility and commodiousness of the existing line of the footpath and the proposed diversion. It is self-evidently relevant to that determination whether footpath 60 is 1.2m wide as currently recorded or 4m in width as under the DMMO. In determining the suitability of the proposed diversion the Inspector will, if the matter is determined prior to the DMMO, do so on the basis of an inaccurate understanding of the existing characteristics of footpath Holmfirth 60.

Further, the consequences of a determination of the s.247 prior to the DMMO would be prejudicial not only to the good administration of the local highways network but also to the interests of the applicant for the s.247 order.

To be clear, the Council maintains that the s.247 should not be made and certainly not in the form applied for by the applicant. The Council will maintain its opposition to the diversion proposed by the applicant and explain a number of shortcomings in the draft order as prepared by the applicant.

However, if the s.247 order is made and the DMMO is *subsequently* confirmed the result will be that only part of footpath Holmfirth 60 will be diverted. The balance of the width of footpath 60 will remain along its driveway route through Wolfstones. The result of proceeding with the s.247 prior to the DMMO will likely be the recording of the new diversion and the subsequent recording of that

part of the wider footpath Holmfirth 60 which is not diverted. We cannot imagine that the s.247 applicant could want this result and it is unattractive to the Council as facilitating a proliferation of footpath routes in this area to no particular advantage to users.

If the s.247 proceeds to inquiry before the DMMO there will be a significant waste to the public purse as both will likely require hearings and could be best addressed through one combined inquiry rather than two.

The statements of case for the s.247 are due on 3rd August 2021. That is, the date of the scheduled CMC. In the circumstances the Council would ask that the s.247 inquiry is postponed so that it can take place at the same time as the DMMO (as in the determination of the s.257 application and DMMO at Clayton Fields (REF ROW/3220645 and ROW3220657)) The Council considers this postponement should be made now. However, if the Inspector determines to consider this at the CMC (as indicated at agenda item 6 of the CMC agenda circulated on 6th July 2021) the Council would request that the item is considered as a preliminary issue at the CMC and that the deadline for the Statement of Case is postponed till after the CMC.

Yours sincerely

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