

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 247

PROPOSED STOPPING UP AND DIVERSION OF FOOTPATH 60 HOLMFIRTH

(Public Inquiry scheduled 24th August 2021)

Proof of Evidence

JOHN GREGORY CROPPER

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**TOWN AND COUNTRY PLANNING ('TCPA') 1990 - SECTION 247
PROPOSED STOPPING UP AND DIVERSION OF PART OF FOOTPATH 60**

1. I am **John Gregory Cropper (known as 'Greg Cropper')**. I hold a BSc in Biochemistry, but for the past 30 years have been a builder. My contact details are supplied.
2. I am local. I have lived in Upperthong for over 30 years. I used to sit on the Holme Valley Parish Council ('HVPC') and was Chair of the Holme Valley Land Charity ('HVLC') until around mid-2019. The HVLC owns the land on which the Wolfstone Heights Trig Point sits.
3. I therefore know this area very well and care deeply about its upkeep and continuation. I know the applicant and his family. I also know many of the objectors and supporters (which undoubtedly outnumber and outweigh the objectors by more than double, which is about right from what I am hearing on the ground) of this application.
4. I am myself a passionate supporter of walkers and footpaths in the area. I have worked with Kirklees Council and its officers in the past to maintain footpaths and promote walking in the Holme Valley.
5. I am very aware of the existing and proposed diversion footpath. I have used that existing footpath regularly for 30 years and have in more recent times utilised this superior diversion route, which I do not want to see lost.
6. I have carried out work on some of Mr. Butterfield's property as part of the current development that is granted through the respective planning permissions.

MY OWN FOOTPATH DIVERSION EXPERIENCE

7. I do have experience myself with footpath diversions, having been through a similar process myself back in 2007/2008, whereby the footpath going past my house was diverted (using Section 119 of the Highways Act 1980, not the Town and Country Planning Act 1990).
8. I think that I am in a unique position to comment on this application because I went through a similar process a few years ago. This was at an adjacent property in Upperthong. I applied to re-route Footpath 71 (which itself is part of the *Thongs and Wolfstones Heights Walk* – see below) from running within a few of metres of the front door of my property, to a route which took it to the back of the house. My request was based on a number of factors. On the one hand, I was concerned about the privacy and security of this semi-isolated property, and on the other I was keen to facilitate an equal or better path for walkers.
9. The new diversion path on Footpath 71 that I proposed gave a more open transit through my property, with better views down the valley. I consulted and worked with many walking groups and undertook works to improve drainage at the request of local walkers. I worked with Mr. Cheetham of the Council's Rights of Way Section. Mr Cheetham and his colleagues were very helpful and supportive during my footpath diversion application. I shall stress that I have no direct observation as to how helpful or unhelpful he may have been in this case, though his objections have become obvious in his reporting to Members at Committees.

10. I received some objections during my application to divert Footpath 71, which meant that the matter was referred to The Planning Inspectorate. I'm glad to say the Inspector found that the public would not be disadvantaged in any way and agreed to the re-routing.
11. The new Footpath 71 route was perhaps 100 metres longer if you were walking up Back Lane, but conversely it was 100 metres shorter if you were walking down. The significant effect of the re-routing was the increased usage of the path. I can recall that the increase wasn't immediate but built up over several months. Usage increased significantly, by between 50 and 100 %. This is obviously an estimate and anecdotal – I can't be any more scientific than that, but it is apparent that both walkers and the landowner have benefited from the minor change.
12. Albeit the diversion of Footpath 60 by Mr. Butterfield is done mainly for the reason that development which is allowed by planning permission can be fully implemented, there are definite parallels here with my application some years ago; for example, it is slightly longer if coming from or walking towards Upperthong, but is shorter if coming from or walking towards Moor Lane (Wilshaw and Honley direction).

