

To all Members of the Planning Committee

You are hereby summoned to attend a meeting of the **PLANNING STANDING COMMITTEE** to be held at the **EXHIBITION ROOM** at **THE CIVIC, HUDDERSFIELD ROAD, HOLMFIRTH HD9 3AS** on **MONDAY 20 MAY 2024** at **700pm** to transact the following business: -

**- AGENDA – (A)**

**Welcome**

**Open Session at Planning**

**7.00 pm**

At the commencement of the meeting, there will be an open session lasting up to 15 minutes, for members of the public to address Members of the Committee in connection with planning applications to be considered at the meeting. This session allows both applicants and objectors to address Members. Any other information relating to items on the agenda will be considered as part of the agenda item.

Issues/concerns/information not related to any item on the agenda will be considered at a later date or referred to the appropriate body.

**2425 20 Public Bodies (Admission to Meetings) Act 1960 amended by the Openness of Local Government Bodies Regulations 2014 on 6 August 2014 7.15 pm**

As Local (Parish and Town) Council meetings can now be recorded, the Chairman to check if any members of the public wish to record the meeting, to ensure reasonable facilities can be provided. The meeting is already being recorded by the Officer for public broadcast via the Holme Valley Parish Council YouTube channel.

**2425 21 To accept apologies for absence 7.16 pm**

**2425 22 To receive Members' and Officers' personal and disclosable pecuniary interests in items on the agenda 7.17 pm**

**2425 23 To consider written requests for new DPI dispensations 7.18 pm**

**2425 24 To consider whether items on the agenda should be discussed in private session 7.19 pm**

- Any recording to be halted during such items and members of the public asked to leave the meeting.

2425 25	To elect the Vice Chair of the Planning Standing Committee 2024-25	7.20 pm
2425 26	Consultation – Footpath Holmfirth 60 at Wolfstones Heights Farm	7.23 pm

Notice of a public consultation on a proposal to make an Order under section 247 of the Town and Country Planning Act 1990 to authorise the stopping up and diversion of a length of Footpath Holmfirth 60, at the Wolfstones Heights Farm site, at Holmfirth in the Metropolitan Borough of Kirklees was considered at the meeting of the Planning Standing Committee 22 April 2024. On the basis of the information made available at the time through the Department for Transport, the Parish Council voted to oppose the order, and a letter to that effect was sent to the Secretary of State for transport on its behalf.

**To note**, letter from the Parish Council to oppose the stopping up and diversion of Footpath 60 at Wolfstones Heights **(B)**,

Email response and guidance on process from the Department for Transport. **(C)**

Since then, the applicant has made available further documentation, and the matter will need a new consideration. **(D)**

1831 Netherthong township map **(E)**, 1854 Netherthong ordnance survey map **(F)**.

Chair to report.

**To consider,**

- maintaining the current objection, or
- reviewing or changing the current objection, or
- withdrawing the current objection

**2425 27 To assign Members to wards of the Parish Council area 7.35 pm**

As a matter of course, Members would be expected to review all planning applications from their own Parish wards. In addition, it is helpful if other, designated Members consistently review applications from another ward or wards in the Holme Valley area, so that all applications will be covered by at least two Members. Chair and Vice Chair would be expected to review all applications.

Parish Ward	Members assigned (ward Councillors in bold)
Brockholes	<b>1. Cllr Fenwick</b>
Fulstone	<b>1. Cllr Firth</b>
Hepworth	<b>1. Cllr Dixon</b>
Holmfirth Central	<b>1. Cllr Blacka</b>
Honley Central and East	<b>1. Cllr Colling</b>
Honley South	
Honley West	
Netherthong	<b>1. Cllr Barnett</b>
Scholes	<b>1. Cllr Liles</b>
Upper Holme Valley	
Upperthong	<b>1. Cllr Wilson</b>
Wooldale	<b>1. Cllr Brook</b> <b>2. Cllr Ransby</b>

**2425 28 To Confirm the Minutes of the Previous Meeting 7.41 pm**

- **To approve**, Minutes of the Planning Committee meeting held on 22 April 2024, numbered 2425 01 – 2425 19 inclusive. **(G)**

**2425 29 Completed Kirklees Planning Applications List 7.42 pm**

- **To note**, List of Kirklees planning applications 5 March 2024 to 16 April 2024 updated with the views of the Committee. **(H)**

**2425 30 Kirklees Council - New Planning Applications 7.43 pm**

- **To consider**, new or amended applications received from Kirklees Council 16 April 2024 to 14 May 2024 inclusive – List 2425-02 enclosed. **(I)**

**2425 31 Kirklees Council - Planning Officers' Decisions 8.30 pm**

- **To note**, the list of Decision Notices issued by Kirklees Council for the period 16 April 2024 to 14 May 2024 inclusive. **(J)**

**2425 32 Neighbourhood Planning and Reviewing Parish Council Outcomes 8.31 pm****i. Purchase and placement of additional SID for the Holme Valley**

- At the full Council meeting on 27th March 2023 councillors approved the expenditure of up to £5,000 on a mobile speed indicator device (SID). At a meeting of the planning committee on 11 March 2024 Cllr Wilson reported that the SID was now active within the scheme for Holme Valley South. The Parish Council is still to be invoiced for the first SID.
- At a meeting of the planning committee on 5 February 2024 Cllrs resolved that the clerking team would progress the purchase of a second SID for the Holme Valley. The costs of the second SID have been received from Kirklees officers 10 May 2024 and the second SID ordered. See also under Committee Budget 2425 38.

Chair and Deputy Clerk to report on progress.

**To consider**, any further action.

**ii. Traffic calming**

- **To note**, The Assistant Clerk 13<sup>th</sup> May 2024 ordered a second set of six Think Before You Park bollards, this time, for Brockholes School. The cost is £474 plus £94.80 VAT (which the Parish Council reclaims) totalling £568.80. See also under Committee Budget 2425 38.
- **To consider**, any further action on traffic calming.

**2425 33 Peak District National Park Authority 8.35 pm**

- To note**, List of Peak District National Park Authority planning applications 5 March 2024 to 16 April 2024 updated with the views of the Committee. **(K)**
- No new or amended applications were received by Peak District National Park Authority 16 April 2024 to 14 May 2024 inclusive.
- No new decision notices from the Peak District National Park received in the period 16 April 2024 to 14 May 2024.

- iv. - **To consider**, any further action.

**2425 34 Ongoing highways campaigns, including unmade roads, green lanes and byways of the Holme Valley 8.36 pm**

The ongoing campaigns are:

- i. **Burnlee Road Closure**
- ii. **Ramsden Road**
- iii. **Cartworth Moor Road**
- iv. **Cheesegate Nab**
- v. **South Lane**

- Cllrs and officer to report on any updates received.
- **To consider**, any further action.

**2425 35 Planning Policy and Guidance 8.40 pm**

At the planning meeting on 22 April 2024 Cllrs approved a letter to be sent to Kirklees ward councillors and CEO to follow up on correspondence regarding establishing a working relationship on conservation and heritage and the publication of pre-app advice. This was sent 14 May 2024. **(L)**

Officer to report any follow-up.

**2425 36 Consultation – Parking Charges in Kirklees Car Parks 8.41 pm**

At the previous meeting of this Committee, Members voted to submit a written objection on behalf of the Parish Council to the consultation regarding proposals to introduce parking charges at car parks across Kirklees which are currently free.

**To note**, the Parish Council's written objection to the Parking Places Order. **(M)**

**2425 37 Design Code 8.42 pm**

- At the meeting of 22 April 2024 Cllr Ransby reported that he was awaiting an update on the draft Design Code.
- Cllr Ransby to report on progress.

**2425 38 Place Standards, Holmfirth Blueprint, Holmfirth Town Centre Access Plan 8.43 pm**

- Council Wilson to report on Place Standards.
- At the Annual Council Meeting, 13 May 2024, the Parish Council resolved that the Planning Standing Committee should look to better engage with Kirklees officers and stakeholders in respect of the Holmfirth Blueprint.  
**To consider**, how the Committee will undertake this engagement.

**2425 39 Saddleworth Draft Neighbourhood Plan 8.50 pm**

- As a neighbouring Parish, Holme Valley Parish Council is a consultee on the draft Neighbourhood Development Plan of Saddleworth being led by Saddleworth Parish Council. The closing date for the consultation is 10 June 2024. [saddleworthparishcouncil.org.uk/neighbourhood-plan/](https://saddleworthparishcouncil.org.uk/neighbourhood-plan/)
- **To consider**, Holme Valley Parish Council's response to the consultation.

**2425 40 Committee Budget 2024-25 8.52 pm**

- The Planning Committee has one budget line under its remit. This is 4505 Neighbourhood Plan. At the start of the Council year, the budget contains £1,500. No expenditure has come from this budget line.

In earmarked reserves, the Committee oversees one fund, -

- £12,526 is earmarked for Road Safety. Of this, up to £10,000 has been committed to the purchase of 2 SIDs and up to £526 remains ringfenced for the pilot school bollards safety scheme.

The Parish Council has still not been invoiced for the first mobile SID that is now in service. The cost of the first SID was £3,675.03 which covered: the device, 12 months warranty, tracker and software, subscription to the cloud program, delivery, and the cost of three moves of the device at £432 per move.

A second SID has been ordered. Again, the Parish Council is yet to receive an invoice for this. The cost of the second SID is £3637.14 which covers: the device, 12 months warranty, tracker and software, subscription to the cloud program, and delivery. It does not seem to cover subsequent moves of the SID, which the first order included. The cost is lower.

- The second batch of Think Before You Park school bollards has been ordered 13 May 2024, and an invoice received for £474 (plus £94.80 VAT which the Parish Council reclaims) totalling £568.80.  
**To consider**, making a recommendation to Council to approve the payment of £474 + £94.80 VAT totalling £568.80 from the earmarked reserve 343 EMR Road Safety via budget line 4505 Neighbourhood Planning.
  
- The cost of the first order of bollards for schools was the same price.
  
- If all the expenditure from the earmarked reserve progresses as presented, the calculation would be £12,526 (START) - £3,675.03 (SID1) - £474 (Bollards 1) - £3,637.14 (SID2) - £474 (Bollards 2) = £4,265.83. There would be £4,265.83 remaining in the earmarked reserve 343 EMR Road Safety.

**2425 41          Publicising the work of Holme Valley Parish Council          8.54 pm**

- Deputy Clerk to update on planned activity.
- **To consider**, recent events or news that this Committee wishes to publicise via the press, Parish Council website or social media.

Close   **8.55 pm**

Please note that timings on the agenda are given for guidance of the Chair and Committee only and should not be taken as the time at which discussion of a particular item will commence.

Mr Richard McGill  
Responsible Finance Officer and Deputy Clerk to the Council

Holme Valley Parish Council  
Holmfirth Civic Hall, Huddersfield Road, HOLMFIRTH HD9 3AS  
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## HOLME VALLEY PARISH COUNCIL

Holmfirth Civic Hall  
Huddersfield Road  
Holmfirth HD9 3AS

B

8

Wednesday 1 May 2024

Secretary of State for Transport,  
National Transport Casework Team,  
Tyneside House,  
Skinnerburn Road,  
Newcastle upon Tyne NE4 7AR

Dear Sir,

**Re NATTRAN/Y&H/S247/5644 Proposed diversion of public footpath Footpath 60 (part) at Wolfstones Heights Farm, Holmfirth, Metropolitan Borough of Kirklees. Town & Country Planning Act 1990, Section 247**

I am writing to you on behalf of Holme Valley Parish Council to make an objection to the above proposal to make an Order under section 247 of the Town & Country Planning Act to authorise the stopping up and diversion of a length of Footpath Holmfirth 60, at the Wolfstones Heights Farm site, at Holmfirth in the Metropolitan Borough of Kirklees.

Objections to the proposal were raised over recent weeks to the Parish Council by a number of local community groups and concerned individuals including members of the Council. The matter was considered by the Planning Committee on 22 April 2024, resulting in a unanimous resolution to object to the proposal.

Footpath 60 leads directly towards Wolfstones Heights which is a viewing point, waypoint and landmark for local walkers. Wolfstones Heights is land owned by the Holme Valley Land Charity for the benefit of the people of the Holme Valley.

People walking to the Heights have for centuries been served perfectly well by this footpath - a longstanding, direct route from Netherthong village whereby the only metalled road walkers have to cross presently is a brief traverse over Wolfstones Road at Wolfstones Farm.

Under the proposed amendment, this ancient byway would be blocked off; walkers would be forced to detour round the farm, then have to walk back some distance along a national speed limit country road where there is no defined footway in order to access the permissive path to Wolfstones Heights Trig Point which is the most obvious landmark destination of the walk.

The proposal ignores centuries of tradition and historical usage by the people of the Holme Valley. Holme Valley Parish Council strongly urges the Secretary of State to protect the rights of way of the people of the Holme Valley and to allow the public to continue to make use of our historic footpath freely.

Yours sincerely,

Jen McIntosh  
Clerk to Holme Valley Parish Council

Clerk to the Council: Mrs Jen McIntosh [clerk@holmevalleyparishcouncil.gov.uk](mailto:clerk@holmevalleyparishcouncil.gov.uk)  
Deputy Clerk to the Council: Richard McGill [deputyclerk@holmevalleyparishcouncil.gov.uk](mailto:deputyclerk@holmevalleyparishcouncil.gov.uk)  
Assistant Clerk to the Council: Mrs Gemma Sharp [assistantclerk@holmevalleyparishcouncil.gov.uk](mailto:assistantclerk@holmevalleyparishcouncil.gov.uk)  
Phone No: 01484 687460



**From:** NATIONALCASEWORK <NATIONALCASEWORK@dft.gov.uk>  
**Sent:** 07 May 2024 10:53  
**To:** NATIONALCASEWORK  
**Subject:** Objection Acknowledged: PROPOSED STOPPING UP OF HIGHWAY AT PART OF HOLMFIRTH FOOTPATH 60 (HOL/60/20), WOLFSTONES ROAD, HOLMFIRTH

Dear Objector

Our ref: NATTRAN/Y&H/S247/5644

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247  
PROPOSED STOPPING UP OF HIGHWAY AT PART OF HOLMFIRTH FOOTPATH  
60 (HOL/60/20), WOLFSTONES ROAD, HOLMFIRTH, WEST YORKSHIRE HD9 3UU  
OS GRID REFERENCE: E: 412850, N409133 AND E:412700, N:409111**

Thank you for your email submitting an objection to the above proposals.

Your email has now been passed to our applicant, Noel Scanlon Consultancy Ltd, and they will no doubt be in touch directly to discuss the objection. I would be grateful if you could keep us informed of any correspondence and if matters are resolved to your satisfaction, please let us know that you no longer object.

In the event of your objection not being withdrawn, its content will be reviewed following the end of the consultation period, alongside any further information that comes to our attention and any correspondence you may have with the applicant and their client.

Please also be aware that if a stopping up Order becomes the subject of a Public Inquiry (PI), all correspondence is passed to the PI Inspector and may be publicly available to anyone with an interest in the PI.

Kind regards

Fiona McDermott  
National Transport Casework Team



Ms Karen Twedde  
Admin Officer, National Transport Casework  
Team  
Newcastle, Tyneside House Skinnerburn Road  
Newcastle Business Park, Newcastle Upon  
Tyne, NE4 7AR  
07812 482608  
*Putting place at the heart of transport decision-  
making*  
[Follow us on twitter @transportgovuk](https://twitter.com/transportgovuk)

**Monday - Friday**

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Mr Noel Scanlon  
Noel Scanlon Consultancy Ltd  
c/o 3 Dryden Way  
Lindley  
Huddersfield  
HD3 3YF

**National Transport Casework Team**  
Tyneside House  
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Your Ref:

Our Ref: NATTRAN/Y&H/S247/4337

Date: 09 March 2022

Dear Mr Scanlon

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247  
PROPOSED STOPPING UP AND DIVERSION OF FOOTPATH 60, HOLMFIRTH**

**SECRETARY OF STATE'S DECISION – ORDER WILL NOT BE MADE**

1. In accordance with Section 247 of the Town and Country Planning Act 1990, the Secretary of State for Transport (the Secretary of State) has decided that the application for a Diversion Order (the Order) at the above location, should not be approved.

**CONSIDERATIONS FOR DECISION**

2. As objections to the proposal remained, a virtual Public Inquiry was held for the purpose of hearing those objections. The Inquiry took place via Microsoft Teams between 24 and 27 August 2021 and on 28 January 2022 before Inspector Malcolm Rivett BA(Hons) MSc MRTPI, an independent Inspector appointed by the Secretary of State.
3. The Inspector considered the representations and objections about the Order and has now submitted his report to the Secretary of State, a copy of which is enclosed with this letter. References to the report within this letter are prefixed 'IR'.
4. The Secretary of State has given careful consideration to the Inspector's report and also to a number of other relevant issues, in reaching his final decision on this Order. Namely;
  - Whether there is a valid planning permission
  - Whether the area in question is public highway
  - Whether the stopping up and diversion is necessary to allow development to take place in accordance with the planning permission

- Whether any disadvantages arising as a result of the stopping up and diversion, outweigh the advantages of making the order

## CONCLUSION

5. The Secretary of State is satisfied that there are valid planning permissions in place which were granted by Kirklees Council under references 2014/62/92814/W and 2017/62/91374/W.
6. He is also satisfied that the area in question is public highway and this fact does not appear to be disputed by the parties. Although the exact footprint and dimensions of the current footpath have been brought into question during the course of the application and Inquiry, these factors would not materially alter the Secretary of State's decision on whether the Order should be made, only whether it should be made as currently drafted, or if modifications would have been required.
7. With regards to whether the stopping up and diversion is necessary to allow the development to take place, the Secretary of State agrees with the Inspector's comments at IR7.3 - 7.4 that the development plans clearly show how this area will be utilised, and that this could not be achieved whilst keeping the footpath open. As such, it is clear this would be necessary for the development.
8. The Secretary of State notes the Inspector's observations and his particular conclusions at IR7.43 – 7.49 that the benefits of the scheme and of stopping up and diverting the highway, as conferred by the Order, would **not** outweigh the disadvantages put forward in the objections. He considers that the inconvenience that would be caused to highway users to be of a significance where he cannot support the implementation of the Order.
9. Overall, the Secretary of State agrees with the Inspector's recommendation at IR8.1 that the Order should not be made. The application is therefore not approved.

## ADVISORY

10. In making this decision, the Secretary of State has relied on the information that the parties have provided, as contained in the application and related plans, diagrams, statements and correspondence, as being factually correct.
11. A copy of this letter has been sent to the objectors and copies will also be made available, on request, to any other persons directly concerned. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State to view any document appended to this report. This must be done by writing to the above address within 6 weeks of receipt of this letter.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Candlish", with a long horizontal flourish extending to the right.

**DAVE CANDLISH**

Authorised by the Secretary of State for Transport  
to sign in that behalf

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# Report to the Secretary of State for Transport

by **Malcolm Rivett BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Transport

Date: 1 March 2022

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**TOWN AND COUNTRY PLANNING ACT 1990**

**THE DIVERSION OF HIGHWAY (YORKSHIRE AND THE HUMBER) (No. )  
ORDER 20..**

Date of Inquiry: 24, 25, 26 and 27 August 2021 and 28 January 2022

Ref: NATTRAN/Y&H/S247/4337

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**CASE DETAILS**

- The Order is drafted under section 247 of the Town and Country Planning Act 1990.
- The draft Order proposes to stop-up and divert a length of Footpath Holmfirth 60 at Wolfstones Heights Farm. The section to be stopped up is from grid reference E:412850 N:409113 extending in a westerly direction for a distance of 151 metres to Wolfstones Road. It has a maximum width of 1.2m. The new (diverted) footpath commences from the same grid reference extending overall in a general north westerly direction for a distance of 226m. It has a varying width between 2.4m and 3m.
- Application for the Order was made by Mr Richard Howard Butterfield on 23 June 2020.
- 36 letters of objection (CD6.1 – CD6.35 and CD6.37) were submitted in response to the formal notice advertising the Order. Six of the objectors appeared at the Inquiry and three of these submitted further written statements/proofs of evidence.
- 75 letters in support of the Order (CD7.1 – CD7.75) were submitted in response to the formal notice advertising the Order. Six of the supporters appeared at the Inquiry, five of them as witnesses for the Applicant, each of whom submitted a Proof of Evidence.

**Summary of Recommendation:****I recommend that the Order is not made.****1. PREAMBLE**

- 1.1 On 24 August 2021 I opened a Local Inquiry, held 'virtually' by MS Teams, to hear representations and objections concerning the proposal by the Secretary of State to make The Diversion of Highway (Yorkshire and the Humber) (No. ) Order 20.. The Inquiry sat for five days. Six witness appeared for the Applicant and one for Kirklees Metropolitan Borough Council (KMBC). Six other individuals/organisations spoke at the Inquiry, one in support of the Order and five in objection to it.
- 1.2 At the Inquiry the Applicant confirmed that he had complied with all necessary statutory formalities in connection with the promotion of the Order.
- 1.3 I made unaccompanied visits to the affected footpath/proposed diversion, the nearby roads and the surrounding area before the Inquiry on the morning of Friday 23 July 2021 and after the Inquiry on the afternoon of Sunday 12 September 2021. During these visits I also walked footpath 60 from Wolfstones Heights Farm to Netherthong and back and to and from the Trig Point at Wolfstones Heights via the permissive footpath.



- 1.4 This report contains a description of the site and its surroundings and the effect of the Order, the gist of the evidence presented and my conclusions and recommendation. Lists of appearances and documents are attached. Included in the list of documents are the proofs and other statements of evidence submitted by the parties subject, however, to the proviso that these may have been added to or otherwise amended at the Inquiry.

## 2. **THE SITE, ITS SURROUNDINGS AND THE ORDER**

### ***Description of the Site and its Surroundings***

- 2.1 Holmfirth Footpath 60 links the village of Netherthong, near Holmfirth, with Wolfstones Heights, a local hilltop with a 'Trig Point' and extensive panoramic views across attractive countryside. Between Netherthong and Wolfstones Heights the route crosses only one road – Wolfstones Road. The footpath mostly passes through fields but at its westernmost end it utilises a 100m or so length of tarmacked lane/drive, which provides access to Wolfstones Heights Farm. The Order plan shows the footpath broadly in the centre of this lane/drive, although the written evidence of the Applicant states that it is on the northernmost side of the lane/drive. I deal with this discrepancy towards the end of this report.

- 2.2 At its western end the footpath terminates at Wolfstones Road, a rural lane without footways and walkers can then proceed either northwards or southwards along Wolfstones Road or can cross the road and use a permissive path to reach the Wolfstones Heights Trig Point.

### ***Effect of the Order***

- 2.3 The Order would stop-up the section of footpath between points A and B on the Order Plan (CD3.1.2), the part of the path which passes close by, and provides access to, Wolfstones Heights Farm. Footpath 60 would be diverted to a new alignment (C on the Order Plan), running initially parallel with the original footpath and then heading in a north-westerly direction to terminate on Wolfstones Road around 118m north of the junction of the existing footpath with this road.

### ***Purpose of the Order***

- 2.4 The Applicant describes the Order as being necessary to enable full implementation of planning permissions 2014/92814 and 2017/91374 which are for a range of construction and improvement works to and at Wolfstones Heights Farm.

### ***Objections to the Order***

- 2.5 36 written objections to the Order have been received and six objectors appeared at the Inquiry. The main reasons for the objections are that the diversion would inconvenience and present an increased road safety risk to many users of the footpath and that this outweighs any advantages which would be conferred by the Order.

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### 3. PROCEDURAL MATTERS

- 3.1 Whilst the main issues on which I have reached my recommendation in this case are relatively straight forward ones, the Inquiry proved to be a highly fractious event. There have been numerous, mostly procedural, disagreements between the parties (in particular the Applicant and KMBC) reported to me and on which I have been asked to rule in the lead up to the Inquiry, during it and in the period between the adjournment of the Inquiry and its resumption. In this regard I wish to particularly note the professional and patient way in which Yvonne Parker, the Programme Officer, assisted me in dealing with these disagreements.
- 3.2 Most of the disagreements relate to the nature and extent of evidence which should be taken into account in determining whether or not the Order should be made. However, the majority of these arguments have not been of significance to my recommendation. In essence, aside from evidence relating directly to the separate Definitive Map Modification Order which I consider should not be taken into account for the reasons detailed in the following paragraphs, my recommendation on the Order would be the same if I were to take account of all the disputed evidence, none of the disputed evidence or any combination of evidence between these two extremes.
- 3.3 Consequently, in reporting the parties' cases, which in the case of the Applicant and KMBC are long (bearing in mind the relatively straight-forward issues the Order raises) and in detailing my conclusions on them, I have focussed on the gist of the parties' main arguments, rather than detailing and addressing the numerous detailed points of who said what and when. However, I have appended to this report (Appendices 3-5) the Applicant's and KMBC's written closing submissions and the written statements of the Applicant and KMBC on the accuracy of each other's closing submissions, in order that the Secretary of State can read these in full should he consider that to be necessary in reaching a decision on the Order. This and all other written evidence put before the Inquiry (some of which is specifically referenced in this report) is available at:

<https://programmeofficers.co.uk/Holmfirth/CD25Feb22.pdf>

*The Definitive Map Modification Order*

- 3.4 Subject to confirmation, KMBC has made a Definitive Map Modification Order (DMMO) which would record on the Definitive Map a greater width for footpath 60 than that currently recorded and referred to in the Stopping-Up/Diversion Order which is the subject of this report. Anticipating objections to the DMMO, the Council wrote to the Department for Transport [Doc CD.11] requesting that the Inquiry for the Stopping-Up/Diversion Order be postponed and held concurrently with any Inquiry to be held in connection with the DMMO. The Department for Transport did not accede to this request but indicated that the matter would be considered by me at the Pre-Inquiry Meeting.
- 3.5 At the Pre-Inquiry Meeting I heard arguments for and against

postponement of the Stopping-up/Diversion Order Inquiry. I then determined that the Inquiry should proceed as planned, concluding that it would not be appropriate to postpone it for an unknown period of time to be held concurrently with another Inquiry which may or may not ever happen. Nonetheless, KMBC and the Peak and Northern Footpath Society referred to the DMMO in some detail in their written evidence for the Inquiry.

- 3.6 Understandably the Applicant wished to cross-examine the witnesses for KMBC and Peak and Northern Footpath Society on this evidence at the Inquiry. However, for him to have done so would have been inappropriate; the DMMO is not, as I see it, directly relevant to the determination of the Stopping-up/Diversion Order and might inappropriately prejudice parties' positions at any future Inquiry concerning the DMMO. Consequently, I advised the Inquiry (verbally and subsequently in Inquiry Note 2 (CD13.4)) that I would not be taking account of any evidence relating to the DMMO submitted or raised at the Inquiry in connection with the Stopping-up/Diversion Order.

*Examination in Chief of KMBC's Witness*

- 3.7 KMBC's witness was heard on 27 August 2021. Following his 'evidence in chief', but prior to cross-examination of him by the Applicant, I asked him a preliminary question concerning the content of the evidence he had just given, in comparison with that set out in the Council's written Statement of Case. After a few moments of the witness appearing to struggle to answer the question, an unknown person was seen on the witness's MS Teams screen handing him a piece of paper or a document. I immediately raised concern about this and it was stated that another KMBC officer was simply providing the witness with a paper copy of the Council's Statement of Case, which I had referred to in my question.
- 3.8 Being able to trust all parties to Public Inquiries to behave honourably is of fundamental importance to confidence in the recommendations and decisions subsequently made. That parties' behaviour both is, and is seen to be, beyond reproach is of particular importance in virtual Inquiries where the participants are not all in the same room. I have no reason to doubt KMBC's assertion that the action was entirely innocent and that the witness was not being given inappropriate assistance in answering my question. However, very unfortunately, it had the potential to be seen as being otherwise and the Applicant therefore argues that this witness's evidence in chief should not be taken into account.
- 3.9 I had intended to distinctly identify in this report the evidence given during KMBC's witness's evidence in chief, in order that the Secretary of State could decide whether or not he wished to take account of it. However, in reality, it is almost impossible to separate out points made in the witness's evidence in chief from those set out in the Council's written Statement of Case or which emerged in its cross-examination of the Applicant's witnesses. Nonetheless, given my conclusions detailed below in relation to arguments about the legality of the Council's evidence overall, my recommendation on the order would be the same whatever

evidence of KMBC I do or do not have regard to.

*Closing Submissions*

- 3.10 Due in part to the shorter than normal sitting days necessary because of the virtual format of the event, the Inquiry was not completed in the originally allotted four days. I therefore adjourned the Inquiry on 27 August 2021 with a future date to be set to hear closing submissions.
- 3.11 Anticipating that there would be numerous disagreements between the Applicant and KMBC over the extent to which the closing submissions accurately reflected what was said and happened at the Inquiry, I asked (Inquiry Note 1 (CD13.2)) these two parties to exchange their written closing submissions with the aim of agreeing their accuracy. However, despite allowing three months for this process, the two were unable to reach agreement. Therefore, in addition to the closing submissions the Applicant and KMBC have submitted some 28 pages of detailed written comments on the accuracy/appropriateness of points made in each other's closing submissions (CD13.25)

*Legality of the Council's Evidence Overall*

- 3.12 The Applicant argues that the evidence put before the Inquiry by KMBC extends beyond the authorised brief of the relevant Council Committee (letter to the Department of Transport in January 2021 (CD15.8.4) and letter to me in August 2021 (CD19.2)). The Council has strongly rebutted this argument as detailed in paragraphs 1.3 and 1.4 of its Statement of Case (CD14.1).
- 3.13 This is a legal matter and is not one on which I feel able to advise. The Secretary of State may therefore consider it appropriate to seek specialist legal advice. Ultimately, however, none of the Council's evidence has been determinative in my recommendation. Indeed, had the Council not participated in the Inquiry at all, nor even objected to the Order, the evidence of all other parties unchanged, my recommendation would be no different.

**4. THE CASE FOR THE APPLICANT**

The material points are:

*Tests to be applied*

- 4.1 It is agreed between the Applicant and KMBC that the tests to be applied under s247 were considered in Vasiliou and (in relation to the equivalent test under s257) in Network Rail judgements. There is a two stage test in considering whether to make a final order – the 'necessity' test and the 'merits' test. It is common ground amongst everyone except the Holmfirth Harriers Athletic Club (and their witness Mr Sizer conceded that he did not know the legal position on the point) that the 'necessity' test is met.
- 4.2 However, the power for the Secretary of State to decline to make the

order is not absolute; it is discretionary and there is an exercise he is obliged to carry out in exercising his discretion. There are essentially two parts to the 'merits' test.

- 4.3 Firstly, in exercise of that discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping-up order which have been raised, either for the public generally or for those individuals whose actionable rights of access would be extinguished by the order. Secondly, in such a case the Secretary of State must also take into account any countervailing advantages to the public or those individuals, along with the planning benefits of, and the degree of importance attaching to, the development. He must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to make the order.
- 4.4 We therefore need to consider the words "significant" and "seriousness" or the state of being "serious". "Significant" means very important or being sufficiently great to be worthy of attention in a particular situation. "Serious" means characterised by careful consideration of the gravity of a situation; not trivial; not remote; not far-fetched; applicable to the objective gravity of a situation.
- 4.5 The evidence has shown that there are no significant disadvantages and losses. There are in fact significant advantages, so even in the hypothetical case where significant disadvantage and losses would be founded, it is plainly not the case what they would be of such significance or seriousness that it should not be recommended to the Secretary of State that he makes the Order. In short there is no good reason not to make the Order; whilst objections have not been ignored or dismissed they are based around myths. Moreover, the weight to be given to the Parish Council's objection must be limited by their refusal to take part in the Inquiry and put themselves up for cross-examination. Furthermore, in the absence of documents to demonstrate that the evidence of Mr Payne and Mi Sizer represents the formal view of Holmfirth Walkers Are Welcome and Holmfirth Harriers respectively, their evidence should be treated as that of individuals.

*Myth 1 – why the diversion route was constructed*

- 4.6 It is profoundly wrong to assume that that the diversion route was constructed, in advance of the stopping-up Order being made, out of arrogance, entitlement or brazenness. It is in place because planning permissions were granted, contractors were available and the landowner decided to put this in completely at risk. The landowner did not need to let people use the diversion path in advance of the Order being made but nonetheless did so.

*Myth 2 – the landowner had closed the current legal route*

- 4.7 It is profoundly wrong to say that the landowner closed the legal route when the diversion was put in. The Applicant has always been highly cognisant of the need to keep the footpath open.

*Myth 3 – there is overwhelming objection to the proposal*

- 4.8 Contrary to the assertion that there is overwhelming objection to the proposal the diversion route is very popular and, indeed, people are concerned at its possible loss. It would be a brilliant addition and enhancement to the public rights of way network in the area. The level of support for the application is more than double the level of objection to it

*Myth 4 – Wolfstones Road is dangerous*

- 4.9 No objectors have provided any discernible evidence of Wolfstones Road being dangerous; indeed the Council's position is so confusing that the Applicant remains at a loss to understand its position on safety. However, we find it beyond comprehension that the Council, with the resources available to it and a previously-involved Highway Safety Engineer, would not put this officer up for examination or at least provide data to reinforce its position.
- 4.10 The Applicant's Highways Witness, Mr Appleton, was clear that there is absolutely no reason to decline to make this Order on the basis of safety concerns and the Council elicited no contrary response despite its lengthy cross-examination of him.
- 4.11 The evidence demonstrates that traffic speeds are low and that the average surveyed traffic flows is around 180 vehicles per day – 23 vehicles per hour which Mr Appleton described as a "very low volume" Even the highest recorded traffic volume of 230 per day (29 vehicles per hour) is still very low.
- 4.12 The fact that this is the only basis for KMBC for objecting to the Order adds considerable weight. And the fact that other statutory objectors, being the Parish Council and the Peak and Northern Footpaths Society, reference safety without evidence (and in the case of the Parish Council does not even offer itself for examination) only goes to reinforce this already clearly established position.
- 4.13 The Applicant submits that it would be impossible to justify not making the Order on the basis of highway safety; to do so would be irrational.

*Myth 5 – all or a majority of users are accessing the Trig Point or walking south*

- 4.14 There is no evidence for the assertion that the diversion route is defective because everybody, or at least a vast majority, using the diversion route has to turn left on reaching Wolfstones Road to head south towards the Trig Point or Upperthong. As the Applicant's Highways witness pointed out, even including the date of what he considered an anomaly of a 38-strong memorial walking group, 42% of all users would use the current route to access the Trig Point land. Otherwise, Mr Appleton's analysis shows only a third of users actually use the current route to access the Trig Point. [Inspector's Note: in closing submissions the Applicant's advocate verbally confirmed that the "42%" and "a third" figures are the proportion of people using the permissive path to the Trig

Point who walked to/from there via the section of footpath proposed to be stopped up. This is not the same as the proportion of users of the footpath to be stopped-up who were heading to/from the Trig Point.]

4.15 We also heard that out of choice, Mrs Waldrom uses the diversion route even if heading to the Trig Point land. The surveys clearly establish that movements to and from the Trig Point are nowhere near to the extent envisaged in any objections.

4.16 Mr Appleton clearly identified that only one out of eight surveys carried out by Paragon Highways showed a large walking group and that such a large group was likely a one-off in itself. However, Mr Appleton added at the Inquiry that even if a group of such a size is allowed for in the data, this does not mean any material change to the average pedestrian flows in any direction over the whole of a day and did not alter his conclusions on the proposals. No objector has any date or even information contrary to the Applicant's surveys of pedestrian movements.

4.17 The conclusion is simple: the users of Footpath 60 are not all accessing or egressing the Trig Point; far from it.

*Myth 6 – the Trig Point land is held in perpetuity for the benefit of the public*

4.18 Any view that although access to the Trig Point land is only permissive it is almost as good as a public right of way is profoundly wrong. The Holme Valley Land Charity has taken measures in recent years to ensure that the land is safeguarded from being a public right of way and Mr Cropper (for the Applicant) indicated that there is no question that the charity, like all good trustees, must look after and manage the land as an asset. The permanence of the Trig Point land is undoubtedly called into question; it is a matter of legal fact that this is not publicly owned and it is also not land that has to or necessarily will be open to public access in the future. The importance of the Trig Point land is in this sense considerably diluted.

*Myth 7 – the main problem is that the diversion route breaks the direct access to the Trig Point land*

4.19 In cross-examination KMBC and the Peak and Northern Footpath Society were clear that that current line of Footpath 60, along the section of it proposed to be stopped-up to Wolfstones Road opposite the permissive path to the Trig Point, could be broken. They were not wedded to a position. Mr Leader (witness for the Peak and Northern Footpath Society) acknowledged that "a" diversion of the footpath (as opposed to the diversion proposed) would even be supported. Indeed in cross examination both Mr Leader and Mr Champion for the Council identified the proposal as having a neutral effect on the public rights of way network. [Inspector's Note – I recall Mr Leader indicating that there might (as opposed to would) be a proposal for diversion of this footpath which would be acceptable to the Society. Moreover, whether or not Mr Leader used the word "neutral" in cross-examination, he made clear

overall his view that the Order would have an adverse effect on public rights of way in the area.]

- 4.20 However, Mr Earnshaw (for the Applicant) clearly explained that the reason for the chosen termination point of the diversion footpath on Wolfstones Road (point C on the Order Plan) is due to land ownership and engineering related issues. The reality is that point C could only have been designed to be at the place where it was, and now is. Accordingly, the line of direct access to the Trig Point can be "broken" and the alleged direct character and ancient route clearly diluted as a result, very significantly we would submit.

*Myth 8 – the current Footpath 60 is part of an historic and "ancient" public route*

- 4.21 There is no evidence at all for the assertion that that Footpath 60 is part of an historic and "ancient" public route; there is only supposition which the Applicant submits is unfounded following cross-examination of Mr Leader for the Peak and Northern Footpath Society. Mr Leader's acknowledgement in cross-examination that the footpath has only been a public route since the 1950s and that the Trig Point land was, at this point, a disused/end of working life quarry, says it all. [Inspector's Note – I recall Mr Leader accepting that the footpath had probably only been a formal public right of way, shown on the definitive map, since the 1950s (which was shortly after the requirement for local authorities to produce definitive maps of public rights of way was introduced) but that this does not mean it had not been a public route for much longer.]
- 4.22 The alleged historic and even "ancient" basis for the route has been overstated and is quite simply not borne out of any credible evidence.

*Myth 9 – that the diversion, or in fact the whole scheme, has been designed and constructed without forethought*

- 4.23 Contrary to this assertion the Applicant has evidenced that the design of the scheme was heavily influenced by KMBC's lead Rights of Way and Planning officers. Mr Cheetham of the Rights of Way section had heavily influenced the start and end points of the diversion. Although Mr Earnshaw (for the Applicant) had to acknowledge that there was no choice in the location of the end point C, the location of point A was heavily influenced by dialogue with Mr Cheetham and his colleague Mr Franklin. Mr Earnshaw described a previous iteration that would have seen that point located further westwards before Mr Cheetham's helpful input to move it eastwards.

*Myth 10 – the diversion, and thereby the diversion route, is "unnecessary"*

- 4.24 As the Applicant detailed in his application for the Order, it has through the Inquiry been established beyond any doubt that the 'necessity' test is met and there appears to be consensus on this.



*Myth 11 – there are no advantage or “public/societal” benefits to the proposal*

- 4.25 In addition to enabling the Applicant to fully implement his planning permissions there are considerable advantages to users from or going to the north (including to Honley and Wilshaw) in using the diversion which results in a shorter journey time and less time on the road. The diversion route has been described as less steep and kinder underfoot than the original path, particularly during inclement weather. There are also descriptions of the diversion being generally more pleasant and a far superior amenity which must form a clear advantage.
- 4.26 The Applicant’s witnesses also state that the diversion has a safer egress point on to Wolfstones Road (Point C) than does the original path (Point B) in terms of visibility in both directions. Whilst users heading to the Trig Point or southwards will spend slightly more time on Wolfstones Road (specifically the verge) the same would apply to anyone heading northwards if the Order were not made.
- 4.27 Mr Cropper (for the Applicant) and others also raised “Great British awkwardness” (ie feeling that users on the original path may be imposing on people’s privacy) which is avoided with the diversion footpath; a form of “cultural advantage” which cannot be ignored.
- 4.28 There are clear advantages to this proposal: private, public, societal and otherwise.

*Conclusions*

- 4.29 There is consensus that the ‘necessity’ test is met. The question therefore is whether there are any significant disadvantages or losses flowing directly from the Order. The answer is “no”. Given the evidence in cross examination of the Peak and Northern Footpath Society and Council in particular, it cannot in the Applicant’s submission be reasonably concluded that significant disadvantages would exist as a result of this proposal. However, in the unlikely event that the Inspector were to identify significant disadvantages then the Inspector would also identify countervailing advantages. These have been drawn out in evidence by the Applicant’s witnesses and other supporters of the Order.
- 4.30 The benefits of and degree of importance attaching to the development is obviously more subjective. Nevertheless, even in the case where the Inspector would find that there are significant disadvantages or losses and there are no countervailing advantages (which is impossible in the Applicant’s submission) and that in considering the benefits and degree of importance attaching to the development (which includes the diversion route itself) then the Inspector must go on to assess whether such disadvantage or losses would be of such significance or seriousness as to justify recommending that the Order is not made. Clearly on the evidence the answer is “No”.
- 4.31 By way of additional encouragement a Unilateral Undertaking will be

submitted providing a mechanism for the Council to receive monies to make improvements to the verge of Wolfstones Road between Points C and B. This leans into the narrative that, although not necessary, it would "do no harm". The Inspector's report and Secretary of State's final decision will hopefully provide their opinion and/or modest guidance in this respect.

- 4.32 DEFRA Circular 01/09 (in respect of the similar s257) indicates that a decision maker would need to have a good reason not to make the final order where planning permissions have been granted. On the evidence and applying the correct legal tests, the Applicant submits beyond any doubt that in view of the planning permissions there is no good reason not to make the final Order. We respectfully invite the Secretary of State to do so without further delay.

## 5. THE CASES FOR THE SUPPORTERS OF THE ORDER

The material points are:

### **Helen Waldrom, Local Resident**

- 5.1 I walk the footpath regularly, at least once a week, and always use the diversion rather than the original footpath. I was anxious using the original footpath when meeting vehicles and it is also steep and slippery in icy conditions. There is a clearer view of the traffic when emerging on to Wolfstones Road from the diverted footpath than from the original.
- 5.2 The diversion is much more scenic than the original and more relaxing to use – the panoramic views, the benches and the duckpond make it a much more pleasant walking experience than the original footpath with high walls and no view. I've heard objectors to the Order admit that the diversion is a nice route but that it means they don't get to see what they are doing at the big house.

### **Letters of Support**

- 5.3 75 letters of support for the Order were submitted in response to the consultation on it (six of which are from people who appeared at the Inquiry, five of them as witnesses for the Applicant). Many of the letters make similar comments, the material points of which are:
- The stopping-up/diversion is justified on the basis of giving the Applicant privacy and security. An intruder has, in the past, entered the adjoining property from the footpath.
  - The diversion means that footpath users don't feel uncomfortable passing very close to private property.
  - The proposal would be an extremely satisfactory resolution to an unsatisfactory existing situation.
  - The "exit" of the diverted footpath on to Wolfstones Road has better visibility and is safer than that of the existing footpath.

- The diversion is only a short distance longer than the original footpath and is more convenient if heading to/from Netherthong.
- The diversion provides a wider and better walking surface than the original footpath which can be dangerous when wet or icy. The steepness of the original route can be tiring.
- The diversion is more tranquil and offers more attractive views than the original footpath, of both the new duckpond and surrounding countryside, and offers seating for a rest. The original footpath is squashed between buildings, which can act as a wind tunnel.
- The diversion is safer than original footpath which has to be shared with vehicles.
- The diversion keeps people away from private property which is particularly important during the Covid-19 pandemic.
- The diversion is already well used and is preferable to the original footpath. It would be a retrograde step if people were forced to use the original path again.
- All the objections to the Order seem to be from people who are not local. There also appears to be political motive against the Order.
- Kirklees Council granted planning permission for the stopping-up and diversion of the footpath and associated development and its officers recommended making a s257 Order to facilitate the development.

## 6. THE CASES FOR THE OBJECTORS TO THE ORDER

The material points are:

### **Kirklees Metropolitan Borough Council (KMBC)**

#### *Tests to be Applied*

- 6.1 It is for the Applicant to demonstrate that the legal tests for the making of a s247 order are satisfied and the Council submits that they are not met. Moreover, as detailed in its opening statement (and in CD14.1) the Council refutes the Applicant's contention that in terms of the scope of its objection its officers have in some way acted beyond authority.
- 6.2 The test to be applied under s247 was considered in *Vasiliou v Secretary of State for Transport* [1991] and has recently been confirmed by the Court of Appeal [Holgate J; Network Rail judgement] in relation to the equivalent test under s257. In brief, there is a 'necessity' test under which a planning permission must exist for development for which it is necessary to stop-up or divert the public right of way and a 'merits' test. Even if the 'necessity' test is passed the Secretary of State has discretion as to whether or not to make the Order.

- 6.3 In the exercise of that discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping-up order which have been raised, either for the public generally or for those individuals whose actionable rights of access would be extinguished by the order. In such a case the Secretary of State must also take into account any countervailing advantages to the public or those individuals, along with the planning benefits of, and the degree of importance attaching to, the development. He must then decide whether any such disadvantage or losses are of such significance or seriousness that he should refuse to make the order.
- 6.4 The Applicant's case (albeit not mentioned until the Closing Submissions) is that "significant disadvantages" (as referenced by Holgate J in the Network Rail judgement) has a definition of the synonym "very important". However, judgements are not to be read and every word parsed as if one was reading statute. And in any event there are a number of synonyms for "significant" including "not insignificant" and "worthy of attention" (the latter mentioned in the Applicant's Closing Submissions).
- 6.5 The judgment of Holgate J does not require some tilted balance where the disadvantages of the order outweigh the advantages by an enhanced margin. This is a case in which neither the disadvantages nor the advantages are dramatic. However, the disadvantages are significant and though not "matters of life and death" they do outweigh the claimed advantages.
- The Order Plan*
- 6.6 The Inspector highlighted at the Inquiry that the Order Plan (CD 3.1.2), as originally drawn for the Applicant by Mr Earnshaw, places the line of Footpath 60 to be stopped-up in the middle of the lane/drive that runs through Wolfstones Heights Farm buildings. However, the Applicant has made clear in other submissions that he considers the line of the footpath to be on the northern side of the lane/drive, flush to the building line of Wolfstones Heights.
- 6.7 The Council understands that Mr Earnshaw submitted a written representation and a plan to the Department of Transport and the Inquiry Programme Officer on 28 December 2021. [Inspector's Note – the plan (contained in CD13.5) is an amendment of the Order Plan showing the line of the footpath on the northern side of the lane/drive, consistent with the Applicant's written and verbal submissions on its location]. KMBC's advocate was not able to take instructions on the written representation prior to the deadline for the submission of the closing submissions. However, at this stage the recently submitted plan cannot remedy the problem facing the Applicant in respect of the Order Plan – in essence that the Order Plan which has been the subject of advertisement and consultation and by which the Secretary of State would make the applied-for Order, does not reflect the Applicant's case.

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*Planning Benefits*

- 6.8 The Inspector explored in detail with Mr Earnshaw the parts of the relevant permissions which conflict with the footpath. Frankly, the benefits are paltry.
- 6.9 According to Mr Earnshaw the diversion of the footpath will allow for the excavation of the garage, the creation of two parking spaces, the erection of a retaining wall and the building of a second staircase to the Applicant's terrace above the garage, a terrace which already has an access. Mr Earnshaw noted that the footpath diversion would eliminate the risk to its pedestrian users of interactions with domestic traffic, including horse and race car trailers. However, the manoeuvring of traffic within a domestic curtilage cannot be equated to interaction with free flowing traffic on the public highway. Mr Appleton also noted that the diversion would eliminate vehicle/pedestrian conflict in the Applicant's 'complex', but when asked what data for such conflict he relied on he laughed at the idea of gathering such data. If the point does not merit gathering data then the point does not merit much consideration.
- 6.10 The development is of a purely private benefit, relating to one dwelling and does not provide a wider public or societal benefit. The Applicant has made much of the benefit of the diversion footpath in terms of its benches, quaint fencing, surface and created view. However, the Council has repeatedly noted that these features are not subject of the Order and are no way guaranteed by it. Furthermore, whilst some witnesses have spoken of the diversion as pleasant, Mr Leader (Peak and Northern Footpaths Society) commented that it is somewhat of a confection; an out of place walking experience in this locality.
- 6.11 Whilst the Council accepts that the risks arising from the stopping-up/diversion would be low, it is not considered that the disbenefits to footpath users would be slight. Moreover, even if the Secretary of State were to consider that the disbenefits are slight they must be weighed against the very limited development impaired by the footpath.

*Applicant's Highways Evidence.*

- 6.12 The Council does not contend that substantial highway risk arises from the proposed diversion of the footpath and it accepts the accident data compiled by the Applicant. The Council simply contends that the increased interaction of footpath users with traffic on Wolfstones Road by the addition of 118m of roadside walking on two out of the three routes is a disbenefit and a sources of risk to user safety. Mr Greenwood [an objector] was clear that he would want to avoid walking on Wolfstones Road with children and valued the footpath's current line for only requiring a short crossing of the road to reach the Trig Point. On the current footpath line the user has a potential conflict of say 4-6m in crossing Wolfstones Road to reach the Trig Point. With the diversion that potential for conflict is 124m; a distance 20 times greater. Despite Mr Scanlon's attempts to have Mr Appleton (the Applicant's highways witness) characterise the overall safety effects of the Order as

“advantageous”, Mr Appleton settled on a “neutral” impact in response to the Inspector’s question about the overall safety impact.

- 6.13 The Applicant’s approach to the data submitted is less than comprehensive. As the Inspector noted in questioning Mr Appleton, the survey carried out in September indicated a greater level of use of the footpath than captured in the winter surveys. With the coming of the pandemic in 2020 Mr Appleton considered that surveys would be affected. How the pandemic would skew results is unclear; if use patterns have changed then they have changed. Mr Appleton maintained that the season of surveys would not affect the vehicle speed data gathered. However, as noted in cross-examination, the speed data was gathered on at least one day with the risk of ice (31/11/17) and one day with snow (17/3/19). Furthermore, by the time of the last survey (October 2020) the road had been resurfaced and there was a concomitant increase in speeds observed over the earlier surveys. It had also eluded Mr Appleton until raised by the Council in cross examination that there is only one streetlight on this section of road and that is where the current footpath meets Wolfstones Road.
- 6.14 Mr Appleton believes that the main advantage of the diverted route is that visibility for pedestrians where the diversion meets Wolfstones Road is significantly improved over the point where the original footpath meets the road. However, there are no plans, drawings or illustrations to demonstrate the point; It was simply asserted on the back of a ‘Google’ (verb). The Council believes that the visibility point is not, in itself, a significant one, but does point to the Applicant’s unconvincing approach. If it is the “main advantage” then the Applicant should prove it not simply assert it out of thin air. Moreover, there is a lack of evidence on driver visibility and there are no swept path analyses for vehicle to demonstrate that vehicles would not need to overrun the verge on which some diverted footpath users would need to walk.

#### *Walking Groups*

- 6.15 There is clear evidence of a culture of walking groups in the area as referred to by a number of witnesses including Mr Payne for Holmfirth Walkers Are Welcome and Mrs Wimpenny for the Applicant. Nonetheless, the Applicant’s highways team chose to ignore such a group in their surveys of usage of the footpath, on the basis of it being a memorial walk and thus a one-off event. Mr Appleton confirmed that his contention that only a third of surveyed walkers went to the Trig Point was based on the exclusion of this group [Inspector’s Note – the “third” of walkers refers to the proportion all those surveyed on footpaths and roads in the area who went to/from the Trig Point, not just of those using the section of footpath proposed to be stopped-up.]
- 6.16 The surveys of usage are also limited in the times of day they were carried out – between 08:00 and 16:00 - missing the weekday PM peak period. The surveys would therefore not have caught the commuter resident in the area out to walk their dog early or late in the day. Multiple witnesses spoke of their use of the footpath early in the morning and/or

in the evening, times which would not have been captured by the Applicant's surveys. Indeed the Applicant's own daughter stated in cross-examination that she runs in the area between 04:30 and 06:00 and after 18:00 and walks the path with her children at the weekend at 17:00 or after. She noted that at the weekends she would see all sorts of users of the highway network in the area of the footpath: walkers, cyclists, horse riders and a "scattering of cars". In cross examination Mr Paxman (also representing the Applicant) spoke of walking with his dog between 06:00 and 07:00 on weekdays and before 09:00 at weekends.

- 6.17 Mr Sizer (for the Holmfirth Harriers Athletic Club) described the organised group runs which take place, starting between 18:15 and 19:00 and lasting from 45 minutes to 2 hours. He indicated that the footpath to be stopped-up is regularly used by these groups and that the junction of the existing footpath and Wolfstones Road is a re-grouping point for runners. Mr Sizer considered that greater safety concerns arise with group running because they take up more space and are therefore more likely to interact with traffic.

#### *The Trig Point*

- 6.18 The route from Wolfstones Road to the Trig Point is a permissive path in the ownership of the Holme Valley Land Charity which is under the control of Holme Valley Parish Council. Mr Cropper (representing the Applicant) detailed his past involvement with both bodies and the charity's work to rationalise its land portfolio; some pieces of land had been sold off but the Trig Point land had been kept and improved. Although no longer on the Parish Council or charity's board of trustee he concluded that whilst possible, it is very unlikely that that this land will be closed off from public use. [Inspector's Note – I recall Mr Cropper saying words to the effect of "there is no indication that the land will be closed off from public use".]

#### *Unilateral Undertaking*

- 6.19 The Council does not consider that the proposed unilateral undertaking would make the application acceptable (ie a highway that is safe as currently and free from drainage issues); nor has it been provided with sufficient detail to have any confidence in the proposed verge improvement. The Council has made clear that since it will not be a party to the undertaking it will not draft the document in consort with the Applicant. However, it was made clear that the Council will consider the document so that it can confirm its position; but it will not be drawn into an agreement by stealth whereby it drafts the details of the Applicant's proposal.

#### *Conclusion*

- 6.20 The Applicant has not satisfied the tests under s247 – the 'necessity' test is met; the 'merits' test is not. The Council requests that the Secretary of State does not make the Order.

### **Holmfirth Walkers are Welcome**

- 6.21 Holmfirth Walkers are Welcome's mission is to promote recreational walking in the Holme Valley for residents and tourists; there are around 100 regular members and we organise and lead group walks many of which use Footpath 60. One of our most popular walking leaflets includes this path.
- 6.22 The historic path follows the ridge of Thong Moor in an almost straight line from Netherthong to the summit of Wolfstones, a very popular local beauty spot. Modern routes tend to use the valleys but the more ancient paths used the drier ridges with clear visibility. This is one such path and any diversion from its historic route would violate its historical integrity.
- 6.23 Most users carry straight on across Wolfstones Road to the summit of Wolfstones. The diversion would take users a considerable distance out of their way and force them to walk along the potentially hazardous, busy road. If approved the diversion would benefit one person but considerably disadvantage hundreds of users and expose them to unnecessary risk.

