

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 247**

**PROPOSED STOPPING UP AND DIVERSION OF FOOTPATH 60 HOLMFIRTH**

**(Public Inquiry scheduled 24<sup>th</sup> August 2021)**

**Proof of Evidence  
Jim Cunliffe I.Eng, FIHE, MCIHT**

**July 2021**

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**1. INTRODUCTION**

1.1 I am James ('Jim') Cunliffe an Incorporated Engineer, a Fellow of the Institute of Highway Engineers and a Member of the Chartered Institution of Highways and Transportation. My address is 12 Longlands Bank, Thongsbridge, Holmfirth, West Yorkshire HD9 7HR. My contact details are supplied to the Programme Officer for the impending Public Inquiry and the case officer at the DfT.

I am now retired but have worked in the field of Highways Planning and Transportation, including supervision of the Public Rights of Way function, for over 40 years, mainly for Local Authorities within England and Wales.

1.2 In the interests of propriety, some years ago I sat as a Co-opted Member of the Holme Valley Land Charity (HVLC) which administers the Wolfstone Heights Trig Point Land on behalf of the Holme Valley Parish Council (HVPC).

1.3 For the purposes of the Public Inquiry, I would like this evidence to be taken into account and given full consideration. Unfortunately, I shall not be able to attend as my wife is very ill and requires constant ongoing care, such that I am not able to offer my availability. However, I do hope that given the serious nature of this issue that this Proof of Evidence can be considered in full and given the significant weight that it merits.

1.4 The proposed diversion of Footpath 60 to the location further down (north) Wolfstones Road represents a much safer outcome in my professional view. My particular concern centers around egress of the Trig Point land back on to Wolfstones Road.

**2. FOOTPATH LOCATION**

2.1 The existing footpath 60 is of a legal width of four feet (1.2m) and is located off Wolfstones Road, west of the village of Netherthong, commencing at Wolfstones Heights Farm and continuing in a easterly/southerly direction near to Brownhill Farm where it connects with footpath 59 and others.

**3. FOOTPATH NETWORK**

3.1 The footpath at Wolfstones Heights Farm is served by a small network of footpaths from nearby villages with one of the main attractions in the area being the view at the Trig Point/Jubilee Seat at Wolfstones Heights.

3.2 Access to Wolfstones Heights is along a continuation of a route, west of the termination point of footpath 60, up to the old ordnance survey Trig Point. This is a permissive route and not a PROW. It can be closed at any time without notice.

#### **4. PLANNING CONSULTATION RESPONSE FOR DIVERTING FOOTPATH 60**

- 4.1 In the planning consultation response from the Kirklees PROW officer (Giles Cheetham) dated 21 November 2014 stated:

*“I would note that moving the terminus of path 60 to the north will take it away from the existing access to Wolfstones Heights, by over 100 metres, however that access is not currently recognized as public and this rural road has a serviceable road for walking”*

- 4.2 The crossing of Wolfstones Road from footpath 60 at the current termination point westwards towards Wolfstone Heights is not at all ideal from a safety perspective. However, it is relatively safe compared with the return journey from the Trig Point back down to the same terminus. This is extremely dangerous due to there being severely sub-standard junction visibility.

- 4.3 Mr. Cheetham is correct that the existing grass verges and the road itself are perfectly serviceable for walking on and it is well used by walkers in both directions. Conventional wisdom is that walkers would tend to walk on the side of the road facing oncoming traffic. However, on this part of Wolfstones Road in particular, this cannot apply to walkers egressing the Wolfstone Heights Trig Point land, due to it being in conventional terms a ‘blind-bend’. Added to this there is no verge on the western side of Wolfstones Road when walking northwards towards Upperthong from the Trig Point land.

- 4.4 This is a serious and potentially fatal accident waiting to happen. That bend is blind. I accept that I look at this through the prism of my professional viewpoint, but I remain extremely concerned that the *Thongs and Wolfstones Heights Walk* continues to actively promote this, because it is dangerous in its present form.