THONGS & WOLFSTONE HEIGHTS WALK and LOCAL INFORMATION

13. What is known as the *Thongs and Wolfstone Heights Walk*, the full details for which (extracted from the <https://holmfirthevents.co.uk> and _____, though the latter appears to have been suspended recently, though a new website: _____ appears to have replaced this) are included for ease at **Exhibit JGC1** and **Exhibit JGC2** associated with this Proof of Evidence. *Made in Holmfirth* is a venture operated by Mr. Andy Leader in his capacity as a local landscape photographer; a rather decent one judging by the content of his latest website (I even have some of their Christmas cards!)
14. Mr. Leader that is the current representative for the Peak and Northern Footpaths Society and used to be employed in the Rights of Way Section by Kirklees Council. I would guess Mr. Leader's employment at the Council finished about 15 years ago, but he or the Council would be able to clarify this.
15. Mr. Leader I believe is also the owner and operator a useful website/blog known as: _____ which is actually a useful facility, though perhaps in my view would benefit from being a little less political in its nature; for example referencing support for a particular political party, as evidenced for example in **Exhibit JGC3**. Whether or not those may be politics that I like or agree with, I am not sure that footpath information issues should be so linked to politics, local or otherwise. Footpaths are for all and this sort of thing is in my opinion in danger of alienating people. In my view and to assist, perhaps the website would be better served avoiding that angle, because it is a useful web tool for keeping up to date with things, especially concerning local footpaths in or around the Holme Valley. More particularly recently, the concern around rogue 4x4 vehicles on footpaths, which although I do not profess to have the answer to, does undoubtedly require attention and action.

HOLME VALLEY PARISH COUNCIL

16. In the earlier iteration of the application to divert this part of footpath 60, which was the application to Kirklees Council under Section 257 TCPA, the Council was

supportive of the proposals. I was on the Planning Committee of the HVPC in early 2019 when the Holme Valley Parish Council supported the diversion of Footpath 60.

17. I want to explain why the Parish Council supported the diversion back in 2019. The Parish Council, having had explained to it that Mr. Butterfield had put in the diversion route 'on risk' in accordance with his planning permission, contrary to what rumours were in the area, had in fact always left the route through Footpath 60 open. To be absolutely clear, the footpath has NEVER been closed or blocked. These rumours are untrue. They are false and ill-informed. I suspect circulated by people that may have never actually walked down the footpath and have not actually experienced the situation themselves.
18. To digress slightly, but with a view to explaining, quite a few years ago I worked on part of Wolfstone Heights Farm following a major fire. We had to scaffold and shore up the structure. Even at that particular time, with part of the house severely damaged and uninhabitable, Mr. and Mrs. Butterfield were adamant that the four feet width of footpath on that northern side of the old driveway was the legal Footpath 60 and had to be passable by the public. We adhered to this request scrupulously and ensured that the legal footpath was never blocked.
19. In my opinion the diversion route is a much superior route by comparison to the part of the Footpath 60 proposed for stopping up and diverting. My own view, which I know is one shared by very many others, is that the actual diversion route being put in on risk at least allows people to know what they are getting, rather than speculating. It is an enormous advantage to see the diversion route in situ and better still be able to use it. I can say with certainty that myself and others would be devastated to lose it now. If a poll were to be taken of the most impressive sections of all footpaths within the area, I am sure that the new diversion route would be right up there! Sit on one of the benches and the walker will see evidence of the full mixed history and character of the Holme Valley; in the distance the industrial towns and cities which featured large in textiles and coalmining, then, closer, the town of Huddersfield, the ancient hillfort and Castle Hill. Emley Moor mast, Thurtsonland Church and countless other features to please the eye and intrigue the mind. Contrast this with the nonexistent views and rather dingy experience as the walker passes through to buildings with blank walls.
20. Returning to the Parish Council, on realising that the main footpath had been left open and that the diversion had simply been put in 'on risk' by Mr. Butterfield, the Parish Council as a whole understood that Planning Permissions were granted and that the diversion is a far superior leisure route, the Parish Council duly supported the diversion application made to the Council under Section 257 of the TCPA, because there was seemingly no good reason to turn it down and amongst many on the Committee, the diversion was undoubtedly better than what exists presently. Consensus was that point 'C' (I know the route is referred to as 'C' on the order plan, but for brevity I am calling the termination/entrance on Wolfstones Road: Point 'C') was/is better and safer than what exists at the current termination point.
21. Despite support from the HVPC, the Section 257 TCPA application was turned down by the Council in early 2020 for alleged safety reasons and the alleged volume of objections received to what I believe was a non-statutory consultation.
22. I only learned that Mr. Butterfield had applied to the Secretary of State under Section 247 TCPA to divert his footpath after the application had been made. Apparently, there

were two headline reasons. One was that Mr. Butterfield would have been waiting up to two years to have this re-determined according to the Council. The second was that the relationship with the Council had apparently deteriorated and the situation meant that the Council would no longer be supportive. I know no more than those headlines.