### **Mrs Smith**

- 6.24 I have lived in the area for over 40 years and until the current pandemic have been a regular user of the footpath as a walker and of Wolfstones Road as a driver. Walkers heading to the Wolfstones Summit (the Trig Point) have good visibility of traffic on Wolfstones Road and only have to cross it; using the diversion they would be forced to walk along the road which does not have footways. The footpath is popular with families, and children would be at particular risk on this stretch of road. The road is busy and well-used by commuters heading to/from Huddersfield.
- 6.25 Moreover, the diversion is totally unnecessary; the house wall alongside the path has no windows or other openings so the occupants privacy is not an issue. Users of the original footpath occasionally meet vehicles on it, but visibility is perfect and walkers can easily stand aside for a few moments without inconvenience.

### **Mr Greenwood**

- 6.26 The diversion of the footpath appears to serve no purpose for the general public but does appear to add additional risks to most of the route affected, by requiring users to walk along Wolfstones Road for a considerable distance where it does not have a footway, is already narrow and approaches a blind bend/summit. This would be particularly dangerous for families with children.
- 6.27 The existing footpath provides one of the few routes in the area which does not involve walking along a road. When my children were younger we used it frequently for that reason. The diversion route is a lovely path in its own right (although its attractive views are much the same as can be seen elsewhere along footpath 60); it simply starts and ends in the wrong place. However, if both routes were to be retained this would be a



benefit to the public.

### **Holmfirth Harriers Athletic Club**

- 6.28 Our members have used this footpath hundreds of times over the last 50+ years, both as individuals and as part of organised group summer training runs. These usually operate in the evenings (6pm – 7pm start) twice a week from the end of March to mid-September.
- 6.29 The proposal diverts the footpath away from its original alignment, destroying the line of the route which has been in existence for hundreds of years, and will force many users to walk or run along Wolfstones Road. They would be walking/running with their back to the traffic to a blind corner in an unrestricted speed limit zone. This is clearly not acceptable. The current proposal does not even include an improvement to the verge on this section of road. There would be significant disbenefit to members of the public, yet there is only private benefit to be gained through enabling the planning permission works to be fully implemented.
- 6.30 Furthermore, the development has been substantially completed in any case and consequently the Order should be rejected.

### **Peak and Northern Footpaths Society**

- 6.31 The Peak and Northern Footpaths Society is a registered charity working for walkers, with the object of creating, preserving and improving open spaces, public access rights and public rights of ways. The Society considers that the disadvantage which would be caused to members of the public justifies not making the Order. However, the Society does not automatically object to footpath diversions; indeed it is supporting several diversions in the local area which it believes would be of benefit to the public interest.
- 6.32 What is now Holmfirth Footpath 60 has a long history of use by residents of local settlements including Netherthong, Wilshaw and Holmfirth. It is likely to have been used for many centuries as a clear, direct way to common lands avoiding densely wooded areas in the valley. The section of footpath which is the subject of the Order is shown on the Netherthong Enclosure Map of 1826 (photo 1 of CD16.1) confirming the importance of the route at the time. [Inspector's Note: in cross-examination the Society's witness conceded that the reference on this map to "Woodhead" was more likely to be to the landowner than an indication that the path led to Woodhead Road as suggested in his Statement of Case.]
- 6.33 The footpath is shown on successive Ordnance Survey Maps from 1854 onwards and now on the Kirklees Definitive Map. The section to the stopped-up is a landscape and historical feature worth keeping in its own right. It is part of the cultural and social history of the Holme Valley which adds a rich layer to walking in the area; this physical history would be lost should the diversion go ahead. At the Inquiry Mr Leader (for the Society) indicated his view that the current footpath oozes Yorkshire

character with its passage close to traditional buildings and that some features of the diversion route (eg the fencing) are incongruous at 300m elevation in Yorkshire.

- 6.34 Footpath 60 connects directly with land owned by the Holme Valley Land Charity at Wolfstones Height, designated for the benefit of the community and informal recreation, and which includes the Trig Point. The footpath is the only public footpath which connects directly with this land from Netherthong, Holmfirth and the wider valley. It is possible to walk from Holmfirth to the Trig Point entirely on car-free public paths and it is used by locals and visitors as part of several circular walks. 'The Thongs and Wolfstones Heights' safe 2-3 hour circular walk for inexperienced walkers has been downloaded more than 400 times from the Viewranger website.
- 6.35 The proposed diversion would completely break this off-road, safe and direct access in the most inconvenient manner and would ruin the aesthetics of the walk. It would also more than double the walking distance of the around 150m stretch of path to be stopped up, more than 100m of which would involve walking along Wolfstones Road.
- 6.36 It would be dangerous to walk on the west side of Wolfstones Road because there is no verge and visibility is poor due to the bend. Walkers would therefore be forced to walk on the east side of the road with oncoming traffic behind them. Whilst there is a narrow grass verge along this section of road it is at the same level as the road and vehicles can drive over and park on it. In comparison with the safe, traffic-free and convenient route Footpath 60 has provides to/from Wolfstones Heights for centuries, the diversion represents a significant public loss as it is longer, indirect and includes road walking where none currently exists.
- 6.37 The Applicant's survey of usage of the footpath has a number of flaws:
- It ignores those who would have used the original footpath if the diversion had not already been in place;
  - No surveys were carried out in the period April to mid-September, which is the peak rambling/tourist season;
  - No surveys were carried out after 4pm, thus missing any use of the footpath in the lighter evenings.
- 6.38 Furthermore, the Order would be in conflict with the Kirklees Rights of Way Improvement Plan, the Kirklees Walking and Cycling Strategic Framework 2018-2030 and the Holme Valley Parish Council Climate Emergency Action Plan, all of which aim to improve and encourage walking in the area.

### **Letters of Objection**

- 6.39 36 letters of objection to the Order were submitted to the consultation (six of which are from people/organisations who appeared at the Inquiry). The material points are:

- The footpath is one of the most well-used in the area, by individuals, family groups and organised groups of walkers and runners.
- The proposal disregards the custom and practice of generations of users of the footpath. The footpath is an ancient inter-settlement route and, as such, is part of local history. The diversion would make the route less interesting and result in the loss of part of its character. Part of the pleasure of using country footpaths is passing by buildings and through hamlets, which are an important part of the rural landscape and it is common for footpaths to pass close by them.
- The existing alignment of the footpath has been used for centuries and provides direct access to the local landmark of the Wolfstones trig point. The footpath, part of which is an ancient coffin road, is part of an almost straight line route along the ridge from Netherthong to Wolfstones Heights. The diversion would destroy the continuity and spoil the approach to the Heights.
- The diversion would be a detour and an inconvenience; it adds around 200m to the distance required to reach the trig point and involves going downhill and back up again.
- The diversion would be more, not less, dangerous than the existing footpath requiring more time spent on Wolfstones Road, where there isn't a proper footway, to reach the Trig Point at Wolfstones Heights.
- The existing junction of the footpath with Wolfstones Road is at the brow of the hill where visibility is at its best. The road has a 60mph speed limit and this is the safest place to cross the road.
- There is much more danger to pedestrians using Wolfstones Road than having to share the existing footpath alignment with an occasional, slow moving vehicle going to/from the adjacent properties.
- The Applicant knew the footpath existed when he moved to the property. There is no need to stop-up the path. The impact on his privacy is minimal.
- The Applicant's survey probably under reports use of the footpath – none of the survey days were Summer weekends. Nonetheless, the survey demonstrates that a majority of users of the path are heading to the trig point.
- The existing footpath does not encroach on the privacy of the Applicant's house any more than the average highway footway anywhere in the neighbourhood or country.
- The diversion is a lovely path in its own right, but it starts/ends in the wrong place.

- The Order is at variance with the Kirklees Local Plan and draft Home Valley Neighbourhood Plan, both of which seek to promote safer walking and the creation of a pleasant, unspoilt landscape and environment for walking.
- Allowing the stopping-up/diversion of this footpath would set a dangerous precedent to stop-up and divert footpaths across the area.

## 7. CONCLUSIONS

Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in brackets [] to earlier paragraphs where appropriate.

- 7.1 Having regard to the legislation and case law it is common ground that there are two main issues in the determination of a stopping-up/diversion order under s247 of the Town and Country Planning Act: firstly, whether or not the stopping-up is required to enable development to be carried out in accordance with a planning permission (the 'Necessity' test); and secondly, whether any significant disadvantage arising from the stopping-up/diversion are of such significance or seriousness that the order should not be made, having regard to the advantages which would be conferred by the Order and the development it would enable (the 'Merits' Test) [4.1 and 6.2].

### The 'Necessity' Test

- 7.2 Planning permission reference 2014/62/92814/W permits at Wolfstones Heights Farm "Formation of new access and stopping-up existing access, diversion of public right of way and related external works." In 2018 (Reference 2018/93302) a non-material amendment to this permission was approved by Kirklees Council. The amendments comprise a new retaining wall and the formation of a raised bed and a flight of external steps as indicated on drawing no. 13072D-200-PO2 (CD1.4.1.5). Permission Reference 2017/62/91374/W also permits at Wolfstones Heights Farm "Demolition of existing garage and stable, erection of garages, garden room and fuel store and associated landscape works (listed building)". In 2018 (Reference 2018/93277) a non-material amendment to this permission was approved by the Council comprising alterations to ground levels and landscaping and the addition of external steps as indicated on drawing no. 13072D-301-PO4 (CD1.4.1.11).
- 7.3 Significant elements of these permissions have already been implemented including the provision of new vehicular access and the diverted footpath which has been in place and available for public use on a permissive basis since 2017. However, the following physical elements of the permissions (as shown on drawing no. 13072D-200-PO2) are yet to be implemented as detailed in CD15.1.2):
- Alterations to levels and the parking area adjacent to the lower garage area

- New retaining walls
- Creation of a further parking area
- Stone steps leading to the lower garage roof terrace
- Additional landscaping
- Removal of existing access drive to create extended lawn and garden area.

7.4 Whether or not these physical elements would all require planning permission in their own right, they are part of the planning permissions detailed above and could not be implemented whilst keeping the footpath open to public use. Consequently, I am satisfied the stopping-up is necessary to enable development to be carried out in accordance with a planning permission.

7.5 The description of development for permission 2014/62/92814/W includes reference to "stopping-up of existing access and diversion of public right of way". Whilst it is not normally appropriate to revisit the merits of a planning permission in considering a s247 order, it is necessary in this case to consider the merits of the stopping-up and diversion element of the permission, to the extent that and given that this is the fundamental effect of the proposed s247 Order now under consideration.

### **The 'Merits' Test**

#### ***Full Implementation of the Planning Permissions***

7.6 Making the Order would enable full implementation of the planning permissions detailed above and, in particular, provision of the elements listed in paragraph 7.3. The benefits of this would be primarily to the occupants of Wolfstones Heights Farm in the form of a slightly larger garden, some additional parking space and a second, external, access to the lower garage roof terrace. To my mind these benefits would be limited, given that it would only marginally increase the size of the already large garden, that there is already of plenty of space for parking/storing vehicles around the property and that there is already access to the roof terrace. The Applicant also argues that some of the physical works and landscaping would potentially improve the appearance of Wolfstones Heights Farm (CD15.1.2) This would be a public benefit, albeit that in my view it would be a very limited one; the building is already very attractive.

7.7 A number of supporters of the Order argue that stopping-up of the footpath would provide greater privacy and security for the occupants of Wolfstones Heights Farm and at the same time remove the awkwardness some walkers feel in passing close by a residential property [5.3]. However, there is only one, small first floor window directly facing the path and the height of the wall largely prevents users of the footpath from seeing into the garden fronting Wolfstones Road. Whilst not directly

facing the path the east facing elevation windows of Wolfstones Height Farm can be seen from the footpath across a parking/garden area. However, given the distance and angle of view, the impact on the occupants' privacy is, in my view, minimal. The roof terrace of the lower garage is the most prominent feature of the property from the footpath and anyone sitting or standing on this would be clearly seen. However, it can also be seen above the hedge from the diversion path, so full privacy on the roof terrace would not be achieved by the stopping-up in any case. Consequently, the overall effect on the occupants' privacy, and any sense of awkwardness felt by footpath users, would be very small.

- 7.8 It is the case that the west facing elevations of the property are easily accessible from the footpath, although gates would be likely to have a similar effect on security [5.3] as stopping-up and diverting the footpath.

### ***Use of the Footpath***

- 7.9 A number of objectors to the Order anecdotally claim that the footpath to be stopped-up is well-used and that the majority of people are heading to the Wolfstones Heights Trig Point [6.39]. However, the only survey of use of the footpath is that undertaken by Paragon Highways and submitted by the Applicant (CD1.4.4 and CD1.5). CD1.5 describes the footpath as "reasonably well used" (paragraph 6.4). The surveys were carried out over eight days between November 2017 and October 2020 and record an average of 24 users per day, varying between 7 and 65 on individual days [see summary in Table 4 of Mr Appleton's proof of evidence (CD15.2.2)].
- 7.10 These figures include a walking group of 38 people recorded on Saturday 21 September 2019, which the Applicant has excluded from his own analysis of the data. However, as there is evidence that walking groups operate in the area and use Footpath 60 [6.21 and 6.28] and given that such a group was present on one out of only eight days surveyed, I consider that it is appropriate and necessary to include the group in any robust analysis of the data. Whilst the witnesses for Holmfirth Walkers Are Welcome and Holmfirth Harriers may not have provided documents to demonstrate that the organisations formally approved the written and verbal evidence given, there is no reason to dispute their statements that groups of walkers and runners use the footpaths in the area.
- 7.11 Moreover, as the surveys were only carried out between 08:00 and 16:00 each day, it is very likely that the total usage per day of the footpath is higher than the survey indicates. Indeed, several witnesses (including ones appearing for the Applicant) indicated that they frequently used the footpath either before 08:00 (particularly for dog walking) or after 16:00 [6.15].
- 7.12 There is no significant challenge to the Applicant's statement that the footpath is a recreational route rather than one used for commuting. Consequently, I concur with the view that usage of it is likely to be highest during the summer months and at weekends/holiday periods [6.37 and 6.39]. However, although the surveys were carried out on

eight days over a period of nearly three years, none were undertaken between April and mid-September. Nonetheless, the days of highest recorded usage are Saturday 21 September 2019 (65 users) and Sunday 25 October 2020 (43 users), the latter nearly twice the next highest recorded usage day being Sunday 17 March 2019 (24 users). In contrast the highest recorded usage on a weekday is 13 on Thursday 30 November 2017 (summation of figures in Table 4, CD15.2.2).

- 7.13 On this basis, and accounting for those using the path before 08:00 or after 16:00, usage on late Spring/Summer weekends is likely to be significantly higher than the average daily figures indicated by the survey. Indeed, in a period of about an hour on my Sunday afternoon (12 September 2021) site visit, I saw 11 people using the path.
- 7.14 The Applicant's analysis of the surveys refers to the proportion (33% or 42% depending on whether the walking group is included) of all people using the permissive path to reach or leave the Trig point who walked there/back via the original footpath [4.14]. However, this is a fairly meaningless figure given that, irrespective of the proposed stopping-up/diversion, there are three easterly approaches to the Trig Point – via the original footpath, via Wolfstones Road coming from the north and via Wolfstones Road coming from the south. Moreover there are other (unsurveyed) routes to the Trig Point from the west using permissive footpaths.
- 7.15 The much more relevant analysis concerns the destination of all users of the existing footpath, because this indicates the proportion of its users who would potentially be inconvenienced by the stopping-up and diversion. The surveys (see summary in Table 4 CD15.2.2) identify the direction users came from/went to before/after joining/leaving the existing footpath at Wolfstones Road. Again, including the walking group of 38 people, this records that:
- 4% (7 people) came from/went to the north (Moor Lane) via Wolfstones Road;
  - 41% (80 people) came from/went to the south (Upperthong) via Wolfstones Road;
  - 55% (109 people) came from/went to the Trig Point land.

Moreover, on the busiest day (Saturday 21 September 2019), the nearest equivalent to a summer weekend day surveyed, 72% of users of the footpath came from/went to the Wolfstones Trig Point.

- 7.16 Although the footpath diversion route had been open for public use on a permissive basis since 2017, usage of it was only recorded on the final two, October 2020, survey days. This is unfortunate. Across these two days an average of 25.5 people were recorded using the diversion footpath against an average of 25.0 people recorded using the original footpath 60 (Table 4, CD15.2.2). Although not recorded in the survey it is logical and likely that, whilst some people might be using the diversion

footpath for journeys to/from the Trig Point or the south, the majority of those using it would be heading to/from the north via Wolfstones Road.

- 7.17 In summary the survey demonstrates that across the Autumn/Winter/early Spring months surveyed, the footpath is reasonably well used and there is the likelihood that usage is significantly higher during the late Spring/Summer months, also bearing in mind likely usage before 08:00 and after 16:00. Across the surveyed months a majority (55%) of users of the original footpath were heading to/from Wolfstones Trig Point, although the 72% figure for Saturday 21 September 2019 (the busiest day surveyed) suggests that the proportion of all users heading to/from the Trig Point is likely to be higher than the 55% average on Summer weekends. With the choice of both the original and diversion footpaths the limited evidence of only two of the eight days of surveys indicates that almost identical numbers of people chose to use each footpath. Moreover, nearly all (96%) of those using the original path were heading to/from either the Trig Point or south along Wolfstones Road, whilst it is likely that most of those using the diversion path were heading to/from the north via Wolfstones Road.

### ***Convenience***

- 7.18 The diversion increases the length of walk between points A and B on the Order plan from around 150m to around 340m. Whilst the additional 190m is not in its own right a very long distance it would add more than 10% to the around 1.5km current distance along Footpath 60 from Netherthong to Wolfstones Road. For those heading to/from the Trig Point or to/from the south via Wolfstones Road, the diversion takes people in the wrong direction and also requires them to go downhill and then back up again. I envisage that the increased distance, the loss and then gain of height and the general sense of heading in the wrong direction ("two sides round the triangle") would, together, be considered by many of these users to be a significant inconvenience in their trip [6.29 and 6.39].
- 7.19 On the other hand, for those heading to/from the north via Wolfstones Road, the diversion route is slightly shorter than the original footpath, does not involve the gaining and loss of height and would be likely to be considered by most to be a little more convenient than the original footpath. The limited evidence of the two days on which use of both the original footpath and the diversion was surveyed suggests that broadly equal numbers of people head to/from the north via Wolfstones Road as head to the south or to the Trig Point.

### ***Safety***

- 7.20 For those heading to/from the south via Wolfstones Road the diversion would increase by about 118m the distance required to be walked along the road, whilst for those heading to/from the north it would reduce the road walking distance by the same amount. In terms of wishing to minimise on-road walking there would therefore be both winners and losers. However, given that those heading to/from the north or south will



already be walking along Wolfstones Road at some point in their trip, the net adverse impact, in terms of the amount of road walking, is likely to be at most minimal.

- 7.21 However, notably, for those heading to/from the Trig Point (an average of 55% of those using the section of footpath to be stopped-up and as high as 72% of users on the surveyed September Saturday) the diversion would introduce on-road walking on Wolfstones Road for the first time, albeit that they do currently have to cross this road. In common with many of the rural roads in the area, the section of Wolfstones Road between its junction with the diversion footpath and its junction with the original footpath does not have a footway on either side. However, it does have a relatively narrow grass verge on its east side.
- 7.22 The Paragon Highways survey records an average of 182 vehicles using the relevant section of Wolfstones Road between 08:00 and 16:00 on the surveyed days and the daily average speed of this traffic is between 16.3mph and 21.8mph on the 60mph speed limit road (summary in Table 2 of CD15.2.2). Notwithstanding the limitations of the survey (no traffic volumes or speeds surveyed after 16:00 each day or between April and mid-September) I consider the volume and speed of traffic on the road to be low. Moreover, this is confirmed by my own observations of the traffic on my July and September site visits. Furthermore, the accident data shows that there have been no personal injury accidents on this section of road in the last 21 years (paragraph 2.3.2, CD15.2.2).
- 7.23 Overall, having regard to the volume of traffic, its average speed and the accident history on this section of road, I conclude that the highway safety risk for those forced to walk along Wolfstones Road because of the diversion, whether on the grass verge or the carriageway itself, would be very small.
- 7.24 However, it appears to me that a significant part of the attraction of Footpath 60 is that (aside from having to cross Wolfstones Road) the trip from Netherthong to the Trig Point can be made without walking along a public road. However small the threat from vehicles might be in reality, I envisage that a significant number of people heading to the Trig Point would be likely to consider the diverted route to be decidedly less attractive than the original path because of the requirement to walk (most likely with their backs to the traffic) along a section of 60mph speed limit Wolfstones Road and cross two private access points. I reach this conclusion (i) whether or not the existing grass verge were to be hard-surfaced (ii) notwithstanding the possibility of encountering a vehicle on the original path/lane accessing Wolfstones House Farm and (iii) recognising that these people may well walk along roads without footways elsewhere. This is particularly likely to be the case for people with children; indeed a local resident reported making the trip to the Trig Point along Footpath 60 when his children were young specifically because it did not involve on-road walking [6.27]. Moreover, it seems to me that the walk of around 1.5km from Netherthong to the Trig Point is likely to be one particularly suitable for families with children.

7.25 Whilst drawings have not been provided to demonstrate the point, the Applicant states that there is greater visibility along Wolfstones Road where the diversion meets the road than where the original path does so [4.26]. However, I consider this to be of very minimal benefit given the low volume and speed of the traffic on Wolfstones Road. Moreover, better visibility of approaching traffic is of most benefit to pedestrians seeking to cross a road and in my judgement, because of the bend in the road at this point, pedestrians would be advised (and in reality be likely) to not cross the road at this location. Instead those heading to the Trig Point would be likely to stay on the east side of Wolfstones Road (with their backs to the approaching traffic) and cross the road at the junction of the original path with the road directly opposite the start of the Trig Point permissive path.

### ***Attractiveness of the Path***

7.26 I agree with the view of many that the diversion route, with its relatively gently sloping, curving alignment, landscaping, benches and extensive views over and beyond a duck pond is, in itself, attractive. However, I consider that it has a country park character and feel and, thus, also agree with the view that it is not typical of a rural Yorkshire footpath at this altitude [6.33]. Consequently, I recognise that this might mean that some users would not find it attractive. Moreover, the expansive views over the valley from the diversion are in any case not significantly different from the views from parts of Footpath 60 which would not be diverted.

7.27 It has been argued that the alignment and width which is fixed by the Order; the benches could be removed as could the landscaping, or the latter could easily be left to grow to a height at which it would obscure the views over and beyond the duck pond [6.10]. Whilst this is the case it is not a factor which I consider should weigh materially against the Order, bearing in mind that the attractive character of the footpath proposed to be stopped-up (as detailed below) could equally be lost through unsympathetic works or alterations. Consequently, I have assessed the attractiveness of the original and diversion footpath as they both stand now.

7.28 The slope of the original footpath is steeper than that of the diversion; walkers/runners will have an individual preference for either short steep or long gentle slopes, although overall more height has to be gained using the diversion when heading to/from the south or the Trig Point because it diverts down the hill and back up again. Furthermore, the section of footpath to be stopped-up is no steeper than other parts of Footpath 60 on the route from Netherthong. It is stated that the slope can be slippery in wet or icy conditions [5.3], although it seems to me that anyone who has walked uphill across varying terrain for 1.5km from Netherthong is likely to be suitably clothed/equipped to safely deal with a short section of tarmacked, albeit steep, path.

7.29 More generally, whilst of very different character to the diversion, I disagree with the view that the original footpath is unattractive and has a

- dingey tunnel-like feel [5.3]. The boundary stone walls have an appeal and the glimpses of the side elevations of the historic Wolfstones Heights and Wolfstones Heights Farm buildings add interest. That objectors to the Order have not submitted photographs of this section of path does not mean that it is not attractive.
- 7.30 The history of the footpath as a public right of way has not been definitely determined, and, indeed, there is not any evidence from an historical expert on the matter. Nor have copies of all the historical maps referred to by the Peak and Northern Footpath Society, or substantiating evidence of some other historical contentions it has made, been put before the Inquiry [4.21 and 4.22]. However, the section of path which would be stopped-up is clearly shown on the 1826 enclosure map (photo 1, CD16.1), albeit that the annotation "Woodhead" is probably a reference to a landowner rather than a directional sign. It is not unsurprising that the path was first formally identified as a public right of way in the 1950s [4.21] because that shortly follows the introduction of the requirement for local authorities to define public rights of way.
- 7.31 Whilst it cannot be stated for certain, it seems to me highly likely that people have been using the path, on this particular alignment, to move about the valley for around 200 years or more, irrespective of when formal legal rights of way along it were established. And, whilst some walkers find pleasure in sitting on a bench looking at a duck pond, others equally gain pleasure from knowing (or at least reasonably assuming) that they are using a historic route, passing close to attractive historic buildings. Overall, I conclude that the original and diversion footpaths are of a similar level of attractiveness, albeit for very different reasons.
- 7.32 At 2.4m – 3m wide, the diversion is wider than the 1.2m width of footpath to be stopped-up. However it is contended by some that the section of footpath to be stopped-up is actually 4m wide and a Definitive Map Modification Order has been made by the Council to reflect this [3.4]. If the DMMO is confirmed the diversion would not have a width advantage over the original footpath. If the DMMO is not confirmed and the original path is confirmed as being 1.2m I consider that this does not materially alter the comparative levels of attractiveness of the two paths. Indeed at the Netherthong end of footpath 60, the path is physically very narrow, constrained between garden fences with overhanging vegetation. Yet, to my mind this is still an attractive section of the path overall.
- 7.33 Many of the supporters of the Order are particularly concerned about the loss or closure of the diversion path if the Order were not to be made [5.3]. Some objectors also suggest that retaining both paths would be the ideal solution. However, it is important to note that not making the Order would not, in itself, lead to the loss or closure of the diversion footpath. The diversion has been in place and available for public use on a permissive basis, in addition to the original footpath, since 2017. If the Order were not made, the original footpath could not be stopped-up, but there is no legal reason why the diversion could not also be retained for public use on a permissive basis. That said, I note that the Applicant indicates that he cannot be expected to maintain both paths and that it is

his intention that the diversion would be closed to public use if the Order were not to be made (something I have assumed in reaching my conclusions).

### ***Access to the Trig Point***

- 7.34 It is the case that a permissive footpath, rather than a public right of way, leads from the western end of Footpath 60 to the Wolfstones Trig Point and consequently it is possible that public access to the Trig Point could be prohibited at some point in the future [4.18]. However, the path is owned by the Holme Valley Land Charity and there are currently no specific proposals to prevent public access. Should public access to the Trig Point be prohibited at some point in the future and usage of footpath 60 significantly alter as a result of this, there could at that point be a case to reconsider the merits of the stopping-up/diversion. Again, that a photograph from the Trig Point has not been submitted as part of the evidence to the Inquiry is of no matter; I visited the Trig Point on both of my site visits and it is a very attractive beauty spot with extensive panoramic views and I can appreciate why people would wish to visit it. Moreover, that the path to the Trig Point may be of relatively recent origin does not undermine the probable more historic nature of the footpath proposed to be stopped-up or the fact that the Trig Point is now an attractive place to visit in the locality.

### ***Other Matters***

- 7.35 It is the case that KMBC granted planning permission for development clearly involving the stopping-up and diversion of the footpath, that its officers subsequently advised on the design of the scheme and that the officer recommendation was to make a previous order to stop-up/divert the footpath under s257 [4.23]. However, the Council has indicated (CD14.2.1) that the extent of the disadvantages of the proposal only became clear in the objections submitted in respect of the stopping-up/diversion which had not been made in response to consultation on the planning application. Applications for planning permission and for highway stopping-ups/diversions are separate statutory processes and the 'approval' of the latter cannot be a foregone conclusion outcome of approval of the former.
- 7.36 It is also the case that the number of letters submitted in support of the Order are more than double those made in objection to it [4.8]. However, whilst I have had regard to the level of support for the scheme, ultimately my recommendation is based on the merit of the arguments made, not the number of letters making them.
- 7.37 It is the case that the witnesses of both the Peak and Northern Footpath Society and KMBC accepted that, whilst objecting to the scheme and Order proposed, they were not as a matter of fundamental principle opposed to a diversion of footpath 60 [4.19]. However, that some other diversion might in theory be acceptable, does not justify making this Order even if land ownership means that the scheme actually proposed is the only feasible one [4.20].

- 7.38 That it was not out of arrogance or brazenness that the Applicant constructed the diversion path in advance of stopping-up Order being made [4.6] and that he has not closed the legal route in advance of the Order [4.7] weigh neither for nor against making the Order.

### ***Unilateral Undertaking***

- 7.39 The Applicant has submitted a copy of an executed Unilateral Undertaking (CD13.22) under which, if the Order were to be made, the Applicant would pay £12,000 to KMBC as a contribution towards works to hard-surface the grass verge of Wolfstones Road between its junctions with the footpath to be stopped-up and the diversion route. For a number of reasons KMBC has indicated that it would not accept and apply the money for the stated purpose (paragraph 1.9 of page 15/19 of CD13.23).
- 7.40 However, I have concluded above that some walkers would be less likely to use footpath 60 if it were diverted whether or not the verge along Wolfstones Road were to be hard-surfaced. Consequently, the undertaking does not alter my recommendation on the Order. Moreover, given that, in my judgement, these works would not materially improve the diversion route, there is also not a case to identify that the works are necessary in the event that the Secretary of State does not accept my recommendation and resolves to make the Order.

### ***The Order Plan***

- 7.41 Whilst I have not considered arguments concerning the width of the footpath to the stopped-up, which is a matter for the DMMO, the precise location of it is relevant to this s247 stopping-up order. The plan submitted with the stopping-up/diversion application and the formal Order plan shows the 1.2m width of footpath to be stopped-up broadly in the centre of the wider lane/drive (CD3.1.2). This is inconsistent with the Applicant's written and verbal evidence that the path is on the northernmost side of the lane/drive (paragraph 22 of CD15.1.2). The Applicant has argued that the discrepancy is simply one of scale (CD13.5), but, nonetheless, submitted during the adjournment in the Inquiry a revised plan (Diversion Plan 13072-200-P11-28Dec21, part of CD13.5v3) which more clearly shows the footpath to be stopped-up on the northern side of the lane/drive. In the interests of accuracy in the event that the Order is made it would be necessary to make it subject to this revised plan.
- 7.42 Whilst public consultation took place on the basis of an incorrect plan, the discrepancy in the alignment is of approximately only 1m or so. Therefore, I think it is highly unlikely that anyone would have misunderstood which section of footpath the Order relates to, or would not have submitted a representation on the Order on the basis of the advertised plan but would wish to do so on the basis of the amended plan. On this basis no prejudice would be likely to result from this course of action.

**Overall Balance**

- 7.43 I have concluded that there are planning permissions in place, full implementation of which would require the stopping-up of part of Footpath 60. However, consideration must also be given to whether any disadvantages arising from the stopping-up/diversion would justify not making the Order having regard to the overall benefits which would be conferred by it.
- 7.44 The Applicant's survey describes the footpath as "relatively well used" and for the reasons detailed above it is likely that its use in the late Spring/Summer months (not covered by the survey) is significantly higher than during the rest of the year. For those heading to the Trig Point or to the south along Wolfstones Road, the diversion is likely to be considered to be a significant inconvenience, particularly for those just making the 1.5km or so walk between Netherthong and the Trig Point. I envisage that the attractiveness of the diversion path (views of the pond and benches etc) would be unlikely to outweigh this inconvenience for most people, whilst users who value the history of the original alignment of the path and its proximity to vernacular architecture would also have their walking experience significantly reduced in quality.
- 7.45 Whilst the possibility of an accident cannot be completely discounted, I consider that in reality the highway safety risk for walkers using the section of Wolfstones Road necessitated by the diversion would be very small. Nonetheless, I envisage that the possibility of an accident whilst walking along Wolfstones Road, whether or not a footway is provided on the existing grass verge, would be likely to dissuade some people who currently use the path to head to/from the Trig Point (a majority of the surveyed users on the original footpath) from making this trip if the Order were to be made. This is most likely amongst people walking with children currently attracted to the route because its lack of on-road walking.
- 7.46 For those heading to the north along Wolfstones Road, the diversion route is marginally more convenient than the original path and some, but not all, of these walkers will appreciate the diversion's benches and views more than they do the history of the original path. For these people the loss of the diversion path would be a disbenefit, although it is important to note that not making the Order would not directly result in the loss of this path. That would only result from a decision of the Applicant to withdraw public use of the path which has been in place on a permissive basis since 2017.
- 7.47 Whilst there would be winners and losers, I conclude that the stopping-up and diversion would result overall in more disadvantage than advantage to the convenience and enjoyment of users of footpath 60, reducing the likelihood of people using it for their recreation. Moreover, I consider that the resulting harm caused would be significant, to the extent that it is sufficiently great to be worthy of attention in this particular situation.

7.48 Whilst many elements of the relevant planning permissions have already been implemented, making the Order would enable the permissions to be fully implemented. However, aside from the very minor further enhancement of the appearance of Wolfstones House Farm, the benefits which would arise from this are private ones for the occupants of Wolfstones House Farm. Overall the benefits of the development are, in my view, limited in nature, scale and importance. Furthermore, I conclude that the significant disadvantage arising from the stopping-up/diversion, detailed above, would clearly outweigh the benefits which would result from it. On this basis the disadvantage is of such significance (ie not remote or far-fetched and applicable to the gravity of this situation) as to justify not making the Order.

7.49 For this reason I recommend that the Order is not made.

## 8. **RECOMMENDATION**

8.1 I recommend that the Order is not made.

8.2 However, should the Secretary of State decide to make the Order then I recommend that (i) he makes clear in his decision the lack of the necessity for the verge works on Wolfstones Road (as provided for in the Unilateral Undertaking submitted by the applicant) and (ii) the Order is made on the basis of plan no Diversion Plan 13072-200-P11-28Dec21 (CD13.5v3) showing the footpath to be stopped up on the northernmost side of the lane/drive.

*Malcolm Rivett*

INSPECTOR

**APPENDIX 1 – APPEARANCES*****Representing the Applicant:***

Noel Scanlon, Solicitor, instructed by Richard Howard Butterfield, who called:

- Russell Dickson Earnshaw, Chartered Architect
- Eric Appleton, Chartered Civil Engineer
- John Gregory Cropper, Local Builder
- Joanna Cronie, Local Resident and Applicant's Daughter
- Richard Jeremy Paxman, Local Resident
- Susan Thomson Wimpenny, Local Resident

**Supporters of the Order:**

Helen Waldrom, Local Resident

**Objectors to the Order:*****Representing Kirklees Council***

Anthony Gill of Counsel, instructed by Sandra Haigh, who called:

- Phil Champion, Definitive Map Officer

**Other Objectors to the Order:**

David Payne, Holmfirth Walkers Are Welcome

Eva Smith, Local Resident

Roger Greenwood, Local Resident

Malcolm Sizer, Holmfirth Harriers Athletic Club

Andy Leader, Peak and Northern Footpaths Society



**APPENDIX 2 – LIST OF INQUIRY DOCUMENTS**

<https://programmeofficers.co.uk/Holmfirth/CD25Feb22.pdf>

**APPENDIX 3 – CLOSING STATEMENT AND ADDENDUM ON BEHALF OF THE APPLICANT**

<https://programmeofficers.co.uk/Holmfirth/CoreDocs/CD13.6.pdf>

<https://programmeofficers.co.uk/Holmfirth/CoreDocs/CD13.19.2.pdf>

**APPENDIX 4 – CLOSING SUBMISSIONS OF KIRKLEES MBC**

<https://programmeofficers.co.uk/Holmfirth/CoreDocs/CD13.7.pdf>

**APPENDIX 5 – FINAL COMMENTS ON RESPECTIVE CLOSING SUBMISSIONS**

<https://programmeofficers.co.uk/Holmfirth/CoreDocs/CD13.25.pdf>



**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England) Order  
2015**

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2014/62/92814/W**

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**To:** Russell Earnshaw,  
A+DP Architecture & Design Partnership  
The Old Police Station  
16, Bridge Lane  
Holmfirth  
HD9 7AN

**For:** R BUTTERFIELD

**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

FORMATION OF NEW ACCESS AND STOPPING UP EXISTING ACCESS,  
DIVERSION OF PUBLIC RIGHT OF WAY AND RELATED EXTERNAL WORKS

**At:** WOLFSTONES HEIGHTS FARM, WOLFSTONES ROAD, NETHERTHONG,  
HOLMFIRTH, HD9 3UU

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**In accordance with the plan(s) and applications submitted to the Council on  
22-Oct-2014, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2 and R13 of the Unitary Development Plan.

3. Any new outdoor seating shall be constructed in timber on first installation and thereafter retained.

**Reason:** In the interests of visual amenity, to ensure that the development harmonises with its surroundings, and to accord with the aims of Policies BE1 and BE2 of the Unitary Development Plan.

4. The approved landscaping scheme shown on drawing OJJ-Z-1 shall be implemented within the first planting season following the commencement of development. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to accord with the aims of Policy BE2 and chapter 11 of the National Planning Policy Framework.

**NOTE:** The development would require the formal diversion by order of public footpath Holmfirth 60 which crosses the site. Diversion by order is by separate application, by separate process and subject to separate fees. The applicant is advised to contact the council's public rights of way unit at Civic Centre 3, PO Box B93, Huddersfield, HD1 2JR, ([tel:01484 221000](tel:01484221000)) for further information and to make application.

**NOTE:** Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location Plan			15-Apr-2015
Proposed Layout	13072D-200-P01		05-Mar-2015
Planning Statement			22-Oct-2015
Landscaping scheme	OJJ-Z-1		08-Apr-2015

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Leeds City Region Development Management Pledge and otherwise actively engaged with the applicant in dealing with the application. Negotiations took place during the course of the application which resulted in the submission of amended plans.

**Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.**

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-225397 for further advice on this matter.**

**The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area**

#### **Appeals to the Secretary of State**

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 
  - i) **28 days of the date of service of the enforcement notice, or**
  - ii) **within the specified period, starting on the date of this notice,****whichever period expires earlier.****
- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**
- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- Appeals can be made online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs) or in writing on a form that must be obtained from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate). Further information on the Planning Appeal process can be found online at the Planning Inspectorates [website www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

#### Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 21-Apr-2015

**Signed:**

**Director of Place**

### **Decision Documents**

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2014/62/92814/W.

If a paper copy of the decision notice or decided plans are required please email [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

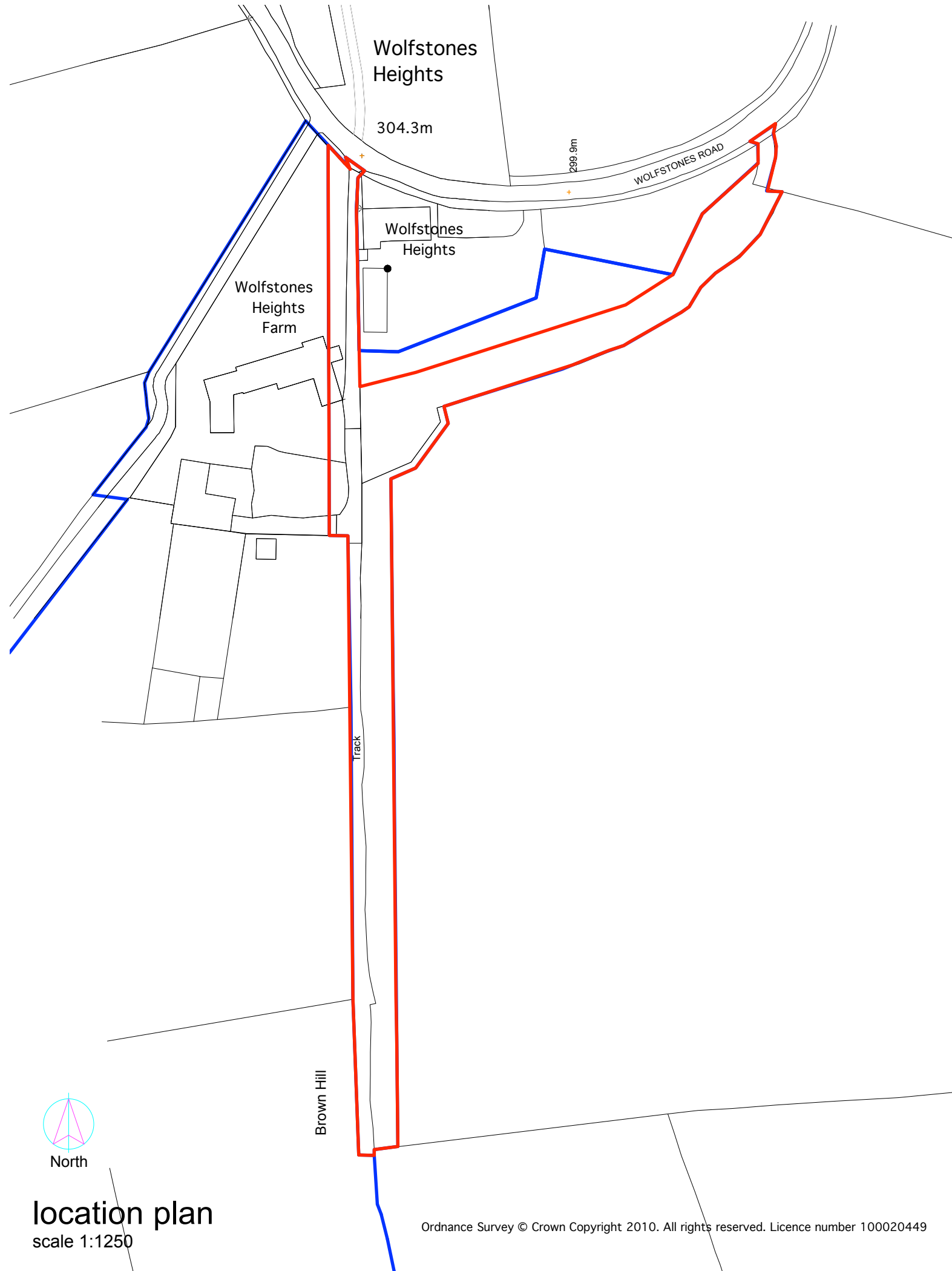
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All communications should be sent to one of the following address:

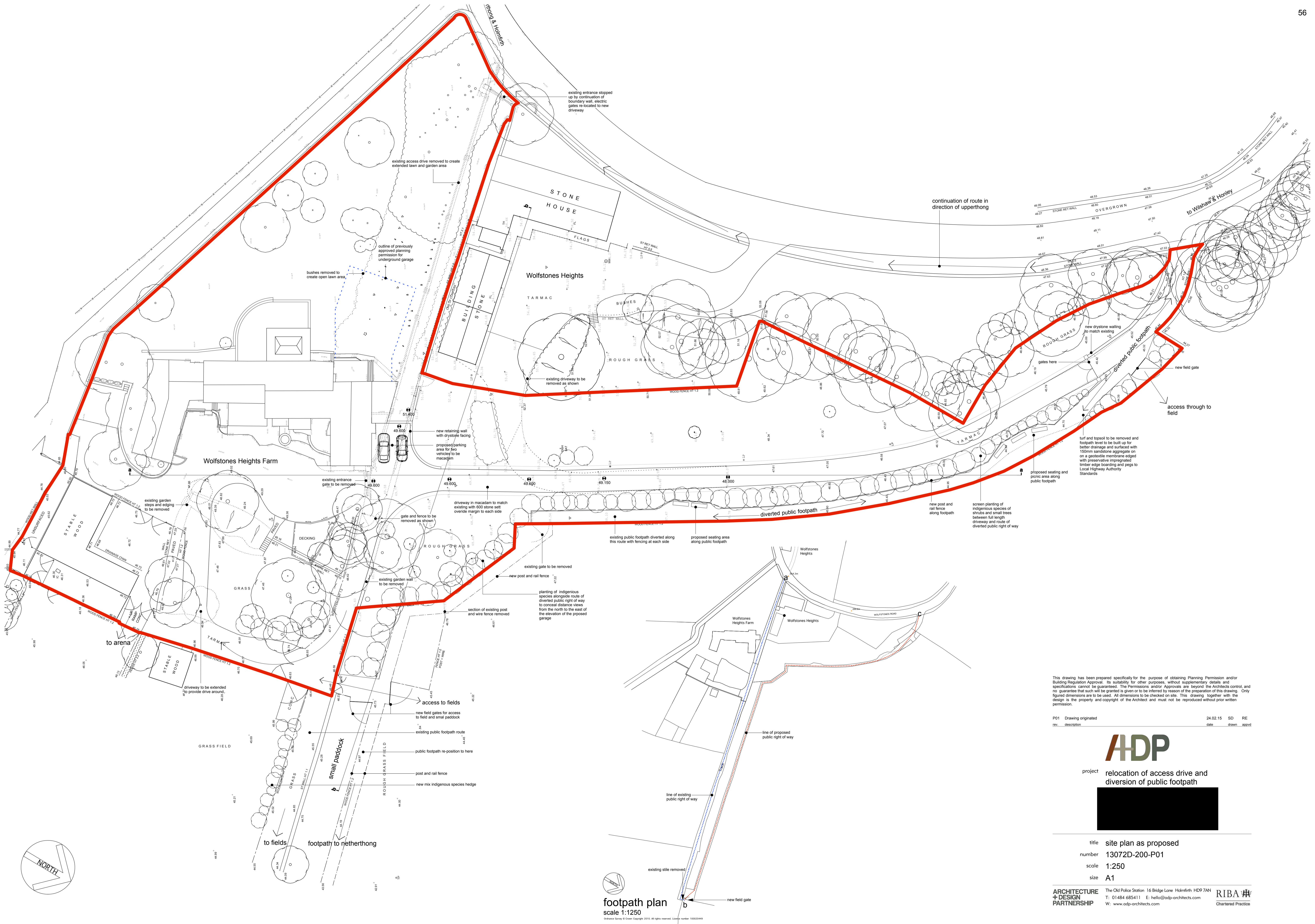
**E-mail:** [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93  
Civic Centre III  
Off Market Street  
Huddersfield  
HD1 2JR

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location plan  
scale 1:1250



This drawing has been prepared specifically for the purpose of obtaining Planning Permission and/or Building Regulation Approval. Its suitability for other purposes, without supplementary details and specifications cannot be guaranteed. The Permissions and/or Approvals are beyond the Architects control, and no guarantee that such will be granted is given or to be inferred by reason of the preparation of this drawing. Only figured dimensions are to be used. All dimensions to be checked on site. This drawing together with the design is the property and copyright of the Architect and must not be reproduced without prior written permission.

P01	Drawing originated	24.02.15	SD	RE
rev.	description	date	drawn	approved



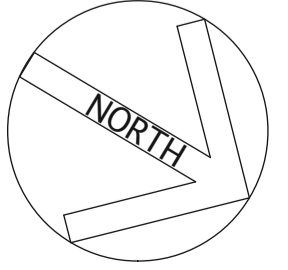
project relocation of access drive and diversion of public footpath



title site plan as proposed  
 number 13072D-200-P01  
 scale 1:250  
 size A1

ARCHITECTURE + DESIGN PARTNERSHIP The Old Police Station 16 Bridge Lane Holmfirth HD9 7AN T: 01484 685411 E: hello@adp-architects.com W: www.adp-architects.com RIBA Chartered Practice

footpath plan scale 1:1250





Enquiries to: William Simcock

**Planning**

Investment and Regeneration Service  
PO Box B93, Civic Centre 3,  
Off Market Street, Huddersfield, HD1 2JR

Kirklees Direct  
Tel: 01484 414746  
Email: [william.simcock@kirklees.gov.uk](mailto:william.simcock@kirklees.gov.uk)

ADP Architecture and Design Ltd  
The Old Police Station  
16, Bridge Lane  
Holmfirth  
HD9 7AN

Date: 25-Oct-2018  
Our Ref: 2018/93302

Dear Sir/Madam

**Application for a non-material amendment following a grant of planning permission,  
Town and Country Planning Act 1990**

**Non material amendment to previous permission 2014/92814 for formation of new  
access and stopping up existing access, diversion of public right of way and related  
external works**

**Wolfstones Heights Farm, Wolfstones Road, Netherthong, Holmfirth, HD9 3UU  
Application Number: 2018/93302**

Thank you for your application dated 08-Oct-2018 for a non-material amendment to the above scheme. The amendments sought comprise a new retaining wall, the formation of a raised bed and the formation of a flight of external steps as indicated on drawing No. 13072D-200-P02.

I confirm that the alterations are acceptable and may be considered as a non-material amendment to the approved drawings. It should be noted that this letter relates only to the non-material amendment sought and it is not a re-issue of the original planning permission. The two documents should be read together and as such, all conditions imposed on the original granting of planning permission apply to the proposal as now amended. A copy of this letter and the amended plans will be retained on the public record of approved documents.

I would draw your attention to the need to deal with the Building Surveyor to ensure that the proposal, as amended, still complies with the Building Regulations.

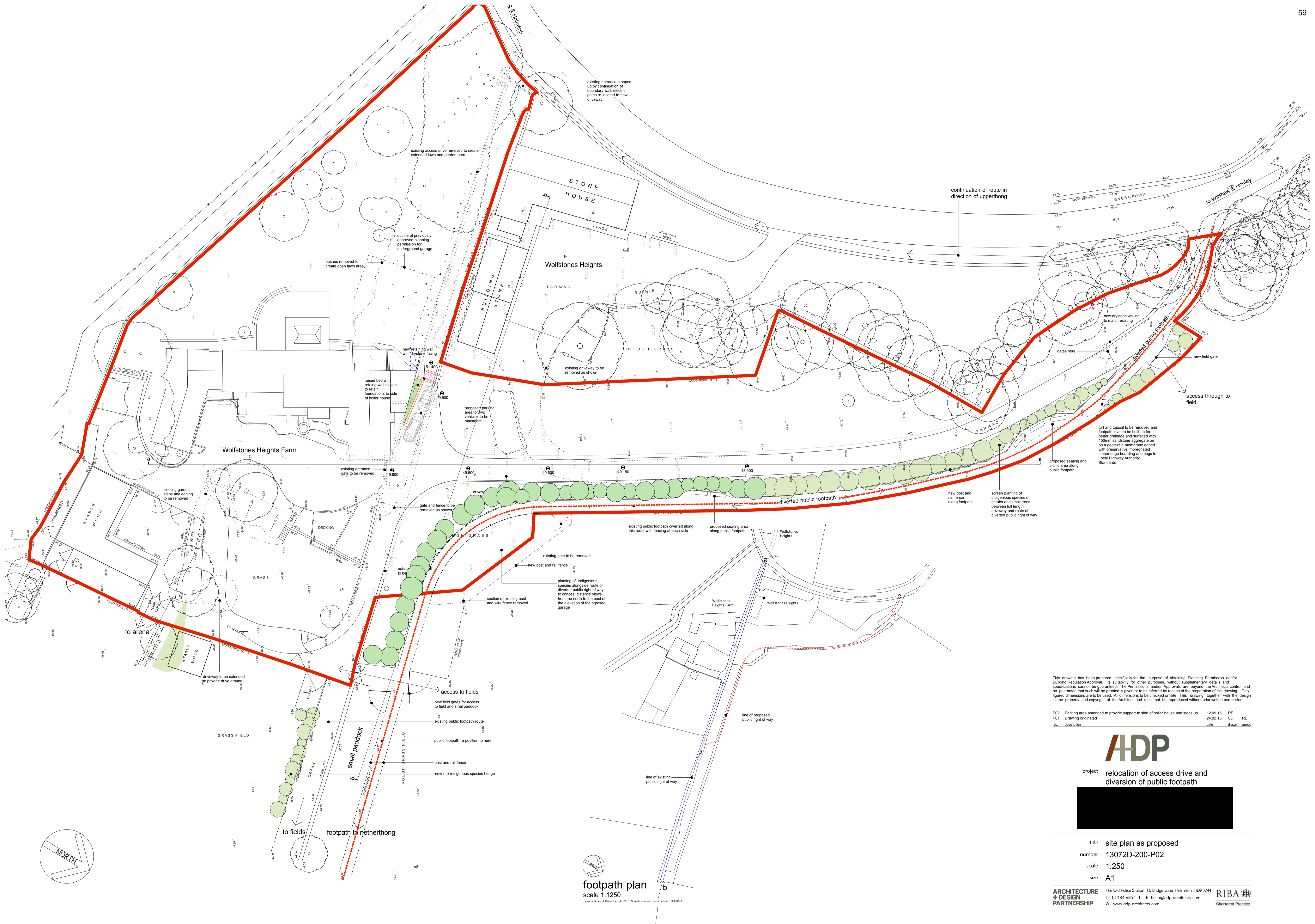
An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Planning**

Investment and Regeneration Service  
PO Box B93, Civic Centre 3,  
Off Market Street, Huddersfield, HD1 2JR

Yours faithfully

Team Leader



This drawing has been prepared specifically for the purpose of obtaining Planning Permission and/or Building Regulation Approval. Its suitability for other purposes, without supplementary details and specifications cannot be guaranteed. The Permissions and/or Approvals are beyond the Architects control, and no guarantee that such will be granted is given or to be inferred by reason of the preparation of this drawing. Only figured dimensions are to be used. All dimensions to be checked on site. This drawing together with the design is the property and copyright of the Architect and must not be reproduced without prior written permission.

P02	Parking area amended to provide support to side of boiler house and steps up	12.09.15	RE
P01	Drawing originated	24.02.15	SD RE
rev.	description	date	drawn



project relocation of access drive and diversion of public footpath



title site plan as proposed  
 number 13072D-200-P02  
 scale 1:250  
 size A1

footpath plan scale 1:1250



## Planning Application Decision Notice

**To:** ADP Architecture & Design Ltd  
The Old Police Station, 16, Bridge Lane  
Holmfirth  
HD9 7AN

**For:** R Butterfield

### Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order  
2015

### PLANNING PERMISSION FOR DEVELOPMENT

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**Application Number: 2017/62/91374/W**

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**In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-**

DEMOLITION OF EXISTING GARAGE AND STABLE, ERECTION OF GARAGES, GARDEN ROOM AND FUEL STORE AND ASSOCIATED LANDSCAPE WORKS (LISTED BUILDING)

**At:** WOLFSTONES HEIGHTS FARM, WOLFSTONES ROAD, NETHERTHONG, HOLMFIRTH, HD9 3UU

**In accordance with the plan(s), documents and application submitted to the Council on 21-Apr-2017, except as amended or specified, details of which can be found in the table below and subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1 and BE2 the Kirklees Unitary Development Plan.

3. The stone used in any external walling on the upper level garage shall be laid in regular courses and shall be of a type to match the existing natural stonework on buildings in the vicinity of the site.

**Reason:** In the interests of visual amenity, to ensure that the development conserves and enhances the setting of the Listed Building, and to accord with the aims of Policies BE1 and BE2 the Kirklees Unitary Development Plan and the National Planning Policy Framework Part 12 – Conserving and enhancing the historic environment.

4. Any new retaining walls required to form the change in ground levels within the parking area shall be externally faced with natural stone of a type to match the existing natural stonework on buildings in the vicinity of the site before the new garages are first brought into use.

**Reason:** In the interests of visual amenity, to ensure that the development conserves and enhances the setting of the Listed Building, and to accord with the aims of Policies BE1 and BE2 the Kirklees Unitary Development Plan and the National Planning Policy Framework Part 12 – Conserving and enhancing the historic environment.

5. The area between the driveways serving the lower level and upper level garages respectively shall be seeded with grass or planted with native species of tree or shrub before the development is first brought into use or in the first planting or sowing season following this.

**Reason:** In the interests of visual amenity, to ensure that the development conserves and enhances the setting of the Listed Building, and to accord with the aims of Policies BE1 and BE2 the Kirklees Unitary Development Plan and the National Planning Policy Framework Part 12 – Conserving and enhancing the historic environment.

6. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), no development falling within Classes E or F of the above Order, other than that which is shown on the approved plans, shall be carried out within the area edged in red on the approved plans at any time.

