

Holmfirth public footpath 60 at Wolfstones Road - Department for Transport (DfT) draft stopping up order, section 247 Town & Country Planning Act 1990 (NATTRAN/Y&H/S247/4337).

I am writing this in response to the proposed stopping up of public footpath 60 at Wolfstones Heights Farm. As a local resident and regular user of this path over many years I wish to object to this proposal. First I'd like to deal with each of the points the applicant previously made in favour of the diversion:

1. *"It would be required to implement planning consent 2014/92814 for formation of new access and stopping up existing access, diversion of public right of way and related external works"*

It is not logical that a planning consent can give the right to divert a public right of way. As you stated in a previous email to me "planning consent does not divert or close public rights of way". The granting of planning consent should have no bearing on the decision to divert a right of way, which should be considered on its own merits alone. The planning consent referred to above does not prevent the existing path being retained subject to a suitable gate or stile at either end of the property.

2. *"The diverted public footpath will improve highway safety by removing the potential for conflict between pedestrians and vehicles, as well as improving the vehicular access to the site"*

This is a ridiculous statement. How can the 'potential conflict between pedestrians and vehicles' on a very lightly used driveway (the only vehicles I have ever encountered have been involved in the building works at Wolfstones Heights), where vehicles travel at around walking pace, be improved by forcing pedestrians along 120 meters of public highway, which has no public footpath and a speed limit of 60 mph? The simplest way to resolve any conflict is for vehicles accessing Wolfstones Heights Farm to use the new access road and for pedestrians to continue to use the existing public footpath.

3. *Security*

If this was valid reason to divert a public footpath then many other paths in the Holme valley, which pass through gardens and directly in front of properties, would also have a reason to be diverted, completely spoiling the character of the paths. When the applicant purchased the property they were aware of the public footpath.

I'd now like to consider a number of related issues:

- *Aesthetics and enjoyment*

The current path forms an almost straight line from Netherthong village to the summit of Wolfstones Height. The diversion would spoil this approach and would not pass the test of having "regard to the effect it will have on public enjoyment of the path or way as a whole" (A guide to definitive maps and changes to public rights of way, 2008).

To quote from Rights of Way Circular (01/09): "They enable people to get away from roads used mainly by motor vehicles and enjoy the beauty and tranquillity of large parts of the countryside to which they would not otherwise have access".

Part of the pleasure of using a footpath is passing by and through building and hamlets and having “the opportunity to experience the immense variety of English landscape and the settlements within it” (Rights of Way Circular (01/09)), diverting away from buildings, one of which is listed, means they can be no longer enjoyed. It is like taking a picture out of a public museum and putting it in a private collection, where the general public can no longer enjoy it.

- *Safety*

Forcing pedestrians to use a stretch of narrow derestricted public road, which is on a bend and does not have a footpath, increases the risks of accidents. Rights of way “are becoming more important as increases in the volume and speed of traffic are turning many once-quiet country roads into unpleasant and sometimes dangerous places for cyclists, equestrians, walkers and carriage drivers” (Rights of Way Circular (01/09)).

- *Planning permission*

The proposal to divert the right of way should have been properly considered and consulted on **prior to** granting the associated planning permission. Relevant points from the Rights of Way Circular (01/09, my bolding):

- “the need for adequate consideration of the rights of way **before** the decision on the planning application is taken”
- “The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered”
- “Any potential disadvantages to the public arising from alternative arrangements proposed for an affected right of way can be minimised by means of the **early liaison** between the developer, planning and highway authorities, **local amenity groups, prescribed organisations... and affected individuals**”

I would like to make the following additional points in relation to the STATEMENT IN SUPPORT OF FOOTPATH DIVERSION APPLICATION dated 29th March 2019:

- Para 5.1 – The fact that many of the previous representations were repetitive does not diminish their value and reinforces the point that many people object to the proposed diversion for similar reasons.
- Para 5.2 – In my experience most users approaching the proposed diversion from the direction of Netherthong continue to the Wolfstones trig point.
- Paras 5.6, 6.10.4.2 and 6.10.5.3 – The surveys were undertaken in winter, some on weekdays. If surveys were to be carried out on summer weekends with good weather the number of footpath users would undoubtedly be significantly higher.
- Para 5.7.7 – Pedestrians exiting the suggested termination point of the proposed diversion and continuing towards the Wolfstones trig point on the verge will have their backs to the traffic on their side of the road.
- Para 5.8.3 – A memorial, with seating, has recently been constructed immediately to the west of the Wolfstones trig point and the landowner has erected a sign giving permission to cross the land at this point.

- Para 6.10.1.3 – As noted above, part of the pleasure of walking the footpaths of the Holme valley is not just for the far reaching countryside views but also to see, at close hand, the old buildings that form an integral part of that countryside landscape.
- Para 6.10.2.4 – On one hand the statement states that there are relatively few footpath users and on the other that a ‘pinch point’ of 120 cm would be a disadvantage. Given the many stiles on this and other footpaths, which are narrower, I doubt if a gap of 4 feet would cause a problem.
- Para 6.10.6.1 – It is not unknown for runners, especially those of advancing years, following a demanding run from the valley bottom to stop to catch their breath and admire both the views and buildings.
- Para 6.10.5.3 – As stated above, part of the pleasure of using the Holme valley footpaths is walking past old buildings and hamlets and getting close enough to see the detail of their construction, use and history.

From: [Noel Scanlon](#)
To: [Claire Moody](#)
Cc: [NATIONALCASEWORK](#)
Subject: Fw: objections to proposed diversion of footpath 60, Holmfirth (NATTRAN/Y&H/S247/4337)
Date: 26 September 2020 22:24:43
Attachments:

Importance: High

Dear Mrs Moody

Please could you kindly provide the following to **Objector No. 10** from me. Thank you in advance.

Dear Objector No. 10

Hello, I am Noel of NSCL, the agent for Mr. Butterfield on this application for a diversion of part of Footpath 60 at Wolfstones. 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. 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.

I see that your objection is effectively a cut and paste of your original objection to the non-statutory pre-consultation on the previous Section 257 TCPA application to Kirklees Council (you were Respondent Q), which we were invited to comment on prior to the Rights of Way officer recommending to Committee that an order be made following that application, but this was duly overturned by the relevant Committee in January 2020. This application to the Secretary of State contains updated information. Your references against the previous paragraphs of the supporting statement are now unfortunately out of date. Nevertheless, in summary, we are still able to respond to all of the points raised in your objection.

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 Wednesday 30th 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 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 in order to be able to consider withdrawing your objection. 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