23. I had left the Parish Council by the time the Section 247 Application had come before it, as it was/is a statutory consultee for these types of applications I understand. I was truly shocked to learn that in such a relatively short space of time, the HVPC had resolved to object to the current application, having supported it previously.
24. During that period, as invariably happens, there was a change in the make-up of the Parish Council and its various Committees. I have seen the letter to the Secretary of State in response to his consultation of the Parish Council, which basically objects to the diversion on the headline grounds that: (i) the walk to the Trig Point land which it owns (via its Land Charity) has been used for centuries through Footpath 60; and (ii) that the diversion route is unsafe.
25. In very headline and non-detailed terms, I can say that I am surprised at both (i) and (ii), above. First, the Trig Point land used to be a working quarry and certainly will not have been accessed by Footpath 60 (which I think itself only came into being in the mid-20th Century itself) for “centuries”.
26. Second, I cannot understand why the Council which had supported the diversion application under Section 257 TCPA to the Council, but less than a year later when the Section 247 application is submitted, it is suddenly unsafe. There is a side-issue here, which I touch on further below. This is the myth (and it really is a myth) that everybody using Footpath 60 is walking to the Wolfstone Heights Trig Point or towards Upperthong (left, out of the Footpath 60 entrance at its most western point). This is most definitely not accurate.
27. I am aware that the overall political persuasions across the Parish Council (a constant state of flux, in what is usually democratically a good way, I would add) has changed, but there is seemingly no official explanation as to why the Council has changed its mind on the diversion.
28. Following the above, I am very surprised to have learned that the Parish Council, as a statutory consultee (so not just any usual application; it really does matter here) having sent an objection to the Secretary of State, with no real basis or evidence, has refused to put itself forward for examination at the Inquiry. The Parish Council *of old* would not in my opinion have made such a decision, not fronting-up and justifying its position. In my view the present Chairman of the Parish Council, or at very least the Chair of the Parish Council’s Planning Standing Committee, should have put themselves forward for examination and justified the Council’s seemingly inexplicable change of mind since it had supported the earlier Section 257 application.
29. The Parish Council has let itself down there in my opinion. It is surprising that as a statutory consultee, one would not allow oneself to be examined on the standpoint, particularly following a 180-degree change of position, for no apparent reason. That is very poor form. I suspect (being a local and from experience of the Parish Council!) that there will quietly be existing members of the Parish Council not happy with this standpoint, compounded by a decision not to offer the Parish Council to examination. That is democracy though, which I do not doubt.

HOLME VALLEY LAND CHARITY ('HVLC')

30. I was up until mid-2019 the Chairman of the HVLC, which owns the land and reports to the Parish Council, being its only trustee.
31. The Trig Point land is a lovely local feature. This cannot be denied. However, it was not and never has been a PROW. It has never intended to be. Even though I personally can only recall the access being blocked a couple of times, this land can be closed at any time without notice. The HVLC erected signage at the access to the Trig Point stating that this land is not a PROW. We also had signs erected on other locations around the land at other potential access points. The main reason was that it had become apparent that very little had been done over the years to properly convey to the public that although permissive, the Trig Point land was not a PROW, is not intended to be and could be closed at any time without notice. The landowner of the field beyond the Trig point has done the same.
32. Mr. Butterfield's representative attended a HVLC meeting in late 2018/early 2019 to discuss the possibility of a new entrance to and from the Trig Point land further down Wolfstones Road. This was not unusual and has been discussed before over the years. The current and only entrance/egress point from/to Wolfstones Road is I accept a little spartan and could be much more accessible. However, the HVLC still decided to keep the status quo and did not want a new access engineering. I know that this is (or certainly was) kept under constant review, because as well as the obvious safety aspect, it is a fair accusation that the Trig Point land is all but inaccessible to persons with greater physical ailments and other non-able-bodied users.
33. I have seen the Proof of Evidence of Mr. Cunliffe, who was a co-opted trustee for a time. I have attached this as **Exhibit JGC4** for ease. Mr. Cunliffe was a co-opted member of the HVLC for several years and largely co-opted in for his undoubted expertise. Mr. Cunliffe has always made his feelings known that the access/egress point is in his professional view dangerous, particularly egress from the Trig Point land onto Wolfstones Road and even more particularly either going across to Footpath 60 or turning right to go down Wolfstones Road southwards towards Upperthong.
34. The implementation of the Trig Point/Jubilee Seat was implemented in 2012/2013 (before Mr. Cunliffe was involved with the HVLC). Perhaps there should have been a full road safety audit before that went in, but what is done is done. I do know that this is under constant review (or certainly was before my departure) by the HVLC. However, I shall say that notwithstanding the Jubilee Seat and the associated publicity at the time, there is to my knowledge no evidence that this has ever increased visitation to the Trig Point land.
35. To the very best of my knowledge, there have never been any accidents in that area, though I do take the point that the egress from the Trig Point land back onto Wolfstones Road and turning right towards Upperthong could perhaps have been better addressed. Moreover, with hindsight, walking southwards on the section of Wolfstones Road from the Trig Point entrance down towards the footpath at Carr Farm or further towards the Upperthong Village Hall is far more dangerous and further than walking on the verges on the section of Wolfstones Road between Point 'B' on the order plan and Point 'C'.