**Reason:** To prevent the proliferation of buildings, structures, and areas of hardstanding which would be harmful to the openness of the Green Belt, and to accord with the aims of the National Planning Policy Framework Part 9 – Protecting Green Belt land and Part 12 – Conserving and enhancing the historic environment.

7. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

**Reason:** To identify and remove unacceptable risks to human health and the environment and in accordance with Policy BE1 of the Kirklees Unitary Development Plan and the National Planning Policy Framework – Part 11 Conserving and enhancing the natural environment.

8. The proposed new parking spaces for Wolfstones Heights shown on the approved plan shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions to the parking of vehicles.

**Reason:** To ensure that sufficient space is retained within the curtilage for the parking and turning of private motor vehicles, and to accord with the aims of Policies T10 and T19 of the Kirklees Unitary Development Plan.

**NOTE:** Public Footpath HOL/60/20 which crosses the application site shall not be unofficially obstructed or diverted at any time before, during or after development works.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	13072D-300-P01		21-Apr-2017
Proposed plans, elevations and section	13072D-302-P02		21-Apr-2017
Site plan as proposed	13072D-301-P03		21-Apr-2017
Design, access and heritage statement			21-Apr-2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer did not undertake negotiations with the applicant as no amended plans or additional information were considered necessary.

### Building Regulations

- Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Please contact Kirklees Building Control on 01484 221550 or via e-mail to [building.control@kirklees.gov.uk](mailto:building.control@kirklees.gov.uk), alternatively visit [www.kirklees.gov.uk/pbc](http://www.kirklees.gov.uk/pbc) for more information.

### Site Notice

- The application has been publicised by notice(s) in the vicinity of the site. Please would you now remove the notice(s) and responsibly dispose of to avoid harm to the appearance of the local area.

### Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording ***“submitted to and approved in writing by the Local Planning Authority”***.
- You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

### Amendment(s) to Approved Plans

- This permission relates to the plans and documents listed on this decision notice. Should the proposal change significantly, a new application will be required.
- If however the change proposed is small, such as an altered window or door, you can apply for the change to be considered as a non-material amendment. The forms and supporting guidance for non material amendments are available online at the Planning Portal’s website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk), alternatively the forms can also be found at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).

### Highways Structures

- It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council’s Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision for a householder application, if you want to appeal against your Local Planning Authority's decision to impose planning conditions then you must do so within 6 months of the date of this notice.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

### Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.



An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 16-Jun-2017

**Signed:**

**Naz Parkar**  
**Strategic Director Economy and Infrastructure**

### **Decision Documents**

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2017/62/91374/W .

If a paper copy of the decision notice or decided plans are required please email [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [planning.contactcentre@kirklees.gov.uk](mailto:planning.contactcentre@kirklees.gov.uk)

**Write to:** Planning Services  
Investment and Regeneration  
PO Box B93  
Civic Centre III  
Off Market Street  
Huddersfield  
HD1 2JR

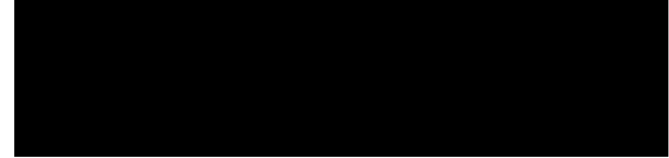
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P01	Drawing originated based on OS Digital Mapping Data	13.04.17	RE	RE
rev.	description	date	drawn	appvd



project Demolition of Existing Stable and Garage and Construction of Replacement Garages



title site location plan  
 number 13072D-300-P01  
 scale 1:1250  
 size A3

**ARCHITECTURE + DESIGN PARTNERSHIP** The Old Police Station 16 Bridge Lane Holmfirth HD9 7AN  
 T: 01484 685411 E: hello@adp-architects.com W: www.adp-architects.com

**RIBA** Chartered Practice

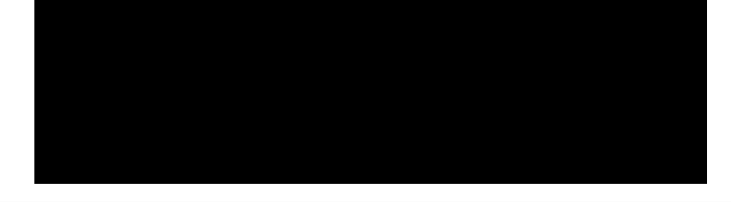


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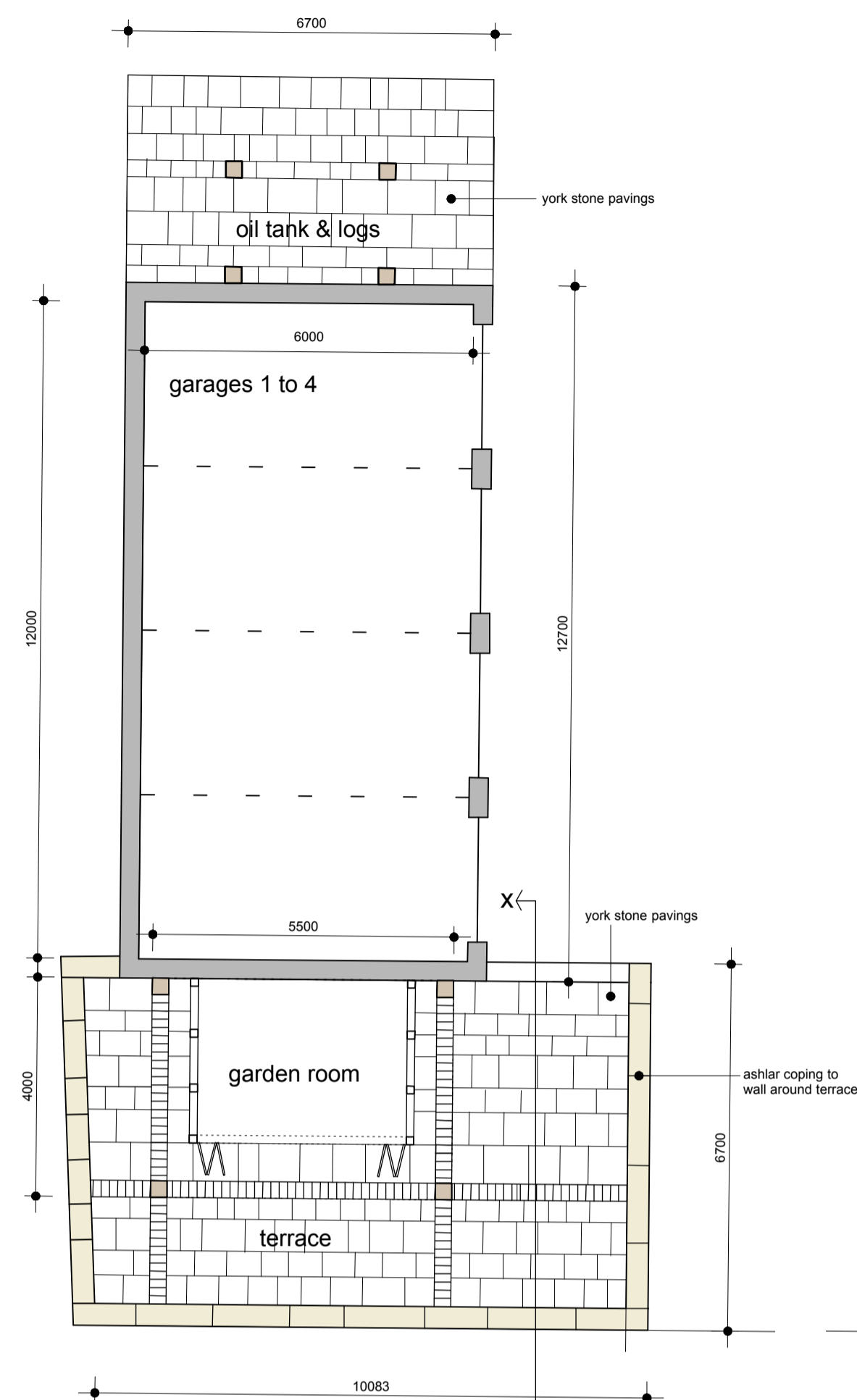
rev.	description	date	drawn	approved
P03	Various design changes for submission with Planning Application	13.04.17	RE	
P02	Re-design of stable block as per sketch by Mrs Butterfield	08.02.17	RE	
P01	Drawing originated, based on drawing 13072D-200-P07	03.02.17	RE/IGN	RE



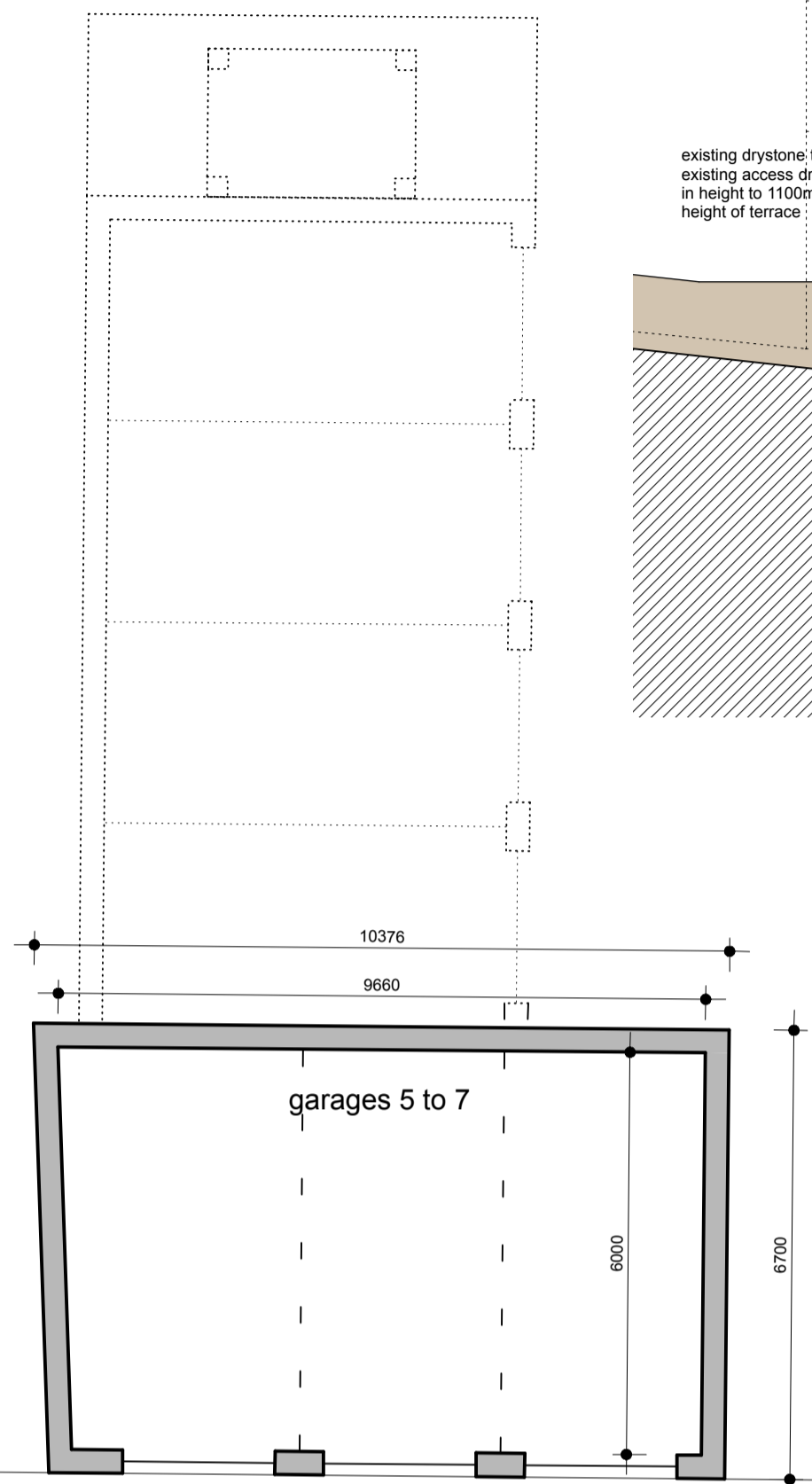
project Demolition of Existing Stable and Garage and Construction of Replacement Garages



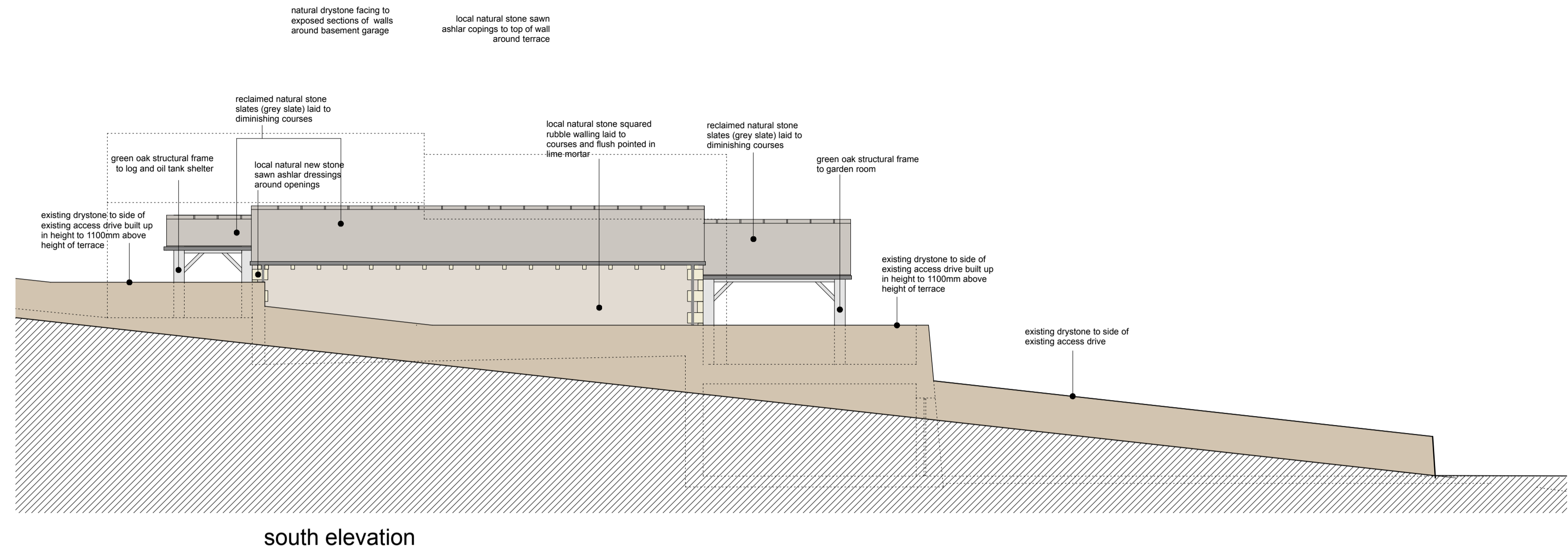
title site plan as proposed  
 number 13072D-301-P03  
 scale 1:250  
 size A1



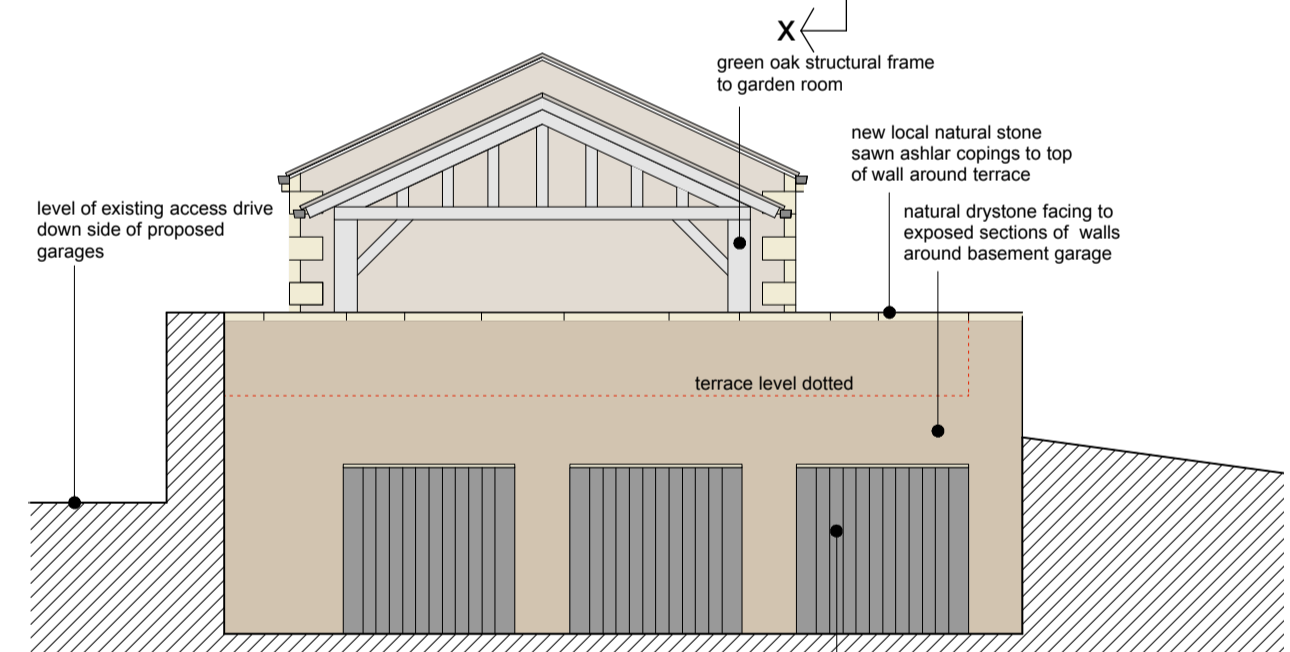
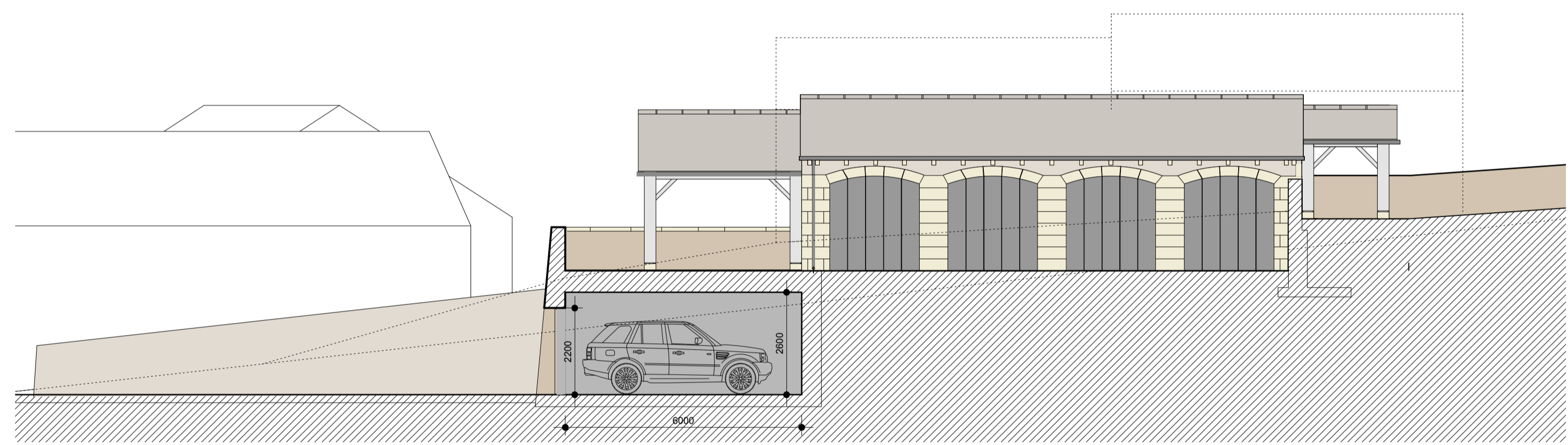
plan at upper garage level



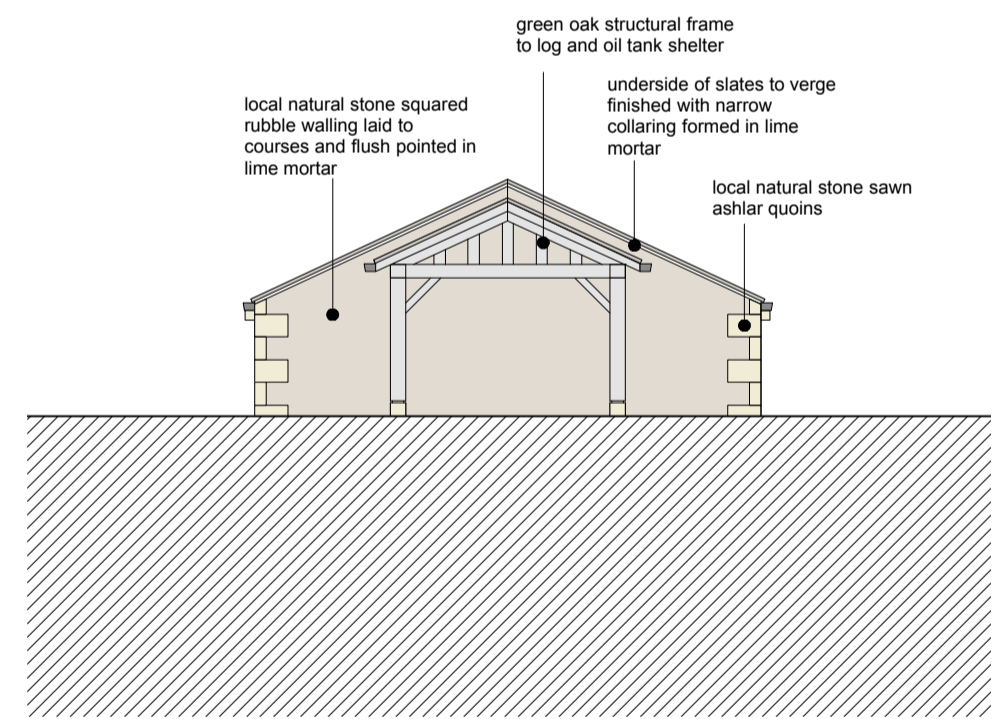
plan at lower garage level



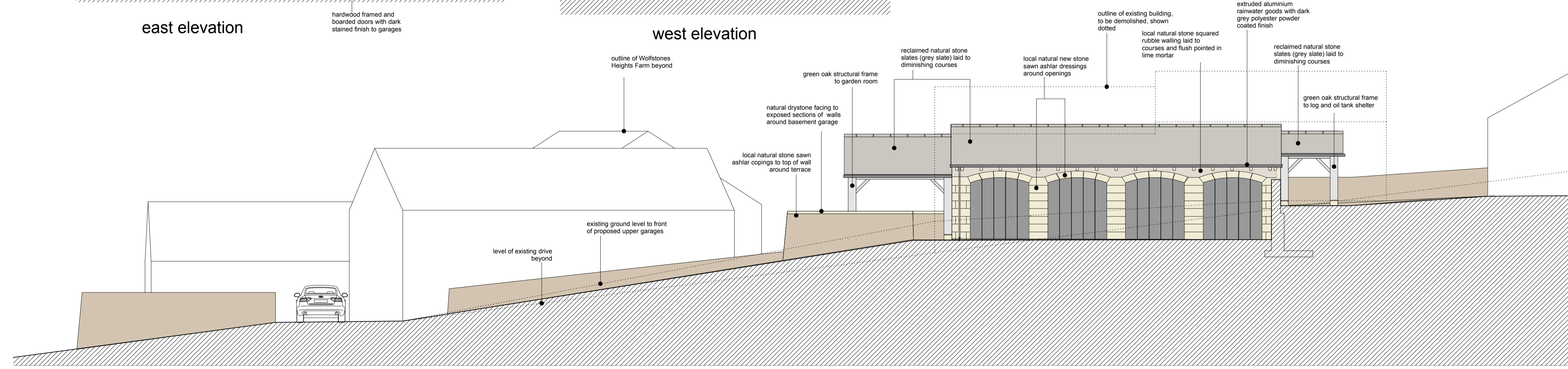
south elevation



east elevation



west elevation



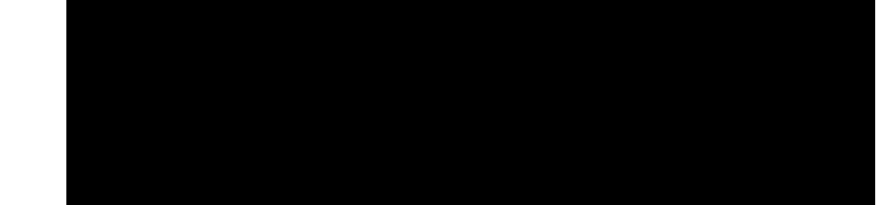
north elevation

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P03	Various design changes for submission with Planning Application	13.04.17	RE
P02	Re-design of stable block as per sketch by Mrs Butterfield	08.02.17	RE
P01	Drawing originated, based on drawing 13072D-200-P07	03.02.17	RE/IGN RE
rev.	description	date	drawn



project Demolition of Existing Stable and Garage and Construction of Replacement Garages



title Garage - General Arrangement Drawing  
number 13072D-302-P03  
scale 1:100  
size A1

Enquiries to: William Simcock

## Planning

Investment and Regeneration Service  
PO Box B93, Civic Centre 3,  
Off Market Street, Huddersfield, HD1 2JR

Kirklees Direct  
Tel: 01484 414746  
Email: [william.simcock@kirklees.gov.uk](mailto:william.simcock@kirklees.gov.uk)

ADP Architecture & Design Limited  
The Old Police Station  
16, Bridge Lane  
Holmfirth  
HD9 7AN

Date: 25-Oct-2018  
Our Ref: 2018/93277

Dear Sir/Madam

### **Application for a non-material amendment following a grant of planning permission, Town and Country Planning Act 1990**

**Non material amendment to previous permission 2017/91374 for demolition of existing garage and stable, erection of garages, garden room and fuel store and associated landscape works (Listed Building)  
Wolfstones Heights Farm, Wolfstones Road, Netherthong, Holmfirth, HD9 3UU  
Application Number: 2018/93277**

Thank you for your application dated 05-Oct-2018 for a non-material amendment to the above scheme. The amendments sought comprise alterations to ground levels and landscaping and the addition of external steps as indicated on drawing No. 13072D-301-P04.

I confirm that the alterations are acceptable and may be considered as a non-material amendment to the approved drawings. It should be noted that this letter relates only to the non-material amendment sought and it is not a re-issue of the original planning permission. The two documents should be read together and as such, all conditions imposed on the original granting of planning permission apply to the proposal as now amended. A copy of this letter and the amended plans will be retained on the public record of approved documents.

I would draw your attention to the need to deal with the Building Surveyor to ensure that the proposal, as amended, still complies with the Building Regulations.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Planning**

Investment and Regeneration Service  
PO Box B93, Civic Centre 3,  
Off Market Street, Huddersfield, HD1 2JR

Yours faithfully

Team Leader



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rev.	description	date	drawn	approved
P04	Changed layout to entrance area to lower level garage	12.09.18	RE	
P03	Various design changes for submission with Planning Application	13.04.17	RE	
P02	Re-design of stable block as per sketch by Mrs Butterfield	08.02.17	RE	
P01	Drawing originated, based on drawing 13072D-200-P07	03.02.17	RE/GN	RE

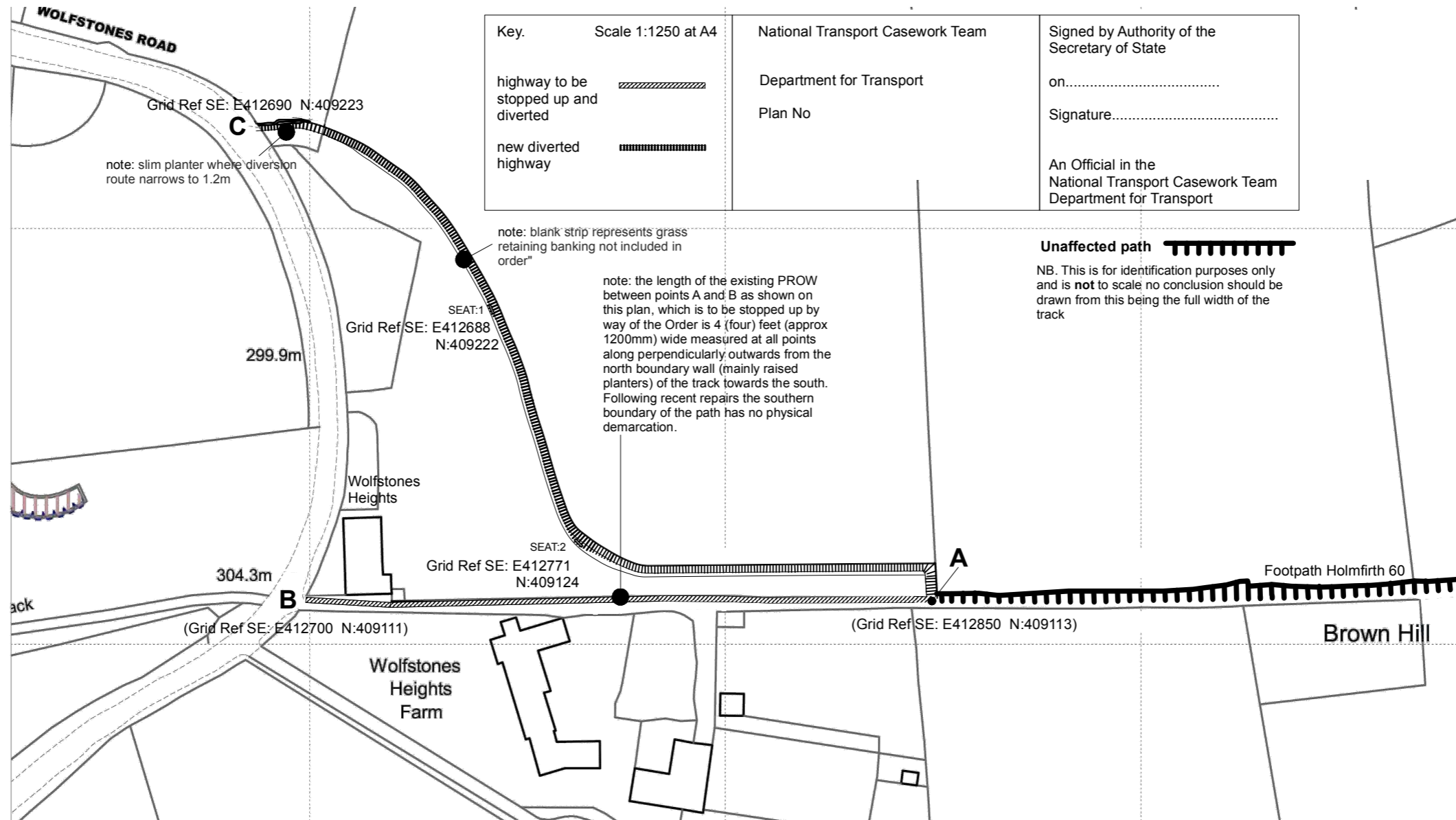
# ADP

project **Demolition of Existing Stable and Garage and Construction of Replacement Garages**



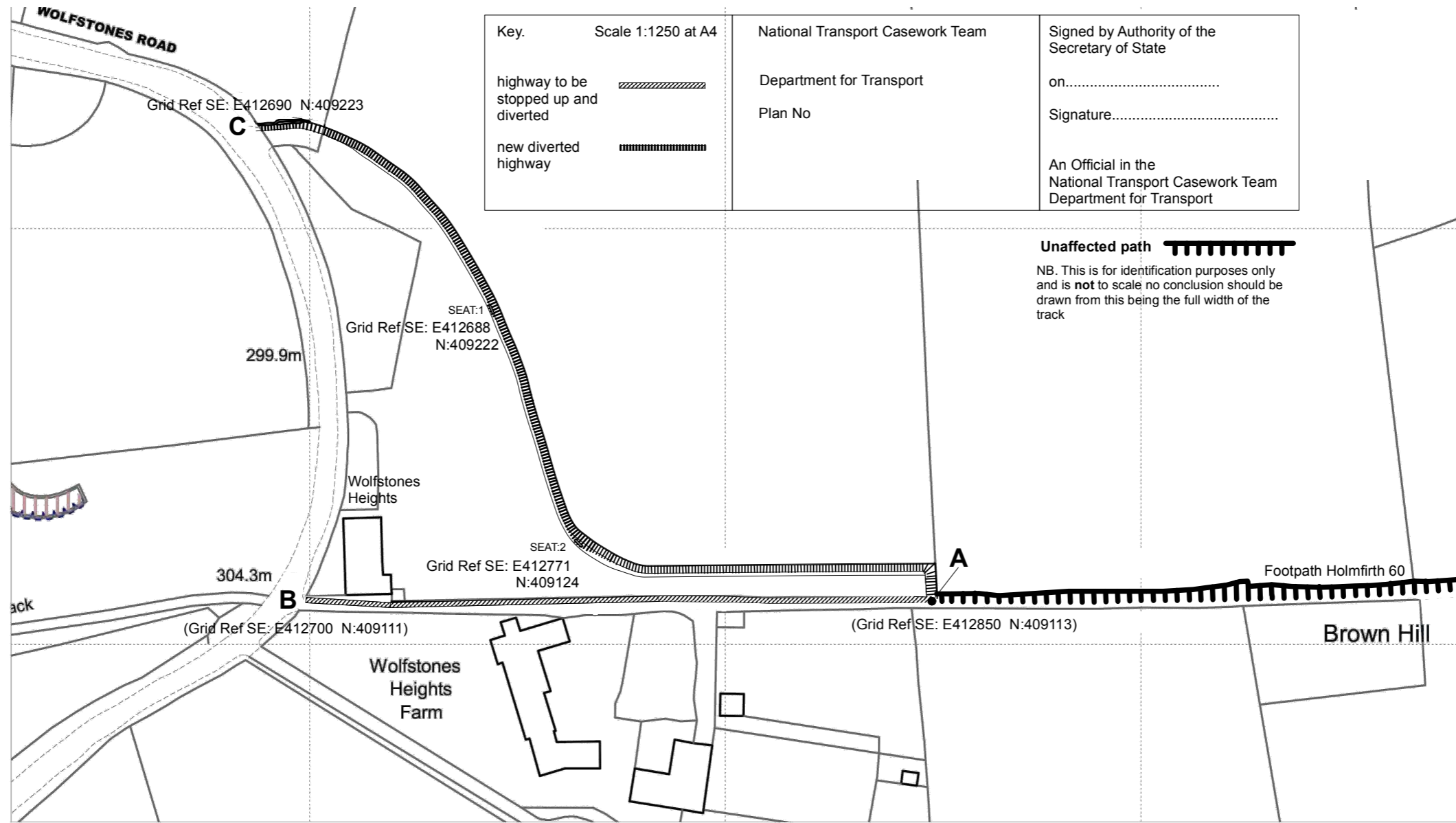
title site plan as proposed  
number 13072D-301-P04  
scale 1:250  
size A1

## HIGHWAY AT HOLMFIRTH IN THE METROPOLITAN BOROUGH OF KIRKLEES





## HIGHWAY AT HOLMFIRTH IN THE METROPOLITAN BOROUGH OF KIRKLEES



**Name of meeting:** Planning sub-committee (Huddersfield)

**Date:** 30 January 2020

**Title of report:** Application to divert part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong. Town & Country Planning Act 1990, Section 257

**Purpose of report:** **Members are asked to consider** an application for an order to divert part of public footpath Holmfirth 60. The public footpath route to be extinguished, and the proposed diversionary route to be created are shown on appended plans. **Members are asked to make a decision** on making the order and seeking its confirmation.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Not applicable If yes also give date it was registered
The Decision - Is it eligible for call in by Scrutiny?	No – council committee
Date signed off by <u>Director</u> & name	Karl Battersby 20 January 2020
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	Yes - Eamonn Croston 20 January 2020
Is it also signed off by the Service Director (Legal Governance and Commissioning)?	Yes - Deborah Wilkes on behalf of Julie Muscroft 20 January 2020
Cabinet member <a href="#">portfolio</a>	Not applicable

**Electoral wards affected:** Holme Valley South

**Ward councillors consulted:** Cllrs. Davies, Firth & Patrick.

**Public or private:** Public

## 1. Summary

- 1.1. The Council received a revised application in April 2019 from Mr S Butterfield for an order, to divert part of public footpath Holmfirth 60, under section 257 of the Town & Country Planning Act 1990, to enable the development to take place to fully implement

planning permission(s). The effect of the proposed diversion is shown on appended Plan 1. The public footpath to be diverted is shown by the bold solid line A-B, and the new public footpath to be created by bold dashed line B-C.

- 1.2. The existing public footpath would be affected by the development, as shown in the planning application block plans for 2018/93277 & 2018/93302 at App A1 and A2. A location plan is at App G.
- 1.3. Any further works to provide a new public footpath are to be undertaken by the applicant to the satisfaction of the Council. Some construction works have already taken place for the proposed new route, B-C. This work by the applicant is without prejudice to the decision before members and is at his risk.
- 1.4. Over time there have been slight amendments affecting the diversion proposals and application submissions, preliminary consultation took place on the first application in September-October 2017, and took place on an amended proposal, including the proposed dedication of an additional public footpath route, in July 2018. In November 2018, the application was withdrawn. In April 2019 the council received a new application, without the earlier proposed additional public footpath dedication, and preliminary consultation on that took place in June 2019. Details of responses are at section 4 and appendix D of this report. Responses were received in favour of the proposed diversion, and there are various responses by those not in favour. Applicant's comments on responses are at App E1 and E2.
- 1.5. The applicant has been in discussion with officers about the providing, through a formal agreement with the council, improvements to construct a hard surface to the highway verge on Wolfstones Road between the current and the proposed end points of footpath 60. In terms of timing, this improvement would be required to be provided only if the public footpath diversion process is to be completed. The proposal is that the agreement would be under section 278 of the Highways Act 1980, it would be made before a diversion order is made. The details of this could be agreed by officers if authority is given to make an order.
- 1.6. If members approve the making of an order under section 257, it would be advertised and if any objections are made and not withdrawn, the council could not confirm the order. Opposed orders could only be confirmed by the Secretary of State at DEFRA, which may involve a public inquiry. The Council is not obliged to forward an opposed order.
- 1.7. The council may form a view on making an order, and also on whether to forward an order if opposed, and on what stance to take on an opposed order.

## 2. Information required to make a decision

An application has been received to divert part of footpath 60 at Wolfstones Heights Farm, Wolfstones Road, Upperthong under section 257 of the Town & Country Planning Act 1990. The applicant cites planning permissions 2014/92814, *"(quoting the related Decision Notice) the formation of a new access and stopping up of existing access, diversion of public right of way and related external works"*, and 2017/91374 *"(again quoting the related Decision Notice) the demolition of a garage building, the erection of garages, garden room and fuel store with associated landscaping works"*, as amended by non-material amendment permissions 2018/NMA/93302 and 2018/NMA/93277. Here are Kirklees web links:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f92814>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91374>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93302>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93277>

- 2.1 The Council may make and confirm a diversion order under Section 257 of the Town & Planning Act 1990 Act if it considers that it is expedient to do so when the following criteria are met:-
- a) it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted.
  - b) The Council must also take into account the suitability of the proposal and the effect the change would have on those entitled to the rights that would be extinguished.
- 2.2 The statutory procedure is a two-stage process which involves the making of a footpath diversion order. The order would be subject to public consultation by way of statutory advertisement and notices posted on site. If no objections are received or they are resolved, the Council may confirm the order as unopposed. If the order is opposed and the objections cannot be resolved, the order could only be confirmed if submitted to the Secretary of State (at DEFRA) for determination.
- 2.3 Section 7 of DEFRA's circular 1/09 covers the topic of planning permission and public rights of way. Decisions on opposed orders which may be forwarded to the government to determine, are made on behalf of the Secretary of State at DEFRA.
- 2.4 Weblink:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69304/pb13553-rowcircular1-09-091103.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf)
- 2.5 At paragraph 7.11, it states: "It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. The requirement to keep a public right of way open for public use will preclude the developer from using the existing footpath, bridleway or restricted byway as a vehicular access to the site unless there are existing additional private rights. Planning authorities must ensure that applicants whose proposals may affect public rights of way are made aware of the limitations to their entitlement to start work at the time planning permission is granted. Authorities have on occasion granted planning permission on the condition that an order to stop-up or divert a right of way is obtained before the development commences. The view is taken that such a condition is unnecessary in that it duplicates the separate statutory procedure that exists for diverting or stopping-up the right of way, and would require the developer to do something outside his or her control."

- 2.6 Paragraph 7.15 states: “The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.”
- 2.7 Plan 1 shows the proposal and appended plan 2 shows the surroundings.
- 2.8 The applicant’s submitted supporting statement is appended at App B, along with his submitted highways survey. The proposal to develop the site affects the driveway carrying footpath 60, with the public footpath to be diverted to reach its proposed new junction with Wolfstones Road. Also at App B are photos and a photo plan submitted regarding the nearby land accessed by the public (see paragraph 2.13 below).
- 2.9 The diversion proposal would allow pedestrian rights to be stopped up on a section of public footpath and an alternative public footpath provided, to allow an improved vehicular access to be created to the property and a current driveway to be closed. The length to be stopped up is shown by the bold solid line from points A - B on appended Plan 1, whilst the path to be added is shown by the bold dashed line B-C.
- 2.10 The applications identify that as a result of the proposed diversion the terminal point of footpath 60 on Wolfstones Road would change, moving approximately 115 metres along Wolfstones Road to the north. The application submissions identify that the link between the current and proposed ends of the footpath 60 would be along Wolfstones Road, specifically mentioning the verge. Further to PROW’s consultation on the diversion proposals, separate discussions regarding works to amend this Wolfstones Road verge between points A and C have taken place, relating to improvements by the applicant to provide a hard surface to improve it for pedestrian use. (Photos of current verge at App X).
- 2.11 In report Appendix B, the applicant’s statement of 29 March 2019 in support of the diversion application, paragraph 6.3 states, “*Briefly, works that cannot be completed without the diversion of the Footpath are the current stone wall to the south of the Footpath area cannot move and the garden lawn cannot be extended northwards towards the building known as Wolfstone Heights. In addition, the engineering works, levels alterations and connecting steps to the lower garage roof terrace and establishment of parking areas, as well as underpinning engineering and retaining walls, all of which is now more particularly established through the respective NMAs, cannot be concluded. This is because all such works necessitate the removal of the access drive to Wolfstones Heights Farm, part of which is covered by the part of the Footpath intended for diversion.*”
- 2.12 Kirklees PROW did not object to the grant of planning consents. PROW Officer had met the applicant’s agent on site at an early stage, and identified areas that may be brought up as issues by the public if an application to divert the footpath was made. The PROW officer stated that Wolfstones Road had a serviceable verge between the current and proposed path ends, which was intended to convey that it was walkable without risk of injury underfoot. No relevant objections appear to have been made by

the public to early planning applications, but once PROW undertook consultation specifically on the diversion proposal, objections were raised, including those by people who had not realised that the development described in planning applications would affect the footpath 60, or require its diversion. The Council therefore had not been in a position to take these comments and concerns about the public footpath into account when considering the planning applications, where they were raised later.

- 2.13 Appended Plan 2 and the photo plan at App C include an area of land up to the Ordnance Survey 'trig' point, with a track from the road. Where footpath 60 currently meets Wolfstones Road, the land across the road from point A and stretching west is owned by the Holme Valley Land Charity, whose trustee is the Holme Valley Parish Council. This land includes a track and an Ordnance Survey trig point mentioned by the applicant and many respondents to the consultation. The use of this land is the subject of various submissions to the Council, both for and against the application proposal. The HV Land Charity's website identifies in its Approved by Trustee's Action Plan of 14 November 2016 that the land is "*reserved for use by the public for informal recreation*".
- 2.14 Officers received further clarification from the Land Charity's Management Committee, which authorised the clerk to respond as follows: "There is public access to the site. There is no public access by permission. Public access is tolerated. There is no formal public access through any other arrangement. There is also no formal public access through the Land Charity's site to get to the adjacent farmer's field. I think it is necessary to clarify that the site at Wolfstones is not designated as open access land with Natural England, but is ungated and therefore accessible by the community. Those who wish to access it can do so and don't need to keep to the footpaths, but it is not formally open access land"
- 2.15 [http://www.holmevalleylandcharity.org.uk/wp-content/uploads/2012/10/14\\_11\\_16-Action-Plan-Approved-by-Trustee.pdf](http://www.holmevalleylandcharity.org.uk/wp-content/uploads/2012/10/14_11_16-Action-Plan-Approved-by-Trustee.pdf)
- 2.16 The applicant has submitted 2019 photos of signs relating to access to this land. App C.
- 2.17 Preliminary public consultations have been held on the proposal, the latest in July 2019; the details are listed in section 4 of this report.
- 2.18 In considering this decision, members have a number of options in relation to the section 257 order.
- 2.19 Members may take into account the proposal for the applicant to enter into an agreement with the council for the improvement to provide a hard surface at the verge of Wolfstones Road.
- 2.20 Option 1 is to refuse to make the order.
- 2.21 Option 2 is to authorise the Service Director, Legal, Governance & Commissioning to make an order under section 257 of the Town & Country Planning Act 1990 **and only to confirm it if unopposed**, but for officers to report back to members for its decision on sending any opposed order to the Secretary of State at DEFRA. (See 5.4 below).
- 2.22 Option 3 is to authorise the Service Director of Legal, Governance & Commissioning **to make and seek confirmation** an order under section 257 of the Town & Country Planning Act 1990. This would authorise confirmation of the order by the council if

unopposed, or otherwise seeking confirmation of an opposed order by forwarding it to the Secretary of State to confirm.

- 2.23 Option 4 is to authorise the Service Director of Legal, Governance & Commissioning **to make** an order under section 257 of the Town & Country Planning Act 1990 **and to confirm it if unopposed, and if opposed to submit it to the Secretary of State only if the applicant makes the case for confirmation** of the opposed order at hearing or inquiry. This would authorise confirmation of the order by the council if unopposed, or forwarding an opposed order to the Secretary of State to determine, where promotion of the order at inquiry or hearing may be undertaken by another party and where the council would look to fulfil its administrative role in proceedings. The Council would look to the applicant to pursue his own application. This is described in the Planning Inspectorate’s rights of way section’s Advice Note 1, paragraph 7.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/774694/Advice\\_note\\_1\\_Revised\\_Jan\\_2019\\_PDF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774694/Advice_note_1_Revised_Jan_2019_PDF.pdf)

*“Sometimes an OMA is content to make the requested order but is not prepared to support it at an inquiry if it is opposed. This often occurs when an order is made under the Town and Country Planning Act 1990 to enable development to proceed, or an order to divert a path is made under the Highways Act 1980 in the interests of a landowner; the developer or the landowner is often asked to make the case for confirmation. The OMA may choose to remain neutral as regards confirmation of the order, to passively support it or even to oppose it if new information or objections following advertisement cause a change of mind.”* Paragraph 12 continues, that in such circumstances, the Council may look to *“secure the agreement of the applicant or another supporter of the order to take the lead in presenting the case.”* Although not such an agreement, paragraph 5.1 of the applicant’s supporting statement states, *“The applicant’s team would look forward to being able to formally respond to and examine any issues, at a local inquiry if necessary, following any objections to the order”*.

### **3 Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP).**

3.1.1 Providing better facilities for physical activity works towards local and national aims of healthy living.

#### **3.2 Economic Resilience (ER)**

3.2.1 **There** is an indirect impact of a welcoming environment which helps promote and retain inward investment.

#### **3.3 Improving outcomes for children.**

3.3.1 See 3.1.1

#### **3.4 Reducing demand for services**

3.4.1 See 3.5

#### **3.5 Other (e.g. Legal/Financial or Human Resources)**

3.5.1 The Council receives applications to change public rights of way, in this case to facilitate development already granted planning consent.

3.5.2 The Council may make orders which propose to change public rights of way and may recharge its costs of dealing with applications and making orders, as appropriate.

- 3.5.3 Any person may make an objection or representation to the order
- 3.5.4 The council may choose to forward an opposed order to the Secretary of State at DEFRA (“SoS”) to determine or may abandon it. If an order is forwarded, any such objection would be considered by an inspector appointed by the Secretary of State, who may or may not confirm the order. Although the applicant would be responsible for most of the costs associated with the order process and for the costs of implementation of any changes on the ground, the council may not recharge the costs incurred by it in the process of determination of an opposed order by DEFRA. The council would have to cover its own costs of forwarding the order to DEFRA and its costs associated with that decision process, potentially including a public inquiry. Under current legislation, costs incurred by the council in that determination process would not be recoverable.
- 3.5.5 If the council confirms its own order, or after an order has been confirmed by the SoS, the council may recharge its costs of concluding the order process, including bringing an order into force
- 3.5.6 Development proposals, including those given planning consent, may depend on the making and coming into force of public path orders, such as those changing or extinguishing public rights of way. Without such PROW orders, development may well be delayed, prevented or rendered unviable, with the subsequent effects on matters such as the local economy and provision of homes.

#### 4 Consultees and their opinions

- 4.1 The public rights of way unit undertook three rounds of informal preliminary consultation which included notices posted on site and maintained for 4 weeks, information published on the Involve part of the Council’s website, and correspondence with statutory consultees, interested parties including utility companies and user groups, as well as ward councillors.
- 4.2 Ward councillors: Cllr Patrick, initially raised concerns then, in October 2017, wrote “I think the amended route, as discussed, is acceptable to me given that the development will (as explained) affect some of the route between the two houses. Not perfect, but on balance ok. If the additional route across the fields were possible that would be an added benefit.”
- 4.3 Cllr Patrick in response to consultation in July 2018, wrote, “I think with the additional path this is a much better proposal and I have no objections.” **Officers note** that the additional path proposed in the second consultation, is not part of the current proposal before sub-committee.
- 4.4 Cllr Patrick offered no comment in the 2019 consultation.
- 4.5 Other ward councillors have offered no comment to date.
- 4.6 Holme Valley Parish Council supports the application.



4.7 Responses have been received indicating support for the application and are shown at App D (App D lists responses by each round of consultation undertaken). These supportive comments concern:

- New pathway a huge improvement to the old pathway
- The pathway as you will have seen is fenced at both sides allowing my dogs to run freely without the fear of them heading off into the private drive ways of their home
- The new pathway is gated and joins the original further down the track which is perfect not just for my dogs but also when I walk with young children allowing them to run freely
- The proposed route is wide and level, it has wonderful views over the duckpond to lands far far away
- current path loses all views as it goes between two buildings
- dedicated walkers route which isn't shared with vehicles
- from a Health and Safety point of view it's far far safer than negotiating the tarmac drive, as this becomes slippery especially in winter
- obvious issue that it's a driveway so we often have to get out of the way of vehicles without much warning! Why would people want to walk up a drive?? It's stressful
- the new path is much more scenic and relaxing to use
- spectacular view offered by the instated new route
- top of the original route (up the driveway of the property, comes out at a highly dangerous bend
- new paths exit point provides visibility each way
- The new route avoids the main drive way and as I turn right slightly shorter
- visual view is hugely improved on exit from the new pathway easier to spot cars coming either down the hill or up the hill before joining the road
- always felt that I am being intrusive and nosey, I have had to keep my dogs on their leads to stop them running into the Butterfield's garden and parking area
- always had to be aware of cars leaving the house with the risk of both the dogs and myself being knocked down
- ourselves and other walkers are doing so for leisure, therefore it enhances our walking experience
- impressed with the landscaping of the new path
- fantastic stone work, drystone walls repaired properly, good path, benches to use
- I prefer the less claustrophobic open path
- children / grandchildren could run freely on the path without fear of vehicles / or farm machinery coming down the very narrow driveway
- usually parked cars on the left (due to dog walkers coming up to the trig point ) parking and then walking their dogs the rest of the way
- The proposed diversion would offer so much more privacy for everybody and it would feel alright to stay for a while and enjoy the scenery
- the diversion offers great improvement from running on a semi private drive which we invariably have to share with cars
- The new route adds to my regular running route by just six minutes, taking into account running back up the road from the new exit point towards the trig point land, before turning around at the trig point and going back along the same route
- existing route offers a tarmac driveway sandwiched between two extremely high stone walls which act as a very unpleasant wind tunnel

- we felt nervous of potentially bumping in to animals who reside at the house as we are aware how territorial even the softest animals can be
  - it is a much better surface to run on before joining the tarmac road
  - The new path is easier on the joints. The substrate and gradient have made it possible for me join Wolfstones road without the deep mud which plagued the original route when the surface water following heavy rainfall would flow from the highest point (trig point,) directly down the path and inevitably down the driveway route into the soft ground
  - The aforementioned drive is also extremely challenging when wet or icy
  - The exit point of the diversion provides a wide exit point with views up and down the road and a large area for our walking group to congregate before moving on
  - using a neat grass verge down the side of the road at the side of the house and linking the old and new paths
  - also the tarmac ground is much better for my youngest who is only 2
- 4.8 The Council's Highways Safety engineer's comments are in full at App D. Conversion of the verge to a formal footway was identified as the only suitable mitigation measure for the change of the terminal point for Holmfirth 60 on Wolfstones Road. When queried by the applicant's agent, Highways Safety noted that the "*primary concern is the safety of pedestrians on the blind bend between the 2 access points (approx. 100m of verge).*" (See paragraph 2.10 above). **Officers note** proposals for improvement works to the verge to form part of a formal agreement under section 278, Highways Act 1980.
- 4.9 The Ramblers, a statutory consultee on orders, objects to the diversion proposal. Its grounds stated in 2019 are at Respondent ZH in App D. The Ramblers objected at earlier consultation stages.
- 4.10 The Peak & Northern Footpath Society, a statutory consultee, objects to the proposal. Grounds stated in June 2019 are shown at respondent ZD in App D, and PNFS objected at earlier consultation stages. As well as objections based on the changed path, PNFS queried the spending of public money on pursuing an opposed order.
- 4.11 Local running group, the Holmfirth Harriers object to the proposal, and objected at earlier consultation stages. June 2019 grounds at Respondent U at App D.
- 4.12 Responses were received that may be identified as being against the application diversion proposal and are also shown at App D. (App D lists responses by each round of consultation undertaken). These negative comments concern:
- Footpath coming out on dangerous bend
  - Without a pavement
  - Existing path is straight line between Netherthong and Wolfstones Heights
  - the diversion would involve taking an unnatural line around two sides of a triangle and would significantly increase (almost double) the distance they would have to walk on the road
  - The 'trig point' is NOT "relatively recently constructed". The programme to install Triangulation pillars began in the 1930s with the vast majority in place in the post war late 1940s. Locals have walked to this point over the unimproved/unused land since time immemorial. This practice has then been formalised under the stewardship of the

### Holme Valley Land Charity

- Any conflict which may have existed between vehicles and pedestrians are eliminated by the creation of the new vehicle access drive and keeping pedestrians on the existing line
- The surveys do not take into account any usage after 1600
- survey seems to assume people only walk at weekends
- The original footpath is safer having been in large groups of walkers
- little threat to the security or privacy of the householder
- established path is a broad track, not a dark, narrow 'pinch point'
- diverted path takes the route needlessly northwards, interrupting the smooth, direct climb from Netherthong and adding unnecessary distance.
- new path's junction with Wolfstones road means that the walker is inconvenienced by having to climb the hill on the road
- emotional connection that local walkers feel with historic paths such as this one
- part of local culture and heritage woven together with ancient dwellings such as Wolfstones Heights
- narrow road and a quite dangerous
- current route is on the lane down to the stables which is access for vehicle use so can't be closed
- divert the existing driveway in order to fulfill planning permissions and facilitate access for emergency vehicles. I have no objection whatsoever to the driveway and vehicle access being diverted but I dispute this being a necessary justification for the diversion of the footpath
- the diversion would mean having to walk the last part along a road to get to the trig point at Wolfstones
- Kirklees and Holme Valley Parish Council are signed up to the Climate Change Emergency and this proposal goes against encouraging and supporting that ethos
- Holme Valley Neighbourhood Plan (in preparation) ,the number one priority requested in feedback by local residents was to support the maintenance and improvement of footpaths in the area
- planning consent does not divert or close public rights of way
- 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
- 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
- most users approaching the proposed diversion from the direction of Netherthong continue to the Wolfstones trig point
- surveys were undertaken in winter
- 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
- not sufficient justification for the loss of amenity and increased safety risk to the many local walkers using this footpath
- alternative route will be much less convenient & significantly less enjoyable

- verge is not suitable for walking on as there are too many obstructions
- Why should one person's benefit outweigh the public's loss of this path
- proposal seems to suggest that the building of garages cannot go ahead unless the path is diverted ..... as of today the garages seem to be almost complete
- the current path does not cause any particular issues of overlooking or invading privacy the domiciles are situated well back from the current path
- no way be beneficial to myself or others members of the public to move the path
- proposed diversion ruins the continuity of the beautiful walk from Wolfstones Heights to Netherthong
- The many "green lanes" within the Holme Valley are a unique feature of the Valley, characterised by dry stone walls and grass verges on either side of the lane, often with grass in the centre, providing an invaluable habitat for wild life
- Approval of this diversion will set a dangerous precedent for other residents throughout the valley who feel that they can change established footpaths simply for their own personal benefits
- new path comes out at a blind corner, there are no paths nearby to connect to it, only road walking
- entirely traffic free route using rural paths including Holmfirth Footpath 60 to reach the viewpoint at Wolfstone Heights
- proposed new route is therefore less commodious
- never met a vehicle on there in 25 years
- no direct evidence in the report that the burglary at the property was as a result of the use of the footpath
- clearly sufficient room for walkers to use the footpath without coming into conflict with visitors to the property
- difficulties the fire engine encountered accessing the property has nothing to do with the public right of way
- argument that access to the heights may not always be the case is a smokescreen
- Pedestrians would then still have to cross the road in a potentially more dangerous position to walk facing oncoming traffic
- The fact that there has been no accident in the location with the current route in place is evidence of the safety of the current exit point
- The design of the garage and other features would appear to be a deliberate attempt to create an excuse for the 'need' for a change, and could have been designed not to impede the present route
- the present route has far less impact on those living in the development than the average pavement does on any village, town or city
- The footpath was known about when the property was purchased and any development should have taken the route into account. Not deliberately sought to change it
- With the newly constructed access driveway there is no reason why walkers and cars (or other vehicles) should cause an increased risk to pedestrians
- recreational walkers, from dog-walkers to committed hikers, do not like walking on public tarmac roads for longer than they need to, however quiet they are
- To allow the diversion would, we feel, be against the interests of users of the footpath
- At the Netherthong end, the path passes through a property with no problem
- To divert it would lose its essential character
- (I) use the path to connect to and from the one adjacent to Carr Farm on Wolfstones

Road. This change will mean more time spent on the road and having to negotiate the brow of the hill

- The entrance to the proposed footpath from Wolfstones Road is currently rutted and uneven. If this re-routing is to take place the landowner should be obliged to make improvements
- Kirklees planners granted planning permission 2014/62/92814/w without properly considering the effects on Holmfirth Footpath 60 and how this popular public footpath is used
- The proposed new route has several sharp turns on it which are not acceptable
- proposed new route for Holmfirth Footpath 60 is therefore considerably less commodious
- 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
- diversion would reduce the amount of road walking for those using the path. However, this would only be the case for those coming from/going towards the north (Honley direction)
- the latest planning application that there is no necessity to divert the path in order to construct the garages
- The current path does not interfere with the privacy of Wolfstone Heights farm nor does it appear to do so should it remain
- no more than 20% of users of Holmfirth 60 turn right onto Wolfstones Road towards Honley

4.13 The applicant's comments on consultation responses are shown at App E1 and E2. The applicant considers that he has addressed and rebutted the negative comments on the proposed diversion.