- 4.5 It is my view that the HVLC and the HVPC to which it answers was caught up in its own whirlwind at the time of the Jubilee Seat at the Trig Point being installed. It got carried away when local television and other media became involved and in my view forgot about safety.

#### **5. EXISTING HIGHWAY FEATURES**

- 5.1 Wolfstones Road is a lightly trafficked rural distributor route linking communities in Netherthong, Upperthong and Wilshaw. It carries a small degree of commercial and agricultural traffic and is subject to the national speed limit of 60mph, but such maximum speeds are not common. I would question whether such speeds are possible travelling south up the steep gradient, save for extremely powerful ‘high-performance’ vehicles. In the vicinity of the existing access point to the trig point it is devoid of footways, carriageway markings, street lighting and a subterranean highway drainage system though further down the Wolfstones Road on the easternmost side, the existing grass verges are, very useful and safe for walkers, as well as providing a natural soakaway drainage and clearly slows surface water flow northwards, down the hill.

- 5.2 In the close vicinity of the access points, Wolfstones Road is approximately 5 metres wide with planted and grass verges of varying gradients and widths up to around 2.5 metres along the westerly site frontage and with a narrower grass verge/margin up to 1.5 metres wide along the opposite frontage.
- 5.3 Existing visibility when egressing onto Wolfstones Road after visiting the Trig Point (using a visibility height of 1 metre) is as follows:

Existing access opposite footpath 60:

Visibility to the left	Visibility to the right
11metres x 2.4 metres	15metres x 2.4 metres

- 5.4 The existing visibilities will vary slightly depending on seasonal vegetation. For the pedestrian traffic attracted to Wolfstones Heights access it is considered that a visibility ‘X’ distance of 2.4 metres is appropriate (within which there shall be no obstruction greater than 1 metre, or 600mm to cater for children).

## 6. JUNCTION DESIGN STANDARDS

- 6.1 The Department for Transport Advice ref TD42/95 - Geometric Design of Junctions states visibility splay standards as set out below. Whilst these standards are for junction with vehicular access they are also appropriate for pedestrians crossing a highway.

Traffic Speed Wolfstones Road (kph)	‘Y’ Distance (metres)
50	70
60	90
70	120
85	160
100	215

- 6.2 Knowing this area and driving past the access to Wolfstones Heights Trig Point several times, I observed my own speeds to be around 25mph to 30 mph which would require visibility splays of 70 metres x 2.4 metres. The existing visibility Y distances of 11 metres and 15 metres would therefore be deficient by 84% and 79% respectively. It has however recently been brought to my attention that vehicle speed checks were carried out by Paragon Highways and I have seen the survey reporting submitted. Based on those results the 85<sup>th</sup> percentile speeds<sup>1</sup> for traffic from Moor Lane is 25mph.

In applying the most lenient standards as set out in the publication ‘Manual for Streets’ this would allow visibility splays with safe stopping distances of 33 metres which are still deficient by 67% and 55% respectively. Kirklees Council as Highway Authority would need to decide on which standards to apply to confirm the splay dimensions, but in all cases there is a clear and worrying deficiency specifically at this

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<sup>1</sup> The 85<sup>th</sup> percentile represents the speed at or below which 85 percent of the observed motorists are travelling. It is normally considered to be the highest safe speed for a roadway section, and speed limits are generally set using the 85<sup>th</sup> percentile speed.

Trig Point land entrance/egress.

- 6.3 Returning on foot from the Trig Point land eastwards towards Wolfstones Road and turning right (southwards) towards Upperthong on the westernmost side of the road creates a significant pedestrian and vehicle conflict. This is a 'blind bend'; a serious accident waiting to happen which I have identified previously and remain very concerned about. At least in walking up and down Wolfstones Road to or from the proposed diversion terminus results in a safer pedestrian experience all round compared with the present situation.
- 6.4 I have and would continue to at least urge a path cut through the Wolfstone Heights Trig Point in a north/north-easterly direction, so that the access/egress point to the Trig Point land would occur further down Wolfstones Road, which would result in a far safer access and egress. The HVLC has turned down such a suggestion previously. However, it is not a difficult engineering operation and as well as the considerable safety improvement, it could possibly present an opportunity to cater for less able or non-able-bodied users.