OBSERVATIONS

36. Moreover, whilst I have seen those surveys and reports from Paragon Highways and the latest submission from Mr. Appleton of Via Solutions, my own observations are

that certainly not everyone using the existing Footpath 60 is coming from or going towards the Trig Point land. The Trig Point land can be accessed in other directions from the bottom of Wolfstones Road and there is also permission and advice from what appears to be the Police (according to signs) to cross through the Woods to the Trig Point from Moor Lane or vice-versa.

37. Before the diversion route was put in place, people walking westwards up Footpath 60 did one of four things. They either turned left towards Upperthong, right towards Moor Lane, straight on to the Trig Point, or turned back on themselves at the gates and walked back east down the path. From my own observations over the years, including working on site at times in my capacity as a builder, most would either turn left towards Upperthong or right towards Wilshaw and Honley. A fewer would go to the Trig Point, but nowhere near as many as would turn left or right to walk on Wolfstones Road.
38. Before the diversion route was in place also, people walking from Upperthong (northwards) would either turn right into the Footpath at point 'B', carry straight on north down the hill towards Wilshaw and Honley, or turn left to the Trig Point land. Generally, users would either carry on down the hill or turn onto Footpath 60.
39. Before the diversion route was put in place, people walking south from Moor Lane (Wilshaw and Honley) southwards would either turn left down Footpath 60, carry straight on south towards Upperthong, or turn right across the road and onto the Trig Point land.
40. Before the diversion route was put in place, people leaving the Trig Point land would generally turn left northwards down the hill towards Moor Lane (Wilshaw and Honley). However, there is a noticeable number crossing the road and turning right towards Wilshaw. Curiously, my own observations are that a fairly low number come off the Trig Point land and cross the road to go down Footpath 60. Perhaps this is not unusual, as the more recently promoted *Thongs and Wolfstones Heights Walk* sees people coming off the Trig Point land, back on themselves, crossing the road and turning right down towards Upperthong.
41. I do suspect that there might be another reason for such a low number coming off the Trig Point land and down Footpath 60. This is because in more recent times there have been other permissive ways to access and egress the Trig Point land, so as well as lower numbers generally coming off Wolfstone Heights onto Wolfstones Road, there are probably users going back towards Wilshaw, Upperthong and possibly even into Meltham, instead of wanting to go towards Netherthong on Footpath 60.
42. Since the diversion route was in place, something interesting has occurred. There are most definitely significantly fewer people walking westwards up the current Footpath 60. It is a shame that there is not more information, because there is absolutely no question that there has been considerable uptake in use of the diversion route as opposed to the section of Footpath 60 proposed for stopping up. This might suggest that more people have been using the path with a view to be going northwards down the hill from Point 'C' towards Wilshaw and Honley.
43. Even though Footpath 60 remains fully open, there are still users using the diversion route and turning left up Wolfstones Road, walking south towards Point 'B'. Generally, often these are people heading towards Upperthong. However, I have seen some joggers and power walkers doing a circuit, going from Point A along the diversion route to

Point C and then up to Point B (some putting on a bit of a sprint), dropping down again to point A, or vice-versa. I would say that these are fewer by comparison, but I would not say they were rare by any means. That opportunity will obviously be lost if the diversion is granted, because Point B will be closed, or if the diversion is not successful, the diversion route will be gone. The latter would be very sad indeed, to put it mildly.

