

**From:** [Karen Pollard](#)  
**To:** [NATIONALCASEWORK](#)  
**Subject:** NATTRAN/Y&H/S247(4337)  
**Date:** 09 September 2020 10:19:36

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Dear Sir or Madam

I am writing about the proposed movement of the public footpath in Holmfirth at Wolfstones. Whilst I have no absolute opposition to the movement of the footpath if people have exactly the same rights as now, I would be grateful if you could confirm categorically that the new path will be a public footpath and not a permissive path – which is what it states it is on the sign by the current permissive path.

I do feel a little aggrieved, however, that the permissive path comes out half way up a hill on a corner and is longer than the current path. Whilst I could understand someone wanting to re-route a path through their garden, in this case, there is no need for the path to move. The house and business drives open out onto the path and there is no obstruction caused by people passing, any more than there would be if they were passing on the roadside. In this case it is purely as a result of house values probably being slightly lower if you have a public footpath alongside. I am also concerned that the Covid crisis has been used by the people in these houses to move forward this agenda.

I would also like to say that I do think that people living near public footpaths should accept that this is where they have bought their property and that people who have been using the paths for many years should not be inconvenienced. This should be a point of principle.

I look forward to hearing from you with clarification about the status of the proposed path, i.e. public footpath or permissive path. I give notice that I shall be lodging an objection if the path will remain a permissive path without the full status of public footpath.

Kind regards  
Karen Pollard

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**Subject:** Mrs K Pollard

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**From:** NATIONALCASEWORK

**Sent:** 09 September 2020 14:38

**To:**

**Subject:** Objection to proposed stopping up and diversion of Holmfirth Footpath 60  
(NATTRAN/Y&H/S247/4337)

Dear Mrs Pollard

Thank you for your email regarding these diversion proposals.

The finer details of the new route and whether this will be a publicly adopted footpath, would be a matter between the developer and Kirklees Council, should the diversion Order be granted. We have therefore accepted your email as an objection to the current proposals.

As your objection has been accepted, your email has now been passed to the applicant's agent, Noel Scanlon Consultancy Ltd, and they or the applicant will no doubt be in touch with you directly to discuss. I would be grateful if you could keep us informed of all correspondence, and if matters are resolved to your satisfaction, please could you confirm to us that you no longer object.

*Please also be aware that if a diversion Order becomes the subject of a Public Inquiry (PI), all correspondence is copied to the PI Inspector and kept in the PI Library, where it is publicly available.*

Kind regards,  
Claire



Mrs Claire Moody  
Casework Manager, National Transport  
Casework Team  
Tyneside House, Skinnerburn Road,  
Newcastle Upon Tyne NE4 7AR  
Please contact us by email where possible:  
[nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk)  
**PLEASE NOTE: My working pattern is Wednesday  
– Friday.**

**From:** [Noel Scanlon](#)  
**To:** [Karen Pollard](#)  
**Cc:** [NATIONALCASEWORK](#); [Claire Moody](#)  
**Subject:** Re: Mrs K Pollard - Holmfirth Footpath 60  
**Date:** 23 September 2020 16:41:26  
**Attachments:**

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Mrs. Pollard

Thank you for your email and understood on all fronts.

I can certainly respond to your main query on the permissive becoming the legal footpath following the final making of the order by the Secretary of State. That is what this application is about. The current official footpath line is stopped up (i.e. ceases to be a footpath), subject to the current permissive path being made an official legal public footpath.

In basic terms, if/when the SoS makes the final order, then subject to practicalities of final surfacing etc., the current permissive becomes a formal legal public right of way.

For your comfort in this respect and so that you have no reason to suspect there is any subterfuge or anything untoward, I have copied in the Secretary of State case officers to this email.

On the further points that you raise, I am sorry if you have received inappropriate treatment from someone. Knowing them and working with them, I cannot think that this would be the landowners themselves, but I shall pass this on. Please be assured there is no taking advantage of this dreadful covid-19 situation.

The narrowing of the path that you refer to is not actually a narrowing. A few people have raised this, but there appears to have been a general misapprehension that the whole width of the gated driveway surface which the footpath shared is the whole width of the footpath. The path is currently, as a result of the plastic fencing, etc. actually on its legal alignment and width, which is only 1.2m. The whole width of the gated driveway is not and never has been the full width of the legal right of way, contrary to what you and several others may have thought.