4.14 Atkins Global, Northern Gas Networks, Cadentgas, Open Spaces Society, Auto Cycle Union, Cycle Touring Club, Huddersfield Rucksack Club, West Yorkshire Police Crime Prevention, Kirklees Bridleways Group, YEDL, National Grid, West Yorkshire Fire Service, NAVTEC, West Yorkshire Ambulance, BT, NTL, Yorkshire Water, MYCCI, Freight Transport, Passenger Transport Executive, RAC, KCOM and Road Haulage Association offered no response or no objection.

4.15 Notices were posted on site for 28 days.

## 5 Next steps

5.1 If an order is made, it would be advertised and notice served. There will be a statutory 28 day (minimum) notice period during which time the public may make representations and objections.

5.2 If the order is unopposed the council may confirm it.

5.3 If any objections are duly made and not withdrawn, the council may forward the order to the Secretary of State at DEFRA seeking its confirmation. Alternatively, the council may decide to abandon the order.

- 5.4 If members authorise the making of an order, but do not authorise officers to seek confirmation by the Secretary of State of an opposed order, a further decision would then be required on:
- 5.4.1 Considering objections that are received, and
  - 5.4.2 The potential referral of an opposed order to the Secretary of State, or
  - 5.4.3 Abandonment of an opposed order
- 5.5 If sub-committee refuses the application, the order is not made, the public footpath would remain on its current alignment and the planning permissions could not be fully implemented as granted. There is no statutory appeal right for the applicant against a council refusal to make a section 257 order.

## 6 Officer recommendations and reasons

- 6.1 **Officers ask** members to make a decision on whether to make an order, choosing one of the options regarding that decision identified in paragraphs 2.20 to 2.23 above.
- 6.2 There are many points raised with the Council both for and against the proposal, with views on the perceived advantages and disadvantages.
- 6.3 Officers consider that, after assessing the information, it would be reasonable for members to decide to make an order, or to decide to refuse to make an order.
- 6.4 Members may consider whether the diversion is required to fully implement relevant planning permission.
- 6.5 Members may consider whether there is good reason to refuse the diversion application despite the grant of planning permission, including consideration of the guidance of DEFRA in paragraphs 7.11 and 7.15 of circular 1/09. Officers consider that the information available to the Council now, that was not available to the Council when deciding the planning applications, may also be taken into account and, on balance, for members, the information as a whole may weigh sufficiently to lead to a refusal, e.g. if they consider that the negative effect of the proposal on public path users outweighs the positive effect of the development and that confirmation should not or would not be sought, so no order ought be made.
- 6.6 Alternatively, in considering this merits test, members may decide that the diversion might be acceptable. This test is described in the judgements in Vasiliou v SoS Transport [1991] 2 All ER 77 and in R (Network Rail) v SoS Environment, Food and Rural Affairs [2017] EWHC 2259 (Admin). Members may resolve that, in taking into account any significant disadvantages or losses flowing directly from the order, for the public generally and also considering any countervailing advantages to the public, along with the degree of importance attaching to the development, any such disadvantages or losses are not of such significance or seriousness that they should not make the Order.
- 6.7 If members decide to authorise the making of an order, then the council's stance on that order and on any objections or representations it may attract, and what to do next would be determined by which option they choose.
- 6.8 Although not formally forming part of the order, provision of improvement works, for the benefit of pedestrian users of Wolfstones Road between the existing and proposed

ends of footpath 60, may be considered by members, along with other factors, in the decision of whether to make the Order.

## 6.9 Officers recommend members to

- 6.9.1 **Choose option 4** at 2.23 above, that the Service Director of Legal Governance and Commissioning be authorised to make an Order under Section 257 of the Town & Country Planning Act 1990 to divert Holmfirth 60 (part) as shown on report Plan 1 and to confirm the order if unopposed, and to forward an opposed order for determination whilst not actively promoting its confirmation, if the applicant makes the case for confirmation in DEFRA's determination; **and to**
- 6.9.2 **require** the making of a relevant formal highway verge improvement agreement before the section 257 order is made **and to**
- 6.9.3 **require** the coming into force of a relevant formal highway verge improvement agreement before the section 257 order comes into force.

6.10 With the options available to members, this recommended approach appears to officers, on balance, to be appropriate, given the previous grant of planning consent, the content and timing of consultation comments and submissions received, the nature of the specific development work that requires the diversion, and that a refusal at this stage could not be appealed. It would allow the diversion proposal to move forward and potentially enable the applicant to pursue the desired diversion through DEFRA if an order is opposed. That may result in a public inquiry, where this finely balanced matter and the many arguments received may be presented and considered in person, with opposing views on this contentious matter open to examination before the determining DEFRA inspector. If the footpath diversion process were to be completed the recommendation would lead to securing the works for pedestrian verge improvements between points A and C on Plan 1. The nature and delivery of those verge works would be the subject of further discussion and formal agreement through appropriate Kirklees highways officers before an order is made.

## 7 Cabinet Portfolio Holder's Recommendations

7.1 Not applicable.

## 8 Contact officer

Giles Cheetham                      Definitive Map Officer, Public Rights of Way  
01484 221000                      [giles.cheetham@kirklees.gov.uk](mailto:giles.cheetham@kirklees.gov.uk)

## 9 Background Papers and History of Decisions

9.1 PROW file 872/DIV/6/60 Wolfstones: Rights of Way Improvement Plan

9.2 Planning consents – website links shown at Section 2 above.

9.3 Appendices

<https://democracy.kirklees.gov.uk/ecSDDisplay.aspx?NAME=SD2037&ID=2037&RPID=507121906>

- 9.3.1 Plan 1 - diversion proposal plan
- 9.3.2 Plan 2 – plan of the nearby area (including trig point)
- 9.3.3 App A1 & A2 - planning application block plans 2018/93277 & 2018/93302
- 9.3.4 App B1 - applicant's supporting statement
- 9.3.5 App B2 - applicant's highways survey
- 9.3.6 App C – applicant 2019 photos and photo plan of HVLC land etc.
- 9.3.7 App D – consultation comments on the proposals

- 9.3.8 App E1 – applicant comments on the 2019 diversion consultation comments
- 9.3.9 App E2 – applicant comments on previous diversion application consultation comments
- 9.3.10 App F - Aerial photo 2014
- 9.3.11 App G - location plan
- 9.3.12 App W1 – photos of path 60 proposed to be diverted - Plan 1 A-B
- 9.3.13 App W2 – photos of proposed diversionary path - Plan 1 B-C
- 9.3.14 App X – 2019 photos of grass verge/Wolfstones Road - Plan 1 C – A.

## **10 Service Director responsible**

10.1 **Sue Procter** Service Director, Environment; Economy & Infrastructure Directorate





28 December 2021

Ms Yvonne Parker  
Programme Officer,  
Holmfirth Footpath 60 Stopping Up and Diversion Inquiry  
National Casework Unit  
Department for Transport

Mrs Claire Moody  
Casework Manager  
National Casework Unit  
Department for Transport

Dear Ms Parker and Mrs Moody

**Section 247 Town and Country Planning Act 1990 – Holmfirth Footpath 60, Wolfstone Heights and Wolfstone Heights Farm, off Wolfstones Road, Uppertong, HD9 3UU**

Your ref: Ref: NATTRAN/Y&H/S247/4337 and DPI/Z4718/21/6 - Public Inquiry 24-27 August 2021

By email only to:

[Yvonne.parker@programmeofficers.co.uk](mailto:Yvonne.parker@programmeofficers.co.uk)

[Claire.moody@dft.gov.uk](mailto:Claire.moody@dft.gov.uk)

[nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk)

I am writing because I have been made aware of references by the Council's representatives that there is a claim that the Order Plan associated with the application is incorrect. I would be grateful if you would please pass this letter to the Inspector. I recall very clearly during what I thought was quite vigorous cross-examination of me during my time 'on the stand', as well as questions from the Inspector himself. That part of the path to be stopped up as drawn on the OS Plan is on the northernmost side of that old driveway. It is not in the 'middle' of the driveway, as has been proposed. I was (or felt that I was) very clear that any perceived distortion is down to one thing only: "scale". I used that one single word in explanation.

I did not at any time, to the very best of my memory, use language such as: 'I'll just draw another'. I would not be so flippant in a Public Inquiry or for that matter any other setting. That is completely misrepresenting my position. I have practiced as a Chartered Registered Architect for over 50 years. I am not in the habit of lying or misrepresenting, particularly to a person of the standing of a Secretary of State-appointed Inspector. Perhaps this allegation may go to the strength of the Council's case, but I stop myself there. I think that this is nothing more than mischief-making on the part of the Council and I am not sure of the extent to which I should indulge here. Nevertheless, there are several points that I would wish to point out. Please may I remind the Inspector, in the politest way possible, that I have a knowledge of this overall site going right back to 1995 in some way or another.

The first, is that where an OS Map is concerned and as I alluded to in the Inquiry, there can be up to a 1.1-metre margin of error. Indeed, the HM Land Registry itself acknowledges that there can only be a 99% confidence in absolute accuracy to 0.9m in the case of a 1:1250 plan, which of course the Order Plan is, as is required by the DfT. Any line can therefore be around 1m out and where boundary lines are concerned on an OS Plan there is still at very least a 0.3-metre margin of error tolerance in any case whatsoever.

There are several problems here, which if lines are pulled even tighter together, then it is not possible to include the chevroned black diagonal lines (they are particularly difficult on such a thin line representing only 1.2m on a plan of this scale) which is required by the DfT to identify the part of the footpath route to be stopped up, as required by the DfT in their requirements for making such an order plan.

I do have a problem with OS Maps generally in this respect, but in this case, considering what I have seen, I do have some things to identify. First, the part of the footpath to be stopped up is indeed to the

very best of my understanding on the northernmost side and is certainly **not** 'flush' with the dwelling known as Wolfstone Heights. That is wrong because it does not take account of the actual building line and the historic raised plant beds on the Wolfstone Heights Farm side where it meets the Wolfstone Heights building land. There has always been an historic retaining wall planter butting up to the southern gable end of the Wolfstone Heights house building and further eastwards, this was slightly wider.

Enclosed are three photos which clearly show the historic and still existing retaining planters, whose width used to vary on the northernmost side of the footpath. However, it can be seen from the photos that it would and is in this respect impossible for the part of the footpath to be stopped up to be 'flush'. It would or would never have met the southernmost gable end of the Wolfstone Heights building, only the raised planter.

Large conifers used to exist behind the old stone outbuilding to the eastern side of Wolfstone Heights, which is the building that was demolished to make way for the new garages that are now mostly constructed, etc.

The building line on the OS Plan at this scale, as it drops down the driveway from Point "B" on the Draft Order Plan towards Point "A", does not seem to take this historic line of raised beds into account and hence why there is a slight gap between what looks like the old building line and the historic planters on the current Order Plan.

Photo 1 shows part of the historic retained planter, with a recess for the bins for Wolfstone Heights on the gable end of the extension, though the original old driveway (i.e., on that side the footpath) remains in place. This shows a clear gap between the existing footpath and the gable end rear of the new/extension buildings. Photo 2 and Photo 3 show further examples of the historic and retained planters. The Inspector, or in fact anyone, could quite easily ascertain this themselves simply by walking the route. One would also note that when standing at Point "B" and looking downwards towards Point "A" (I don't know why the DfT changed these points around), there is a very slight and gentle bend or arc to the footpath. This is again imperceptible from the OS Map Order Plan at this scale. There is nothing that can be done to the Order Plan to demonstrate such a nuance.

Incidentally, I thought that I would mention that I also enclose an Extract (Image Extract 1) of an old landscaping plan from 2011, which shows a perspective looking from what we now know as Point "B" eastwards down the footpath/driveway. Interestingly, this shows the historic planting on the northernmost side (left side on that image), including the larger conifer trees that I refer to further down. Perhaps even more interestingly in this whole matter is the clear reference: "Public footpath this side" on the said extract. Although this particular plan was not implemented, this is an example of where that was the case and clearly accepted by the Council in 2011.

Dealing with what is immediately in front of us, going back to the allegation that the footpath on the Draft Order Plan, drawn by me and appropriately modified for DfT purposes by the DfT, is not in the right place, I have already explained the difficulties in scaling and making the plan (an OS Plan) DfT-compatible at this scale. Incidentally, this plan is an advancement of an original plan drawn by Kirklees Council following an earlier iteration of a s.257 TCPA application. Nevertheless, I have therefore tried again to move this diagonal chevroned and outlined representation of the part of the footpath to be stopped up slightly further northwards, but please could I ask you to note that this is to the naked eye almost no different. We are dealing with the smallest fractions of less than 0.5mm on the OS Plan. However, this does not in my view show a sufficient small gap between the historic and new buildings and the historic raised planters.

The length of footpath to be stopped up between points A and B as shown on this enclosed plan, which is to be stopped up by way of the Order is 4 feet (1200mm) wide measured at all points along perpendicularly outwards from the north boundary wall of the raised planters (which now in part encompasses the bin store area) of the access track towards the south. The southern boundary building line of the Wolfstone Heights building land thus located has no physical demarcation visible on this plan at this scale, as does the southern side of footpath.

It is again, apart from nearer the westernmost end at (point "B) where the historic planter chamfers inwards/northwards slightly (which is again the very best that can be done at this scale), imperceptible on this that there is a gap between the old building line and the footpath, such that the historic raised bed area and now in part bin-storage areas, etc.) cannot be seen. Again, I refer the Inspector to the above scale considerations and margins of error in such scales on OS Plans, which are indisputable. More basically, one can also observe on parts of the part of the path to be stopped up that the building lines are not linear, which is why it may come across as narrower in some parts compared to others. Again, anyone could walk the route and see this.

Despite my misgivings, I have enclosed this updated plan for consideration. I personally see no need to replace the present plan for reasons explained (i.e., 'scale' realities), but my own view is that either plan

will suffice, because the scale tolerances address any queries in both cases. They are simply a reality that we can do nothing about.

Should the Inspector wish to use this latest plan enclosed (and please be assured that it is the very best that I or anyone in these offices can achieve; and we do have some very experienced practitioners at these offices), then the imperceptible gap between the building line and the raised planters is not visible in my view. Again, that is simply down to scale, as I said clearly in cross-examination and questioning by the Inspector at the Inquiry. I hope incidentally that the DfT will not mind that I have modified their Order Plan (following its modification of mine with the application).

I would very politely submit that all parties must be realistic in this respect - we are again dealing with the lower end of fractions of less than 0.5mm. We really cannot do any more than this at this scale on a 1:1250 OS Plan. The only way of establishing greater accuracy would be a higher scale topographical plan, which I understand is not warranted or required for the DfT's purposes.

Nevertheless, I accept that the enclosed plan is unequivocally on the northernmost side, but the smaller historic 'planter gap' line (my language), where the planters remain and the bin store area etc. now sits, cannot be seen overall. I have for completeness enclosed Image 2, which is a very 'zoomed-in' version to show the intended width at 1.2m width on a snippet of the footpath. I am aware that we cannot remove the chevroned lines because I have always worked on the basis that these are legally important to the process so that the public is able to distinguish what is being stopped up and what is being diverted according to the DfT-imposed key.

My own view again is that given scale considerations and realities, I really do not see any need for this, but I shall be guided by the Inspector here. Either plan is fine because scale tolerances must be accepted.

I therefore encourage the Inspector, and all concerned to consider and accept the realities of this position. I am surprised that this has been raised given scales on OS Plans, which surely all concerned will have known about and appreciated. I did identify this in one word ("scale") during cross-examination in the Inquiry, but do not recall further cross-examination on that point.

Nevertheless, I hope that I have sufficiently explained and indulged accordingly and appropriately. Please be assured that I do not wish to cut across the process in any way. I can, should any party including the Inspector so wish re-draft this letter as a Supplementary Proof of Evidence, so that I may be questioned again on this point when the Inquiry re-convenes. In the alternative this could be introduced as an additional Exhibit in my Proof of Evidence, but perhaps a Supplementary Proof may be easier.

This is no problem either way to me and I am more than happy to assist. Please do call me back to the Inquiry to be questioned if need be.

Nevertheless, I hope that my explanation on my organisation's headed paper and the enclosed plan and photos are now sufficient for the Inspector and the Inquiry's purposes. I don't think that I can realistically provide any further information, but I am of course happy to be re-examined on this.

Yours sincerely

**Russell Earnshaw** Dipl Arch MCSD ARB RIBA  
Director  
ADP Architecture and Design Ltd.

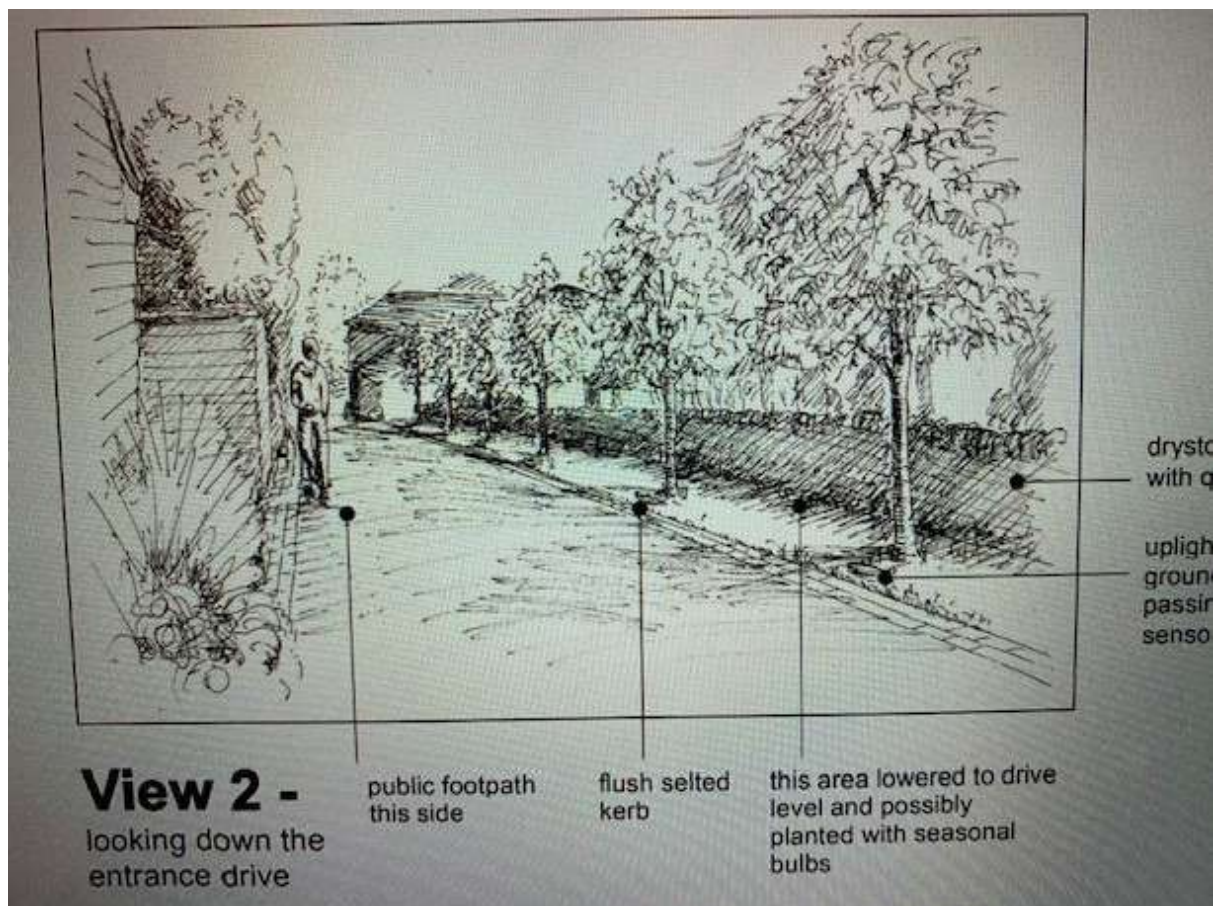
**Enclosures:**

Drawing: ADP13072D-200-P11-28Dec21 - Footpath Diversion Plan	1 pdf
Photograph: 1 Bin store recess and Wolfstones Heights gable etc.	1 pdf
Photograph: 2 Historic raised planter recess etc	1 pdf
Photograph: 3 Historic raised planter recess adjacent to footpath etc	1 pdf
Image Extract: 1 Historic landscape proposals etc	1 pdf
Image: 2 "Zoomed-In" image from 1:1250 diversion plan showing width of footpath	1 pdf

**Copies. (by email only):**

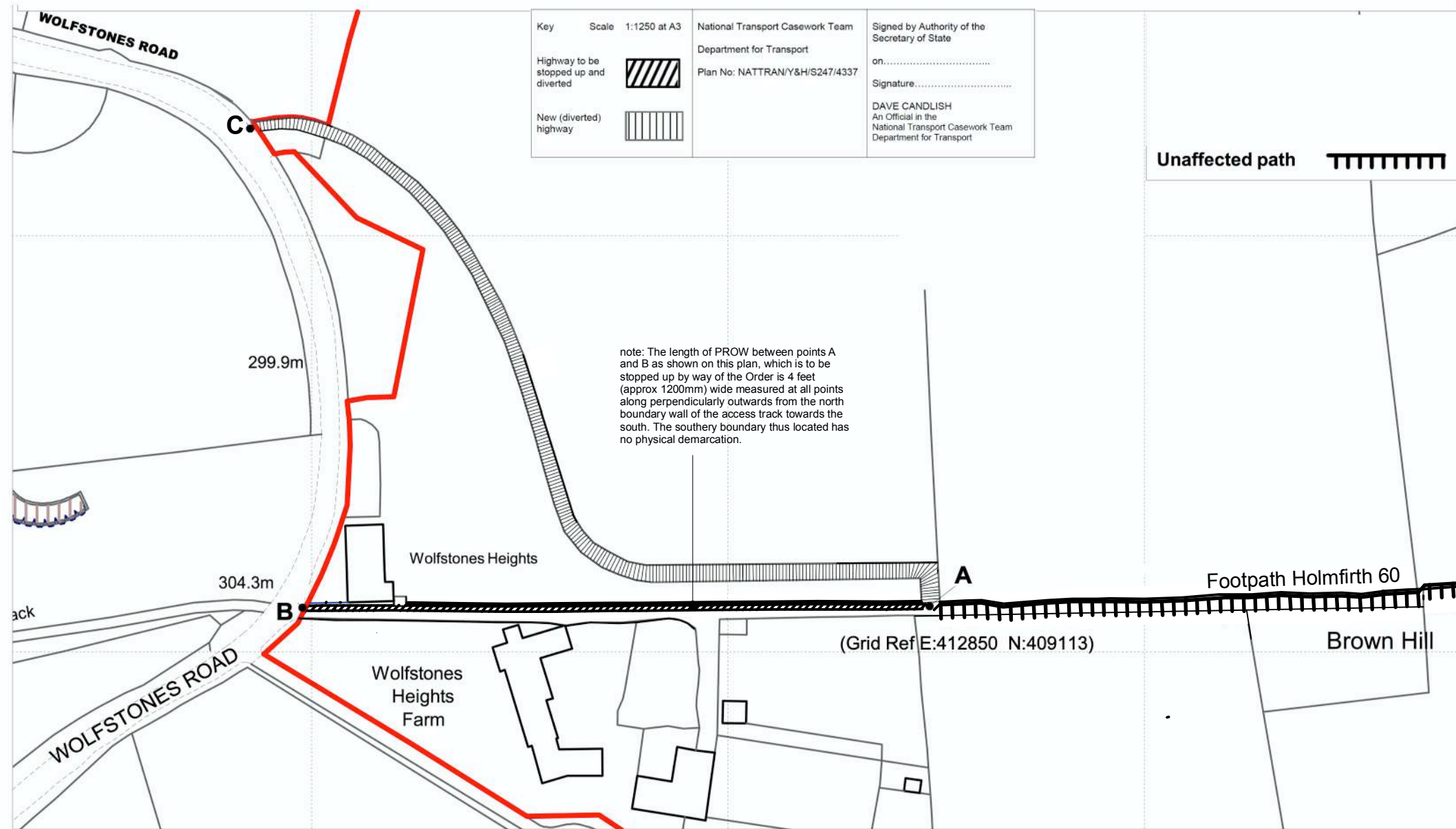
Noel Scanlon, NSCL: [noel.scanlon@nsconsult.co.uk](mailto:noel.scanlon@nsconsult.co.uk)

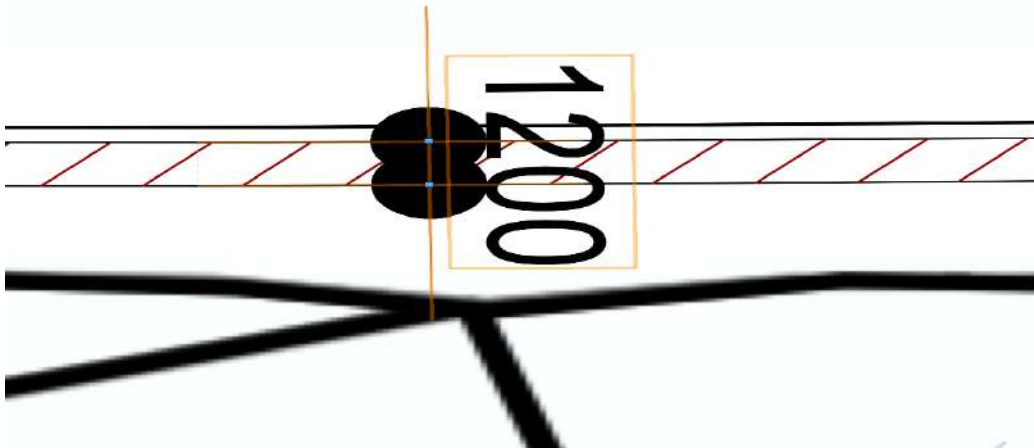
Richard Butterfield, Applicant and Landowner: [richard.butterfield@principleglobal.com](mailto:richard.butterfield@principleglobal.com)



**Image Extract 1:** ADP Plan Extract showing potential landscape proposals for an alternative scheme in 2011

### HIGHWAY AT HOLMFIRTH IN THE METROPOLITAN BOROUGH OF KIRKLEES





**Image 2:** 'Zoomed-In' Enlarged Image showing width of Footpath on Scale Plan to 1200mm



**Photo 1:** Bin Store recess around Wolfstone Heights gable-end extension and looking from east to west up to Point "B" on the Draft Order Plan showing the historic planter recess.  
Photo taken on 20 December 2021



**Photo 2:** Historic raised planter recess on building line of part of land at Wolfstone Heights taken from ground level. Photo taken 20 December 2021.





**Photo 3:** Historic raised planter recess adjacent to Footpath taken from western end of Footpath 60 from ground level showing its relationship to the south/southwestern corner gable-end of the Wolfstone Heights building. Photo taken 20 December 2021.

Appendix 7

Copy of Email 3<sup>rd</sup> December 2023 from Linda and Stephen Heinz to Noel Scanlon of NSCL

(addresses redacted but can be supplied)

## IMPORTANT - Land Beyond Holme Valley Charity Land at Wolfstones Trig Point'

linda heinz [ADDRESS REDACTED BUT CAN BE SUPPLIED]

### Reply all

Yesterday, 17:07

Noel Scanlon

You replied on 03/12/2023 19:43.

Dear Mr. Scanlon

We understand that you are about to make a new application on behalf of the Butterfields to divert the part of Holmfirth Footpath 60 which goes past his house. We don't really know the Butterfields well, but wish them good luck and we hope that it works out for them this time. We can't say that we use that route often ourselves, but we really do not want to lose that alternative path that has been created, which is far more pleasant.

We are writing because we want to convey that our land, which as you know is to the west of the Charity's land beyond where the Trig Point sits, is accessed with our permission only. The signs near the gates and the gates at the bottom nearer our house are very clear. Access to our land is by invite and with our permission. We can and do close that land off all the time and there is absolutely no intention on our part to allow that to become a public right of way. On this we are very clear.

We regularly close our land off for maintenance about every ten days to two weeks. It tends to be for longer in the Spring and Summer as compared to Autumn and Winter, because there is much less to do in that respect. We can and do close that land off any time we need to or we want and we do it without notice.

Most alarmingly, we want to address these rumours that we have done some kind of deal with the Parish Council or walking groups.

We were alarmed to learn that somebody has pitched that they have spoken or written to us to say that we have agreed with them to have an unofficial walking route going through our land. We can tell you that in no way is this accurate. We have NEVER had any such exchange with any person or organisation, including the Parish Council. We (likely Stephen) shall be more than prepared to attend the next Inquiry if need be, because anyone promoting something to the contrary is either mistaken or is not telling the truth. These people need exposing. What other landowners do is up to them, but frankly that is not something that we would ever agree to.

You can put this message with your impending application if it helps at all. However, we are keen to attend the next Public Inquiry, if needed, because we cannot have people peddling untruths and frankly, given the reasons that we allow people on the land to sit at the memorial area, these people are taking advantage in the most insensitive way imaginable.

We hope that this helps in the meantime and please, do let me know if anyone starts spreading lies or rumours that we are dealing with people and organisations about having walking routes through our land and the like. Access is only ever with our permission and we can (and do) close this off at any time and all the time without notice.

Please could we finally ask that should you come across any literature with anything about our land on there, then please could you to send it to us.

Kind regards

Stephen and Linda Heinz

**APPENDIX 8****PHOTOS OF DIVERSION ROUTE POINTS AND MEASUREMENTS**

**PHOTO 1:** Adj. start of Diversion Route at Point A on the Order Plan = 3.5 metres



**PHOTO 2:** Prior to 90-degree left turn moving northwards from Point A to Point C on the Diversion Route = 2.40m at narrowest point to grass banking



**PHOTO 3:** Around 90-degree left turn looking westwards = 2.10m at narrowest point to grass banking



**PHOTO 4:** Moving from Point A towards Point C around first sweeping bend from west to north/northwest = 2.40m fence to grass banking



**PHOTO 5:** Fence line into Seat 1 as identified on Order Plan = 3.35m



**PHOTO 6:** Fence line to bottom of grass banking just beyond Seat 1 as identified on Order Plan = 2.70m



**PHOTO 7:** Further north/northwest beyond Photo 6 towards Point C = 2.70m



**PHOTO 8:** Fence line to bottom of grass banking = 2.35m



**PHOTO 9:** between existing walls adj. to Point C = 2.00m (moving towards low planter bed with permissive footpath sign and entrance/exit path onto Wolfstones Road)



**PHOTO 10:** Surface at Point C on the Order Plan as the Diversion Route meets Wolfstones Road = 1.20m width from low planter to vertical cobble setts on adjacent driveway

## INTRODUCTION

This Technical Note has been written to outline the results of extensive pedestrian and traffic surveys that have been recently undertaken in the vicinity of Wolfstone Heights Farm off Wolfstones Road near Holmfirth. This follows previous surveys undertaken over the last few years by Messrs Paragon Highways, which were submitted in evidence with a previous application under s.247 TCPA 1990.

Via Solutions previously advised the client in 2021 on the proposals for the closure (i.e. stopping up/diversion) of the proposed part-closure of Public Footpath HOL/60/20 and diversion (which is in existence as a permissive route presently) on what some objectors perceived as vulnerable road users that will use the diverted route.

The matter was previously considered at a Public Inquiry in August 2021, which completed in early 2022. The Inspector eventually did not support that proposal. The full reasoning for recommending declining to make that final order was as set out in paragraphs 7.43 to 7.49 of his Report to the Secretary of State ('SoS'), which we do not need to repeat here. However, in headline terms the Inspector eventually opined in the original application that the diversion was likely to be 'inconvenient' to users, although concluding that the highways safety risk would be "very small".

A rare but clear and helpful point of agreement between the three main parties (ourselves, on behalf of the Applicant, and the main objectors, being the Kirklees Council Highway Authority and the Peak and Northern Footpaths Society) during examination at the previous Public Inquiry, was that the impact of the proposed stopping up and diversion on the Public Rights of Way ('PROW') Network itself would be 'neutral'. In other words, it was a point of agreement there would be no discernible effect on the PROW network itself as a result of the proposed stopping up and diversion.

However, a key observation, which was a factor in the decision of the Inspector in recommending that the SoS should not make a final order was that although substantial survey work existed, which was factored and not dismissed, the data was in his opinion deficient overall without surveys being undertaken in the allegedly busier summer months. Whilst part of the reason for this was the likelihood that data may have been skewed (in either direction) during the Covid-19 Pandemic and its associated lockdowns and social restrictions, the fact is that there was only minimal information available in the 'summer months' (generally meaning July and August, to align with school holidays).

Via Solutions is obviously unable to offer an opinion or comment on any alleged issues relating to users who may value the alleged history of the original alignment of the Public Footpath and its alleged proximity to vernacular architecture having the quality of their walking experience reduced. However, we can assist on matters of alleged inconvenience to users and pedestrian safety.

Following a review of the SoS decision, Via Solutions was commissioned to organise and analyse the findings of additional surveys during the late July and mainly August months, to address the alleged deficiency in existing survey data. This was commissioned with a view to seeing how the matter may be taken forwards.

For the avoidance of any doubt and completeness, as it was in earlier survey periods, the existing legal route of Footpath HOL/60/20 was obviously always open to users and passable during the survey period, as was the helpfully existing permissive/diversion route.

We recommended that, either alone or alongside previous survey data, this most recent data reinforces the position that the route can and should be stopped up and diverted to the helpfully existing permissive/diversion route. Importantly, pedestrian users appear to be actively choosing the proposed diversion route (i.e. the present permissive route) over the existing legal route in any walking direction, which is completely contrary to the assertion of alleged user inconvenience. This is in our view and experience unsurprising, on what is seen as a leisure route as opposed to a functional route.



However, importantly, we are now able to say beyond any doubt that the speed survey results are completely consistent with previous data. To not make a diversion order based on alleged pedestrian safety would be evidentially flawed. It is now beyond any evidential doubt that Wolfstones Road is clearly not an unsafe road, and the stopping up of part of the existing Footpath HOL/60/20 and formalising the diversion route would not make it so.

## SITE DESCRIPTION

Public Footpath HOL/60/20 runs generally east to west from a point where it intersects with several other rights of way and terminates in the west where it intersects with Wolfstones Road.

Public Footpath HOL/60/20 is generally bounded by open fields up to a point about 150m east of Wolfstones Road where the buildings and associated operations of Wolfstones Heights Farm and Wolfstones Heights border it and is bordered by high boundary treatments / buildings along a private drive used by both properties for the last 60m or so.

From east to west the legal footpath emerges onto Wolfstones Road effectively on the brow of a hill on the outside of a sharp bend in the road and opposite a permissive way (i.e. not PROW) which leads up to/comes from a viewpoint known as the Trig Point. The road drops quite steeply to the south around the bend on the brow of the hill towards the village of Upperthong and less steeply north towards Moor Lane. For the purposes of our survey work, this "cross roads" intersection has been called: Site A.

Wolfstones Road is a rural country route typical of such public highways in the area surrounding Holmfirth and the Holme Valley more generally, in that it is of variable width, bounded by grass verges, hedges, fences and stone walls.

It is curvilinear in its horizontal alignment and runs up and down gradients of varying severity, depending on the topography on the landscape.

# Technical Note: Highways

Project: Use of Footpaths off Wolfstones Road, Holmfirth

For: Mr R H Butterfield

April 2023



The road is subject to the national speed limit for a single carriageway road (60mph) and is not lit by a system of street lighting (aside from one column where the right of way emerges). The intersection is again on the outside of a reasonably sharp bend in the road, which often and generally tends to reduce vehicle speeds, which would undoubtedly be the case here.

To the south of the intersection the grass verges are of narrow width and steeply graded and not suitable for walking along. However, to the north, whilst the verge to the west side is also quite steeply graded, the verge on the east side (the side which the Footpath joins and on the outside of the bend) is generally quite level and of a width between 0.9 and 1.5m. The latter continues for about 118m to the driveway serving Wolfstones Heights and then ends slightly beyond.

A permissive footpath has been constructed to the north side of this driveway which skirts the northern and eastern boundaries to Wolfstones Heights before running parallel to Public Footpath HOL/60/20 for a short distance before it connects to the same. It is this permissive footpath that, should the part stopping up of Public Footpath HOL/60/20 be approved in the future, will become the diverted route of the public right of way.

For the purposes of our further survey work this second intersection has been called Site B.

## DETAILS OF SURVEYS CARRIED OUT

The further surveys that have been undertaken are as follows:

- 1 Traffic volume and speeds recorded in the vicinity of Sites A and B using automatic recording equipment (tubes laid across the road) between Friday 5<sup>th</sup> August and Thursday 11<sup>th</sup> August 2022 (Period A) and again between Friday 12<sup>th</sup> August and Tuesday 16<sup>th</sup> August 2022 (Period B).
- 2 By using video cameras, all pedestrian movements at Sites A and B were surveyed between 07.00 and 20.00 hours (13 hours per day) over the following dates:  
Period 1 – Sunday 31<sup>st</sup> July to Tuesday 2<sup>nd</sup> August 2022 (3 days)  
Period 2 – Thursday 4<sup>th</sup> August to Monday 8<sup>th</sup> August 2022 (5 days)  
Period 3 – Friday 12<sup>th</sup> August to Tuesday 16<sup>th</sup> August 2022 (5 days)  
Period 4 - Thursday 25<sup>th</sup> August to Monday 29<sup>th</sup> August 2022 (5 days)

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The results of the traffic and pedestrian surveys are attached to this report and are described in more detail in the sections below.

## TRAFFIC VOLUMES AND SPEEDS

As mentioned above, the traffic volumes and speeds on Wolfstones Road were measured over two periods of 5 to 7 days at Sites A and B using automatic survey equipment. Readings were recorded over 24 hours on each day surveyed.

### Traffic Volumes

The traffic volumes using Wolfstones Road at Sites A and B are summarised in the table below. The figures given are based on the average of the recorded data over each survey period.

**TABLE 1. TRAFFIC FLOWS ON WOLFSTONES ROAD**

		Period A		Period B	
		24 Hr Volume	Peak Hour	24 Hr Volume	Peak Hour
Site A	Northbd	199	17	173	15
	Southbd	273	32	217	28
	2 - Way	472	46*	390	43*
Site B	Northbd	212	17	184	16
	Southbd	285	32	222	29
	2 - Way	497	47*	406	44*

\*The peak hourly flows in each direction did not necessarily occur within the same hour whilst the two-way peak hourly flow is the recorded peak hourly flow.

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As can be seen from Table 1, daily traffic flows along Wolfstones Road are generally low with a maximum of circa 500 vehicles (2-way) over 24 hours. The peak flow in any one direction was recorded as being 32 vehicles per hour with southbound flows being higher than northbound. The peak 2-way flow of 47 vehicles per hour occurred between 17.00 and 18.00 with 2-way flows averaging around 38 vehicles per hour between 9.00 and 19.00 (over 10 hours).

Traffic volumes on Wolfstones Road can therefore be considered to be low with an average of 1 vehicle movement every 95 seconds during the main part of the day and a peak hourly 2-way flow of 1 vehicle movement every 77 seconds.

A comparison has been made between the results of these latest surveys and those carried out previously by Paragon Highways which were used at the afore mentioned Inquiry. The latter was undertaken over the 8 hours between 08.00 and 16.00 and gave flows of circa 183 vehicles over the period which compares to 279 vehicles from the more recent surveys with peak hourly flows of 38 vehicles compared to the figure of 47 given above.

It is evident the daily flows in the latest surveys are higher over the same hours of the day, but the peak hourly flows are not that much higher than recorded previously.

## Traffic Speeds

The traffic speeds using Wolfstones Road at Sites A and B are summarised in the table below. The figures given are based on the average of the recorded data over each survey period.

**TABLE 2. TRAFFIC SPEEDS ON WOLFSTONES ROAD**

		Period A		Period B	
		Av Speed	85% Speed	Av Speed	85% Speed
Site A	Northbd	21.1	26.5	21.0	26.6
	Southbd	20.5	25.4	20.5	25.4
Site B	Northbd	21.7	26.2	21.7	26.7
	Southbd	21.4	25.4	21.0	25.0

As can be seen from Table 2, average and 85<sup>th</sup> percentile speeds at the two Sites do not vary significantly with average northbound and southbound speeds being a maximum of 21.7mph and 21.4mph respectively. The 85<sup>th</sup> percentile speeds in those directions were recorded as being a maximum of 26.7 mph and 25.4mph respectively.

Following the evidence at the previous Public Inquiry, it remains my opinion, based on the survey data gathered but, in particular, reinforced by this latest survey data, that the horizontal and vertical alignment of Wolfstones Road in the section under consideration, has a very significant affect in reducing actual vehicle speeds. As with the previous survey data, this survey data shows that the vehicle speeds are not just low, but very low.

We can now say with high confidence that there is absolutely no substance to any suggestion that vehicles travel at high speed around this bend. Such an assertion is baseless and clearly there is no evidence to support such an assertion in any available data that I am aware of. The data over the years and this most recent data tells a very consistent story in this respect.

## PEDESTRIAN VOLUMES

The Secretary of State Inspector again, whilst not actually being dismissive of the evidence obtained over several recent years by Paragon Highways, identified that a clear shortcoming in the applicant's evidence was a lack of survey data during the allegedly busier summer months, for the purposes of pedestrian user data.

This survey data, taken in 2022 and thereby untainted or unprejudiced by Covid-19 lockdown and restriction periods in the previous two years (2020 and 2021) addresses these concerns; this alleged (and in fairness reasonably explained but reasonably concerning) gap in seasonal data. The matter of summer survey data has now been addressed in visually recorded form and these are the results.

As mentioned above, pedestrian movements at Sites A and B were surveyed between 07.00 and 20.00 hours (13 hours per day) over four periods spanning various weekends during the school summer holidays. These movements are shown on Figures 1 to 18 (one for each day surveyed) attached to this report.

These results have been analysed further and Figures 19 and 20 attached provide the average weekday flows and the average daily flows at the weekend with the flows on the Bank Holiday Monday (29<sup>th</sup> August 2022) being classed as being part of the weekend (and so excluded from the average weekday flows).

## Weekday Pedestrian Flows

Figure 19 shows the average daily weekday flows over a 13 hour period. Of the four routes approaching the section of Wolfstones Road under consideration, the two way flows are given below:

**TABLE 3. AVERAGE WEEKDAY DAILY FLOWS (13 HOURS)**

<b>Approach</b>	<b>Two-way flow</b>
Wolfstones Rd North	35
Footpath HOL/60/20	36
Wolfstones Rd South	67
Trig Point	47

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The flows in Table 3 show that the busiest section of road was Wolfstones Road South with similar levels of pedestrian movements along Wolfstones Road North and Footpath HOL/60/20. The flows to and from the Trig Point will include a proportion of people who walk up to it from Wolfstones Road and then return.

In addition to the above, the volume of pedestrian movements on the section of Wolfstones Road between Sites A and B was recorded as being 48 per day. If the part closure / diversion of Public Footpath HOL/60/20 was implemented, that would increase the level of movements by 18 to 66 per day which is the same as on the section of Wolfstones Road South. This equates to about 5 pedestrian movements per hour or one every 12 minutes.

It is noted that of the 36 daily movements along the legal Footpath HOL/60/20, half of these people (18) elected to use the permissive route to the north (i.e. to Site B) and, contrary to previous thought processes or even assumptions by some, the majority turn to/from the south at Site B. To be clear, that is clear evidence of users actively choosing the slightly longer permissive route and walking south up the hill towards Site A via Site B. That is also contrary to a position that the proposed part stopping up/diversion would be inconvenient; clearly users are electing such inconvenience over and above what might be viewed as a more 'convenient' existing legal route.

When the same said users reach Site A from Site B, it might be reasonably assumed that they automatically turn to/from the Trig Point (as the number doing so are similar). However, without actually physically following each person in the videos, which obviously could not be done and was beyond the scope of this survey, it is acknowledged that it remains only a very reasonable assumption rather than a certainty. All that we can evidence is which direction they are more immediately coming from or going to, not whether their intention was to get to or come from the Trig Point, etc.

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It is also noted that only 5 (five) pedestrian movements per day were recorded between Wolfstones Road North and Footpath HOL/60/20, all of which elected to use the permissive route instead, which again is contrary to the assertion of alleged inconvenience of the proposed diversion route.

### Weekend Daily Pedestrian Flows

Figure 20 shows the average daily weekend flows over a 13 hour period. Of the four routes approaching the section of Wolfstones Road under consideration, the two way flows are given below:



**TABLE 4. AVERAGE WEEKEND DAILY FLOWS (13 HOURS)**

<b>Approach</b>	<b>Two-way flow</b>
Wolfstones Rd North	58
Footpath HOL/60/20	55
Wolfstones Rd South	98
Trig Point	75

The flows in Table 4 show that the busiest section of road was again Wolfstones Road South with similar levels of pedestrian movements along Wolfstones Road North (58) and Footpath HOL/60/20 (55). The flows to and from the Trig Point will include a proportion of people who walk up to it from Wolfstones Road and then return.

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In addition to the above, the volume of pedestrian movements on the section of Wolfstones Road between Sites A and B was recorded as being 76 per day. If part closure / diversion of Public Footpath HOL/60/20 was implemented, that would increase the level of movements by 29 to 105 per day which is about the same as on the section of Wolfstones Road South. This equates to about 8 pedestrian movements per hour or one every 7.5 minutes.

It is noted that of the 55 daily movements along Footpath HOL/60/20, just less than half of these people (26) actively chose to use the permissive footpath route to the north (to Site B) and the majority then turn to / from the south at Site B (i.e. back up Wolfstones Road towards Site A). When the latter reach Site A, it might be assumed that they automatically turn to / from the Trig Point (as the number doing so are similar) but again without "following" each person in the videos, it remains a very reasonable assumption rather than a certainty, as described further above.

The overriding point is that it is evident that users are in significant numbers actually electing to use the permissive/diversion route over the present legal Footpath HOL/60/20, even though it may be perceived as being less convenient when moving south towards Upperthong or up towards the permissive land housing the Trig Point.

It is also noted that only 5 (five) pedestrian movements per day were recorded between Wolfstones Road North and Footpath HOL/60/20 all of which chose to use the new permissive route. This again reinforces the position that there is clear and consistent evidence of pedestrian users are often favouring the permissive route over the legal Footpath HOL/60/20 route, contrary to what has been stated as being allegedly "inconvenient".

As this is a clear leisure (rather than functional) walking route, I was surprised to see a reference to alleged inconvenience in the report of the Inspector, given that I observed no particular evidence pointing to this during the course of the Inquiry or indeed his final report to the Secretary of State. However, in professional objective fairness, I speculate that this may have been down to the fact that summer survey data was not before him at that time.

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So overall, like the previous survey data, these latest 'summer' surveys confirm that the quantum of pedestrian movements in the area on a weekday or at the weekend is generally low, which when combined with low traffic volumes and speeds does not, in my opinion cause a significant (or we can now say in all evidential reality 'any') road safety problem.

I will now comment on the usage of each of the four approaches to the Wolfstones Road area as follows.

## Public Footpath HOL/60/20

Although the actual legal footpath route, this approach is the least used of the routes with, at most, about 55 (fifty-five) pedestrian movements per weekend day. Putting the above mentioned caveat on following people surveyed by the cameras to one side, if those that chose to use the permissive route to access Wolfstones Road via Site B and then turn to / from the south are distributed in the same proportions as the persons who approached Site A from Wolfstones Road North, then around 27 (55 – 5 to Wolfstones Road North x 33%) continued to and from the Trig Point with the remaining 23 using Wolfstones Road South towards Upperthong.

So, of the 75 that used the path to and from the Trig Point, about a third might be reasonably assumed to have used HOL/60/20 to arrive / depart the Wolfstones Road study area with the majority using Wolfstones Road North and South instead.

## Wolfstones Road North and South

As stated above these two routes appear to be generally the busiest approaches particularly on Wolfstones Road South where flows at the weekend are around 100 pedestrians per day. Flows at such a level cannot by any reasonable measure be considered to be excessive or dangerous and have not resulted in any collisions causing injury to any road users. There is no data anywhere to support any other conclusion. There is in fact reinforcing data from previous surveys by Paragon Highways, which goes to support the data here. This is unsurprising, given that the speed data consistently shows that this is not a dangerous road; on the contrary it is a road with a low volume of traffic and low vehicle speeds.

## Footpath leading to Trig Point

From the surveys carried out and with reference to Figures 19 and 20, the permissive route to the Trig Point is, contrary to what might have been considered convention, a busier route than Public Footpath HOL/60/20 with 47 and 75 movements on a weekday and the weekend respectively compared to 36 and 55 respectively.

Putting the above-mentioned caveat on following people surveyed by the cameras to one side, if the analysis outlined for the Public Footpath HOL/60/20 above is reversed in relation to the footpath to and from the Trig Point, the majority of users of the latter would appear to use Wolfstones Road North and South and not just the former. Clearly this is contrary to unevidenced previous thought. Despite the alleged 'inconvenience' to users, a majority of users seem to be actively choosing the permissive/diversion route over the current legal route (i.e. Footpath HOL/60/20).

## EFFECT OF DIVERSION OF PUBLIC FOOTPATH HOL/60/20 ON PEDESTRIAN FLOWS

In order to determine the effect of the part stopping up / diversion of Public Footpath HOL/60/20 I have reassigned the various turning movements recorded in the surveys at the intersection between Public Footpath HOL/60/20, Wolfstones Road and the access to the Trig Point (Site A) and the intersection between the new permissive path and Wolfstones Road (Site B). As might be expected the main change in pedestrian flows will occur on the section of Wolfstones Road between the existing and proposed termination points of Public Footpath HOL/60/20 (between Sites A and B).

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Using the analysis of the pedestrian survey data given above, the current daily pedestrian flow on this section of Wolfstones Road is 48 and 76 on a weekday and at the weekend respectively. It is anticipated that the daily pedestrian flow on this section will increase to 66 and 105 respectively. As a worst case, that is an increase from about 5 movements per hour to 8 movements per hour, so still a very low increase, in terms of number of pedestrians in real terms.

This increase is also on a section of Wolfstones Road where actual surveyed vehicle speeds are low (average of 21.7mph and 85<sup>th</sup> percentile of 26.7mph) and so too are traffic volumes (less than 50 vehicles per hour).

## CONCLUSIONS

In conclusion, the Secretary of State for Transport followed the Inspectors recommendation not to make a final order stopping up and diverting part of Footpath HOL/60/20. A reported shortcoming in the overall pedestrian and vehicle data, which was not dismissed, was a lack of survey data in the perceptually busier (as far as pedestrian users are concerned) summer period.

This summer survey data, taken in the summer of 2022, addresses this reported shortcoming.

As in previous survey data, whilst the proposed part-closure and diversion of Public Footpath HOL/60/20 would slightly increase pedestrian movements on a short length of Wolfstones Road, this would be of a similar level to that which exists on the same road to the south and on a section of road with what are now irrefutably low speeds and traffic volumes.

The presence of a convenient grass verge along this section of road will further aid pedestrian movements (we maintain incidentally that although improvement to the grass verge on Wolfstones Road between Site A and Site B is not necessary, it would do no harm either; we don't have a view either way on this, we are simply being consistent).

As a result, it is now beyond any evidential doubt that such a proposal would not result in a material or significant increase in pedestrian / vehicle conflict on Wolfstones Road.