## **7. CONCLUSIONS**

- 7.1 When the Jubilee seat was placed over the Trig Point on the Wolfstone Heights land and the event promoted in a broadcast by Yorkshire Television that stated the event would attract more visitors, this was not a wise decision. Had a proper and what in my view was necessary road safety audit been done at the time, it would have clearly outlined the dangers of the junction.
- 7.2 I was disappointed and surprised that the HVPC had not taken this option and had in my professional opinion simply got caught in the opportunity for publicity at the expense of public safety, despite warnings. I was surprised that the HVPC were rather dismissive in their instruction to the HVLC on this, given the clear road safety implications.
- 7.3 The drawing submitted by Architecture Design Partnership show the diverted route for footpath 60 will have a high amenity value. Although slightly less commodious than the existing route if (and only if) the pedestrian user would intend to travel south, it is obviously more commodious if travelling north towards Wilshaw and possibly Honley. There is however no question that it will be a safer route if traveling south towards the Trig Point from the new diversion termination. Although anecdotal, knowing the area as I do, as many people walking northwards down the hill as walking south up the hill are observed. My particular concern from a safety perspective is the ability to be able to turn right (southwards) or cross the road to the start of the current legal footpath when egressing the Trig Point land, going south towards Upperthong. I would at the very least urge the HVPC to instruct the HVLC to properly consider again a newly engineered access/egress point further down (north) on Wolfstones Road. A serious accident can be avoided here and there is an opportunity to improve access to the Jubilee Seat/trig point. Presently, for reasons that I cannot understand, there appears to be a lack of engagement on the Parish Council's part in my view.
- 7.4 For those that wish to (and I accept that this does not apply to all users, as many are observed walking northwards down the hill towards Wilshaw), having to walk from the end of the proposed diverted route along the highway verge back southwards

(i.e. up the hill) towards the access to Wolfstones Heights, will engender an awareness of how substandard and dangerous this junction at the brow of the hill, where the Footpath 60 presently terminates/begins is. I urge the Secretary of State Inspector to walk the route themselves and even walk the Thongs and Wolfstone Heights Walk, utilising the current legal footpath and the intended diversion. The clear safety issue accessing and egressing the trig point land will become very apparent to the Inspector. At least this diversion if finally granted will make the route much safer for pedestrian users all round.

- 7.5 From the publicity gained from the Inquiry and perhaps some press coverage it is hoped that the owners of the existing permissive footpath to Wolfstones Heights, being the HVLC and HVPC will consider instigating their own scheme, in the interests of highway and pedestrian safety, for a closure and re-routing of the permissive path to a location opposite the proposed diverted location on Wolfstones Road, or at least closer to it. They dismissed this in 2019 for reasons that I could not understand, but I hope that the HVLC and HVPC will revisit this. Obviously thus may need to be subject to the appropriate planning consent.
- 7.6 Although full visibility standards cannot be achieved for a re-routed permissive path a much improved and safer access can be achieved within existing geometric constraints and if approved by the Secretary of State would be a highway planning gain, particularly in terms of highway safety.
- 7.7 The Inspector is respectfully asked to consider as to whether the proposed diversion, which pedestrians appear to be using in great number anyway, is a material consideration to improving highway and pedestrian safety. This is without question in my professional and personal view. Where the Secretary of State agrees, then it must follow that the diversion applied for must be finally confirmed. However, I would urge a considerable rethink of the present make-up of the *Thongs and Wolfstones Heights Walk* and encourage the HVLC and the HVPC to which it reports to consider and re-think the present access and egress arrangements from the Trig Point land.