You will obviously see that the proposed diversion route (i.e. the permissive which will hopefully become a formal public right of way in due course) is considerably wider than 1.2m.

I trust that you will be able to confirm to the Secretary of State that your objection is **withdrawn** as a result of this email, but please do let me know if you require anything further.

All the best in the meantime.

Kind regards

Noel

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**From:** Karen Pollard >  
**Sent:** 23 September 2020 15:36  
**To:** Noel Scanlon  
**Subject:** RE: Mrs K Pollard - Holmfirth Footpath 60

Dear Noel

I am sorry for the delay in getting back to you. I know both paths at Wolfstones well as I live in Upperthong. So no need to go through this with you but thanks for the offer.

My concern is the status of the path. When I wrote to the Department of Transport they said the decision about the status of the path would be made by Kirklees Council and the applicants. Your email states that this is not the case and that the path would become new public footpath. If you can categorically confirm that this is the case then I will remove my objection.

I do, however, feel quite annoyed about it as the people requesting the change have actually been quite rude, particularly, at the start of the Covid lockdown. On one occasion, someone blocked the way when I was trying to pass. I also feel, taking advantage of Covid to further their objectives is extremely cynical, particularly as there was more passing space on the existing public footpath than the new path, although I note that they have now erected a strange plastic fence on the existing path!

I look forward to hearing from you with confirmation that if the changes are approved the new path will be a full public footpath and not a permissive path. Otherwise, please do **not** assume that I have removed my objection.

Thanks  
Karen

Sent from [Mail](#) for Windows 10

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**From:** [Noel Scanlon](#)  
**Sent:** 20 September 2020 18:10  
**To:**  
**Subject:** Fw: Mrs K Pollard - Holmfirth Footpath 60

Dear Mrs. Pollard

Hello, I am Noel of NSCL, the agent for Mr. Butterfield on this application for a diversion of part of Footpath 60 at Wolfstones. Mrs. Moody of the DfT has rightly pointed out to you that the finer details of the new route are a matter for later. However, for your information the line of the route is in place (on risk by the landowner) with an unfinished surface, which will be completed in the event that the final order is made by the Secretary of State. It is very likely to be in-keeping but durable and inoffensive crushed sandstone, which has been offered and tentatively welcomed previously.

I have been asked to reach out to you by the DfT following the valid parts of your objection.

My goal is obviously to try and assuage any concerns and ultimately try and persuade you to withdraw your objection to the DfT. I do believe that this is achievable if you would allow me such an opportunity, but it is of course entirely up to you if you would wish to engage with me.

I hope that the above answers your point on surface finishing, etc. You also have a concern that the current proposed diversion route is notified (at the ends of the path) as a permissive route. This is correct. However, in very simple terms, this is a permissive route at present, which can be closed off at any time and for any reason, but if/when the Secretary of State makes the final order stopping up and diverting following this application and subject to the surface finishing as described, then it officially becomes a public footpath; i.e. a public right of way ('PROW').

Therefore, it is a permissive that will hopefully become a PROW. In this respect, again in simple terms, the current permissive path will become the PROW subject to the current line of part of Footpath 60 being stopped up.

I trust that explains the situation.

I would be grateful if you would please contact me by phone on the number below, or if it is more convenient please provide a contact telephone number in order that we might speak at a time convenient to you. I am also happy to meet and 'walk and talk' through the diversion route if you feel that this would assist.

I shall leave this with you. Should I not hear from you either way by this **Friday 25th September**, I shall presume that you do not wish to take me up on my offer and will be maintaining your objection and not withdrawing it. In that eventuality, for logistical purposes for the DfT, would you mind indicating please whether you would be willing to put yourself up for examination at any formal Public Inquiry that may be convened by the Secretary of State in front of a duly appointed Inspector in due course?

In the interests of full transparency, you would in that respect be putting yourself up for formal cross-examination on your maintained objection.

However, I do note your final point, which states: "*I give notice that I shall be lodging an objection if the path will remain a permissive path without the full status of public footpath.*" I hope that I have answered that question clearly above and, on that basis, it is hoped that you will write back to the DfT withdrawing your objection.

Should you require any further information, I hope that you are minded to get in touch and allow an opportunity to hopefully provide you with the comfort that you require. Should you not, that is of course your right and I thank you in any event for taking the time to read this.

Yours sincerely

**Noel Scanlon** *Solicitor, BA(Hons), MSc, MCIWM*  
**Director & Consultant**  
**NSCL**