Moreover, there is now clear evidence that the diversion route is not 'inconvenient' to a majority of users. It is in fact far from such a case. The evidence, as with previous evidence, is clear that significant numbers of pedestrian users appear to actively prefer the permissive/diversion route over the present legal Footpath HOL/60/20. This is unsurprising in our experience, given that this is a leisure walking route rather than a functional route. On why people are using or preferring the diversion route over the present legal route where it may seem to be more 'inconvenient', we can only speculate. It may be down to the quality of the route and greater enjoyment of the walk, but that is of course beyond the scope of this survey and not something that we are able to comment on.

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# Technical Note: Highways

Project: Use of Footpaths off Wolfstones Road, Holmfirth

For: Mr R H Butterfield

April 2023




According to all available data, the permissive route and its effects are neither unsafe, nor inconvenient, given that users are in significant number actively choosing the permissive route over the present legal Footpath HOL/60/20. We add again the usefully agreed position following examination at the previous Public Inquiry, whereby ourselves, the Peak and Northern Footpaths Society and Kirklees Council as the main statutory objectors to the previous application, all agreed that the impact on the actual Public Right of Way Network would be "neutral". In other words, it appears to be agreed between all main parties that the effect on the PROW network itself was not and is not at issue.

This summer survey data reinforces that obtained previously by Paragon Highways. There is now clearly more than enough data from a pedestrian user, as well as road safety perspective, to justify a part-stopping up and diversion of Footpath HOL/60/20. Via Solutions would support a further such application because there is seemingly no reason for the Secretary of State not to make an order stopping-up and diverting part of the present Footpath HOL/60/20.

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Subject to client instructions and appointment, Via Solutions Ltd. is prepared to add to and /or be examined on this Technical Note at a future Public Inquiry and would encourage the client to submit this Technical Note as part of any future stopping up/diversion application.

Author:	Eric Appleton
Signature:	
Date:	28 / 04 / 2023
File Ref:	21104 Wolfstones Rd Holmfirth Tech Note
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## Attachments

1 – Automatic Speed and Volume Data

2 – Pedestrian Flow Diagrams

# ATTACHMENTS

# 1 - Automatic Speed and Volume Data



## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

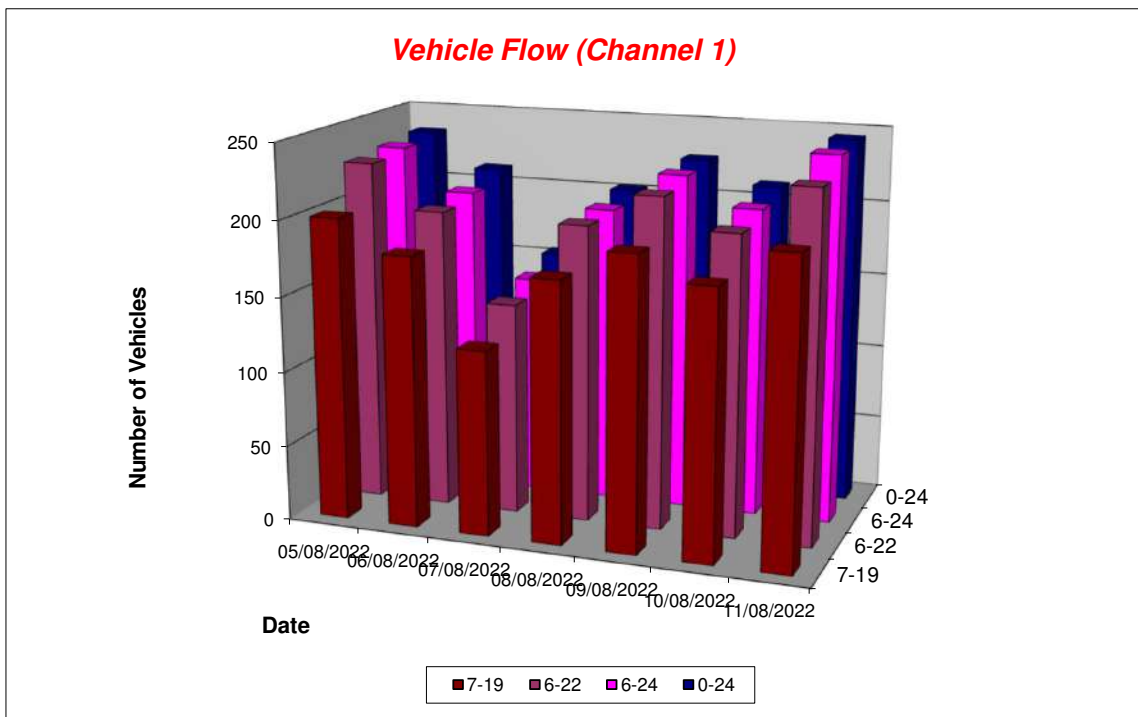
Channel 1 - Northbound

Vehicle Flow

Week 1

Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday	Weekday Average	Average
1	2	2	3	2	1	2	0	1	2
2	0	2	2	0	0	1	1	0	1
3	0	1	0	0	0	1	0	0	0
4	0	1	0	0	0	0	1	0	0
5	0	0	1	0	0	0	0	0	0
6	1	2	1	2	1	2	0	1	1
7	5	2	0	4	3	5	2	4	3
8	10	5	4	10	12	16	8	11	9
9	16	15	7	14	21	18	15	17	15
10	24	14	10	12	17	15	23	18	16
11	18	18	6	21	13	13	16	16	15
12	14	21	11	16	8	14	24	15	15
13	15	18	25	13	12	14	15	14	16
14	17	15	9	16	16	13	11	15	14
15	26	18	12	13	16	13	18	17	17
16	9	16	19	10	20	14	24	15	16
17	15	17	7	14	17	15	16	15	14
18	25	13	6	18	15	15	15	18	15
19	12	10	7	16	26	17	16	17	15
20	8	9	11	7	10	12	12	10	10
21	12	6	6	8	4	1	7	6	6
22	2	2	1	5	9	4	9	6	5
23	3	4	3	0	3	2	9	3	3
24	0	0	3	1	2	4	3	2	2

7-19	201	180	123	173	193	177	201	189	178
6-22	228	199	141	197	219	199	231	215	202
6-24	231	203	147	198	224	205	243	220	207
0-24	234	211	154	202	226	211	245	224	212



## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

Channel 1 - Northbound		Average Speed						Week 1
Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday	
1	20.6	21.2	28.6	22.2	19.2	17.9	-	
2	-	21.7	23.0	-	-	27.1	32.6	
3	-	12.4	-	-	-	29.3	-	
4	-	23.4	-	-	-	-	21.9	
5	-	-	20.8	-	-	-	-	
6	16.4	28.9	17.5	22.7	10.8	29.4	-	
7	17.3	26.2	-	19.0	22.4	24.4	22.0	
8	20.8	24.7	23.9	21.9	22.7	22.1	23.6	
9	21.0	20.1	22.5	19.3	23.4	21.9	21.6	
10	22.9	20.4	24.2	23.9	21.7	22.6	22.4	
11	21.4	18.2	21.8	20.6	21.3	22.7	21.6	
12	19.5	22.2	21.8	21.4	19.1	22.3	21.2	
13	22.1	20.4	21.3	20.5	19.7	22.0	22.3	
14	21.9	20.9	19.6	19.6	20.6	22.5	23.2	
15	21.9	21.8	21.7	21.3	22.8	19.9	22.5	
16	19.6	19.7	21.4	23.1	21.7	23.1	22.5	
17	23.0	20.3	22.3	23.8	22.3	23.3	21.3	
18	22.3	22.7	19.9	20.3	23.2	23.1	21.7	
19	21.6	21.4	22.8	21.0	22.5	22.9	23.9	
20	22.3	19.7	20.6	21.0	21.7	23.0	21.8	
21	20.7	22.2	21.4	21.1	19.4	23.2	17.9	
22	22.5	24.7	24.7	18.3	22.4	21.7	23.6	
23	21.9	22.7	24.6	-	20.3	23.3	24.1	
24	-	-	21.1	22.5	20.6	20.9	23.7	
10-12	20.6	20.4	21.8	21.0	20.5	22.5	21.4	
14-16	21.3	20.8	21.5	22.1	22.2	21.6	22.5	
0-24	21.6	21.0	21.9	21.1	21.8	22.5	22.3	

Average (ALL)	21.7
Weekday Inter-Peak	21.6

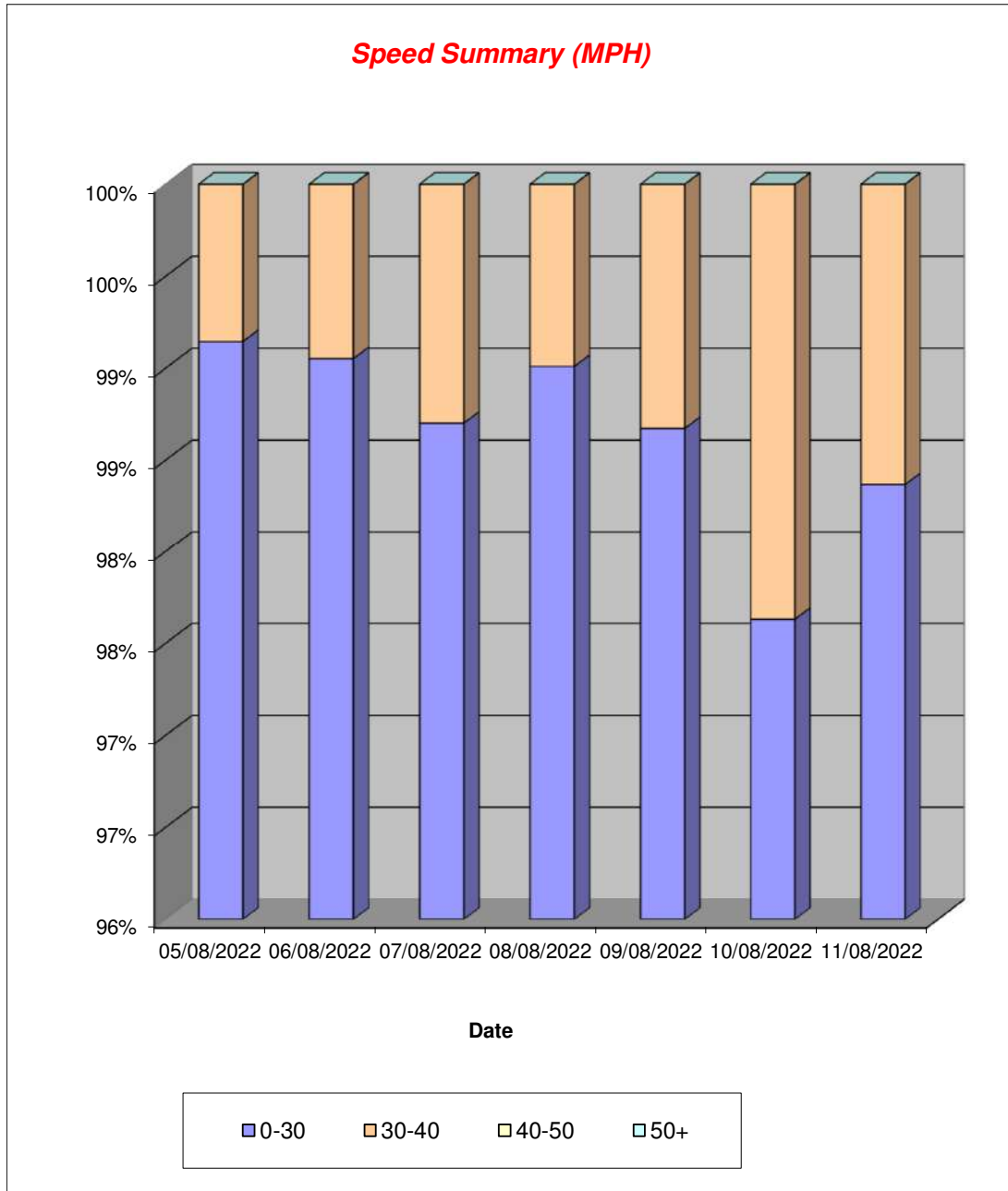
Channel 1 - Northbound		85th Percentile					
Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday
1	22.8	23.3	30.3	22.5	-	18.4	-
2	-	27.7	23.5	-	-	-	-
3	-	-	-	-	-	-	-
4	-	-	-	-	-	-	-
5	-	-	-	-	-	-	-
6	-	29.6	-	23.7	-	29.8	-
7	19.2	26.8	-	25.1	24.6	31.8	22.9
8	27.4	29.5	29.3	25.8	28.6	25.5	29.4
9	23.9	25.9	24.7	24.7	27.4	26.6	26.7
10	26.6	25.2	28.3	27.5	24.4	27.8	27.2
11	25.3	23.3	25.6	26.2	25.1	28.0	25.1
12	25.1	25.2	25.1	24.6	23.6	28.1	25.7
13	26.6	23.7	25.4	23.4	21.4	25.5	26.4
14	26.6	25.8	25.4	24.5	25.6	26.6	27.0
15	26.0	25.7	25.8	24.2	26.0	23.4	26.3
16	26.7	24.8	25.6	28.2	25.3	26.3	26.0
17	26.8	24.3	23.6	27.3	25.8	27.2	27.4
18	25.5	27.9	25.5	24.7	27.6	27.4	24.9
19	26.8	25.0	25.0	24.6	26.6	26.2	28.2
20	25.2	24.2	25.6	23.9	26.2	26.4	24.9
21	25.3	26.6	24.5	24.5	23.9	-	21.8
22	23.7	29.3	-	21.4	28.6	25.1	28.7
23	22.6	27.4	28.6	-	23.0	26.4	26.7
24	-	-	25.1	-	23.1	28.9	24.5
10-12	25.4	25.0	25.3	25.8	24.8	28.1	25.5
14-16	26.5	25.4	25.7	26.2	25.7	25.3	26.2
0-24	26.1	25.8	26.2	25.5	26.1	27.0	26.8

85th %ile (ALL)	26.2
Weekday Inter-Peak	26.0

## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

Channel 1 - Northbound		Speed Summary						Week 1
Speed (MPH)	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday	
0-30	232	209	152	200	223	206	241	
30-40	2	2	2	2	3	5	4	
40-50	0	0	0	0	0	0	0	
50+	0	0	0	0	0	0	0	
<b>TOTAL</b>	<b>234</b>	<b>211</b>	<b>154</b>	<b>202</b>	<b>226</b>	<b>211</b>	<b>245</b>	



# Holmfirth ATC, Wolfstones Road (Northern Site)

Holmfirth

Produced by Road Data Services Ltd.

Produced

Channel 1 - Northbound

Vehicle Class

Week 1

Classes Day / Time	Car / LGV / Caravan - 1	OGV1 / Bus - 2,3,5,6,7,12	OGV2 - 4,8,9,10,11,13	TOTAL - 1-13
05/08/2022				
7-19	181	20	0	201
6-22	206	22	0	228
6-24	209	22	0	231
0-24	212	22	0	234
06/08/2022				
7-19	160	20	0	180
6-22	179	20	0	199
6-24	183	20	0	203
0-24	191	20	0	211
07/08/2022				
7-19	115	7	1	123
6-22	131	9	1	141
6-24	137	9	1	147
0-24	144	9	1	154
08/08/2022				
7-19	153	18	2	173
6-22	174	21	2	197
6-24	175	21	2	198
0-24	179	21	2	202
09/08/2022				
7-19	168	25	0	193
6-22	188	29	2	219
6-24	193	29	2	224
0-24	195	29	2	226
10/08/2022				
7-19	145	30	2	177
6-22	165	32	2	199
6-24	171	32	2	205
0-24	176	33	2	211
11/08/2022				
7-19	177	24	0	201
6-22	201	30	0	231
6-24	213	30	0	243
0-24	214	31	0	245

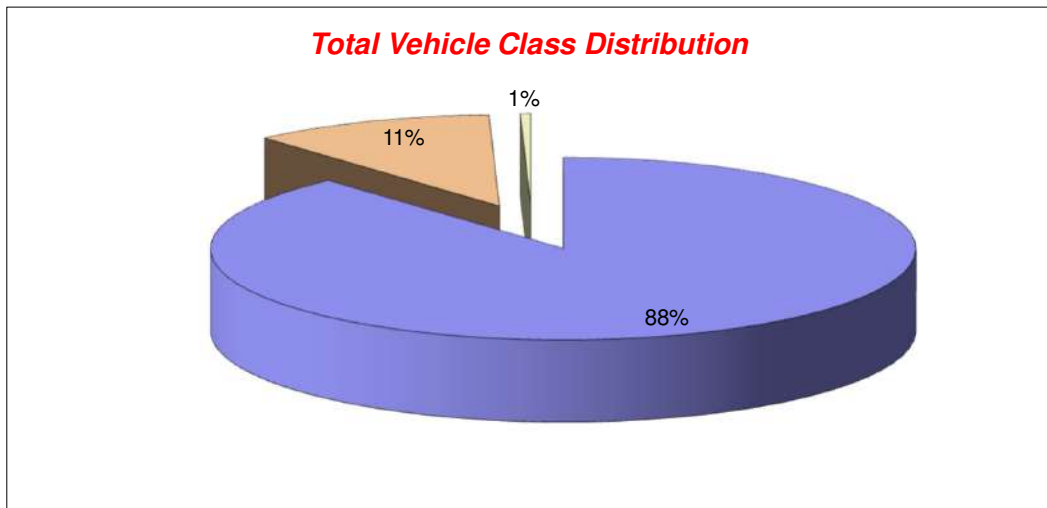
Hr Ending
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

7-19
6-22
6-24
0-24

Average				
7-19	157	21	1	178
6-22	178	23	1	202
6-24	183	23	1	207
0-24	187	24	1	212

Hr Ending
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

7-19
6-22
6-24
0-24



## rth ATC, Wolfstones Road (Northern Site)

by Road Data Services Ltd.

### Channel 1 - Northbound

05/08/2022 Friday			06/08/2022 Saturday			07/08/2022 Sunday			
LIGHT	HEAVY	PCU	LIGHT	HEAVY	PCU	LIGHT	HEAVY	PCU	LIGHT
2	0	2.0	2	0	2.0	3	0	3.0	2
0	0	0.0	2	0	2.0	2	0	2.0	0
0	0	0.0	1	0	1.0	0	0	0.0	0
0	0	0.0	1	0	1.0	0	0	0.0	0
0	0	0.0	0	0	0.0	1	0	1.0	0
1	0	1.0	2	0	2.0	1	0	1.0	2
5	0	5.0	2	0	2.0	0	0	0.0	4
9	1	10.5	4	1	5.5	4	0	4.0	8
14	2	17.0	14	1	15.5	6	1	7.5	14
22	2	25.0	13	1	14.5	9	1	11.3	11
15	3	19.5	16	2	19.0	6	0	6.0	18
13	1	14.5	19	2	22.0	11	0	11.0	14
13	2	16.0	14	4	20.0	25	0	25.0	12
14	3	18.5	14	1	15.5	6	3	10.5	13
23	3	27.5	17	1	18.5	10	2	13.0	11
9	0	9.0	14	2	17.0	19	0	19.0	9
13	2	16.0	14	3	18.5	7	0	7.0	14
24	1	25.5	12	1	13.5	5	1	6.5	16
12	0	12.0	9	1	10.5	7	0	7.0	13
7	1	8.5	9	0	9.0	9	2	12.0	5
11	1	12.5	6	0	6.0	6	0	6.0	7
2	0	2.0	2	0	2.0	1	0	1.0	5
3	0	3.0	4	0	4.0	3	0	3.0	0
0	0	0.0	0	0	0.0	3	0	3.0	1
181	20	211.0	160	20	190.0	115	8	127.8	153
206	22	239.0	179	20	209.0	131	10	146.8	174
209	22	242.0	183	20	213.0	137	10	152.8	175
212	22	245.0	191	20	221.0	144	10	159.8	179

### Channel 1 - Southbound

05/08/2022 Friday			06/08/2022 Saturday			07/08/2022 Sunday			
LIGHT	HEAVY	PCU	LIGHT	HEAVY	PCU	LIGHT	HEAVY	PCU	LIGHT
1	0	1.0	1	0	1.0	1	0	1.0	0
0	0	0.0	3	0	3.0	4	0	4.0	0
0	0	0.0	1	0	1.0	2	0	2.0	0
0	0	0.0	1	0	1.0	0	0	0.0	1
0	0	0.0	0	0	0.0	0	0	0.0	1
2	0	2.0	0	0	0.0	1	0	1.0	0
2	1	3.5	2	0	2.0	1	0	1.0	0
4	0	4.0	1	0	1.0	2	0	2.0	2
11	0	11.0	3	0	3.0	5	0	5.0	9
19	2	22.0	12	2	15.8	7	0	7.0	13
18	1	19.5	19	2	22.0	6	1	7.5	19
31	0	31.0	23	0	23.0	10	0	10.0	9
38	2	41.0	38	1	39.5	23	0	23.0	22
16	0	16.0	26	2	29.8	22	1	23.5	13
30	3	34.5	28	1	29.5	24	0	24.0	7
28	1	29.5	22	0	22.0	21	0	21.0	26
55	1	56.5	16	0	16.0	14	1	15.5	38
49	0	49.0	21	1	22.5	13	0	13.0	34
26	2	29.0	16	1	17.5	15	0	15.0	17
13	0	13.0	15	1	16.5	6	1	7.5	10
9	0	9.0	5	0	5.0	9	0	9.0	20
7	0	7.0	5	0	5.0	4	0	4.0	7
5	0	5.0	4	0	4.0	3	0	3.0	3
1	1	2.5	1	0	1.0	4	0	4.0	0
325	12	343.0	225	10	241.6	162	3	166.5	209
356	13	375.5	252	11	270.1	182	4	188.0	246
362	14	383.0	257	11	275.1	189	4	195.0	249
365	14	386.0	263	11	281.1	197	4	203.0	251

08/08/2022 Monday		09/08/2022 Tuesday			10/08/2022 Wednesday			11/08/2022 Thursday	
HEAVY	PCU	LIGHT	HEAVY	PCU	LIGHT	HEAVY	PCU	LIGHT	HEAVY
0	2.0	1	0	1.0	2	0	2.0	0	0
0	0.0	0	0	0.0	1	0	1.0	0	1
0	0.0	0	0	0.0	0	1	1.5	0	0
0	0.0	0	0	0.0	0	0	0.0	1	0
0	0.0	0	0	0.0	0	0	0.0	0	0
0	2.0	1	0	1.0	2	0	2.0	0	0
0	4.0	2	1	3.5	5	0	5.0	2	0
2	11.0	11	1	12.5	15	1	16.5	8	0
0	14.0	20	1	21.5	14	4	20.0	12	3
1	12.5	14	3	18.5	11	4	17.0	21	2
3	22.5	10	3	14.5	12	1	13.5	12	4
2	17.0	6	2	9.0	9	5	16.5	23	1
1	13.5	12	0	12.0	14	0	14.0	13	2
3	18.3	13	3	17.5	10	3	14.5	8	3
2	14.5	13	3	17.5	9	4	15.8	16	2
1	10.5	16	4	22.5	11	3	16.3	22	2
0	14.0	16	1	17.5	14	1	15.5	14	2
2	19.8	14	1	15.5	14	1	15.5	13	2
3	17.5	23	3	27.5	12	5	19.5	15	1
2	8.0	7	3	12.3	12	0	12.0	11	1
1	8.5	3	1	4.5	1	0	1.0	5	2
0	5.0	8	1	10.3	2	2	5.0	6	3
0	0.0	3	0	3.0	2	0	2.0	9	0
0	1.0	2	0	2.0	4	0	4.0	3	0
20	185.1	168	25	206.0	145	32	194.6	177	24
23	210.6	188	31	236.6	165	34	217.6	201	30
23	211.6	193	31	241.6	171	34	223.6	213	30
23	215.6	195	31	243.6	176	35	230.1	214	31

08/08/2022 Monday		09/08/2022 Tuesday			10/08/2022 Wednesday			11/08/2022 Thursday	
HEAVY	PCU	LIGHT	HEAVY	PCU	LIGHT	HEAVY	PCU	LIGHT	HEAVY
0	0.0	0	0	0.0	3	0	3.0	0	0
0	0.0	0	0	0.0	0	1	1.5	0	0
0	0.0	0	0	0.0	0	0	0.0	0	0
0	1.0	1	0	1.0	0	0	0.0	3	0
0	1.0	2	0	2.0	1	0	1.0	2	0
0	0.0	1	1	2.5	2	0	2.0	0	0
0	0.0	3	0	3.0	3	0	3.0	1	0
0	2.0	3	2	6.0	5	1	6.5	15	0
3	13.5	11	0	11.0	12	1	13.5	13	1
0	13.0	9	1	10.5	13	1	14.5	20	2
0	19.0	22	2	25.0	15	1	16.5	15	1
1	10.5	12	3	16.5	16	0	16.0	17	2
1	24.3	24	3	28.5	23	0	23.0	25	1
2	16.8	22	0	22.0	15	4	21.8	15	0
1	8.5	13	1	14.5	15	2	19.6	18	2
2	29.0	33	3	37.5	17	2	20.0	28	2
3	43.3	34	2	37.0	29	0	29.0	33	0
1	35.5	38	4	44.0	27	2	30.0	30	1
1	18.5	14	0	14.0	22	0	22.0	19	0
0	10.0	13	0	13.0	17	0	17.0	7	0
0	20.0	10	1	11.5	10	0	10.0	13	0
0	7.0	6	0	6.0	6	0	6.0	7	0
0	3.0	7	0	7.0	6	0	6.0	5	0
0	0.0	0	0	0.0	2	0	2.0	2	0
15	233.9	235	21	266.5	209	14	232.4	248	12
15	270.9	267	22	300.0	245	14	268.4	276	12
15	273.9	274	22	307.0	253	14	276.4	283	12
15	275.9	278	23	312.5	259	15	283.9	288	12

Week 1

PCU	5 Day Ave			7 Day Ave		
	LIGHT	HEAVY	PCU	LIGHT	HEAVY	PCU
0.0	1	0	1.4	2	0	1.7
1.5	0	0	0.5	1	0	0.9
0.0	0	0	0.3	0	0	0.4
1.0	0	0	0.2	0	0	0.3
0.0	0	0	0.0	0	0	0.1
0.0	1	0	1.2	1	0	1.3
2.0	4	0	3.9	3	0	3.1
8.0	10	1	11.7	8	1	9.7
16.5	15	2	17.8	13	2	16.0
24.0	16	2	19.4	14	2	17.5
18.0	13	3	17.6	13	2	16.1
24.5	13	2	16.3	14	2	16.4
16.0	13	1	14.3	15	1	16.6
12.5	12	3	16.3	11	3	15.3
19.0	14	3	18.9	14	2	18.0
25.5	13	2	16.8	14	2	17.1
17.0	14	1	16.0	13	1	15.1
16.0	16	1	18.5	14	1	16.0
16.5	15	2	18.6	13	2	15.8
12.5	8	1	10.7	9	1	10.6
8.0	5	1	6.9	6	1	6.6
10.5	5	1	6.6	4	1	5.1
9.0	3	0	3.4	3	0	3.4
3.0	2	0	2.0	2	0	1.9
213.5	165	24	202.0	157	21	189.7
246.5	187	28	230.1	178	24	215.2
258.5	192	28	235.5	183	24	220.4
261.0	195	28	239.1	187	25	225.2

Week 1

PCU	5 Day Ave			7 Day Ave		
	LIGHT	HEAVY	PCU	LIGHT	HEAVY	PCU
0.0	1	0	0.8	1	0	0.9
0.0	0	0	0.3	1	0	1.2
0.0	0	0	0.0	0	0	0.4
3.0	1	0	1.0	1	0	0.9
2.0	1	0	1.2	1	0	0.9
0.0	1	0	1.3	1	0	1.1
1.0	2	0	2.1	2	0	1.9
15.0	6	1	6.7	5	0	5.2
14.5	11	1	12.7	9	1	10.2
23.0	15	1	16.6	13	1	15.1
16.5	18	1	19.3	16	1	18.0
20.5	17	1	18.9	17	1	18.2
27.3	26	1	28.8	28	1	29.5
15.0	16	1	18.3	18	1	20.7
21.0	17	2	19.6	19	1	21.7
31.0	26	2	29.4	25	1	27.1
33.0	38	1	39.8	31	1	32.9
31.5	36	2	38.0	30	1	32.2
19.0	20	1	20.5	18	1	19.3
7.0	12	0	12.0	12	0	12.0
13.0	12	0	12.7	11	0	11.1
7.0	7	0	6.6	6	0	6.0
5.0	5	0	5.2	5	0	4.7
2.0	1	0	1.3	1	0	1.6
267.3	245	15	268.6	230	12	250.2
295.3	278	15	302.0	261	13	281.2
302.3	284	15	308.5	267	13	287.5
307.3	288	16	313.1	272	13	292.8

## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

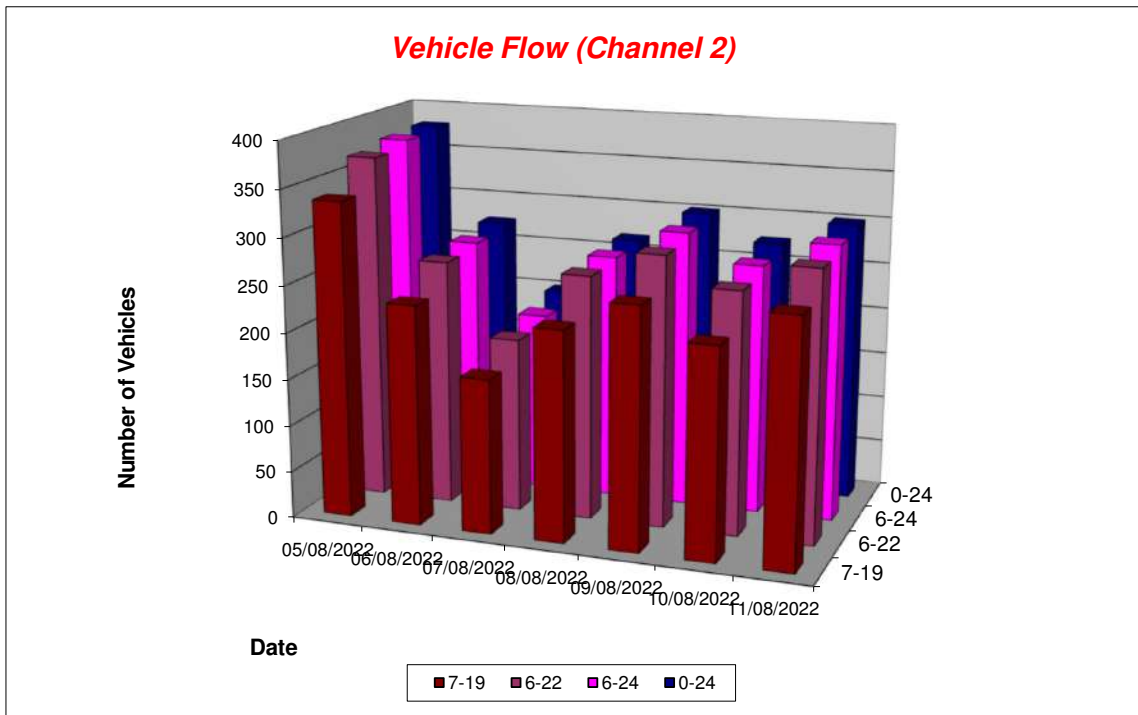
Channel 2 - Southbound

Vehicle Flow

Week 1

Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday	Weekday Average	Average
1	1	1	1	0	0	3	0	1	1
2	0	3	4	0	0	1	0	0	1
3	0	1	2	0	0	0	0	0	0
4	0	1	0	1	1	0	3	1	1
5	0	0	0	1	2	1	2	1	1
6	2	0	1	0	2	2	0	1	1
7	3	2	1	0	3	3	1	2	2
8	4	1	2	2	5	6	15	6	5
9	11	3	5	12	11	13	14	12	10
10	21	14	7	13	10	14	22	16	14
11	19	21	7	19	24	16	16	19	17
12	31	23	10	10	15	16	19	18	18
13	40	39	23	23	27	23	26	28	29
14	16	28	23	15	22	19	15	17	20
15	33	29	24	8	14	17	20	18	21
16	29	22	21	28	36	19	30	28	26
17	56	16	15	41	36	29	33	39	32
18	49	22	13	35	42	29	31	37	32
19	28	17	15	18	14	22	19	20	19
20	13	16	7	10	13	17	7	12	12
21	9	5	9	20	11	10	13	13	11
22	7	5	4	7	6	6	7	7	6
23	5	4	3	3	7	6	5	5	5
24	2	1	4	0	0	2	2	1	2

7-19	337	235	165	224	256	223	260	260	243
6-22	369	263	186	261	289	259	288	293	274
6-24	376	268	193	264	296	267	295	300	280
0-24	379	274	201	266	301	274	300	304	285





## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

Channel 2 - Southbound		Average Speed						Week 1
Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday	
1	27.9	22.1	18.1	-	-	22.7	-	
2	-	20.2	22.6	-	-	21.8	-	
3	-	22.7	20.5	-	-	-	-	
4	-	15.2	-	23.0	22.6	-	18.6	
5	-	-	-	20.2	23.1	20.6	16.5	
6	22.7	-	15.2	-	19.6	18.0	-	
7	21.8	23.0	23.7	-	20.7	22.2	17.7	
8	21.3	22.5	24.1	22.0	23.2	21.8	21.1	
9	22.2	19.9	23.7	20.7	19.8	21.1	22.6	
10	20.9	21.3	21.2	19.5	22.4	22.0	20.1	
11	20.5	22.3	21.3	21.0	20.5	21.8	21.6	
12	22.5	19.3	19.5	18.5	21.0	21.1	19.4	
13	22.0	19.2	20.3	21.3	20.8	22.5	21.2	
14	21.7	18.4	20.4	21.5	19.3	19.0	23.4	
15	22.1	21.3	21.9	21.9	22.2	18.3	22.1	
16	22.7	20.7	18.8	20.7	21.7	23.8	22.8	
17	21.3	22.1	21.4	21.6	21.9	22.5	22.1	
18	23.3	21.6	22.0	22.8	22.9	22.5	21.7	
19	22.5	22.2	21.9	22.5	20.6	21.9	20.7	
20	21.3	21.6	21.6	21.9	23.8	21.6	21.8	
21	19.4	20.7	21.3	20.4	18.1	21.5	21.9	
22	22.8	21.3	16.8	19.3	21.1	21.9	20.4	
23	23.9	22.6	20.0	21.3	22.9	21.9	22.4	
24	11.8	22.9	26.8	-	-	24.9	19.0	
10-12	21.7	20.7	20.2	20.2	20.7	21.5	20.4	
14-16	22.4	21.0	20.4	20.9	21.9	21.2	22.5	
0-24	22.0	20.7	21.0	21.3	21.4	21.7	21.5	

Average (ALL)	21.4
Weekday Inter-Peak	21.5

Channel 2 - Southbound		85th Percentile					
Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday
1	-	-	-	-	-	28.4	-
2	-	24.2	29.9	-	-	-	-
3	-	-	24.3	-	-	-	-
4	-	-	-	-	-	-	19.7
5	-	-	-	-	24.3	-	17.5
6	23.9	-	-	-	23.7	18.3	-
7	25.2	23.9	-	-	23.4	26.5	-
8	23.8	-	28.4	22.3	28.4	25.3	24.4
9	25.3	21.4	26.6	25.0	24.8	25.9	26.8
10	24.7	24.8	24.4	24.7	26.1	24.7	23.6
11	25.2	24.6	25.3	24.5	24.8	25.8	24.3
12	25.8	24.7	24.0	23.2	24.6	24.5	22.6
13	25.9	23.5	23.5	23.5	24.1	25.7	24.2
14	24.3	24.1	24.1	24.3	23.5	23.7	26.5
15	25.6	24.5	25.0	25.9	26.1	22.5	24.5
16	25.7	24.8	23.0	23.7	24.8	28.0	27.1
17	25.4	26.4	26.8	24.9	25.4	25.1	24.8
18	27.4	25.6	25.4	26.1	26.7	24.8	26.9
19	28.0	26.3	24.5	26.8	25.0	25.1	25.6
20	22.9	24.4	25.4	25.4	26.5	25.4	23.0
21	24.4	23.8	27.4	24.5	22.0	26.2	26.1
22	24.9	23.6	17.9	23.6	24.8	25.0	26.3
23	26.6	24.0	24.3	24.4	28.4	23.4	24.5
24	18.5	-	30.4	-	-	24.9	22.4
10-12	25.7	25.2	24.6	24.3	24.7	25.2	23.6
14-16	25.7	24.7	24.4	24.2	25.3	26.3	26.2
0-24	26.1	25.0	25.3	25.0	25.4	25.5	25.4

85th %ile (ALL)	25.4
Weekday Inter-Peak	25.3

## Holmfirth ATC, Wolfstones Road (Northern Site)

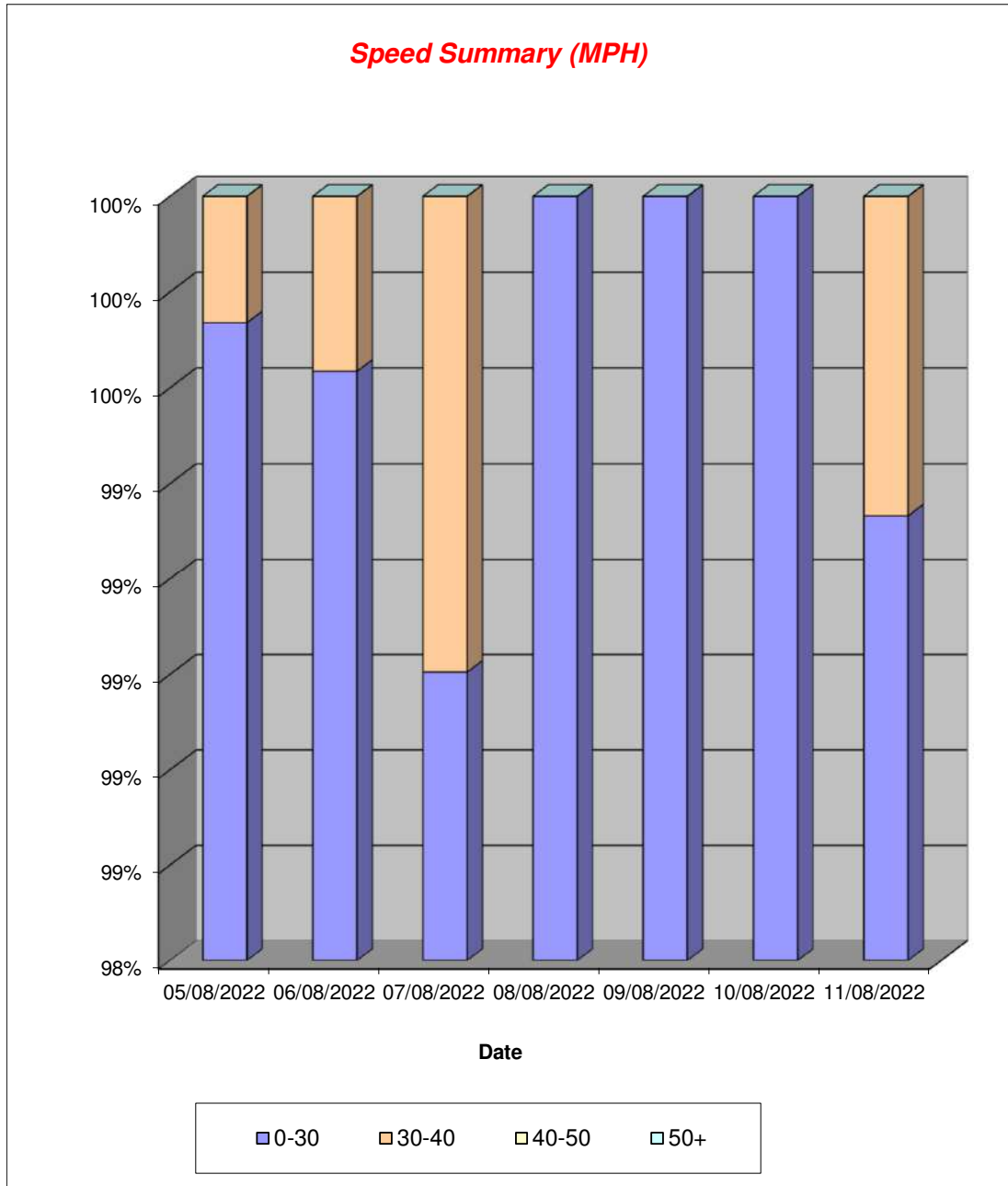
Produced by Road Data Services Ltd.

Channel 2 - Southbound

Speed Summary

Week 1

Speed (MPH)	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday
0-30	378	273	199	266	301	274	298
30-40	1	1	2	0	0	0	2
40-50	0	0	0	0	0	0	0
50+	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>379</b>	<b>274</b>	<b>201</b>	<b>266</b>	<b>301</b>	<b>274</b>	<b>300</b>



# Holmfirth ATC, Wolfstones Road (Northern Site)

Holmfi

Produced by Road Data Services Ltd.

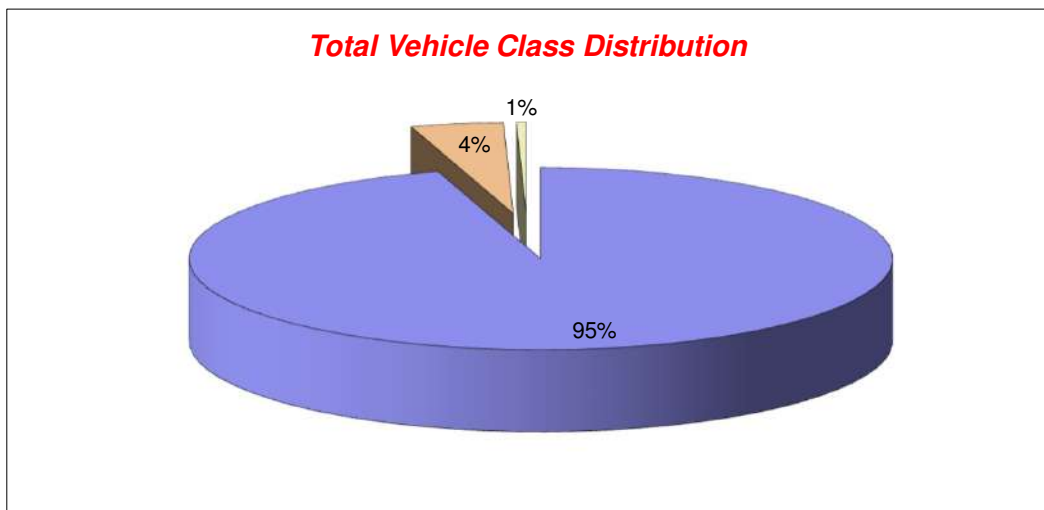
Produced

Channel 2 - Southbound

Vehicle Class

Week 1

Classes Day / Time	Car / LGV / Caravan - 1	OGV1 / Bus - 2,3,5,6,7,12	OGV2 - 4,8,9,10,11,13	TOTAL - 1-13
05/08/2022				
7-19	325	12	0	337
6-22	356	13	0	369
6-24	362	14	0	376
0-24	365	14	0	379
06/08/2022				
7-19	225	8	2	235
6-22	252	9	2	263
6-24	257	9	2	268
0-24	263	9	2	274
07/08/2022				
7-19	162	3	0	165
6-22	182	4	0	186
6-24	189	4	0	193
0-24	197	4	0	201
08/08/2022				
7-19	209	12	3	224
6-22	246	12	3	261
6-24	249	12	3	264
0-24	251	12	3	266
09/08/2022				
7-19	235	21	0	256
6-22	267	22	0	289
6-24	274	22	0	296
0-24	278	23	0	301
10/08/2022				
7-19	209	11	3	223
6-22	245	11	3	259
6-24	253	11	3	267
0-24	259	12	3	274
11/08/2022				
7-19	248	11	1	260
6-22	276	11	1	288
6-24	283	11	1	295
0-24	288	11	1	300
Average				
7-19	230	11	1	243
6-22	261	12	1	274
6-24	267	12	1	280
0-24	272	12	1	285



## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

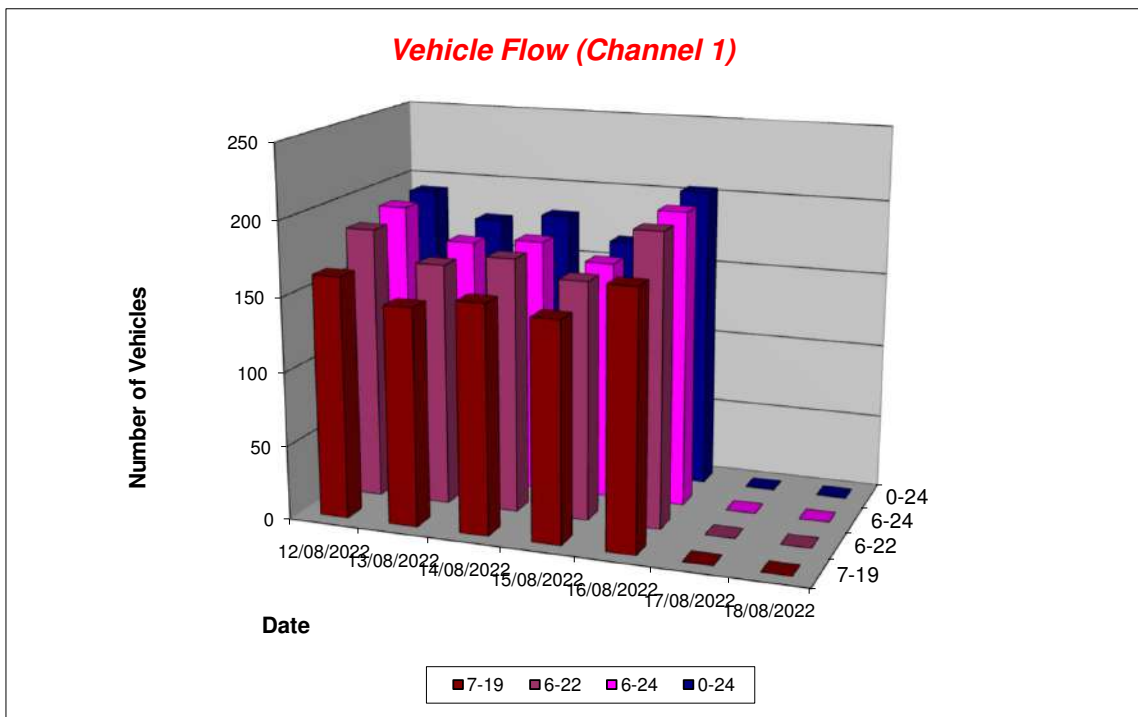
Channel 1 - Northbound

Vehicle Flow

Week 2

Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	Weekday Average	Average
1	1	3	4	1	4	0	0	2	3
2	0	0	1	0	0	0	0	0	0
3	1	1	1	0	0	0	0	0	1
4	0	0	1	1	0	0	0	0	0
5	0	0	0	0	0	0	0	0	0
6	0	2	1	2	0	0	0	1	1
7	0	1	1	0	4	0	0	1	1
8	12	3	5	11	13	0	0	12	9
9	14	6	7	13	12	0	0	13	10
10	21	12	11	20	18	0	0	20	16
11	9	12	8	12	18	0	0	13	12
12	16	13	18	17	8	0	0	14	14
13	13	17	19	13	14	0	0	13	15
14	9	13	14	13	10	0	0	11	12
15	17	16	18	8	12	0	0	12	14
16	11	15	17	8	19	0	0	13	14
17	20	11	15	16	13	0	0	16	15
18	14	14	13	8	20	0	0	14	14
19	7	15	9	9	16	0	0	11	11
20	9	4	8	5	13	0	0	9	8
21	10	7	8	3	3	0	0	5	6
22	2	5	1	5	4	0	0	4	3
23	3	4	1	0	2	0	0	2	2
24	3	1	0	1	1	0	0	2	1

7-19	163	147	154	148	173	0	0	161	157
6-22	184	164	172	161	197	0	0	181	176
6-24	190	169	173	162	200	0	0	184	179
0-24	192	175	181	166	204	0	0	187	184



## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

Channel 1 - Northbound		Average Speed					Week 2	
Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	
1	16.5	18.8	23.1	24.1	23.0	-	-	
2	-	-	30.2	-	-	-	-	
3	31.1	6.1	22.5	-	-	-	-	
4	-	-	27.5	29.7	-	-	-	
5	-	-	-	-	-	-	-	
6	-	18.9	25.4	21.5	-	-	-	
7	-	23.3	29.9	-	18.5	-	-	
8	22.0	18.5	21.4	24.0	22.5	-	-	
9	21.7	19.3	23.1	21.2	23.3	-	-	
10	21.6	22.8	21.0	21.7	22.8	-	-	
11	22.8	23.0	18.7	22.3	20.7	-	-	
12	21.3	22.7	22.0	20.7	23.0	-	-	
13	21.9	24.1	20.9	20.7	19.6	-	-	
14	24.9	24.1	21.0	20.3	18.2	-	-	
15	21.8	21.3	19.1	21.7	18.2	-	-	
16	21.3	21.7	22.4	20.2	20.9	-	-	
17	22.9	23.5	24.1	22.3	22.4	-	-	
18	24.7	21.4	21.8	21.4	22.3	-	-	
19	20.8	23.2	21.0	20.0	21.1	-	-	
20	21.1	17.5	21.8	19.7	21.3	-	-	
21	21.6	20.4	19.1	20.5	18.9	-	-	
22	21.3	23.9	20.1	20.3	22.5	-	-	
23	26.3	23.9	19.3	-	22.3	-	-	
24	21.4	21.4	-	22.3	24.6	-	-	
10-12	21.9	22.8	21.0	21.4	21.5	-	-	
14-16	21.6	21.5	20.7	20.9	19.9	-	-	
0-24	22.2	22.2	21.5	21.4	21.3	-	-	

Average (ALL)	21.7
Weekday Inter-Peak	21.2

Channel 1 - Northbound		85th Percentile					
Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday
1	-	23.1	27.6	-	23.8	-	-
2	-	-	-	-	-	-	-
3	-	-	-	-	-	-	-
4	-	-	-	-	-	-	-
5	-	-	-	-	-	-	-
6	-	31.0	-	22.2	-	-	-
7	-	-	-	-	22.8	-	-
8	28.8	24.4	25.4	31.2	28.5	-	-
9	26.9	23.6	24.8	26.7	25.3	-	-
10	26.3	24.6	26.0	25.4	26.3	-	-
11	26.7	27.1	25.6	27.2	25.8	-	-
12	24.9	27.0	26.2	26.9	28.3	-	-
13	26.9	28.4	25.5	25.9	25.1	-	-
14	27.8	27.2	24.8	23.3	21.5	-	-
15	27.7	27.5	25.0	27.9	23.8	-	-
16	25.0	25.6	27.6	26.5	27.2	-	-
17	27.1	27.6	28.8	25.8	26.8	-	-
18	28.1	26.3	25.1	24.5	28.9	-	-
19	22.7	26.7	26.7	23.3	25.3	-	-
20	24.2	22.0	26.7	23.9	25.1	-	-
21	27.0	24.3	23.4	23.8	22.6	-	-
22	22.6	25.0	-	24.7	23.2	-	-
23	27.4	28.4	-	-	23.1	-	-
24	22.6	-	-	-	-	-	-
10-12	25.7	27.0	26.4	27.2	26.8	-	-
14-16	26.8	26.7	26.5	27.2	26.1	-	-
0-24	26.9	27.0	26.5	26.4	26.4	-	-

85th %ile (ALL)	26.7
Weekday Inter-Peak	26.7

## Holmfirth ATC, Wolfstones Road (Northern Site)

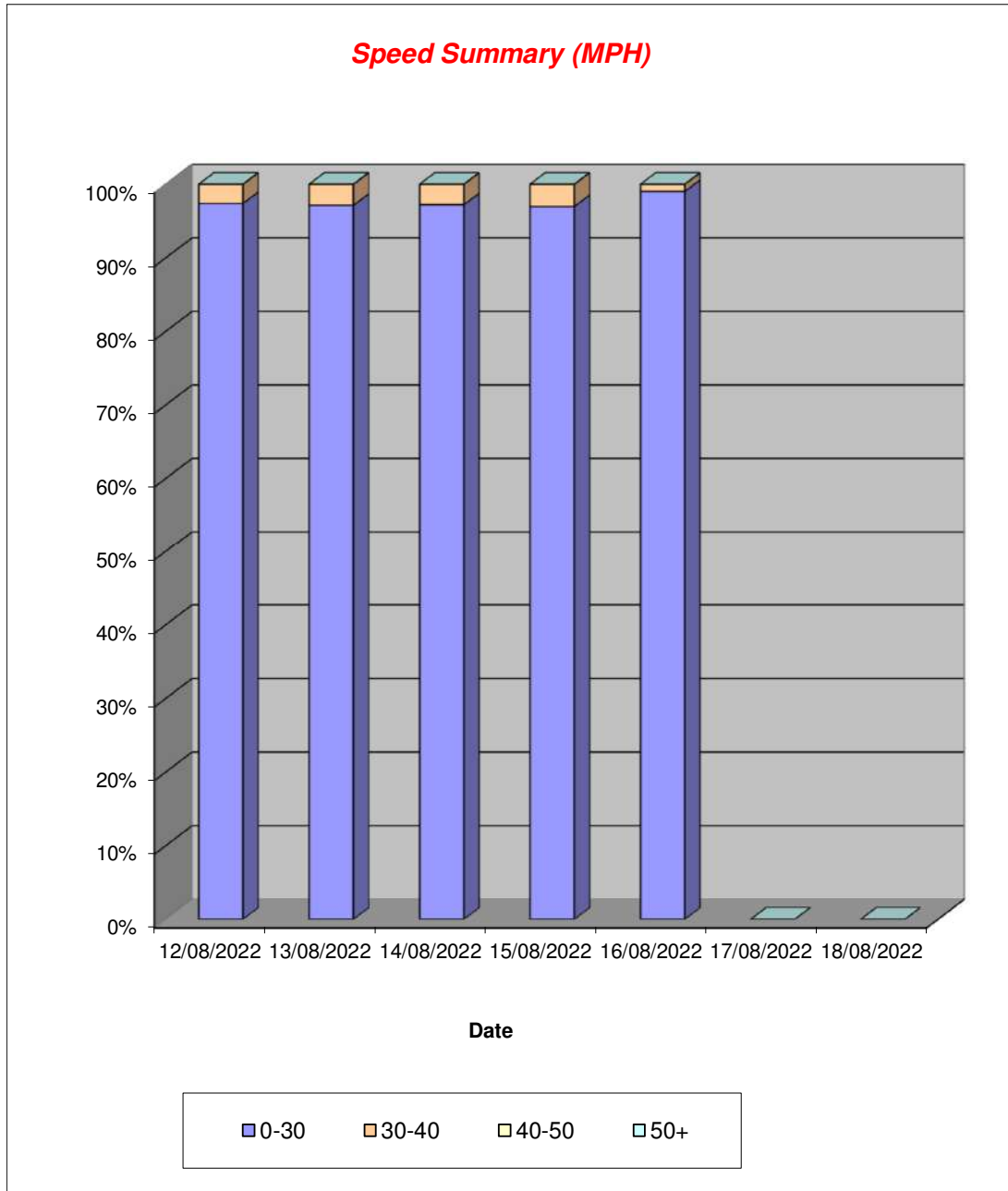
Produced by Road Data Services Ltd.

