

**Sent:** 24 September 2020 18:31

**To:** NATIONALCASEWORK <[NATIONALCASEWORK@dft.gov.uk](mailto:NATIONALCASEWORK@dft.gov.uk)>

**Subject:** NATTRAN/Y&H/S247/4337

I am attaching my letter of objection in relation to the above draft Order.

Best regards,

Brian Rooks  
Local Resident  
Upperthong

Dear Secretary of State,

**NATTRAN/Y&H/S247/4337 – Proposed Diversion of Public Footpath 60 at Wolfstones Heights Farm:**

I am writing in relation to the above order, specifically to register my objection. I have objected previously to the Application to divert the footpath, whilst it was being considered by the local authority responsible, Kirklees Council, where these “community” issues should rightly be decided. The basis of my objection remains the same, but I also have comments to make on the bullying / intimidatory tactics which have been employed by the Applicant and his Consultants in the intervening period.

At each stage of the previous Application and Appeals process, the application displayed little, if any, difference from the previous, and that is the case here. The change of tactics here is driven by the philosophy that if you don't achieve what you want, then take it to the next level. Funding of these applications does not appear to be an issue.

I am a local resident of 32 years and have enjoyed walking these historic paths during that time, encouraging my children, and now their children, to do the same. I am also a walk leader with a local group of walkers. Whilst you may not consider this relevant, the Applicant is a relative newcomer who bought the properties at Wolfstones Heights Farm and next door, knowing full well that a public footpath, of cart-track width, ran between the two properties. Over the course of the last 4 to 5 years the Applicant has been engaged in renovating and modernising the properties. During the renovation work, the Applicant took it upon himself, rather presumptuously, to construct an alternative footpath to re-route walkers away from his properties, before any planning application was submitted for consideration.

As I said above, the basis of my objection remains the same and revolves around safety for walkers. Walkers using footpath 60 between the properties at Wolfstones Heights Farm emerge at a point on Wolfstones Road where there is a clear view of traffic in both directions, enabling walkers to proceed safely either directly across the road, up the footpath on local Land Charity land, to the “Trig Point”, or to turn left along Wolfstones Road, to the public footpath which passes Carr Farm on its way to Upperthong – the two most popular onward journeys for walkers. The alternative route constructed by the Applicant emerges onto Wolfstones Road further north (by between 100 and 200 meters), requiring walkers to negotiate two additional dangerous bends in the road to take up their onward journey. Wolfstones Road has a 60mph speed limit and I know that, as a driver, the bends are dangerous for a car, let alone a walker, or group of walkers. As a walk leader, I am only too aware of the dangers associated with leading a group of walkers on the road in question.

Apart from the safety issues, I also have concerns about the potential loss of our heritage, associated with this application to re-route a centuries-old public footpath.

There is no other reason for wanting to re-route the footpath, other than a selfish wish to take walkers away from the Applicant's properties. The footpath has perfectly served the needs of the public on its present line for many years.

Although he is clearly a member of the local community, there does not seem to be any consideration on the part of the Applicant, or his Consultants, of the local Community's views. As I have said, he has preferred to take a purely selfish approach. This has been illustrated in many ways. Examples are:

- Build the alternative footpath before submitting the planning application for the re-routing.
- Invariably, there have been cars parked by the roadside on Wolfstones Road, restricting the width of the road and therefore making walking on the road even more dangerous. It was notable that on the day Kirklees Council made a site visit to consider the earlier application, there were mysteriously no cars parked at the roadside.
- During COVID, the Applicant was quick to offer the newly constructed alternative footpath as a means of taking walkers away from his "private garden / working farmyard / working stables". Signage was put in place accordingly. Knowing the footpath well, I also know that it is clearly not truthful to describe the property in this way. It was simply an opportune excuse to have walkers diverted away.
- More recently, the Applicant has constructed a fence / division down the length of the footpath between the properties of Wolfstones Heights, restricting the width of a route that has been of vehicular width for at least the 32 years that I have lived here and, looking at older maps, for a long time before that.

Throughout, the Applicant and his Consultants have applied a tactical approach which has paid little if any regard for either the local community or due process.

I remain opposed to the alternative route and trust that you will note my concerns accordingly.

Yours faithfully,

Brian Rooks (Local Resident)

Should you not wish to engage, that again 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**

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**Subject:** Mr B Rooks

**From:** NATIONALCASEWORK

**Sent:** 25 September 2020 13:29

**To:** 'brian.rooks

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

Dear Mr Rooks

Thank you for your email and attached letter, submitting your objection to these diversion proposals.

Firstly, it may be helpful if I explain that the Secretary of State's considerations here relate only to the consequences of diverting the public highway rights, weighed against the advantages of the development taking place. Some of the issues you have raised are not for consideration here. However, the paragraphs relating to the safety for walkers and to the loss of heritage, are considered valid. Therefore your objection has been accepted on this basis only.

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.**

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**From:** Brian Rooks

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**From:** [Brian Rooks](#)  
**To:** [Noel Scanlon](#)  
**Cc:** [NATIONALCASEWORK](#)  
**Subject:** Holmfirth Footpath 60  
**Date:** 29 September 2020 20:15:02  
**Attachments:**

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Dear Mr Scanlon,

Thank you for your email below. I would normally have picked it up earlier but the filters on my computer had, for some reason, directed it to "junk".

I have to say that your email does not feel very much like a "reaching out" communication to me. Unsurprisingly, it feels a little intimidating and bullying - artificial deadlines, asking if I would be willing to put myself up for examination at any formal Public Inquiry, pointing out that I would be putting myself up to formal cross-examination, etc. Your offer to meet and discuss, so that you can tell me why I am wrong (my reading of your email), has little appeal. From my perspective, given that the Applicant has failed with the initial Application, and with the appeal, it really ought to be me and others "reaching out" to you to persuade you round. I guess, given the history though, that there is little chance of achieving that.

To be honest, and I suspect in line with most other objectors, I'd prefer the DfT to reflect on what has gone before and not to make the order. In the meantime, I am quite happy to maintain my objection.

I have noted the DfT's comments and with that in mind, I am copying them in on our exchange of correspondence.

Kind regards,

Brian Rooks

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**From:** Noel Scanlon <noel.scanlon@nsconsult.co.uk>  
**Sent:** 26 September 2020 13:29  
**To:** brian.rooks  
**Subject:** Fw: Mr B Rooks - Holmfirth Footpath 60

Dear Mr. Rooks

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 your objection is restricted only to your comments relating to alleged safety for walkers and alleged loss of heritage.

I have been asked to reach out to you by the DfT following 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.

Notwithstanding the strength of your objection, 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.

Your validated objections are all addressed within the application and we shall continue to do so. Although not forming part of your valid objection, we would nevertheless be grateful if you could please expand on your comment that the applicant has allegedly "...*applied a tactical approach which has paid little if any regard for either the local community or due process.*" Apart from being untrue, we respectfully don't think that you or anyone else would have any basis at all for this, but we are keen to understand what you mean by the comment.

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 **noon this Tuesday 29th September**, I shall presume that you do not wish to take me up on my offer, that you shall 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 due course? In the interests of full transparency, you would in that respect be putting yourself up to formal cross-examination on your maintained objection.

I hope that you are minded to get in touch and allow an opportunity to hopefully provide you with the comfort that you require.