44. I cannot say that the people I have observed walking southwards up Wolfstones Road were coming off the diversion. It is more likely they were coming from further down near Moor Lane to either access the Trig Point land or walk towards Upperthong. With the diversion route being in place, there are less people walking southwards towards Point B and the Trig Point land. That is very noticeable.
45. What is apparent when working on the site, is that the uptake of pedestrian users on the diversion route is very significant, in both directions. When I have asked footpath users (and yes, we do...some walkers and runners even stop to talk to us and tell us how lovely it is!) about the reasons for their use of the diversion route, there are several repeated comments. What is apparent though is that, yes, there are the regular dog walkers and the like using the diversion route, but this is a recreational route, not a functional route. A key observation is that of those that might stop and talk, on either the diversion route or the existing Footpath 60, you never meet anyone going to work, shopping, or the like, unless like me when local you are simply blowing away some of the proverbial cobwebs on the diversion route on a lunch break or similar.
46. Some are welcoming of the fact that the discomfort of walking close to someone's home is dealt with, with comments such as: "*You don't know quite where to look*" and "*It felt like you were walking through someone's garden*". I can say that this is a definite parallel with my own experience on Footpath 71. We can all empathise with this; society does often tend to underestimate the effect and impact of Great British awkwardness!
47. However, as well as the above, there are two more general comments that keep coming out, with which it is in my impossible to disagree. These are that the diversion route, which has good surfacing underfoot and a far more gentle gradient, has far better views of the far vista than the current route proposed for stopping up, including Emley Moor Mast (or that should be masts now), Castle Hill, Selby Power Station and, on a very clear day, even York Minster, compared with a tunneled darker and in bad weather even dingy route between the two properties up the current Footpath 60 that is proposed for stopping up. A few people said that it was a relief not to have to walk up/down the concrete track past the property, especially when vehicles were coming in and out, but especially in bad weather, as it can get slippery underfoot. I shall speculate also that the diversion route is far more conducive to less physically able users compared with the current route. Aside from this, the diversion route is wider (people seem to forget that the legal width of Footpath 60 is only 120cm¹, whereas the diversion route is probably over three times this in parts).
48. I use the diversion route myself. Far more than I do the existing Footpath 60, which I personally have all but dispensed with. This is even though I live further towards

¹ I am by the way aware of this ridiculous application by the Peak and Northern Footpaths Society to widen Footpath 60 by applying for a Definitive Map Modification Order, which is presently supported by the Council. That is a vexatious application clearly designed to muddy the waters on this diversion application. I can say that I shall be offering my input into that at the appropriate time, because I am seeing untruths peddled on that, which I cannot stand by and let happen.

Upperthong. This is because there is no question that the diversion route in recreation and in functional terms is the far better and more user-friendly route. Many locals and other users feel the same. Is it worth the 120m further walk up Wolfstones Road from Point C to Point B for the sake of a better more user-friendly experience with far better views? The answer to any reasonable recreational or even serious walker or runner of any ability must be: 'yes'.

49. Aside from anything else, the diversion route is far safer. Egressing at Point 'C' is far safer than egressing at Point 'B'. There is far better intervisibility between pedestrian and vehicle users in both directions at Point 'C'. The diversion route is a full walking route that is not shared with any vehicles.

CONCLUSION: ADVANTAGES OUTWEIGH DISADVANTAGES

50. I have heard and read references, including from Members of the Kirklees Council Planning Committees and have read others that suggest that the only person to benefit from this diversion is Mr. Butterfield. I could not disagree more. I would go further as to say that this is an extremely narrow perspective, which has no objective basis.
51. Whilst there is no doubt that the diversion would be advantageous to Mr. Butterfield, insofar as he would finally be able to implement his planning permissions in full, there is no question that the real winners here are the users of the diversion route, which is far superior to the current route proposed for stopping up. The advantage to users considerably outweighs any advantage to the landowner here in my view. Aside from anything, that development needs to be finished (I can say by the way that I am not the appointed building contractor for that work, so have no pecuniary or other such interest).
52. I consider myself a good steward and shameless advocate of this wonderful area. I must implore the Secretary of State to grant this final diversion order. The advantages completely outweigh any perceived disadvantages (which in my view are very misconceived, possibly even deliberately in small parts). The winners are the footpath users. Please do not let this wonderful asset be lost. Please make it official.
53. We do not want to lose this diversion route. It would be gut-wrenching. However, where the diversion is not granted, Mr. Butterfield could hardly be held to keeping it open to the world. There will doubtless be other plans for the diversion route where the diversion is not granted. Whilst I could not at all blame Mr. Butterfield for closing the diversion route where this application is not successful, I can say that I personally (and I know very many others) would be devastated to lose what has become a very important recreational facility in the area, which represents a far better route than the present part of Footpath 60 proposed for stopping up.
54. Planning Permissions have been granted and cannot be fully implemented without this diversion. The advantages of the diversion route to the public far outweigh any perceived disadvantages. There is not in my view a good reason for the Secretary of State not to make this final order.
55. I am happy to answer any questions in relation to this Proof of Evidence at the impending Public Inquiry.