Channel 1 - Northbound

Speed Summary

Week 2

Speed (MPH)	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday
0-30	187	170	176	161	202	0	0
30-40	5	5	5	5	2	0	0
40-50	0	0	0	0	0	0	0
50+	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>192</b>	<b>175</b>	<b>181</b>	<b>166</b>	<b>204</b>	<b>0</b>	<b>0</b>

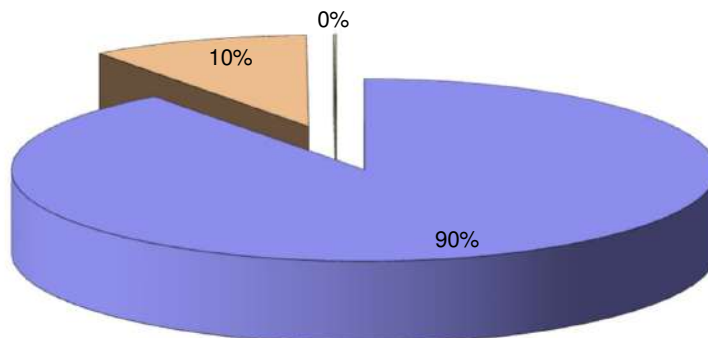


## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

Channel 1 - Northbound		Vehicle Class			Week 2
Classes	Car / LGV / Caravan - 1	OGV1 / Bus - 2,3,5,6,7,12	OGV2 - 4,8,9,10,11,13	TOTAL - 1-13	
12/08/2022					
7-19	149	14	0	163	
6-22	168	16	0	184	
6-24	174	16	0	190	
0-24	175	17	0	192	
13/08/2022					
7-19	133	14	0	147	
6-22	148	16	0	164	
6-24	151	18	0	169	
0-24	157	18	0	175	
14/08/2022					
7-19	143	11	0	154	
6-22	160	12	0	172	
6-24	161	12	0	173	
0-24	168	13	0	181	
15/08/2022					
7-19	130	17	1	148	
6-22	142	18	1	161	
6-24	143	18	1	162	
0-24	147	18	1	166	
16/08/2022					
7-19	147	26	0	173	
6-22	171	26	0	197	
6-24	174	26	0	200	
0-24	178	26	0	204	
17/08/2022					
7-19	0	0	0	0	
6-22	0	0	0	0	
6-24	0	0	0	0	
0-24	0	0	0	0	
18/08/2022					
7-19	0	0	0	0	
6-22	0	0	0	0	
6-24	0	0	0	0	
0-24	0	0	0	0	
Average					
7-19	100	12	0	112	
6-22	113	13	0	125	
6-24	115	13	0	128	
0-24	118	13	0	131	

**Total Vehicle Class Distribution**



## Holmfirth ATC, Wolfstones Road (Northern Site)

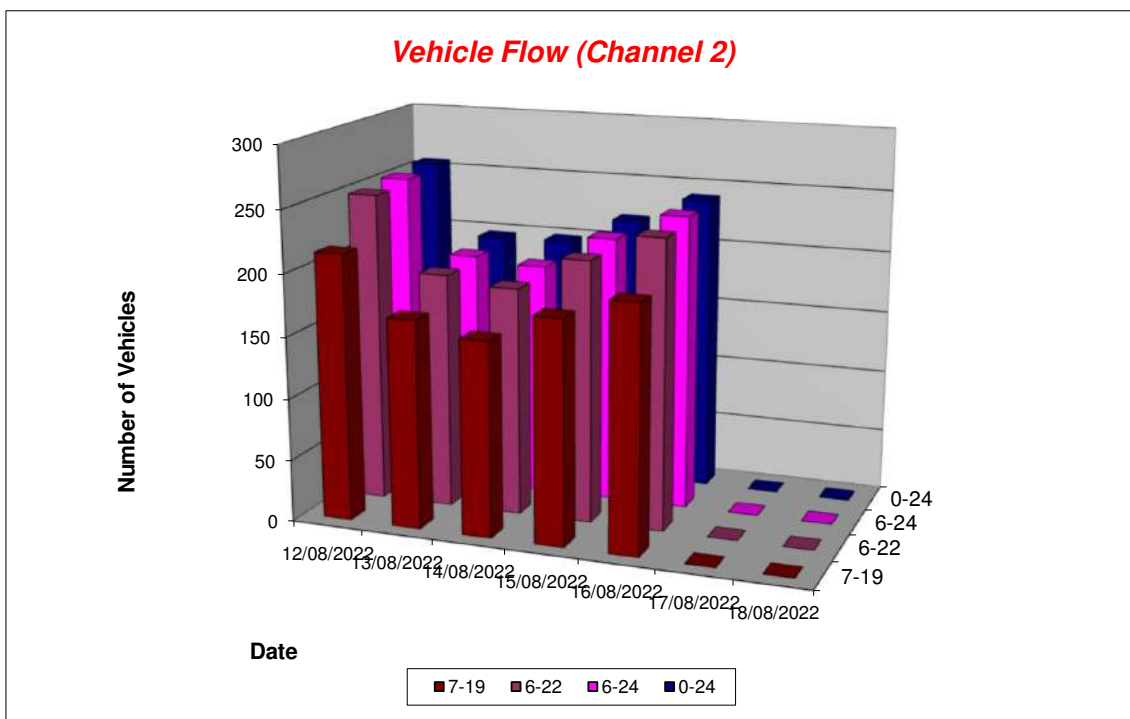
Produced by Road Data Services Ltd.

Channel 2 - Southbound

Vehicle Flow

Week 2

Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	Weekday Average	Average
1	2	0	5	0	2	0	0	1	2
2	0	1	0	1	0	0	0	0	0
3	1	1	1	1	0	0	0	1	1
4	0	0	2	0	0	0	0	0	0
5	0	1	1	1	0	0	0	0	1
6	0	1	0	0	0	0	0	0	0
7	3	2	2	1	3	0	0	2	2
8	7	5	3	1	3	0	0	4	4
9	8	4	1	7	8	0	0	8	6
10	12	6	6	12	12	0	0	12	10
11	11	25	19	13	14	0	0	13	16
12	17	21	16	14	11	0	0	14	16
13	20	25	22	15	9	0	0	15	18
14	14	18	19	17	17	0	0	16	17
15	23	9	18	11	9	0	0	14	14
16	20	13	12	21	31	0	0	24	19
17	41	15	20	36	35	0	0	37	29
18	29	10	15	22	34	0	0	28	22
19	13	17	6	11	14	0	0	13	12
20	15	4	11	13	20	0	0	16	13
21	7	8	9	6	5	0	0	6	7
22	10	8	5	11	8	0	0	10	8
23	2	2	5	3	4	0	0	3	3
24	1	1	0	2	1	0	0	1	1
<b>7-19</b>	<b>215</b>	<b>168</b>	<b>157</b>	<b>180</b>	<b>197</b>	<b>0</b>	<b>0</b>	<b>197</b>	<b>183</b>
<b>6-22</b>	<b>250</b>	<b>190</b>	<b>184</b>	<b>211</b>	<b>233</b>	<b>0</b>	<b>0</b>	<b>231</b>	<b>214</b>
<b>6-24</b>	<b>253</b>	<b>193</b>	<b>189</b>	<b>216</b>	<b>238</b>	<b>0</b>	<b>0</b>	<b>236</b>	<b>218</b>
<b>0-24</b>	<b>256</b>	<b>197</b>	<b>198</b>	<b>219</b>	<b>240</b>	<b>0</b>	<b>0</b>	<b>238</b>	<b>222</b>





## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

Channel 2 - Southbound		Average Speed					Week 2	
Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	
1	21.5	-	18.2	-	20.5	-	-	
2	-	23.4	-	22.9	-	-	-	
3	20.4	8.3	24.5	19.4	-	-	-	
4	-	-	27.8	-	-	-	-	
5	-	24.5	17.0	24.2	-	-	-	
6	-	17.7	-	-	-	-	-	
7	19.4	18.5	20.7	17.9	18.7	-	-	
8	22.6	22.2	20.1	16.2	16.5	-	-	
9	23.3	18.9	17.0	21.7	19.3	-	-	
10	20.8	17.9	21.8	18.7	20.6	-	-	
11	20.0	20.8	20.1	22.4	19.1	-	-	
12	21.2	21.6	20.7	15.4	21.3	-	-	
13	21.1	21.8	19.1	20.0	21.1	-	-	
14	21.8	21.9	20.7	19.8	19.6	-	-	
15	23.4	18.9	20.5	19.4	19.2	-	-	
16	22.1	23.0	21.5	20.5	21.2	-	-	
17	22.0	21.8	22.7	20.6	21.2	-	-	
18	21.1	23.5	20.5	22.1	22.0	-	-	
19	23.0	23.1	21.7	22.0	21.1	-	-	
20	21.5	22.5	20.8	21.6	19.6	-	-	
21	20.8	21.6	22.3	21.4	21.5	-	-	
22	20.7	20.2	19.7	21.1	20.0	-	-	
23	26.0	16.6	18.3	18.9	21.4	-	-	
24	19.7	21.6	-	25.9	11.1	-	-	
10-12	20.7	21.2	20.4	18.7	20.0	-	-	
14-16	22.8	21.3	20.9	20.1	20.8	-	-	
0-24	21.7	21.4	20.7	20.5	20.6	-	-	

Average (ALL)	21.0
Weekday Inter-Peak	20.7

Channel 2 - Southbound		85th Percentile						
Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	
1	24.0	-	22.4	-	20.6	-	-	
2	-	-	-	-	-	-	-	
3	-	-	-	-	-	-	-	
4	-	-	28.9	-	-	-	-	
5	-	-	-	-	-	-	-	
6	-	-	-	-	-	-	-	
7	22.9	21.3	20.8	-	21.2	-	-	
8	24.6	25.3	23.5	-	22.1	-	-	
9	25.1	24.9	-	25.3	23.8	-	-	
10	23.9	24.7	25.3	24.7	23.5	-	-	
11	25.0	24.7	23.8	25.9	22.1	-	-	
12	24.4	25.9	23.9	21.4	25.3	-	-	
13	24.2	24.6	22.6	23.7	26.9	-	-	
14	25.5	24.9	23.0	24.9	23.3	-	-	
15	28.8	23.6	24.6	22.5	23.5	-	-	
16	24.4	26.6	25.3	23.6	24.4	-	-	
17	24.9	25.8	27.4	24.8	25.6	-	-	
18	25.0	25.3	23.7	24.7	24.7	-	-	
19	27.2	26.4	22.8	24.1	23.6	-	-	
20	23.5	27.3	24.3	25.8	23.1	-	-	
21	26.6	25.4	26.7	25.0	26.0	-	-	
22	23.6	23.5	21.2	24.0	23.9	-	-	
23	31.2	17.4	23.3	22.8	24.0	-	-	
24	-	-	-	27.2	-	-	-	
10-12	24.8	25.3	23.9	24.8	23.7	-	-	
14-16	27.1	25.9	24.9	23.2	24.4	-	-	
0-24	25.4	25.5	24.6	24.9	24.5	-	-	

85th %ile (ALL)	25.0
Weekday Inter-Peak	25.1

## Holmfirth ATC, Wolfstones Road (Northern Site)

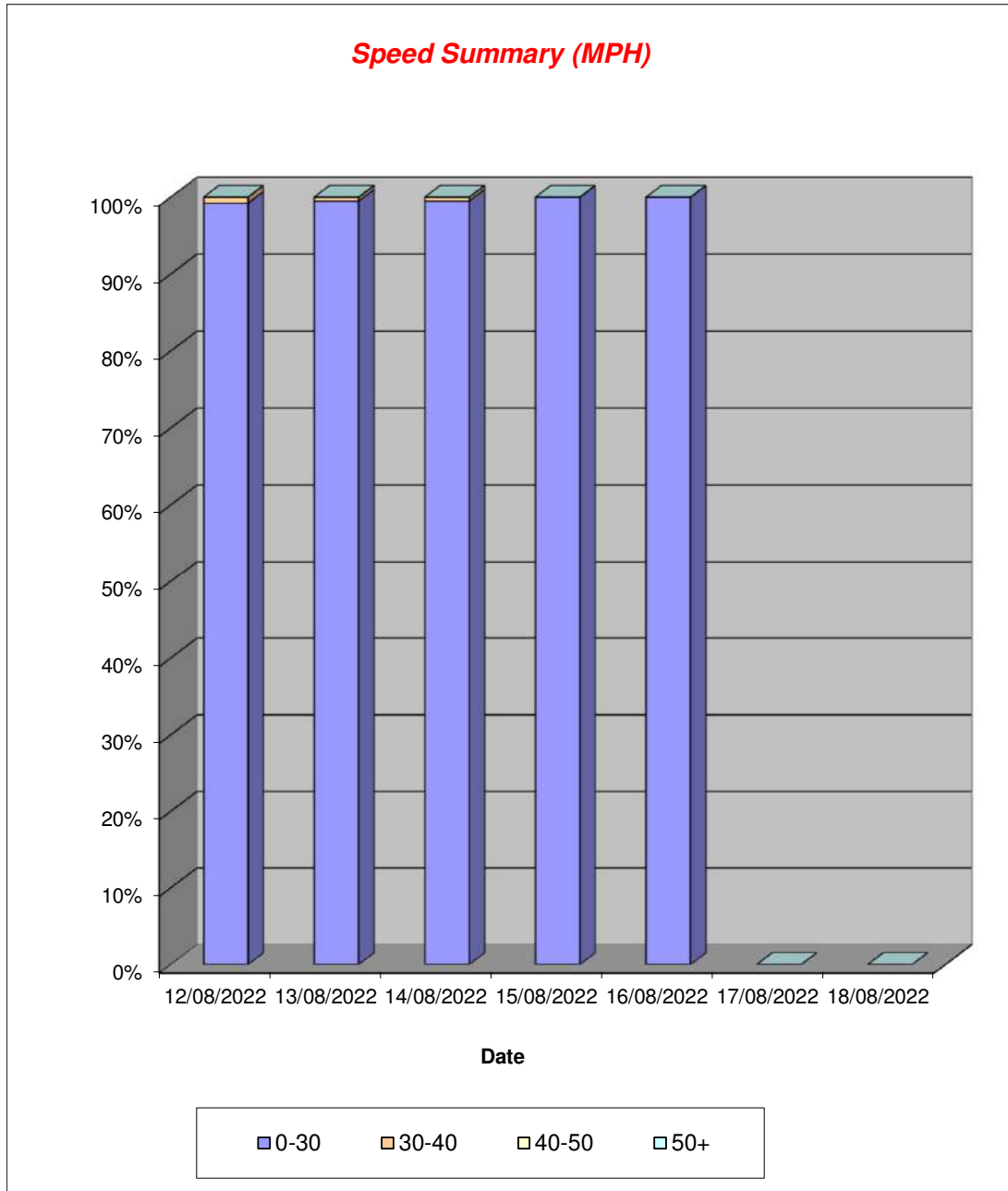
Produced by Road Data Services Ltd.

Channel 2 - Southbound

Speed Summary

Week 2

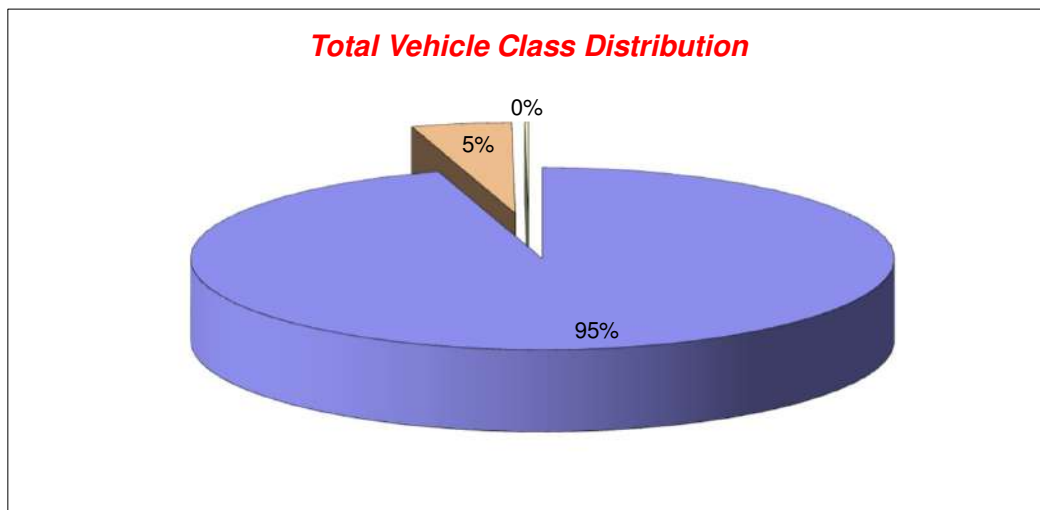
Speed (MPH)	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday
0-30	254	196	197	219	240	0	0
30-40	2	1	1	0	0	0	0
40-50	0	0	0	0	0	0	0
50+	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>256</b>	<b>197</b>	<b>198</b>	<b>219</b>	<b>240</b>	<b>0</b>	<b>0</b>



## Holmfirth ATC, Wolfstones Road (Northern Site)

Produced by Road Data Services Ltd.

Channel 2 - Southbound		Vehicle Class			Week 2
Classes	Car / LGV / Caravan - 1	OGV1 / Bus - 2,3,5,6,7,12	OGV2 - 4,8,9,10,11,13	TOTAL - 1-13	
12/08/2022					
7-19	204	11	0	215	
6-22	237	13	0	250	
6-24	240	13	0	253	
0-24	242	14	0	256	
13/08/2022					
7-19	164	4	0	168	
6-22	186	4	0	190	
6-24	189	4	0	193	
0-24	193	4	0	197	
14/08/2022					
7-19	152	4	1	157	
6-22	176	7	1	184	
6-24	181	7	1	189	
0-24	190	7	1	198	
15/08/2022					
7-19	173	6	1	180	
6-22	202	8	1	211	
6-24	206	9	1	216	
0-24	208	10	1	219	
16/08/2022					
7-19	181	16	0	197	
6-22	217	16	0	233	
6-24	222	16	0	238	
0-24	224	16	0	240	
17/08/2022					
7-19	0	0	0	0	
6-22	0	0	0	0	
6-24	0	0	0	0	
0-24	0	0	0	0	
18/08/2022					
7-19	0	0	0	0	
6-22	0	0	0	0	
6-24	0	0	0	0	
0-24	0	0	0	0	
Average					
7-19	125	6	0	131	
6-22	145	7	0	153	
6-24	148	7	0	156	
0-24	151	7	0	159	



## Holmfirth ATC, Wolfstones Road (Southern Site)

Produced by Road Data Services Ltd.

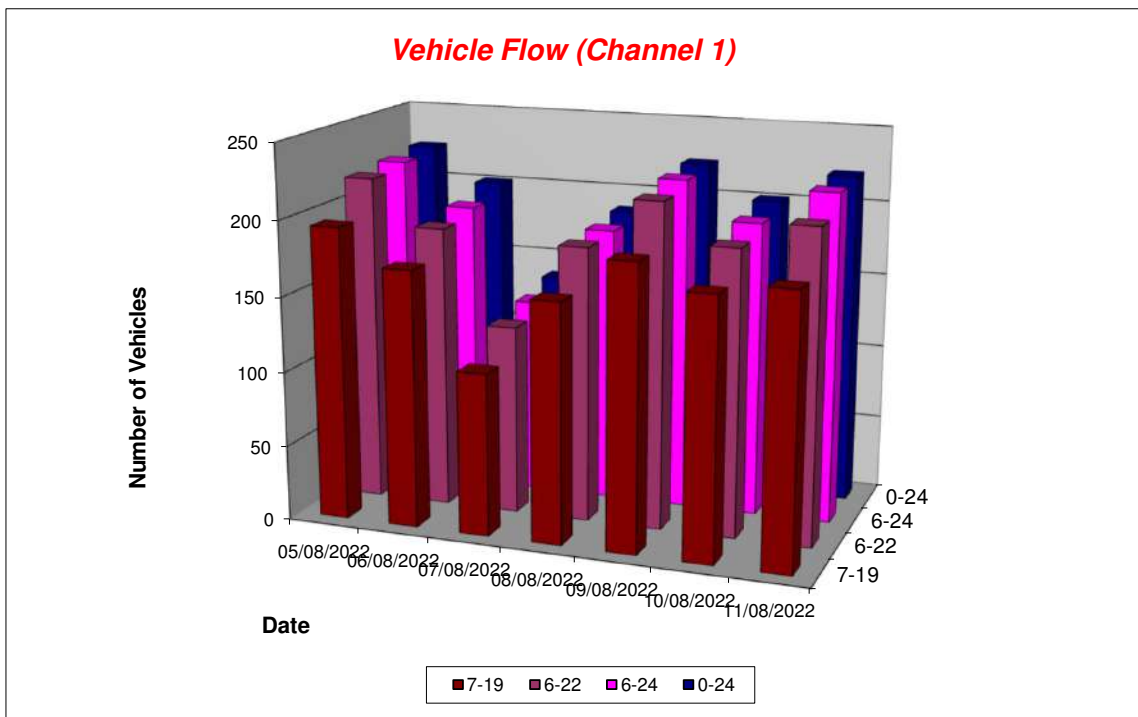
Channel 1 - Northbound

Vehicle Flow

Week 1

Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday	Weekday Average	Average
1	2	2	2	1	1	1	0	1	1
2	0	2	2	0	0	1	1	0	1
3	0	1	0	0	0	1	0	0	0
4	0	1	0	0	0	0	1	0	0
5	0	0	1	0	0	0	0	0	0
6	1	2	1	2	1	2	0	1	1
7	5	2	0	4	4	5	2	4	3
8	7	5	4	9	12	15	8	10	9
9	16	14	6	13	18	15	4	13	12
10	24	15	8	11	17	15	23	18	16
11	19	16	6	18	11	14	15	15	14
12	10	19	10	12	7	14	20	13	13
13	15	18	19	11	13	14	13	13	15
14	17	14	8	15	16	12	14	15	14
15	25	18	12	14	15	15	20	18	17
16	8	14	17	10	21	13	20	14	15
17	19	15	7	13	17	15	14	16	14
18	22	13	5	18	15	14	15	17	15
19	13	10	6	15	26	16	13	17	14
20	8	8	11	7	11	9	10	9	9
21	9	4	6	8	4	1	7	6	6
22	1	3	1	5	9	3	9	5	4
23	3	5	3	0	3	2	9	3	4
24	0	0	2	1	2	4	3	2	2

7-19	195	171	108	159	188	172	179	179	167
6-22	218	188	126	183	216	190	207	203	190
6-24	221	193	131	184	221	196	219	208	195
0-24	224	201	137	187	223	201	221	211	199



## Holmfirth ATC, Wolfstones Road (Southern Site)

Produced by Road Data Services Ltd.

Channel 1 - Northbound		Average Speed						Week 1
Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday	
1	21.5	21.0	23.8	18.4	19.4	21.2	-	
2	-	17.8	19.0	-	-	24.7	15.5	
3	-	17.9	-	-	-	21.9	-	
4	-	16.6	-	-	-	-	10.0	
5	-	-	23.0	-	-	-	-	
6	21.8	26.9	17.8	31.0	28.8	29.9	-	
7	22.7	25.7	-	29.0	25.0	25.6	21.6	
8	27.0	24.2	22.5	23.2	23.2	21.0	23.1	
9	22.9	18.6	23.0	21.3	21.7	20.9	22.2	
10	23.3	20.1	19.2	21.7	21.5	22.1	22.7	
11	19.1	20.3	17.0	22.1	19.1	22.2	18.6	
12	21.7	22.0	20.1	17.7	19.2	23.7	20.1	
13	20.5	19.6	19.7	17.9	21.0	18.7	21.3	
14	21.2	18.8	17.4	19.4	21.2	19.8	20.1	
15	20.4	19.3	19.6	20.7	21.3	18.7	19.9	
16	19.8	16.9	21.9	18.3	20.6	18.8	21.7	
17	21.6	20.4	20.2	21.9	22.2	22.1	21.5	
18	22.6	23.3	18.8	21.7	22.7	21.4	21.2	
19	21.5	22.9	24.5	22.0	22.9	21.8	24.0	
20	21.4	22.8	19.4	22.7	21.2	22.6	18.8	
21	23.4	20.4	19.6	19.7	19.4	22.0	20.8	
22	17.0	22.5	22.9	17.0	22.5	20.5	20.4	
23	20.2	24.1	22.5	-	19.1	21.8	23.7	
24	-	-	15.7	22.0	18.6	21.4	23.0	
10-12	20.0	21.2	18.9	20.3	19.1	22.9	19.5	
14-16	20.3	18.3	20.9	19.7	20.9	18.8	20.8	
0-24	21.7	20.6	20.2	21.0	21.6	21.3	21.1	

Average (ALL)	21.1
Weekday Inter-Peak	20.3

Channel 1 - Northbound		85th Percentile					
Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday
1	25.1	22.9	25.1	-	-	-	-
2	-	20.4	19.9	-	-	-	-
3	-	-	-	-	-	-	-
4	-	-	-	-	-	-	-
5	-	-	-	-	-	-	-
6	-	28.9	-	33.6	-	32.9	-
7	26.1	27.4	-	34.5	28.5	35.9	22.8
8	33.8	26.5	26.7	29.2	28.2	28.4	28.4
9	28.3	24.4	28.1	25.9	28.0	25.1	23.5
10	28.5	25.2	24.8	27.0	25.4	26.7	27.6
11	24.5	24.1	22.4	27.5	24.0	27.3	23.9
12	28.6	26.3	23.0	23.2	22.6	27.1	25.8
13	26.0	23.6	25.4	22.4	25.1	23.5	26.8
14	24.8	24.8	22.0	24.4	25.9	23.5	25.6
15	24.3	24.9	25.6	25.1	25.8	22.5	25.2
16	26.0	21.9	27.0	23.4	25.7	23.6	27.3
17	28.0	24.9	24.7	27.4	26.1	27.3	29.1
18	25.6	28.9	24.1	27.4	27.5	24.7	24.8
19	26.1	26.3	27.8	26.2	27.0	27.3	28.5
20	24.1	26.6	25.2	24.1	27.5	26.0	24.1
21	27.2	23.6	23.5	26.2	27.8	-	25.4
22	-	35.5	-	22.9	27.5	25.3	27.1
23	23.1	29.3	26.8	-	20.9	22.8	27.1
24	-	-	23.2	-	19.4	26.0	31.1
10-12	26.1	25.3	23.2	26.1	23.5	27.3	25.1
14-16	24.9	23.8	26.6	24.5	25.8	23.1	26.3
0-24	26.9	26.0	25.5	26.6	26.6	26.5	26.7

85th %ile (ALL)	26.5
Weekday Inter-Peak	25.6

## Holmfirth ATC, Wolfstones Road (Southern Site)

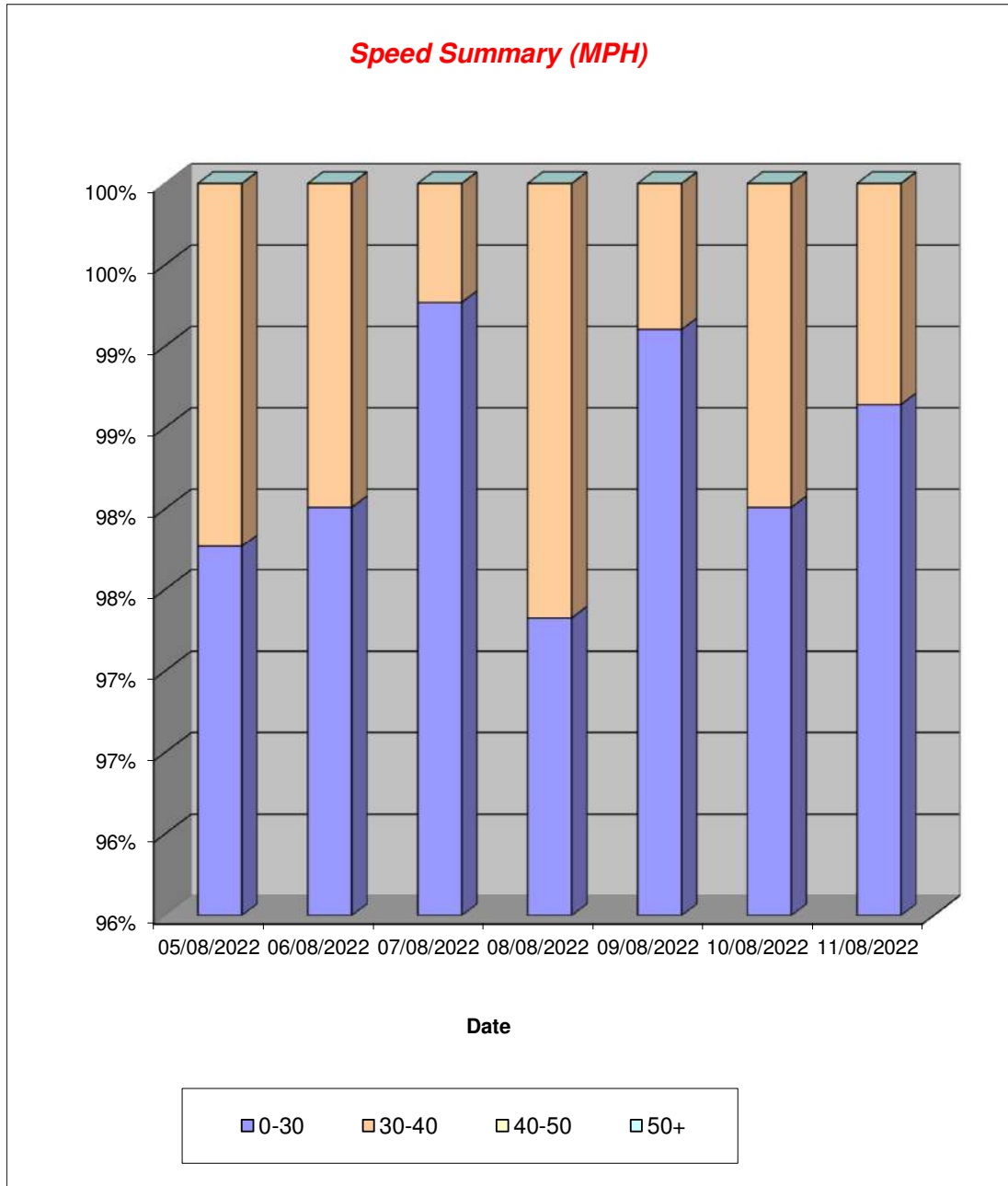
Produced by Road Data Services Ltd.

Channel 1 - Northbound

Speed Summary

Week 1

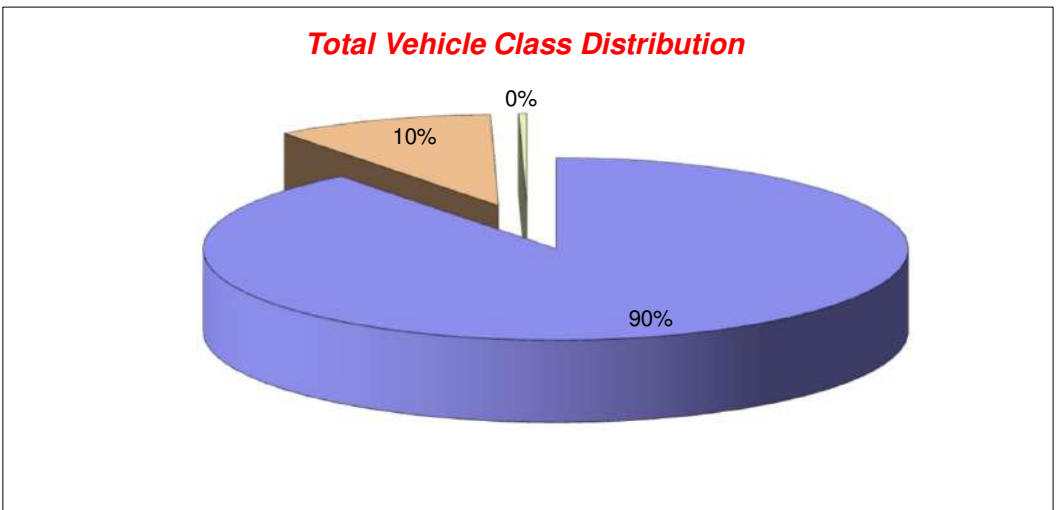
Speed (MPH)	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday
0-30	219	197	136	182	221	197	218
30-40	5	4	1	5	2	4	3
40-50	0	0	0	0	0	0	0
50+	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>224</b>	<b>201</b>	<b>137</b>	<b>187</b>	<b>223</b>	<b>201</b>	<b>221</b>



## Holmfirth ATC, Wolfstones Road (Southern Site)

Produced by Road Data Services Ltd.

Channel 1 - Northbound		Vehicle Class			Week 1
Classes	Car / LGV / Caravan - 1	OGV1 / Bus - 2,3,5,6,7,12	OGV2 - 4,8,9,10,11,13	TOTAL - 1-13	
05/08/2022					
7-19	177	18	0	195	
6-22	197	21	0	218	
6-24	199	22	0	221	
0-24	202	22	0	224	
06/08/2022					
7-19	154	17	0	171	
6-22	170	18	0	188	
6-24	175	18	0	193	
0-24	182	19	0	201	
07/08/2022					
7-19	105	2	1	108	
6-22	121	4	1	126	
6-24	126	4	1	131	
0-24	132	4	1	137	
08/08/2022					
7-19	141	16	2	159	
6-22	164	17	2	183	
6-24	165	17	2	184	
0-24	168	17	2	187	
09/08/2022					
7-19	167	21	0	188	
6-22	190	24	2	216	
6-24	195	24	2	221	
0-24	197	24	2	223	
10/08/2022					
7-19	145	27	0	172	
6-22	162	28	0	190	
6-24	168	28	0	196	
0-24	172	29	0	201	
11/08/2022					
7-19	159	20	0	179	
6-22	183	24	0	207	
6-24	194	25	0	219	
0-24	196	25	0	221	
Average					
7-19	150	17	0	167	
6-22	170	19	1	190	
6-24	175	20	1	195	
0-24	178	20	1	199	



## Holmfirth ATC, Wolfstones Road (Southern Site)

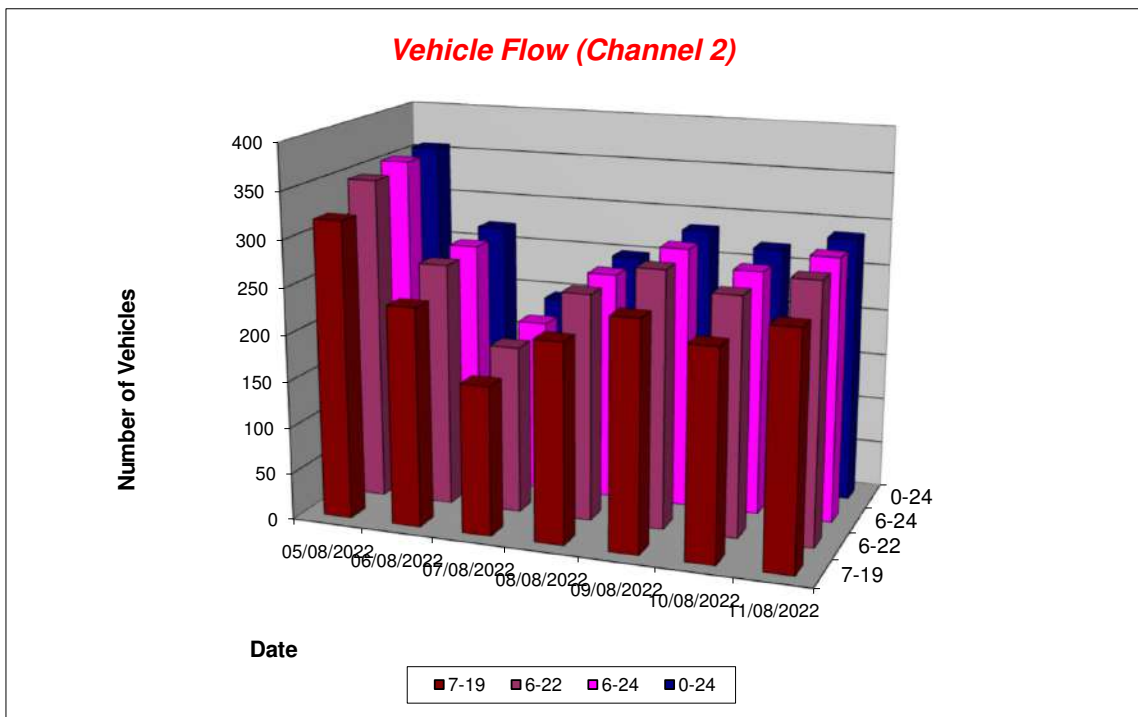
Produced by Road Data Services Ltd.

Channel 2 - Southbound

Vehicle Flow

Week 1

Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday	Weekday Average	Average
1	1	1	1	0	0	3	0	1	1
2	0	2	4	0	0	1	0	0	1
3	0	1	2	0	0	0	0	0	0
4	0	1	0	1	1	0	3	1	1
5	0	0	0	1	0	1	0	0	0
6	2	0	1	0	2	2	0	1	1
7	2	2	1	0	2	3	1	2	2
8	3	2	2	2	4	5	13	5	4
9	10	3	5	11	11	12	6	10	8
10	21	14	6	10	11	14	20	15	14
11	19	23	7	18	24	16	18	19	18
12	31	21	9	10	15	18	19	19	18
13	41	35	23	20	23	26	25	27	28
14	17	29	22	15	21	19	16	18	20
15	31	33	23	8	14	16	21	18	21
16	28	21	20	25	33	21	31	28	26
17	49	16	15	44	35	29	33	38	32
18	44	21	13	34	40	27	30	35	30
19	25	17	15	17	14	21	18	19	18
20	12	15	8	10	12	16	7	11	11
21	8	6	7	15	11	8	13	11	10
22	6	4	4	5	6	5	7	6	5
23	5	4	2	3	5	5	4	4	4
24	2	0	5	0	0	2	2	1	2
<b>7-19</b>	<b>319</b>	<b>235</b>	<b>160</b>	<b>214</b>	<b>245</b>	<b>224</b>	<b>250</b>	<b>250</b>	<b>235</b>
<b>6-22</b>	<b>347</b>	<b>262</b>	<b>180</b>	<b>244</b>	<b>276</b>	<b>256</b>	<b>278</b>	<b>280</b>	<b>263</b>
<b>6-24</b>	<b>354</b>	<b>266</b>	<b>187</b>	<b>247</b>	<b>281</b>	<b>263</b>	<b>284</b>	<b>286</b>	<b>269</b>
<b>0-24</b>	<b>357</b>	<b>271</b>	<b>195</b>	<b>249</b>	<b>284</b>	<b>270</b>	<b>287</b>	<b>289</b>	<b>273</b>





## Holmfirth ATC, Wolfstones Road (Southern Site)

Produced by Road Data Services Ltd.

Channel 2 - Southbound		Average Speed						Week 1
Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday	
1	25.0	23.7	16.8	-	-	21.0	-	
2	-	22.5	26.9	-	-	28.5	-	
3	-	24.5	20.6	-	-	-	-	
4	-	24.4	-	18.1	20.1	-	19.8	
5	-	-	-	29.7	-	27.0	-	
6	21.2	-	20.2	-	18.4	20.0	-	
7	20.8	22.2	27.2	-	22.8	24.5	19.9	
8	22.3	15.9	26.0	18.9	21.3	16.2	20.2	
9	20.4	19.5	22.4	19.9	21.3	18.7	22.3	
10	20.9	19.9	17.3	21.1	22.9	21.2	20.3	
11	21.0	20.4	17.4	20.5	18.3	21.5	19.0	
12	21.2	18.8	17.7	18.0	22.2	20.6	17.2	
13	21.8	20.5	19.8	20.1	21.3	21.7	21.6	
14	19.0	18.6	19.2	22.4	19.7	18.1	21.7	
15	20.9	18.0	17.8	19.7	21.7	19.4	18.9	
16	20.8	18.1	19.1	20.9	18.9	22.3	21.2	
17	21.4	19.0	18.1	21.1	21.1	21.8	21.6	
18	22.1	21.2	21.2	22.1	23.1	21.0	21.5	
19	20.1	21.9	21.0	21.7	20.7	19.8	18.9	
20	21.4	22.1	21.7	20.2	21.2	19.0	20.7	
21	18.6	18.4	19.6	19.9	18.1	18.5	20.4	
22	18.9	20.7	16.1	21.1	23.6	20.4	18.5	
23	23.8	21.0	23.1	21.5	25.9	23.2	21.8	
24	14.0	-	20.2	-	-	22.3	25.1	
10-12	21.2	19.6	17.6	19.6	19.8	21.0	18.1	
14-16	20.9	18.0	18.4	20.6	19.7	21.1	20.3	
0-24	21.0	19.8	19.6	20.9	21.0	20.6	20.4	

Average (ALL)	20.5
Weekday Inter-Peak	20.3

Channel 2 - Southbound		85th Percentile					
Hr Ending	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday
1	-	-	-	-	-	24.2	-
2	-	30.1	30.9	-	-	-	-
3	-	-	25.2	-	-	-	-
4	-	-	-	-	-	-	24.7
5	-	-	-	-	-	-	-
6	21.3	-	-	-	20.6	24.0	-
7	21.2	23.7	-	-	24.3	27.7	-
8	24.3	24.9	29.9	22.2	24.1	21.8	24.6
9	25.7	20.8	25.4	25.8	25.5	22.5	26.8
10	24.8	23.7	21.7	24.5	25.9	24.4	24.4
11	25.3	26.7	21.4	25.9	24.1	25.7	24.9
12	25.2	23.2	20.0	21.0	24.9	24.1	21.0
13	27.2	24.8	24.5	23.4	25.7	26.8	25.0
14	24.2	23.8	24.4	26.5	24.1	23.5	27.8
15	26.1	22.5	21.8	22.8	26.5	23.6	23.9
16	24.5	21.8	24.3	24.9	22.9	27.2	26.2
17	26.6	26.2	22.9	24.8	24.8	25.6	25.6
18	27.7	25.6	26.2	25.8	27.0	26.3	27.4
19	26.3	27.6	26.0	27.7	24.9	24.4	24.7
20	24.0	25.6	26.6	24.8	25.2	22.4	23.3
21	22.6	20.6	23.8	25.6	22.7	22.5	25.3
22	21.1	23.6	16.7	23.8	28.8	24.9	23.2
23	27.6	26.1	23.3	23.3	29.2	24.8	25.0
24	17.9	-	28.8	-	-	22.5	30.0
10-12	25.3	25.1	20.8	24.5	25.0	24.9	23.1
14-16	25.5	22.2	23.1	24.5	24.2	26.0	25.4
0-24	25.9	24.9	24.7	25.3	25.6	25.3	25.4

85th %ile (ALL)	25.4
Weekday Inter-Peak	25.0

## Holmfirth ATC, Wolfstones Road (Southern Site)

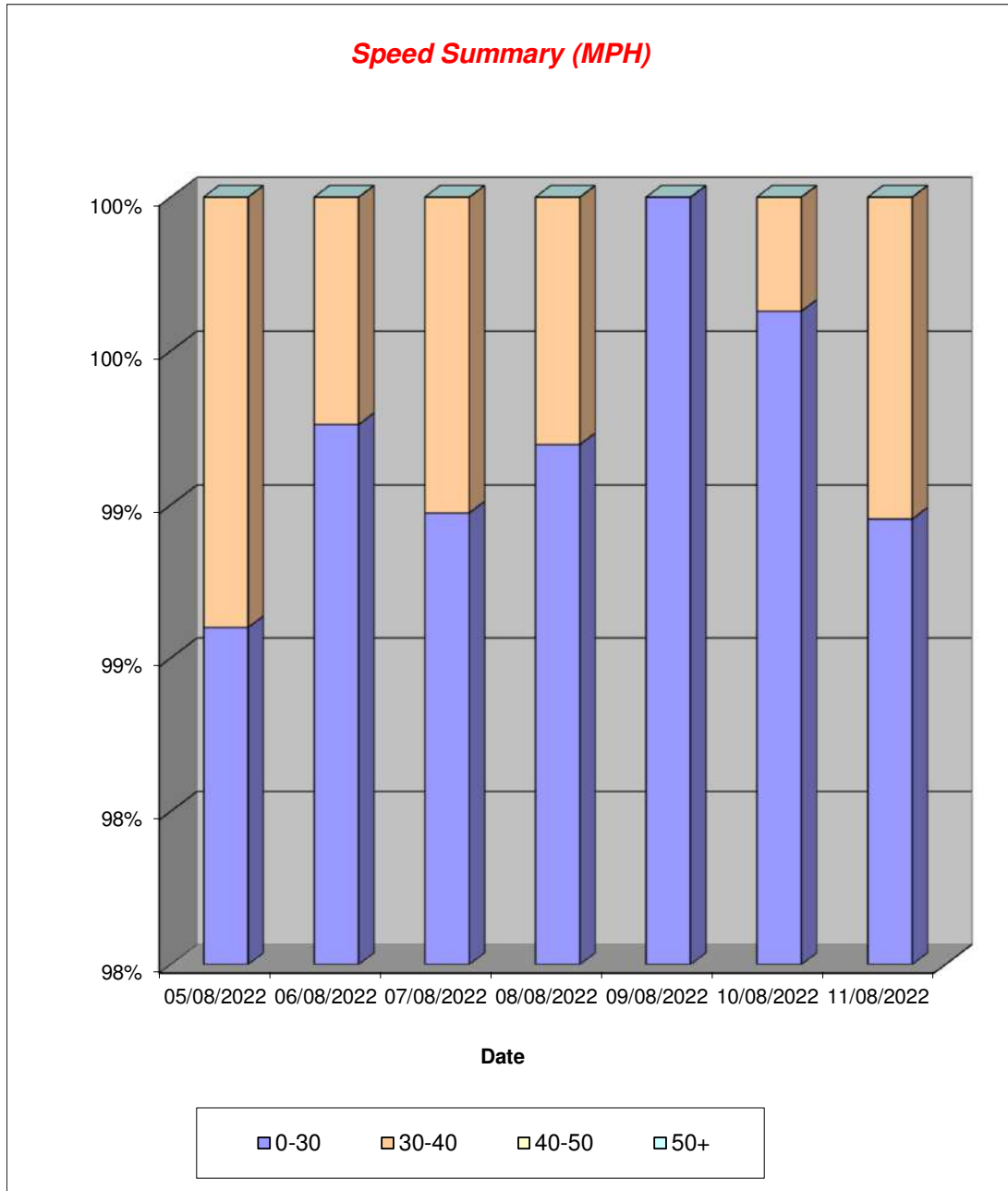
Produced by Road Data Services Ltd.

Channel 2 - Southbound

Speed Summary

Week 1

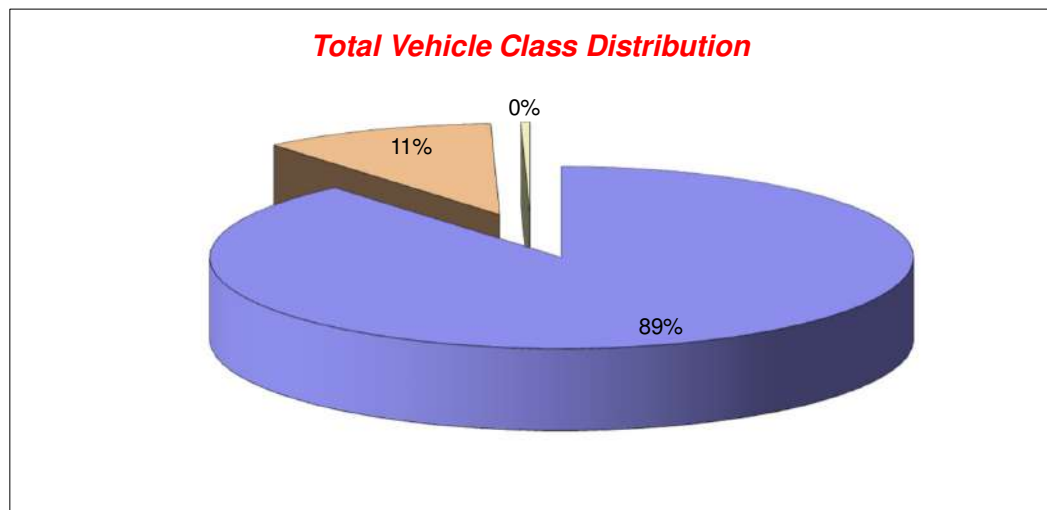
Speed (MPH)	05/08/2022 Friday	06/08/2022 Saturday	07/08/2022 Sunday	08/08/2022 Monday	09/08/2022 Tuesday	10/08/2022 Wednesday	11/08/2022 Thursday
0-30	352	269	193	247	284	269	284
30-40	5	2	2	2	0	1	3
40-50	0	0	0	0	0	0	0
50+	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>357</b>	<b>271</b>	<b>195</b>	<b>249</b>	<b>284</b>	<b>270</b>	<b>287</b>



## Holmfirth ATC, Wolfstones Road (Southern Site)

Produced by Road Data Services Ltd.

Channel 2 - Southbound		Vehicle Class			Week 1
Classes	Car / LGV / Caravan - 1	OGV1 / Bus - 2,3,5,6,7,12	OGV2 - 4,8,9,10,11,13	TOTAL - 1-13	
05/08/2022					
7-19	285	32	2	319	
6-22	310	35	2	347	
6-24	317	35	2	354	
0-24	319	36	2	357	
06/08/2022					
7-19	215	20	0	235	
6-22	241	21	0	262	
6-24	245	21	0	266	
0-24	250	21	0	271	
07/08/2022					
7-19	153	6	1	160	
6-22	172	7	1	180	
6-24	179	7	1	187	
0-24	186	8	1	195	
08/08/2022					
7-19	179	32	3	214	
6-22	207	34	3	244	
6-24	210	34	3	247	
0-24	211	35	3	249	
09/08/2022					
7-19	208	37	0	245	
6-22	236	40	0	276	
6-24	241	40	0	281	
0-24	244	40	0	284	
10/08/2022					
7-19	190	32	2	224	
6-22	221	33	2	256	
6-24	228	33	2	263	
0-24	234	34	2	270	
11/08/2022					
7-19	222	28	0	250	
6-22	247	31	0	278	
6-24	253	31	0	284	
0-24	256	31	0	287	
Average					
7-19	207	27	1	235	
6-22	233	29	1	263	
6-24	239	29	1	269	
0-24	243	29	1	273	



## Holmfirth ATC, Wolfstones Road (Southern Site)

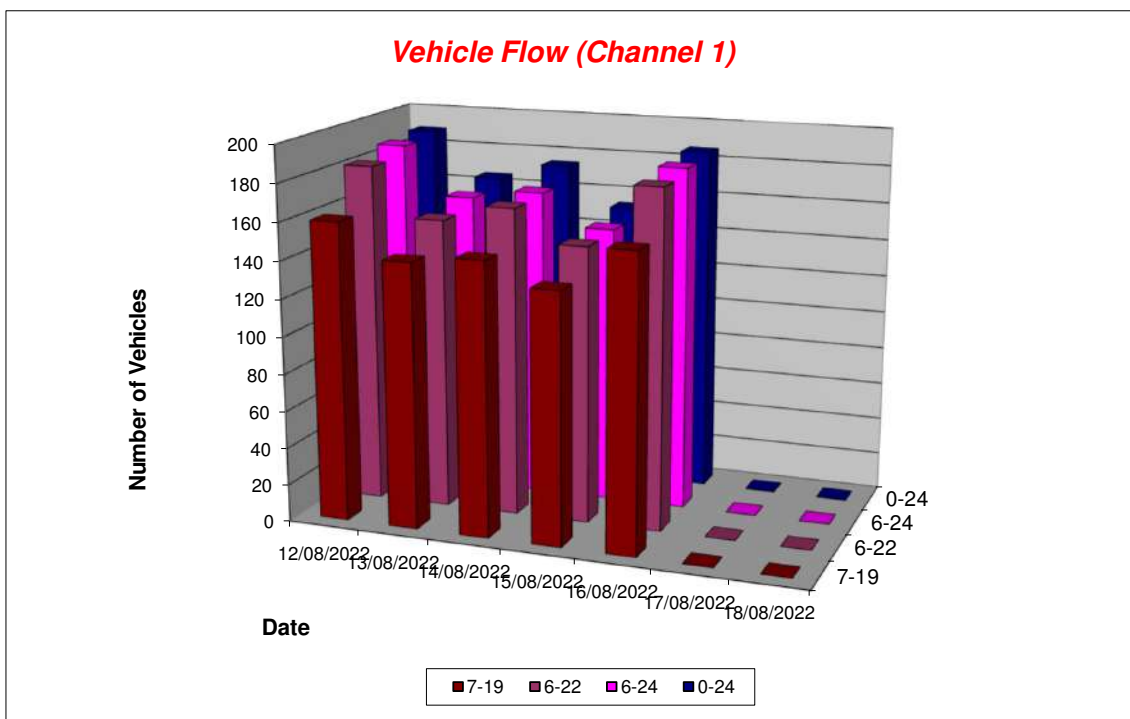
Produced by Road Data Services Ltd.

Channel 1 - Northbound

Vehicle Flow

Week 2

Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	Weekday Average	Average
1	1	3	4	1	2	0	0	1	2
2	0	0	1	0	0	0	0	0	0
3	1	0	1	0	0	0	0	0	0
4	0	0	1	1	0	0	0	0	0
5	0	0	0	0	0	0	0	0	0
6	0	1	1	2	0	0	0	1	1
7	0	1	1	1	4	0	0	2	1
8	10	3	4	9	10	0	0	10	7
9	13	4	6	12	13	0	0	13	10
10	21	12	11	19	17	0	0	19	16
11	10	13	6	10	17	0	0	12	11
12	17	14	16	14	9	0	0	13	14
13	11	19	17	13	14	0	0	13	15
14	9	13	16	11	9	0	0	10	12
15	16	13	19	8	9	0	0	11	13
16	11	13	16	7	17	0	0	12	13
17	21	11	15	15	11	0	0	16	15
18	14	13	11	7	16	0	0	12	12
19	7	14	9	9	15	0	0	10	11
20	11	4	9	5	13	0	0	10	8
21	8	5	8	3	4	0	0	5	6
22	3	4	1	5	3	0	0	4	3
23	2	4	1	0	2	0	0	1	2
24	3	1	0	1	1	0	0	2	1
7-19	160	142	146	134	157	0	0	150	148
6-22	182	156	165	148	181	0	0	170	166
6-24	187	161	166	149	184	0	0	173	169
0-24	189	165	174	153	186	0	0	176	173



## Holmfirth ATC, Wolfstones Road (Southern Site)

Produced by Road Data Services Ltd.

Channel 1 - Northbound		Average Speed					Week 2	
Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	
1	16.3	17.3	24.1	24.4	17.4	-	-	
2	-	-	26.1	-	-	-	-	
3	34.8	-	21.3	-	-	-	-	
4	-	-	25.0	23.3	-	-	-	
5	-	-	-	-	-	-	-	
6	-	27.6	15.7	21.5	-	-	-	
7	-	20.4	30.0	33.9	24.6	-	-	
8	23.3	18.8	22.0	26.0	27.1	-	-	
9	20.8	21.2	23.9	22.4	22.3	-	-	
10	20.2	21.9	19.8	20.7	21.8	-	-	
11	20.6	20.6	22.4	22.9	21.2	-	-	
12	20.5	21.3	19.4	19.7	23.1	-	-	
13	22.0	19.9	19.6	20.7	17.3	-	-	
14	23.9	22.6	18.6	19.6	18.3	-	-	
15	23.1	21.7	17.5	20.4	20.9	-	-	
16	21.9	20.7	18.2	20.4	21.3	-	-	
17	22.8	19.8	22.4	19.0	23.2	-	-	
18	24.1	20.8	19.3	22.2	23.4	-	-	
19	19.1	22.8	18.8	20.3	22.8	-	-	
20	21.0	17.8	21.4	21.5	19.6	-	-	
21	19.5	18.3	17.6	20.1	17.7	-	-	
22	19.4	17.8	16.5	20.5	23.0	-	-	
23	26.3	22.2	15.2	-	18.2	-	-	
24	20.9	24.7	-	22.2	16.7	-	-	
10-12	20.6	20.9	20.3	21.0	21.9	-	-	
14-16	22.6	21.2	17.9	20.4	21.1	-	-	
0-24	21.8	20.9	19.8	21.1	21.5	-	-	

Average (ALL)	21.0
Weekday Inter-Peak	21.3

Channel 1 - Northbound		85th Percentile						
Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	
1	-	20.9	29.3	-	19.6	-	-	
2	-	-	-	-	-	-	-	
3	-	-	-	-	-	-	-	
4	-	-	-	-	-	-	-	
5	-	-	-	-	-	-	-	
6	-	-	-	22.0	-	-	-	
7	-	-	-	-	26.8	-	-	
8	27.7	27.7	22.3	31.1	32.5	-	-	
9	25.6	23.7	26.9	28.0	27.5	-	-	
10	26.8	25.5	26.6	26.1	27.8	-	-	
11	25.8	26.3	26.6	30.2	27.0	-	-	
12	23.6	25.0	27.6	25.5	27.9	-	-	
13	25.5	26.4	24.6	25.1	24.4	-	-	
14	27.1	28.1	24.9	23.7	24.1	-	-	
15	27.7	26.6	23.7	23.9	24.1	-	-	
16	25.5	26.3	23.3	26.5	27.5	-	-	
17	28.1	27.2	27.7	24.0	27.2	-	-	
18	28.1	25.5	24.7	26.7	28.5	-	-	
19	21.5	25.3	24.4	23.6	26.8	-	-	
20	23.4	24.8	24.9	29.5	24.6	-	-	
21	23.6	23.5	24.6	26.3	21.4	-	-	
22	22.7	22.5	-	25.5	23.6	-	-	
23	28.3	26.8	-	-	18.3	-	-	
24	24.3	-	-	-	-	-	-	
10-12	24.6	25.7	27.7	27.7	27.4	-	-	
14-16	26.9	26.5	23.6	25.3	26.5	-	-	
0-24	26.6	26.3	25.9	26.7	27.2	-	-	

85th %ile (ALL)	26.6
Weekday Inter-Peak	26.5

## Holmfirth ATC, Wolfstones Road (Southern Site)

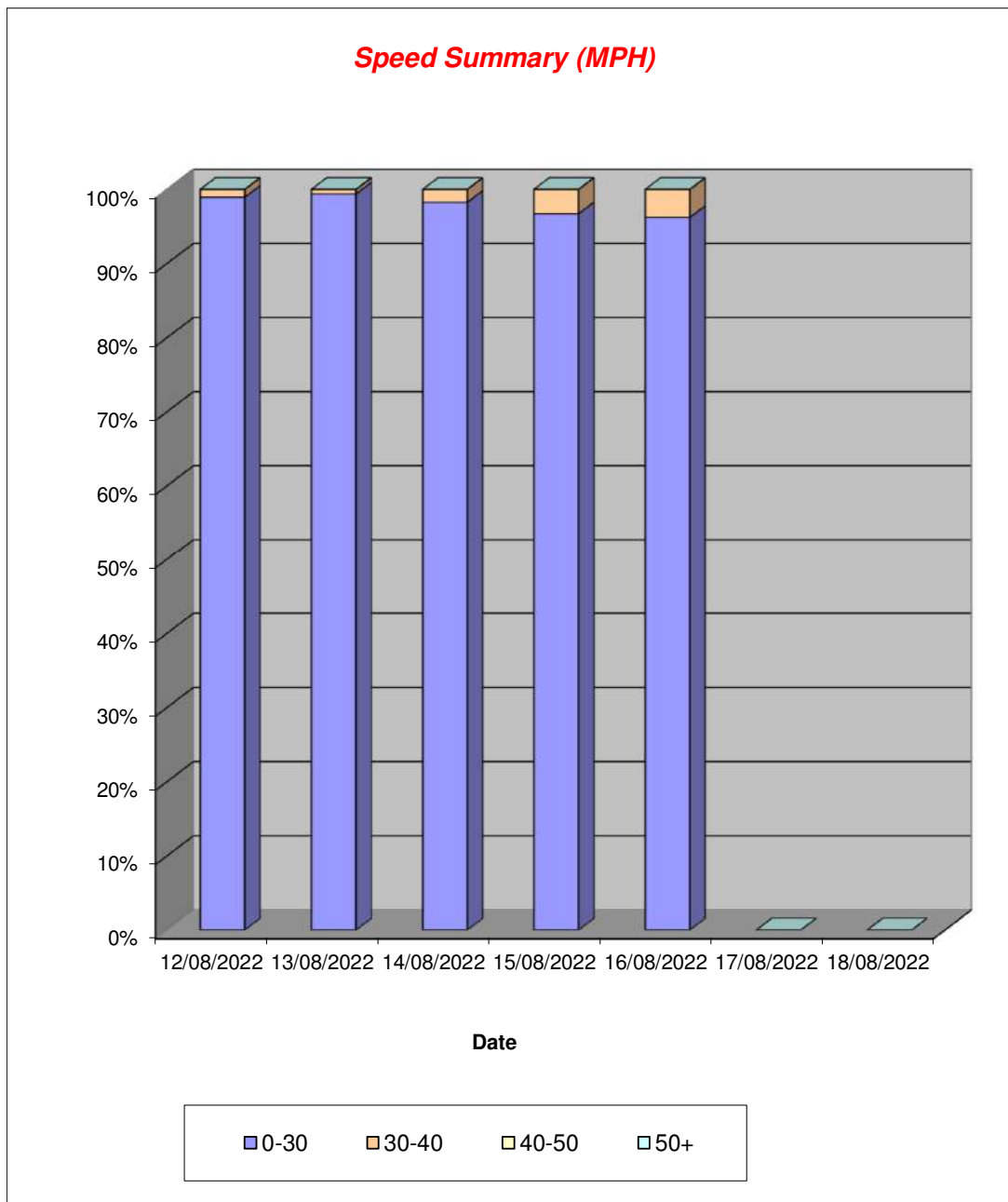
Produced by Road Data Services Ltd.

Channel 1 - Northbound

Speed Summary

Week 2

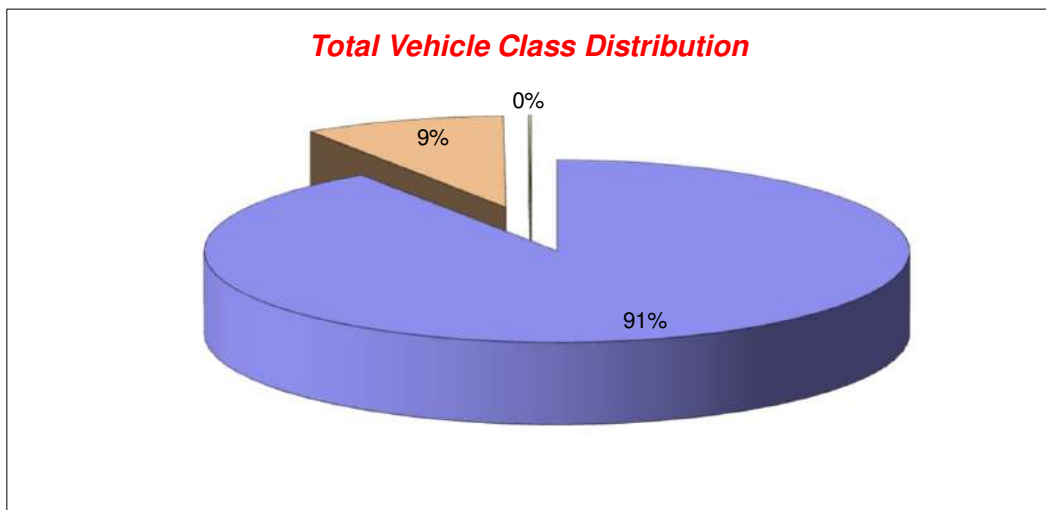
Speed (MPH)	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday
0-30	187	164	171	148	179	0	0
30-40	2	1	3	5	7	0	0
40-50	0	0	0	0	0	0	0
50+	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>189</b>	<b>165</b>	<b>174</b>	<b>153</b>	<b>186</b>	<b>0</b>	<b>0</b>



## Holmfirth ATC, Wolfstones Road (Southern Site)

Produced by Road Data Services Ltd.

Channel 1 - Northbound		Vehicle Class			Week 2
Classes Day / Time	Car / LGV / Caravan - 1	OGV1 / Bus - 2,3,5,6,7,12	OGV2 - 4,8,9,10,11,13	TOTAL - 1-13	
12/08/2022					
7-19	147	13	0	160	
6-22	166	16	0	182	
6-24	171	16	0	187	
0-24	172	17	0	189	
13/08/2022					
7-19	131	11	0	142	
6-22	144	12	0	156	
6-24	148	13	0	161	
0-24	152	13	0	165	
14/08/2022					
7-19	136	10	0	146	
6-22	153	12	0	165	
6-24	154	12	0	166	
0-24	161	13	0	174	
15/08/2022					
7-19	117	16	1	134	
6-22	131	16	1	148	
6-24	132	16	1	149	
0-24	136	16	1	153	
16/08/2022					
7-19	136	21	0	157	
6-22	160	21	0	181	
6-24	163	21	0	184	
0-24	165	21	0	186	
17/08/2022					
7-19	0	0	0	0	
6-22	0	0	0	0	
6-24	0	0	0	0	
0-24	0	0	0	0	
18/08/2022					
7-19	0	0	0	0	
6-22	0	0	0	0	
6-24	0	0	0	0	
0-24	0	0	0	0	
Average					
7-19	95	10	0	106	
6-22	108	11	0	119	
6-24	110	11	0	121	
0-24	112	11	0	124	



## Holmfirth ATC, Wolfstones Road (Southern Site)

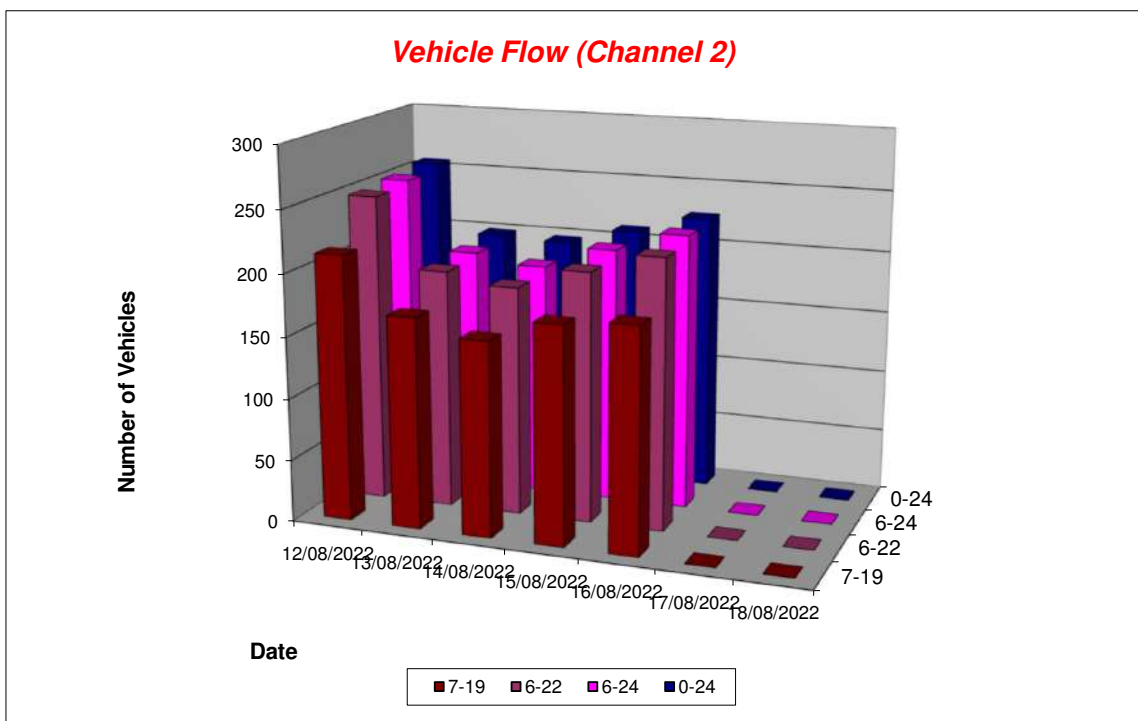
Produced by Road Data Services Ltd.

Channel 2 - Southbound

Vehicle Flow

Week 2

Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	Weekday Average	Average
1	3	0	4	0	2	0	0	2	2
2	0	1	0	1	0	0	0	0	0
3	1	0	1	1	0	0	0	1	1
4	0	0	2	0	0	0	0	0	0
5	0	1	1	1	0	0	0	0	1
6	0	1	0	0	0	0	0	0	0
7	3	2	2	1	3	0	0	2	2
8	6	5	3	1	2	0	0	3	3
9	9	4	2	6	9	0	0	8	6
10	12	7	6	10	12	0	0	11	9
11	10	23	17	16	15	0	0	14	16
12	18	20	17	10	11	0	0	13	15
13	20	28	20	16	11	0	0	16	19
14	15	16	21	17	14	0	0	15	17
15	23	8	20	10	5	0	0	13	13
16	18	13	12	21	30	0	0	23	19
17	39	17	20	34	30	0	0	34	28
18	30	11	13	22	27	0	0	26	21
19	14	18	6	12	14	0	0	13	13
20	15	5	12	11	20	0	0	15	13
21	6	8	9	6	7	0	0	6	7
22	11	8	5	9	8	0	0	9	8
23	2	2	4	3	4	0	0	3	3
24	1	1	0	2	1	0	0	1	1
7-19	214	170	157	175	180	0	0	190	179
6-22	249	193	185	202	218	0	0	223	209
6-24	252	196	189	207	223	0	0	227	213
0-24	256	199	197	210	225	0	0	230	217





## Holmfirth ATC, Wolfstones Road (Southern Site)

Produced by Road Data Services Ltd.

Channel 2 - Southbound		Average Speed					Week 2	
Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	
1	16.4	-	19.2	-	26.2	-	-	
2	-	28.9	-	25.7	-	-	-	
3	27.2	-	22.2	16.6	-	-	-	
4	-	-	28.8	-	-	-	-	
5	-	28.2	13.1	24.8	-	-	-	
6	-	16.1	-	-	-	-	-	
7	19.3	20.1	23.4	18.0	21.0	-	-	
8	21.4	18.2	20.5	17.5	17.0	-	-	
9	19.1	16.9	10.5	18.1	16.6	-	-	
10	19.9	13.4	21.9	21.0	20.3	-	-	
11	21.5	21.5	20.1	18.4	17.6	-	-	
12	20.4	20.1	18.9	17.1	23.1	-	-	
13	21.1	21.0	19.3	20.4	21.0	-	-	
14	21.1	20.2	22.7	20.4	20.3	-	-	
15	22.0	20.3	18.1	18.9	22.0	-	-	
16	22.4	21.5	16.8	20.0	21.6	-	-	
17	21.8	19.4	20.8	20.5	22.2	-	-	
18	20.0	19.5	22.2	21.1	21.9	-	-	
19	21.9	22.5	20.7	21.7	21.5	-	-	
20	21.6	17.0	17.6	20.5	20.4	-	-	
21	22.0	18.8	18.9	20.3	18.7	-	-	
22	20.4	19.6	18.6	22.6	20.6	-	-	
23	22.4	20.7	21.5	20.4	25.5	-	-	
24	22.9	19.7	-	25.0	19.5	-	-	
10-12	20.8	20.9	19.5	17.9	19.9	-	-	
14-16	22.2	21.1	17.6	19.7	21.6	-	-	
0-24	21.1	20.2	19.9	20.3	21.0	-	-	

Average (ALL)	20.5
Weekday Inter-Peak	20.5

Channel 2 - Southbound		85th Percentile						
Hr Ending	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday	
1	22.4	-	22.0	-	27.7	-	-	
2	-	-	-	-	-	-	-	
3	-	-	-	-	-	-	-	
4	-	-	31.4	-	-	-	-	
5	-	-	-	-	-	-	-	
6	-	-	-	-	-	-	-	
7	21.9	21.5	23.7	-	25.4	-	-	
8	24.9	20.6	23.4	-	18.9	-	-	
9	21.7	22.8	16.2	22.8	19.5	-	-	
10	26.0	20.7	24.9	25.1	25.2	-	-	
11	26.0	25.4	25.1	25.0	23.6	-	-	
12	25.4	24.1	23.2	22.4	25.9	-	-	
13	25.4	25.4	23.5	24.9	26.6	-	-	
14	23.5	24.0	26.3	26.2	24.3	-	-	
15	26.9	25.5	23.6	23.0	24.5	-	-	
16	27.9	24.4	23.0	23.6	25.8	-	-	
17	25.1	25.0	26.0	24.7	27.5	-	-	
18	25.0	25.7	26.3	24.7	25.9	-	-	
19	27.6	26.9	25.7	27.4	25.7	-	-	
20	23.5	22.5	22.7	24.5	23.9	-	-	
21	26.0	22.9	22.7	24.2	24.5	-	-	
22	25.2	23.4	22.1	27.6	23.6	-	-	
23	22.5	21.1	26.9	23.6	27.6	-	-	
24	-	-	-	29.5	-	-	-	
10-12	25.6	24.9	24.2	24.0	25.5	-	-	
14-16	27.4	25.1	23.4	23.5	25.6	-	-	
0-24	25.6	25.2	25.0	25.1	25.7	-	-	

85th %ile (ALL)	25.4
Weekday Inter-Peak	25.6

## Holmfirth ATC, Wolfstones Road (Southern Site)

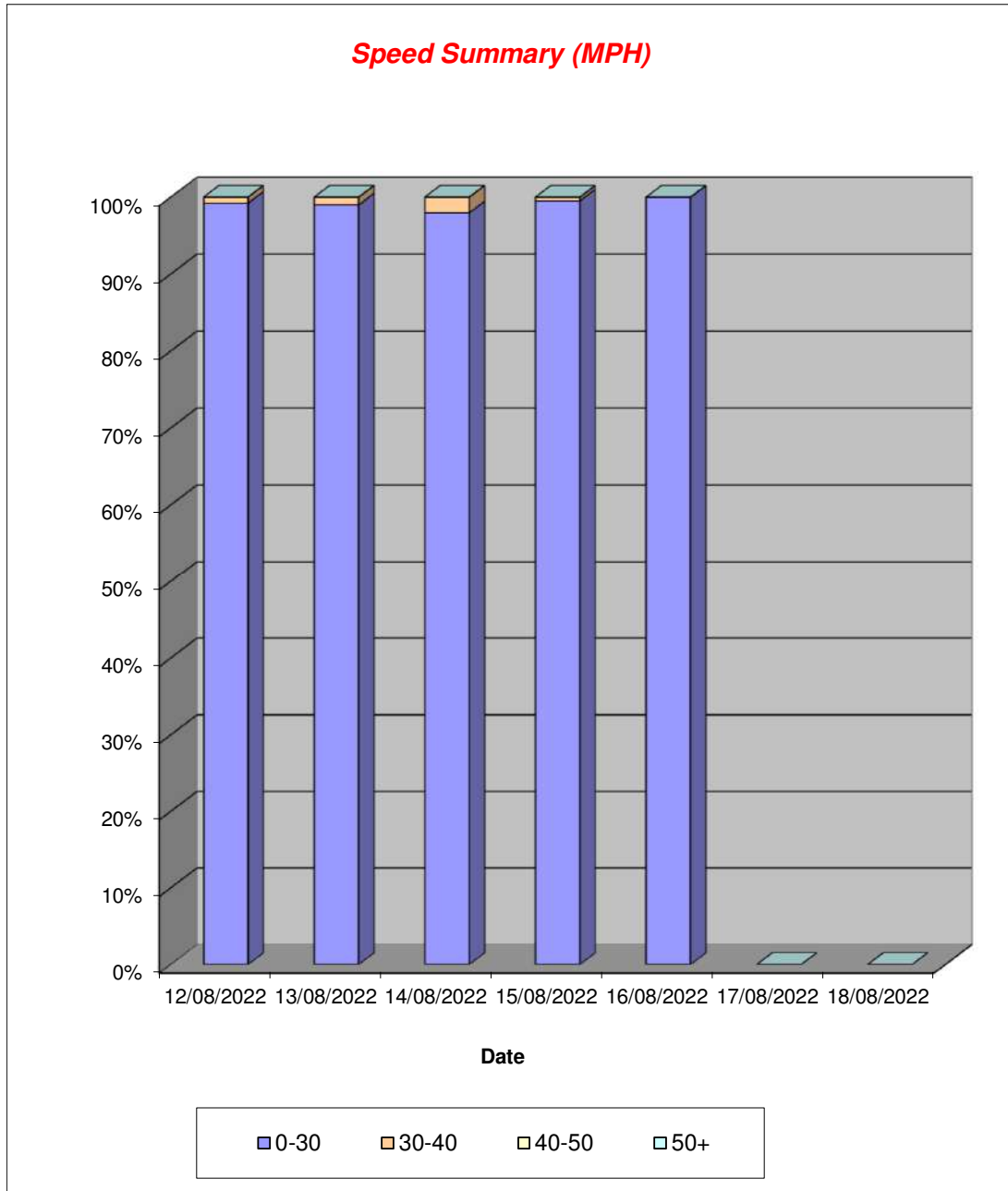
Produced by Road Data Services Ltd.

Channel 2 - Southbound

Speed Summary

Week 2

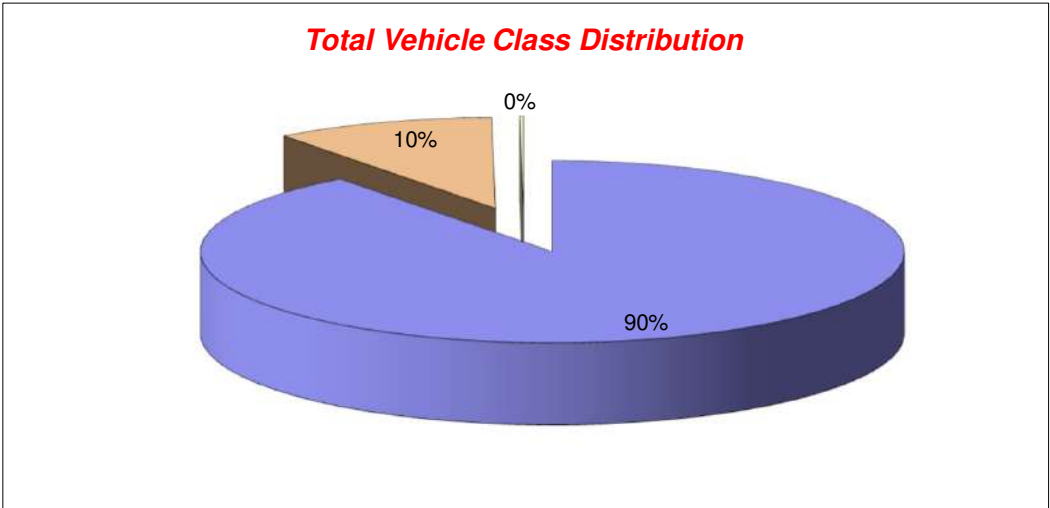
Speed (MPH)	12/08/2022 Friday	13/08/2022 Saturday	14/08/2022 Sunday	15/08/2022 Monday	16/08/2022 Tuesday	17/08/2022 Wednesday	18/08/2022 Thursday
0-30	254	197	193	209	225	0	0
30-40	2	2	4	1	0	0	0
40-50	0	0	0	0	0	0	0
50+	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>256</b>	<b>199</b>	<b>197</b>	<b>210</b>	<b>225</b>	<b>0</b>	<b>0</b>



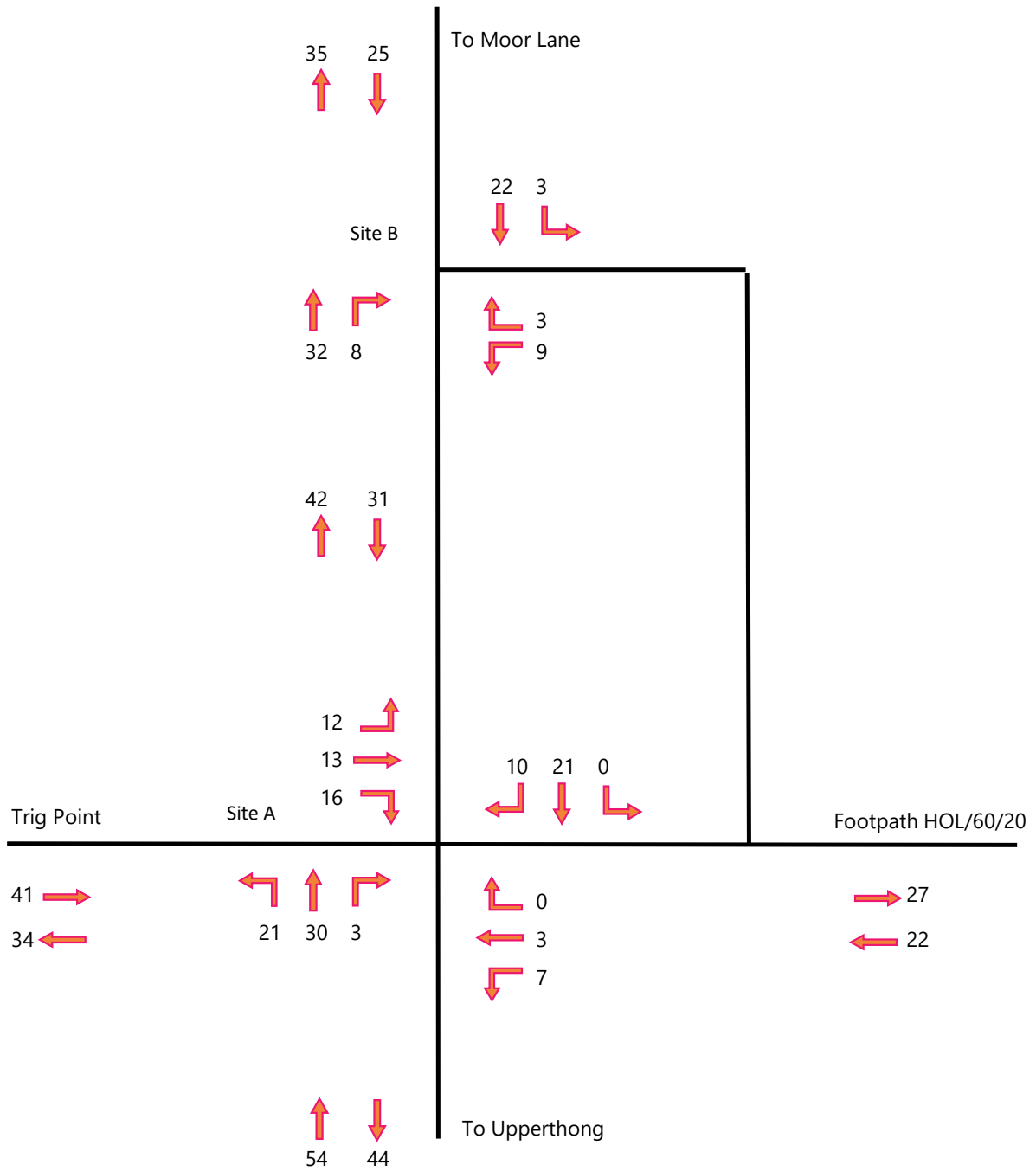
## Holmfirth ATC, Wolfstones Road (Southern Site)

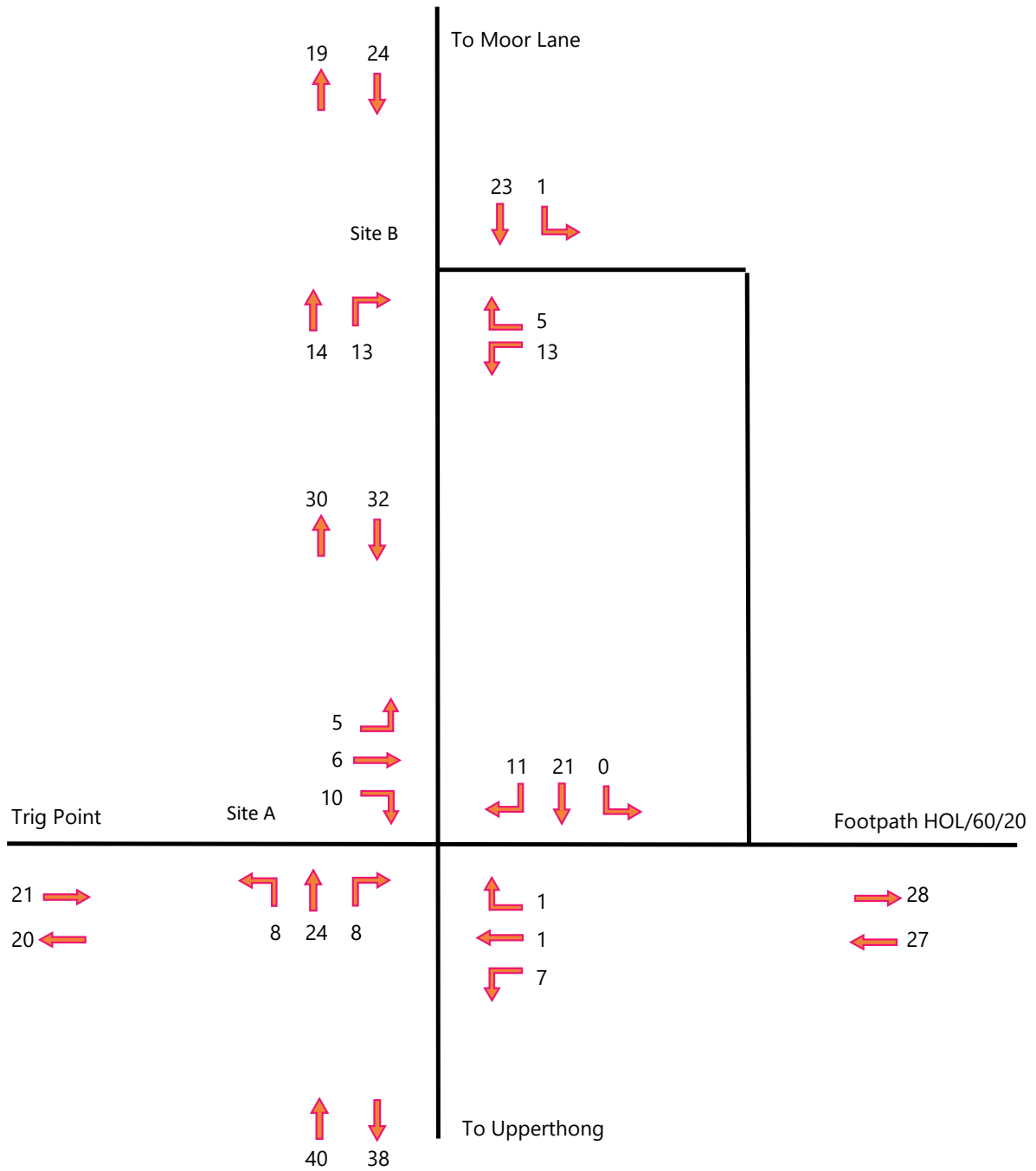
Produced by Road Data Services Ltd.

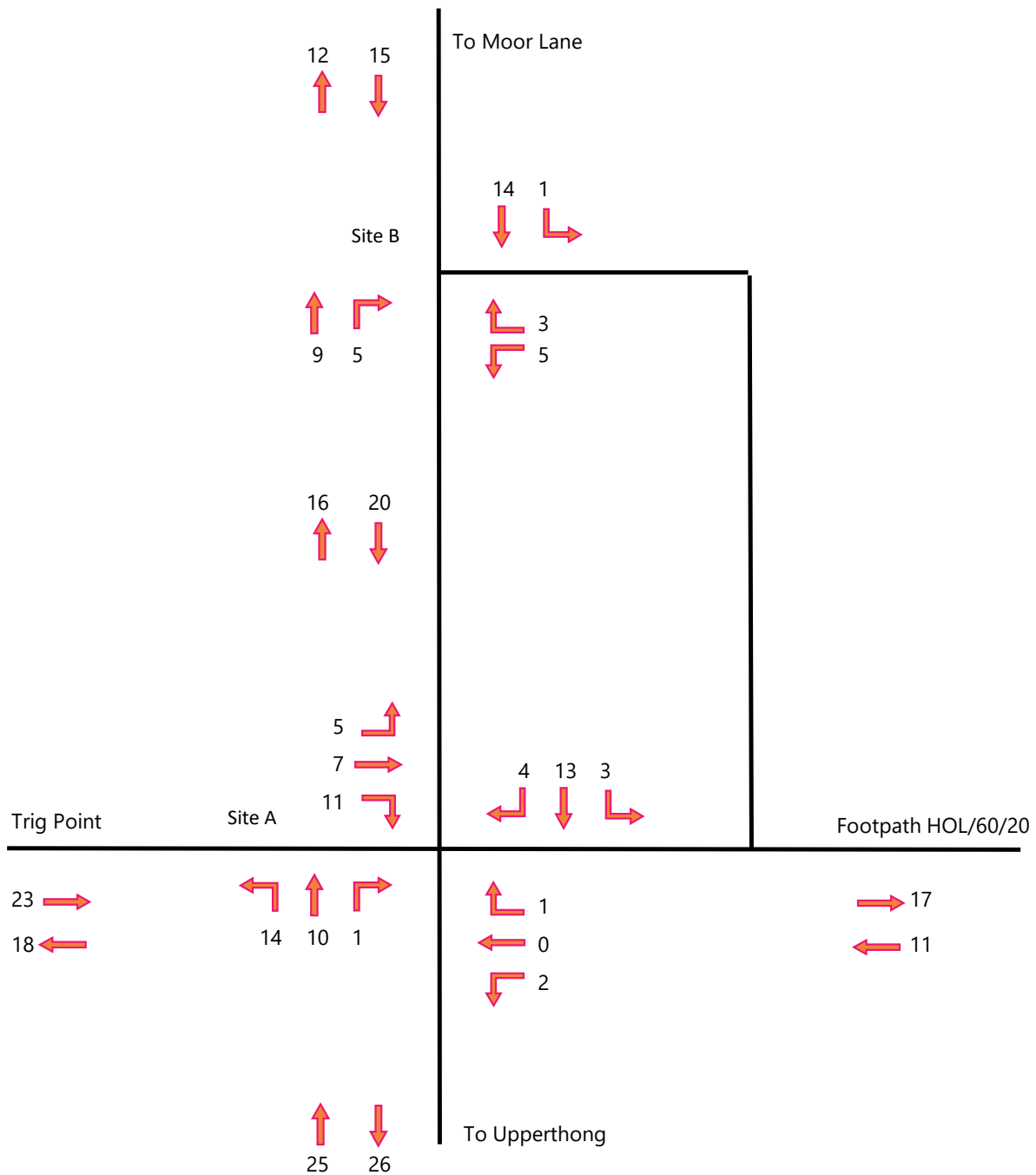
Channel 2 - Southbound		Vehicle Class			Week 2
Classes	Car / LGV / Caravan - 1	OGV1 / Bus - 2,3,5,6,7,12	OGV2 - 4,8,9,10,11,13	TOTAL - 1-13	
12/08/2022					
7-19	190	24	0	214	
6-22	222	27	0	249	
6-24	225	27	0	252	
0-24	228	28	0	256	
13/08/2022					
7-19	157	13	0	170	
6-22	179	14	0	193	
6-24	182	14	0	196	
0-24	185	14	0	199	
14/08/2022					
7-19	141	15	1	157	
6-22	165	19	1	185	
6-24	169	19	1	189	
0-24	177	19	1	197	
15/08/2022					
7-19	156	18	1	175	
6-22	180	21	1	202	
6-24	184	22	1	207	
0-24	185	24	1	210	
16/08/2022					
7-19	157	23	0	180	
6-22	193	25	0	218	
6-24	198	25	0	223	
0-24	200	25	0	225	
17/08/2022					
7-19	0	0	0	0	
6-22	0	0	0	0	
6-24	0	0	0	0	
0-24	0	0	0	0	
18/08/2022					
7-19	0	0	0	0	
6-22	0	0	0	0	
6-24	0	0	0	0	
0-24	0	0	0	0	
Average					
7-19	114	13	0	128	
6-22	134	15	0	150	
6-24	137	15	0	152	
0-24	139	16	0	155	



## 2 – Pedestrian Flow Diagrams

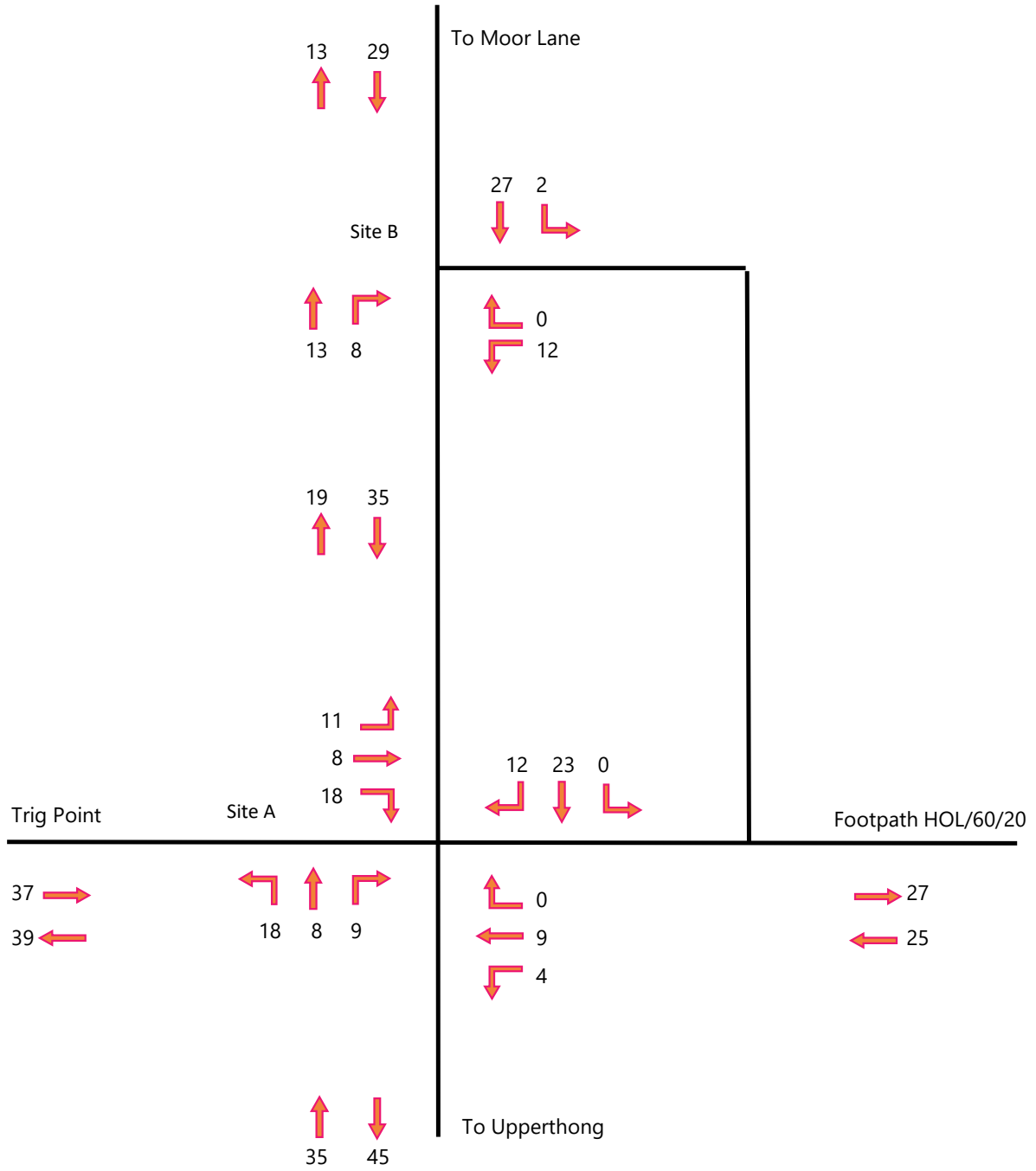




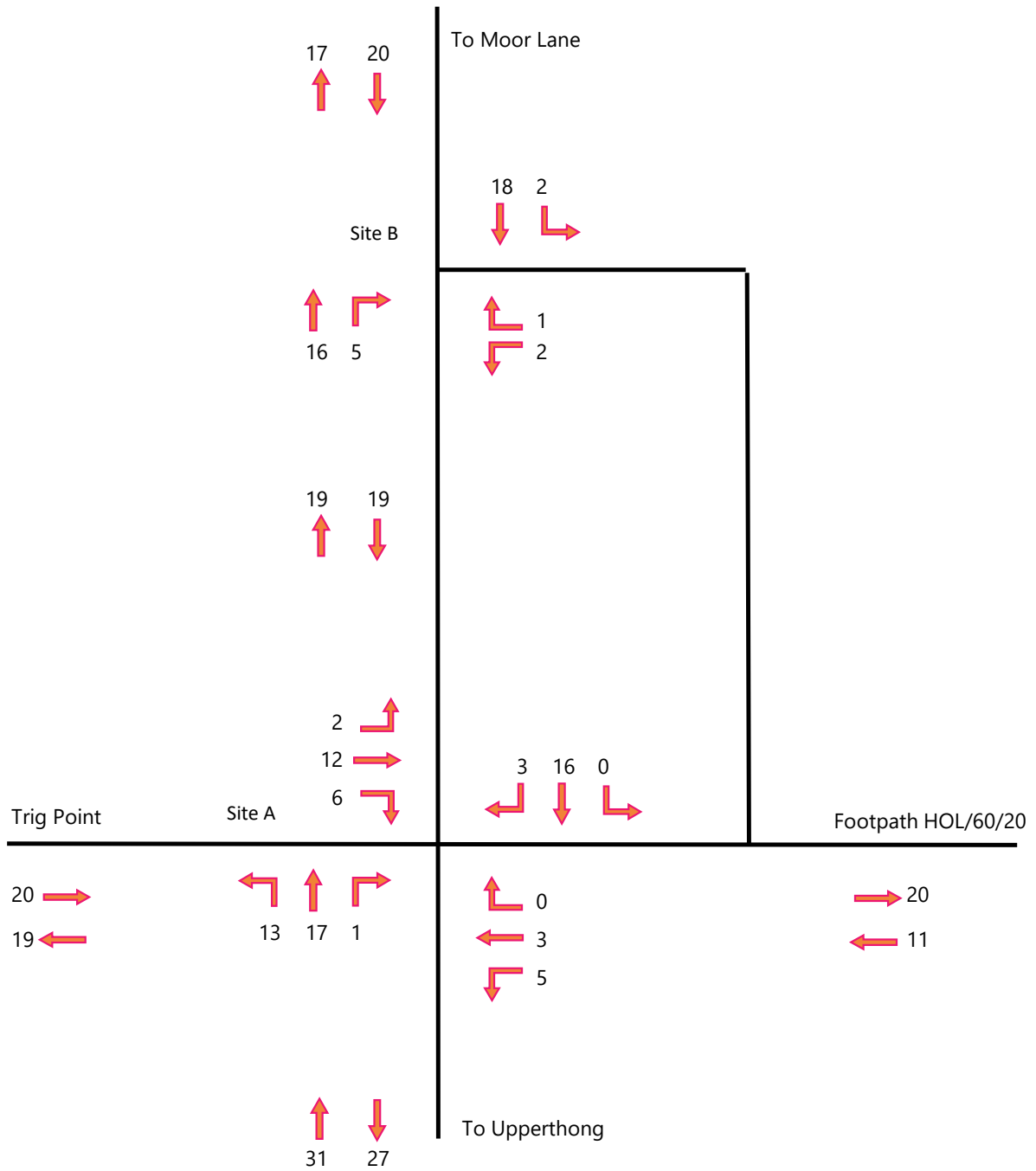


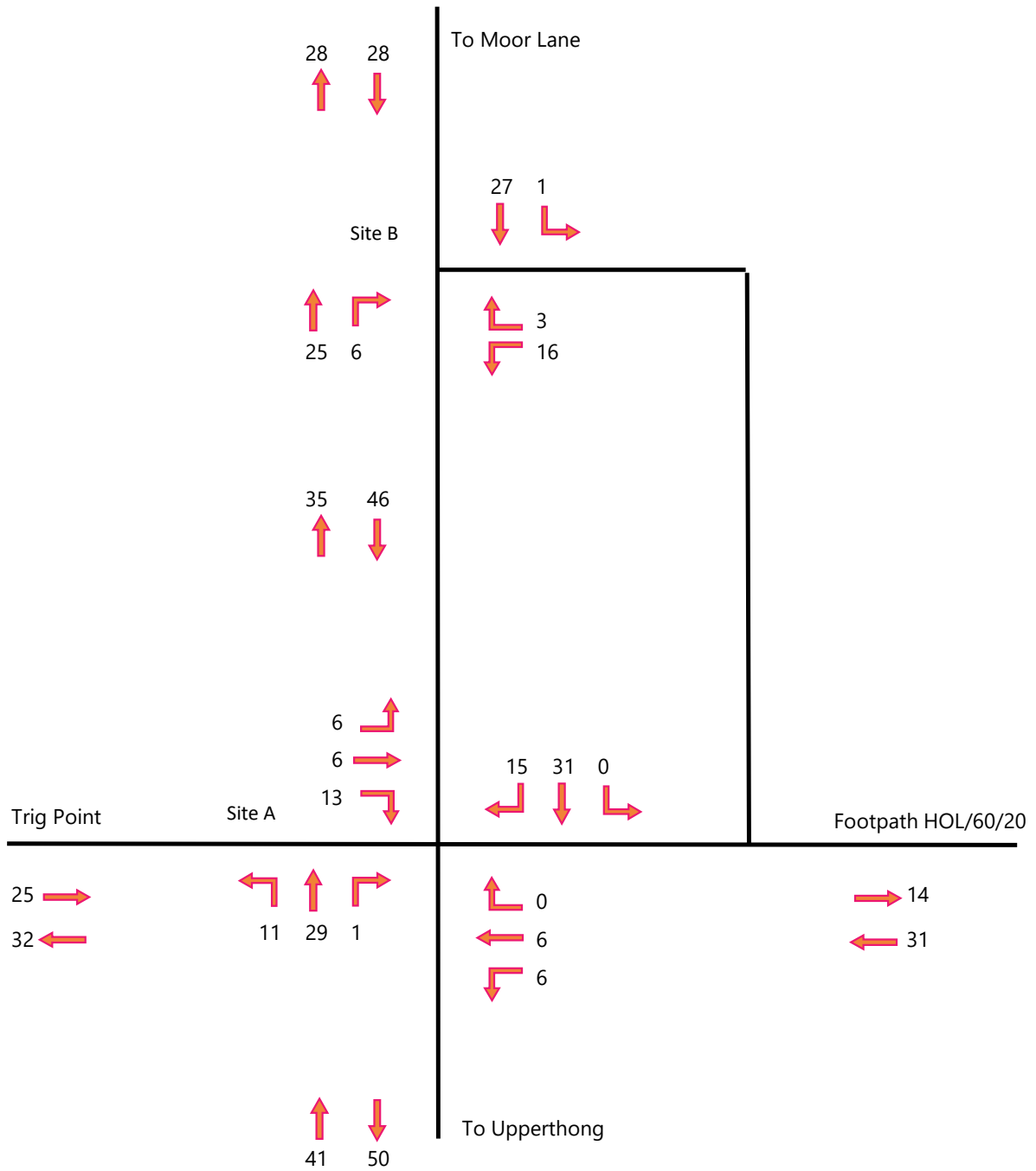
Wolfstones Road  
Upperthong

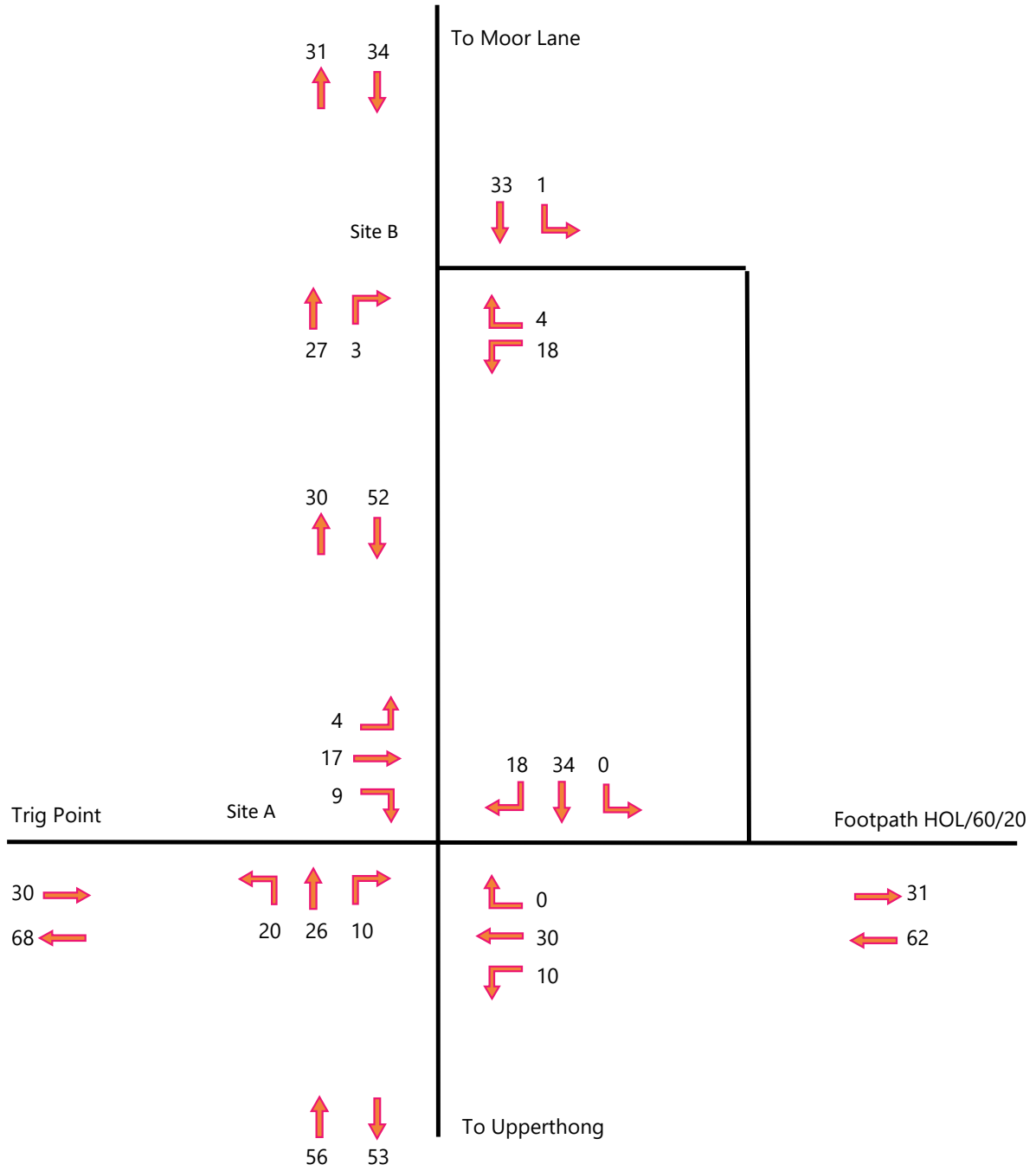
FIGURE 3  
TUESDAY 2ND AUGUST  
PEDESTRIAN FLOWS





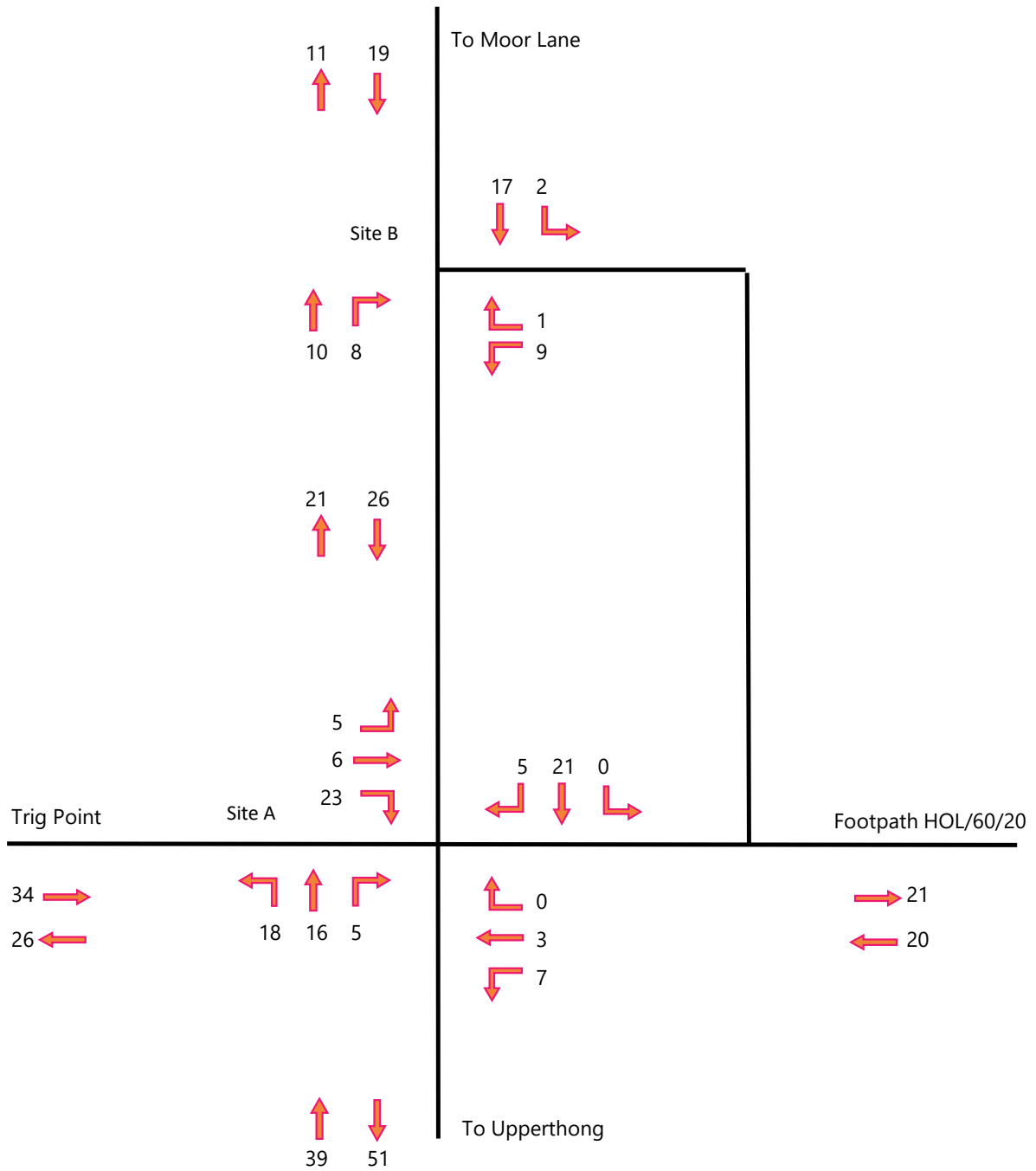






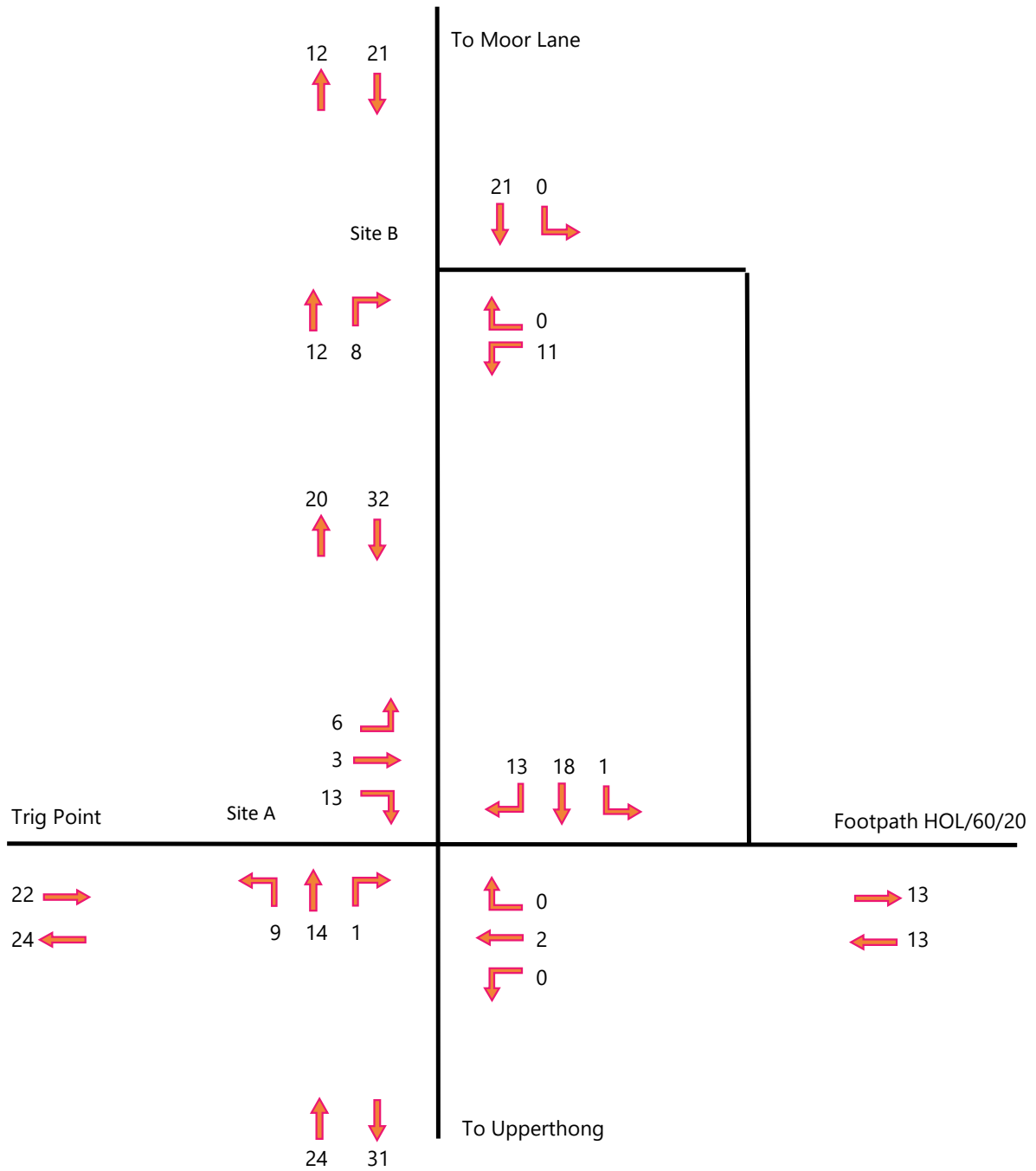
### Wolfstones Road Upperthong

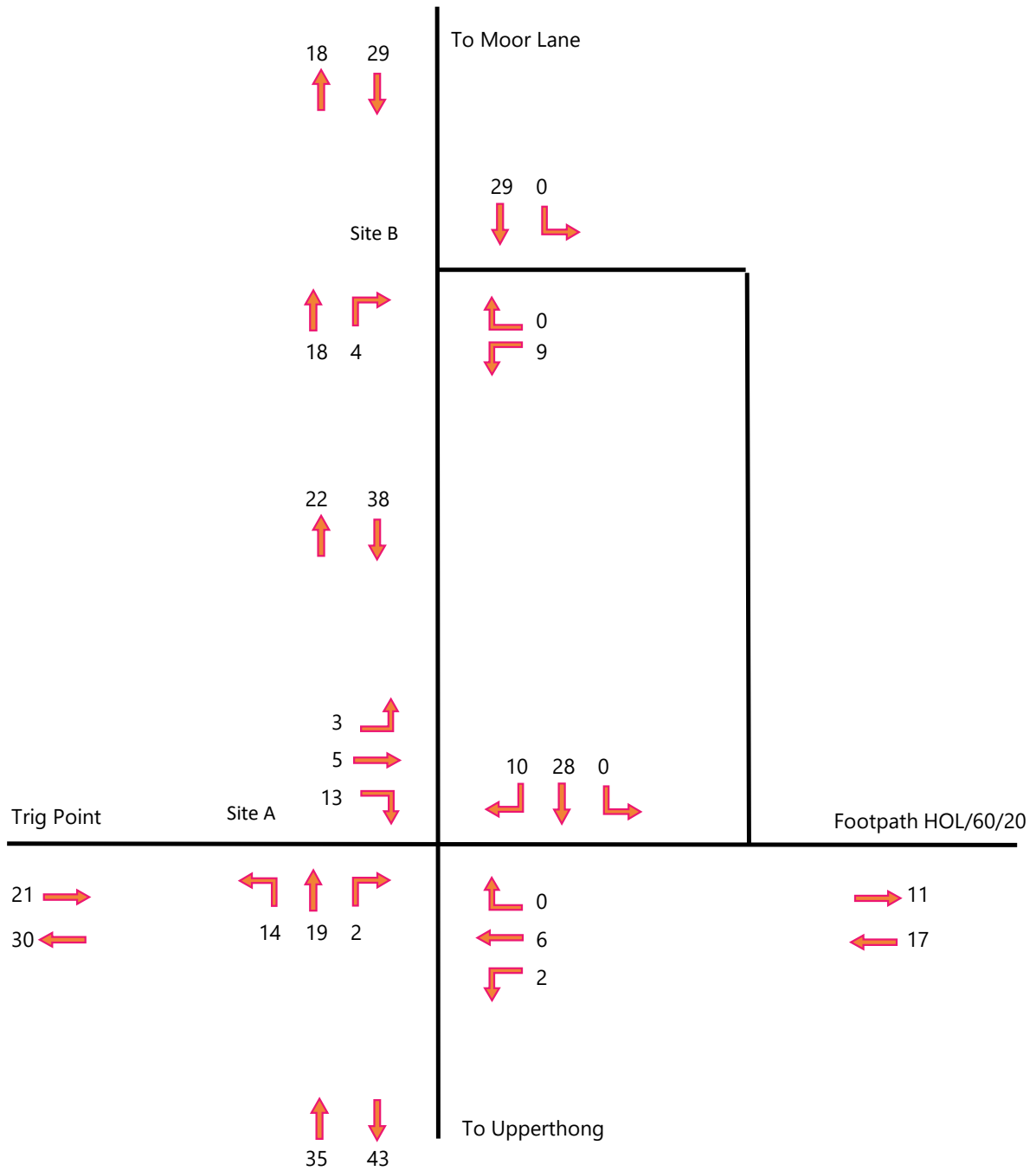
FIGURE 7  
SUNDAY 7TH AUGUST  
PEDESTRIAN FLOWS

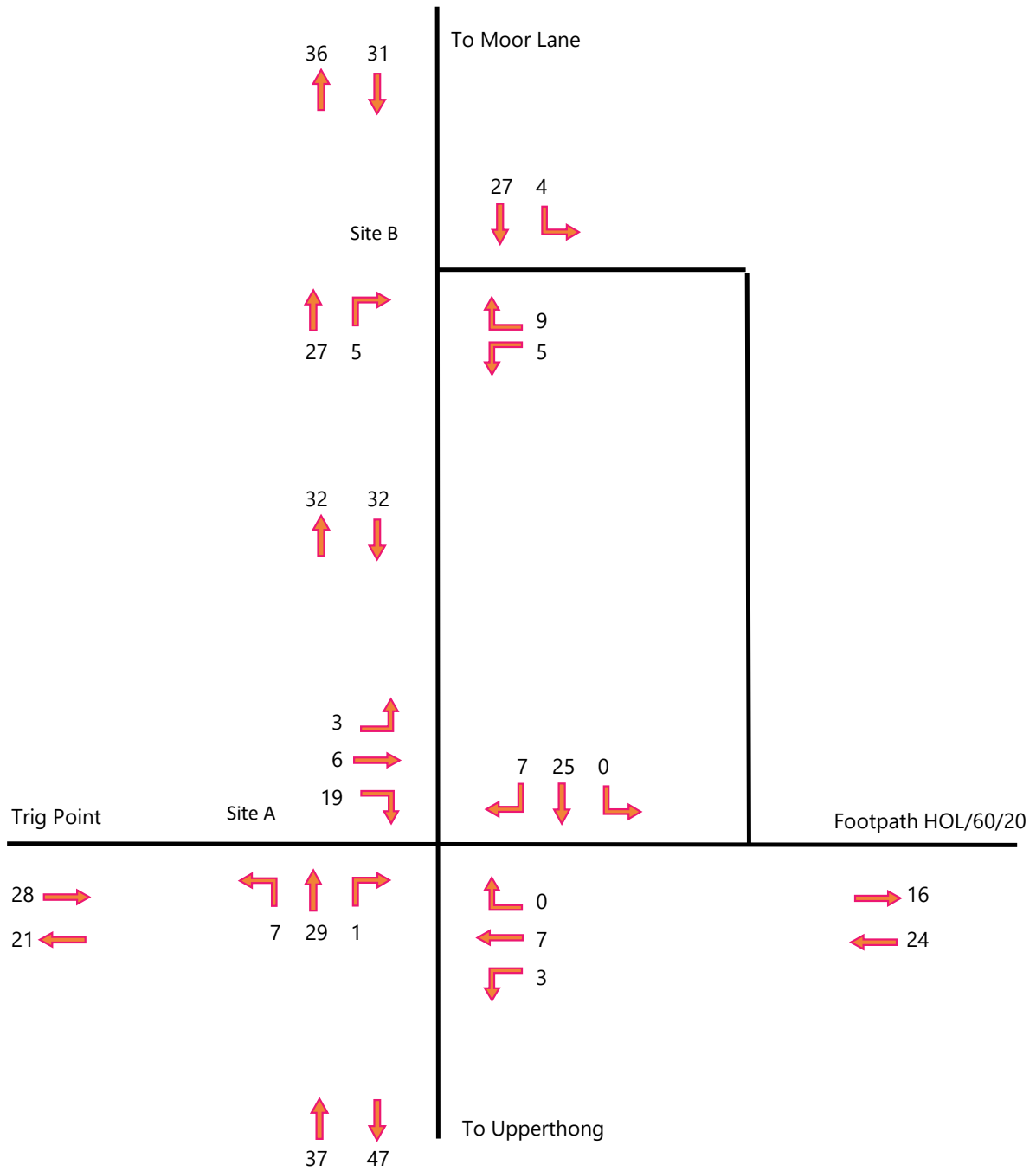


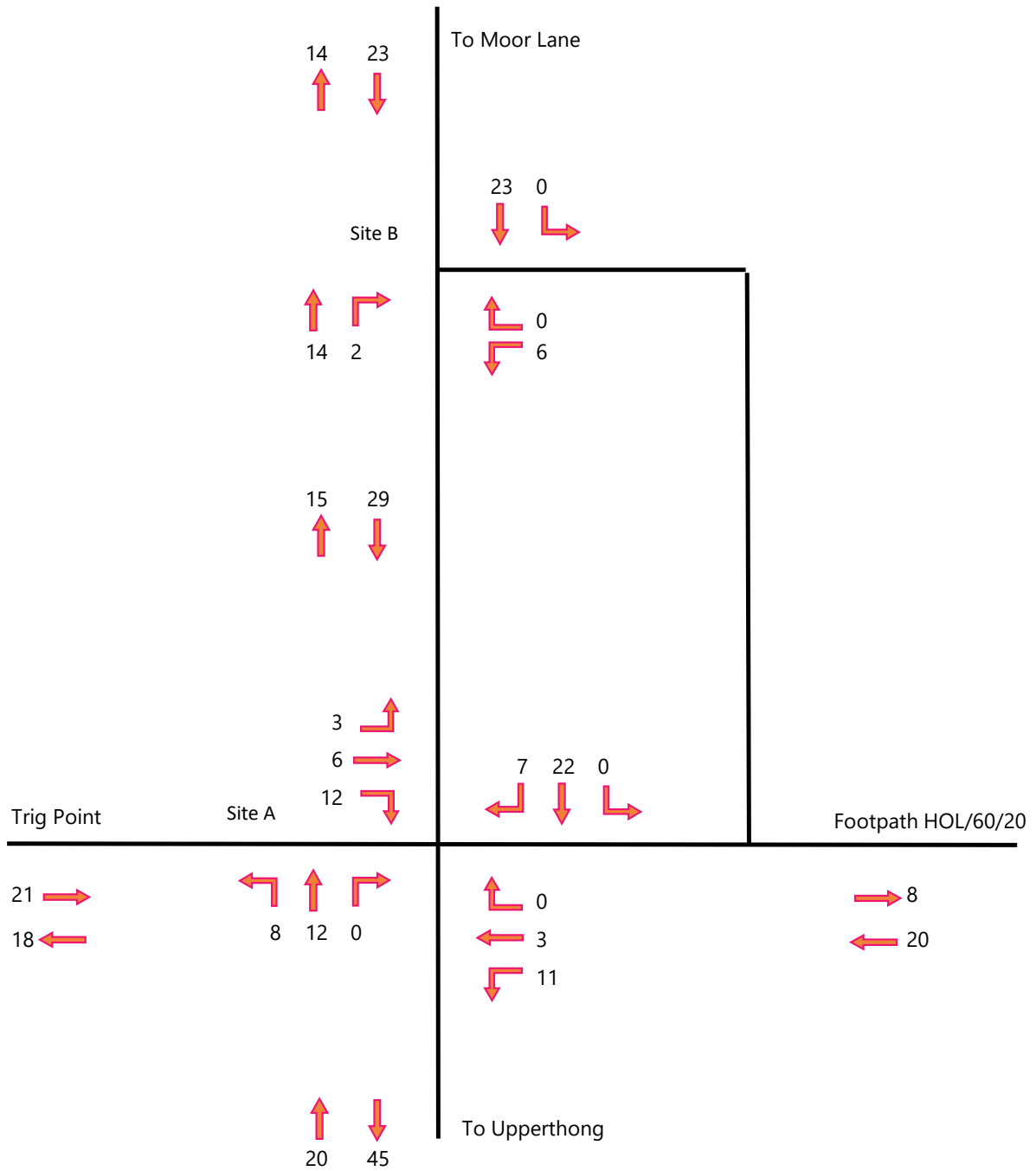
Wolfstones Road  
Upperthong

FIGURE 8  
MONDAY 8TH AUGUST  
PEDESTRIAN FLOWS

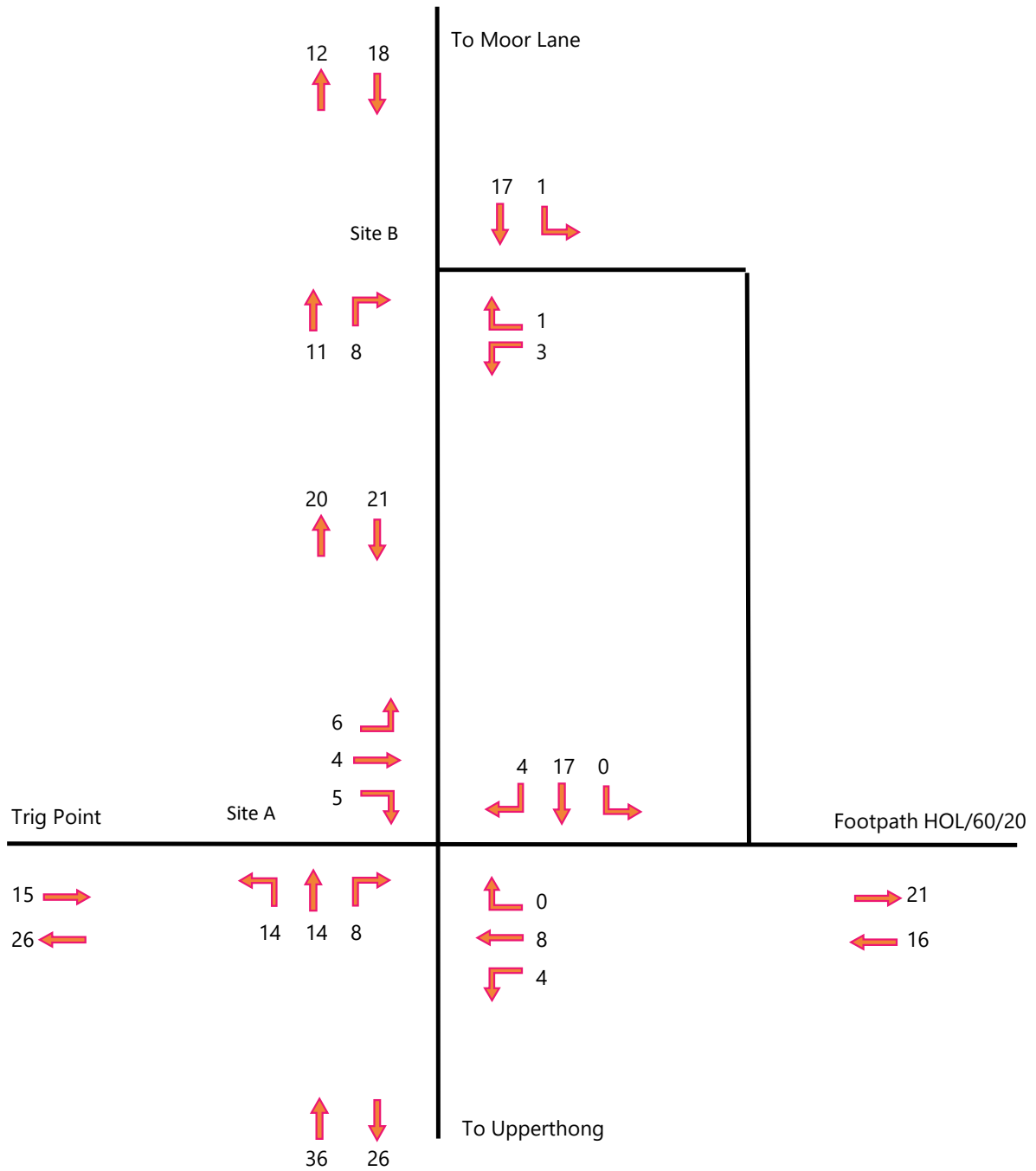






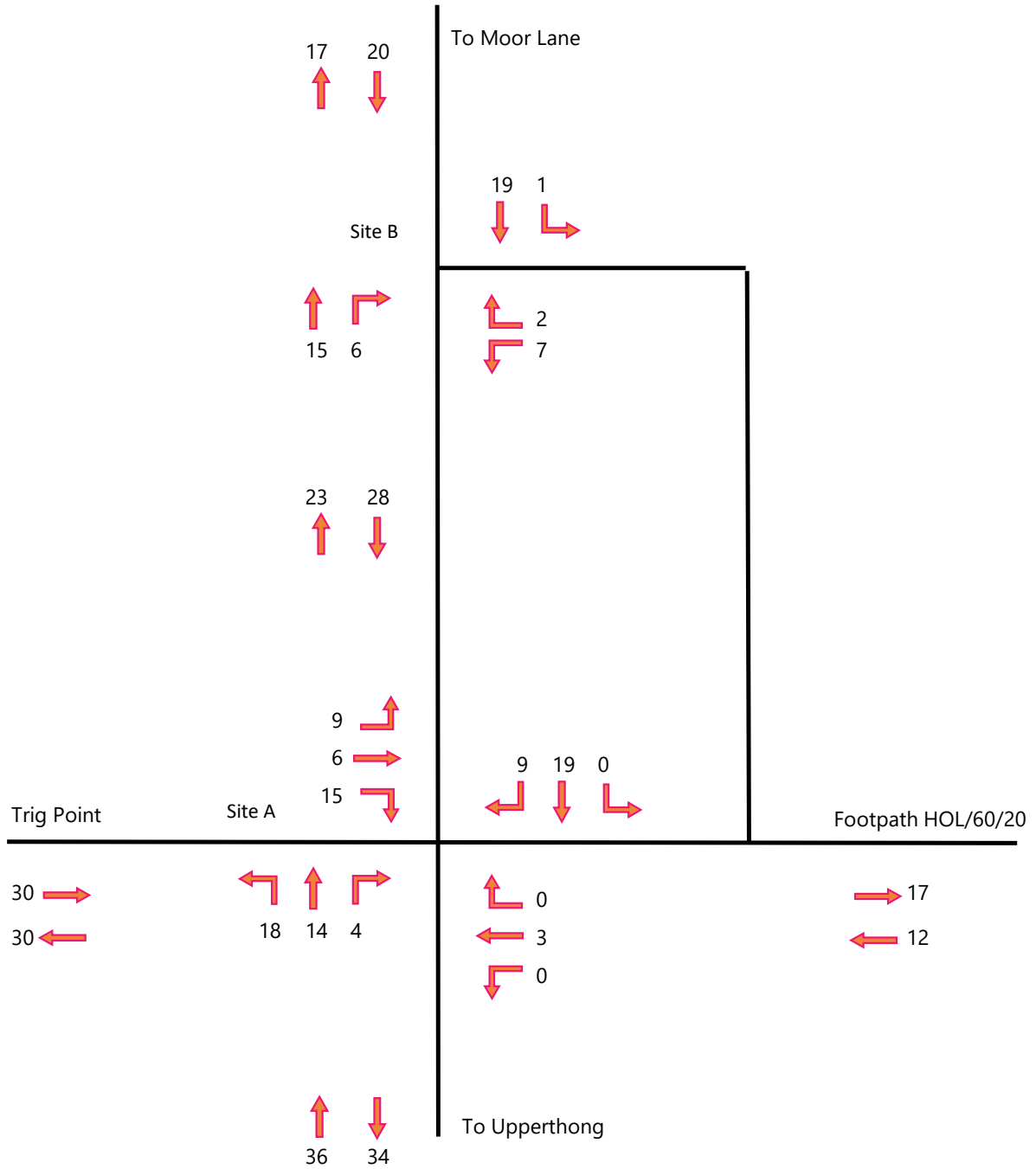


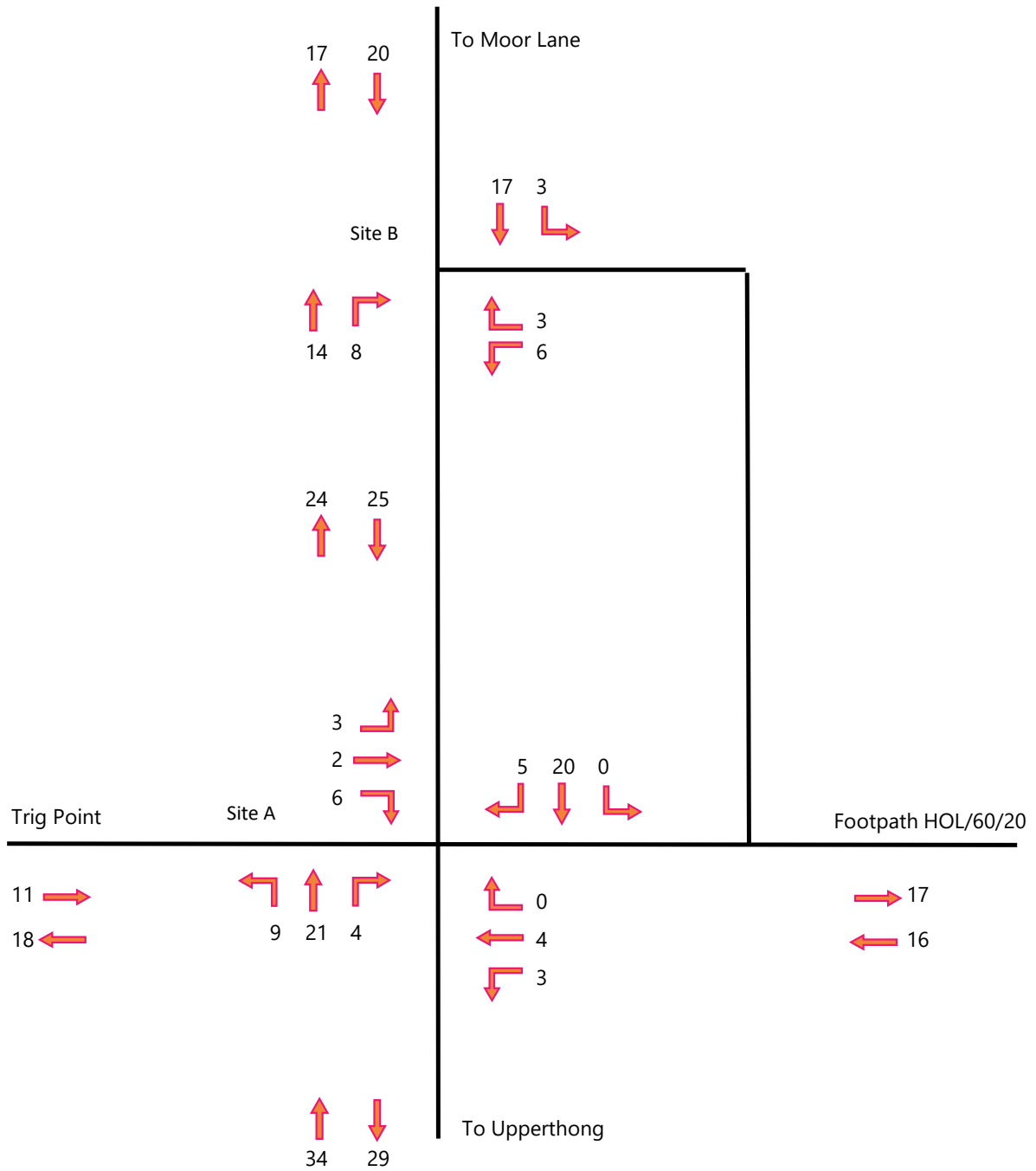


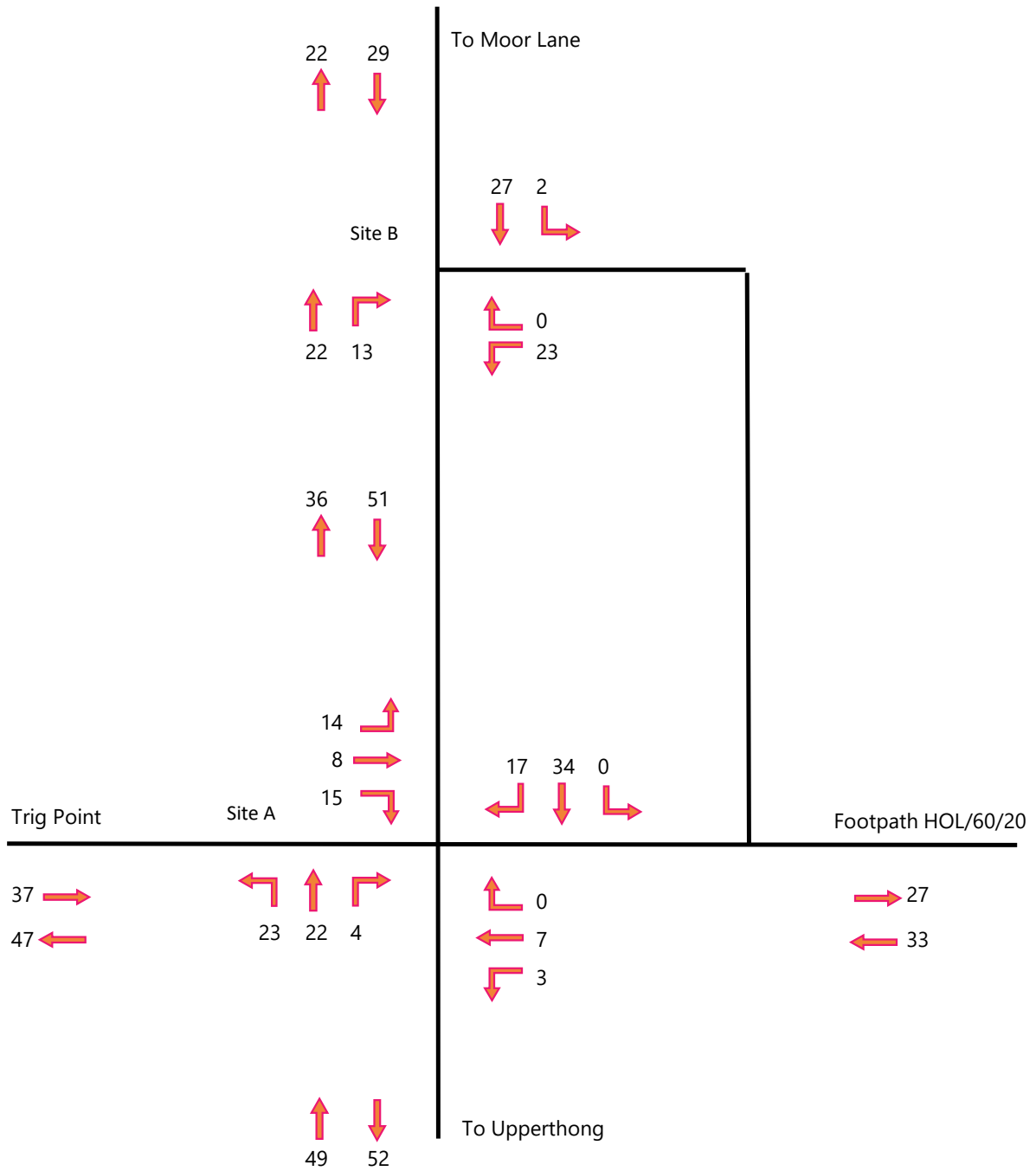


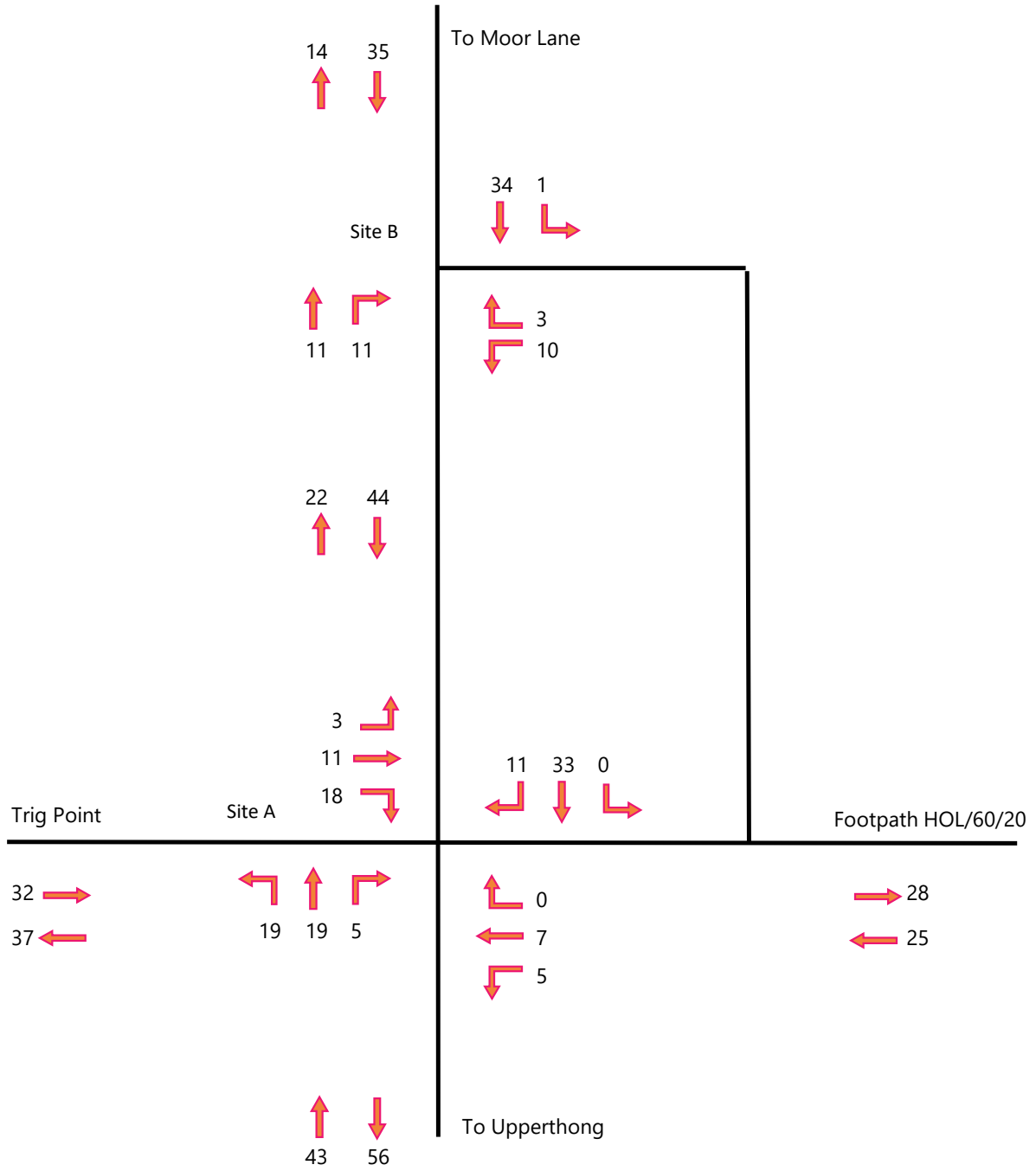
Wolfstones Road  
Upperthong

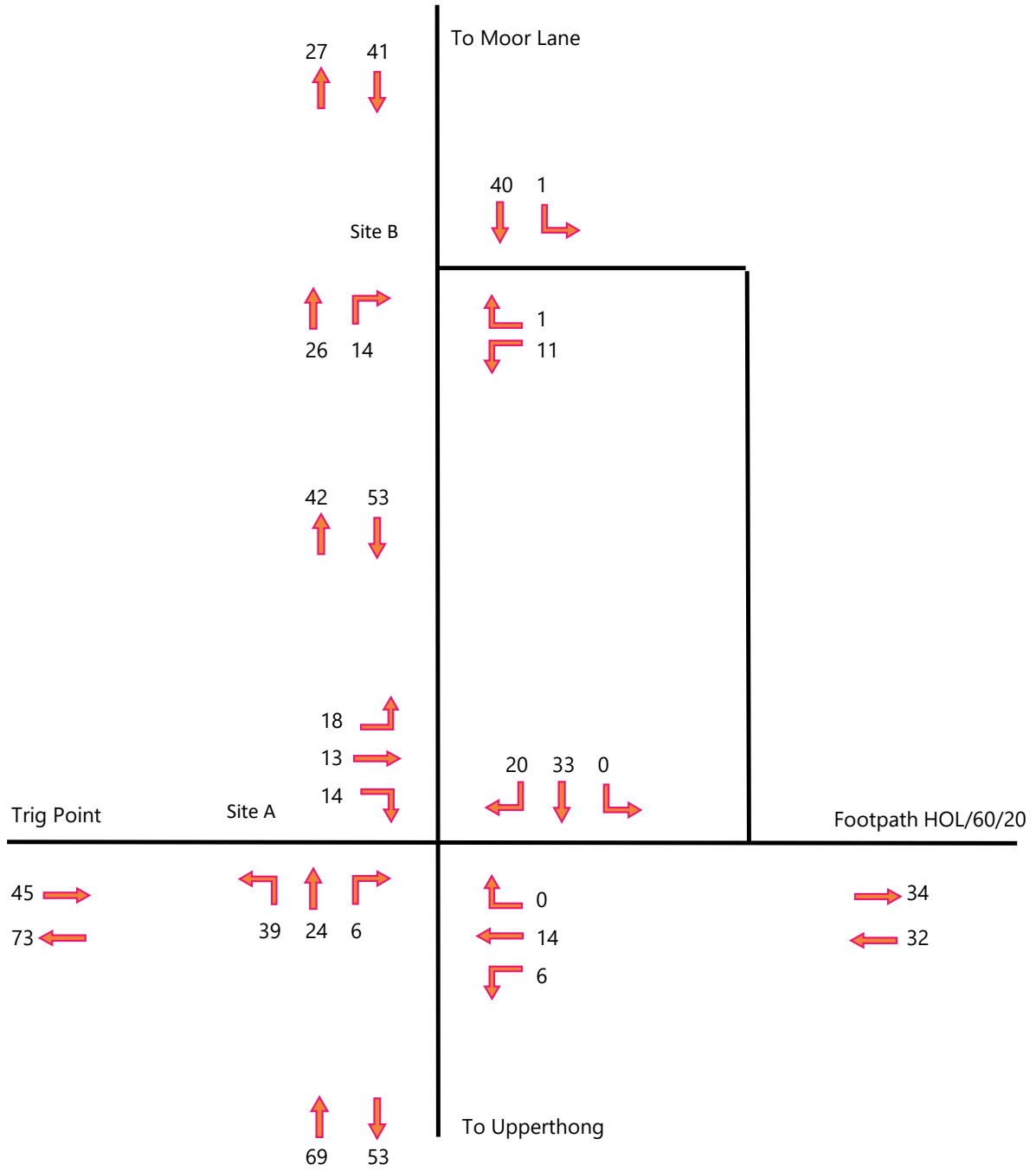
FIGURE 13  
TUESDAY 16TH AUGUST  
PEDESTRIAN FLOWS

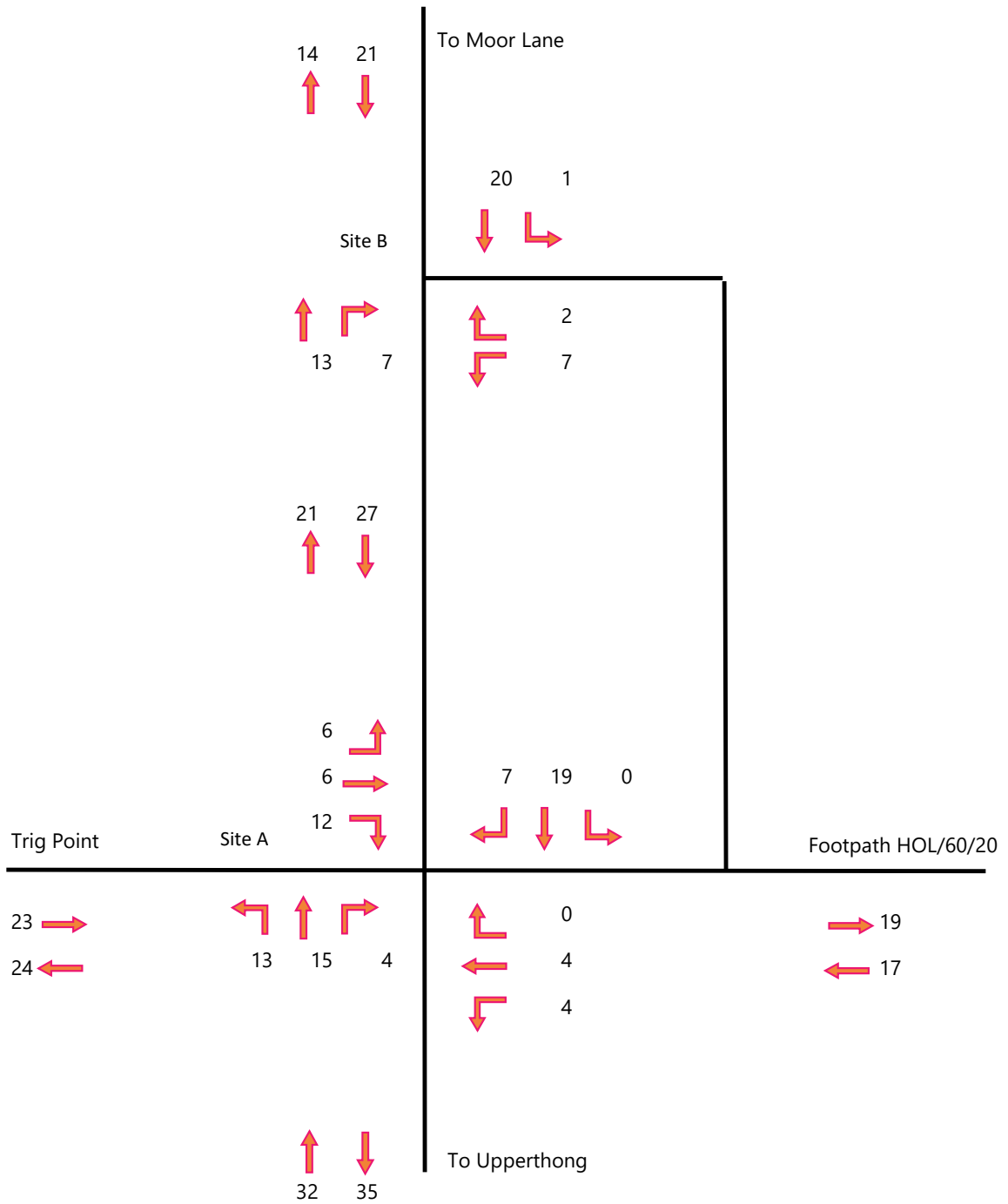


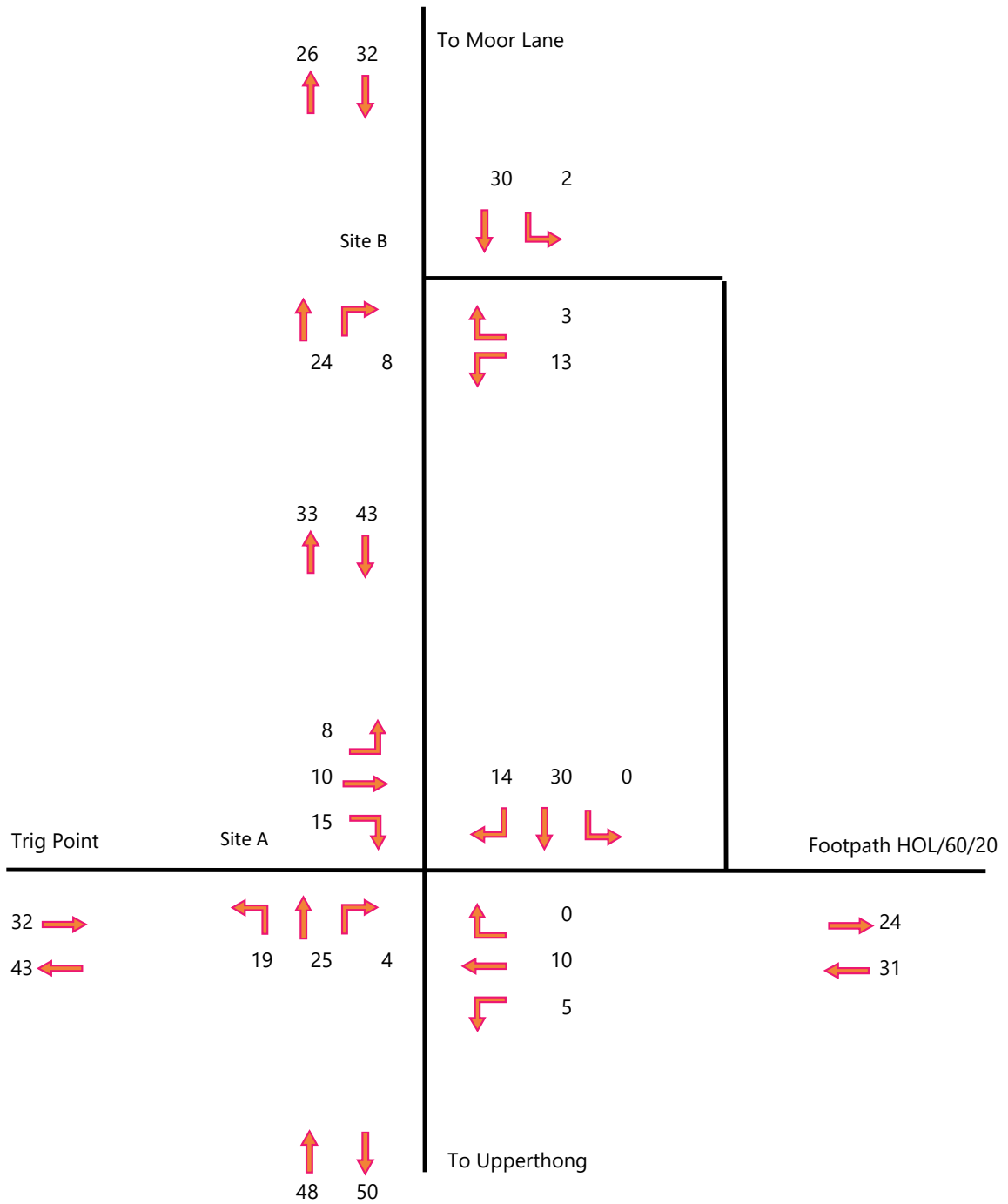












Wolfstones Road  
Upperthong

FIGURE 20  
AVE WEEKEND DAY INC 29TH AUGUST  
PEDESTRIAN FLOWS







**Wolfstones Heights Farm,  
Holmfirth**

**Highway Surveys**

**Oct 2019**

**Project  
1406(B)**

**Paragon Highways**

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## Quality Management

	<b>First Issue</b>	<b>Revision 1</b>	<b>Revision 2</b>	<b>Revision 3</b>	<b>Revision 4</b>
Remarks	<b>Final Draft</b>	Planning Consultant Amendments	<b>Final draft</b>	Planning Consultant Amendments	<b>Planning Consultants Amendments</b>
Date	<b>March 2019</b>	<b>19/3/2019</b>	<b>Sept 2019</b>	<b>1.10.2019</b>	<b>2.10.19</b>
Prepared by	<b>KB</b>	<b>PAH</b>	<b>PAH</b>	<b>PAH</b>	<b>PAH</b>
Checked by	<b>PAH</b>	<b>CS</b>	<b>JJH</b>	<b>JJH</b>	<b>CHS</b>

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## 1.0 Introduction

- 1.1 Planning approvals have been granted for the relocation of an existing access, stopping up of an existing access and the diversion of a public right of way HOL/60/20 (part) together with external works to the host property situated off the Wolfstones Road at Wolfstones Heights Farm to the north of Upperthong near Holmfirth in the District of Kirklees.
- 1.2 As part of that approvals ref: 2014/62/92814/W and 2017/91374, as amended by 2018/NMA/93302 and 2018/NMA/93277, the applicants are seeking approval under section 257 of the Town and Country Planning Act for the diversion of the aforementioned definitive footpath (part).
- 1.3 The principle of the development has obviously been approved by the Council and the line of the proposed diversion of the definitive footpath agreed with the Councils Public Rights of Way Officers (PRoW) accordingly. The diverted route will separate potential conflict between users of the driveway to the development site and pedestrians utilising the right of way which can only be a benefit to the safety of all users.
- 1.4 The diversion seeks to divert the footpath from a point east of the existing dwelling along a route heading northward for a distance of approximately 150 metres or thereabouts, then returning back onto Wolfstones Road. This is at a point on the outside of a sweeping bend where intervisibility for both drivers travelling along Wolfstones Road and those pedestrians leaving the definitive right of way is to a very good standard and above that of the existing situation.
- 1.5 Initial full Highway Surveys were undertaken in November / December 2017 and the results from those surveys and the additional surveys carried out in February, March and September 2019 are also presented below.

## 2.0 Survey Considerations

2.1 The survey(s) have been undertaken to establish the following:

- ✓ usage of the public right of way under consideration HOL/60/20
- ✓ the speed of vehicles past the site frontage on Wolfstones Road and the associated traffic movements
- ✓ Pedestrian / cycle and equestrian usage of the immediate highway

Surveys were originally undertaken at the site on the 30<sup>th</sup> November (Thursday) and 3<sup>rd</sup> December 2017 (Sunday). On the 30<sup>th</sup> November the weather was dry, clear and cold (temperature range 0-2 degrees C) and on the 3<sup>rd</sup> December, it was dull and overcast (temperature range 5- 9 degrees C). The data collected over the two days was between the hours of 08.00 – 16.00hrs.

2.2 Additional surveys have been undertaken with the first one being carried out on Monday the 11<sup>th</sup> February 2019 and the second on the 17<sup>th</sup> March 2019. The weather on the February survey date was cold with an average temperature of 5 degrees C with no rain / snow. The weather on the 17<sup>th</sup> March was between 1 and 5 degrees C bright but with occasional snow showers.

2.3 Further surveys have been carried out on the 13<sup>th</sup> September 2019 (Friday) when the temperature was 16 degrees C, dry and overcast and on the 21<sup>st</sup> September (Saturday) when the weather was a warm 21 degrees C, again dry with sunny periods. The data was collected between the hours of 08.00 – 16.00hrs, the same as all the previous survey dates.

2.4 Although not part of the survey, the proposed diverted route, which is part made up but without a final surface, was observed being used in both directions by members of the public on the latest surveys. However, no official data was recorded as this was not part of our instruction.

### 3.0 Survey Data

#### 3.1 SPEED SURVEY AND TRAFFIC DATA

3.1.1 The initial speed surveys were undertaken along Wolfstones Road on Thursday 30/11/17 and Sunday 3/12/17 respectively between the hours of 8am and 4pm at a point close to the exit location onto the major road of the diverted footpath. The speed survey data also provided information on the number of trips made along Wolfstones Road during a typical weekday and on potentially the busiest day for walkers i.e. on a Sunday. A second set of surveys have been undertaken in February, March and September 2019 again between the hours of 8am and 4pm in the same location as the 2017 surveys.

#### 3.1.2 Thursday the 30/11/17

This survey was undertaken on a dry but cold day with temperatures of between 0- and 2-degrees during daylight hours. Traffic was very light both from the Upperrthong direction and Moor Lane (B6107), with only 150 vehicles recorded in total. 84 vehicle trips were recorded from the B6107 direction and 66 from Upperrthong.

3.1.3 The 85<sup>th</sup> percentile wet weather speed of vehicles travelling from Upperrthong was 18.85mph. The 85<sup>th</sup> Percentile wet weather speeds from Moor Lane was 18.23mph. The speed survey data can be found in Appendix A.

3.1.4 As part of the speed survey data, the survey Company were able to provide details of the actual times of vehicle usage of the lane. This data can be found on our spreadsheet in Appendix B. It can be noted from the data collected on the 30<sup>th</sup> November that there was no real peak time along this route apart from a minor peak between 09.00 – 09.15hrs when there were 12 recorded trips. The remainder of the day had between 2 and 9 trips but with the average being some 5 trips during any 15-minute period i.e., 1 trip every 3 minutes or so. This trip rate, associated with the very low 85<sup>th</sup>ile speeds, would have no detriment to pedestrian safety given the relatively short section of highway that the pedestrians would have to traverse to meet the former Prow exit point onto Wolfstones Road.

#### 3.1.5 Sunday 3<sup>rd</sup> December

This survey was undertaken again during dry conditions when the weather was overcast and with day time temperatures between 5- and 9-degrees C during daylight hours. Traffic movements were lighter than on the previous Thursday with only 122 trips during the survey

period – again 08.00 – 16.00hrs. 73 vehicle trips were recorded from the B6107 direction and only 49 from the direction of Upperthong.

3.1.6 The 85%ile wet weather speed of vehicles on the 3<sup>rd</sup> December travelling from the direction of the B6107 was 21.782 mph and from Upperthong 21.485 mph, slightly higher than those recorded on the 30<sup>th</sup> November which could be attributed to the weather conditions. The speed survey data can be found on the spreadsheet in Appendix A.

3.1.7 The traffic data collected in 2017 revealed that during most of the day the vehicle movements were low, however, there were slight peaks between 12.00 – 12.15 / 13.00 – 13.15 and 13.45 – 14.00hrs. The additional trips at these times could be associated with the “Sunday Lunch” trade. During some of the 15-minute segments there was no traffic movements at all and with a lower overall average of only 4 trips. Notwithstanding the minor increase in 85%ile speeds, it must be acknowledged that vehicle movements are lighter overall on a weekend. The data associated with the vehicle trips on this date can be found in Appendix B.

3.1.8 **Monday 11<sup>th</sup> February 2019**

The survey was again undertaken during dry road surface conditions. The weather was cold with an average temperature of 5 degrees C with no rain / snow. The data was collected between the hours of 08.00 – 16.00 hrs for consistency. The overall traffic movements were higher than the previous survey dates with 179 two-way trips recorded with almost the same number of trips in both directions with only one trip by a farm vehicle recorded.

3.1.9 The 85%ile vehicle speed of vehicles recorded during this survey revealed that from the direction of the B6107 was 18.178 mph and from Upperthong 19.915 mph. Slightly higher than the November 2017 survey but lower than the survey recorded in December 2017. The speed survey data can be found at Appendix A.

3.1.10 The traffic survey data for February 2019 again revealed slight peaks between 09.30 – 09.45 / 12.15.-12.30 / 13.45 – 14.00 and 15.30 and 15.45. Also, during some of the 15-minute segments there were again no traffic movements at all or just some 3 – 4 trips. Traffic speeds were again low with speeds recorded between 18 and 20mph. The survey data for February 2019 can be found in Appendix A.

**3.1.11 Sunday 17<sup>th</sup> March 2019**

The survey data for the 17<sup>th</sup> March 2019 again revealed that there were peaks at the beginning and end of the recognised lunch times. Speeds were slightly higher with recorded 85<sup>th</sup>ile speeds of some 20 -21 mph. The Survey data can be found in Appendix A.

**3.1.12 Friday 13<sup>th</sup> September 2019**

This survey was undertaken with dry road surface conditions. The data was collected between the hours previously set i.e. 08.00 – 16.00hrs. During the allotted time there were 191 trips recorded inclusive of 6no. farm vehicles. 79 vehicles from the direction of Upperthong and 106 trips from the direction of Moor Lane. There were two peaks recorded in traffic movements between 08.45 – 09.15 - 24 trips and between 13.00 – 13.30 - 21 trips.

3.1.13 The 85<sup>th</sup>ile recorded wet weather speeds were slightly below the average speeds previously recorded of between 16 and 18 mph. The survey data can be found at Appendix A.

**3.1.14 Saturday 21st September 2019**

Again, this survey was undertaken with dry road surface conditions and during fine and warm weather conditions. The highest number of vehicle trips were recorded during this survey period with a total of 230 trips inclusive of 5 farm vehicles. The vehicle movements from Upperthong totalled 97 no. and from the Moor Lane direction 133 no. There were noticeable peaks between 09.30 and 10.30 and 11.30 – 12.30.

3.1.15 The recorded 85<sup>th</sup>ile wet weather speeds were very similar to other surveys with the vehicle speeds being recorded of between 17.7 and 18.8 mph. Again, within the average speeds previously recorded. The full survey data can be found in Appendix A.



## 3.2 PEDESTRIAN SURVEYS

### 3.2.1 30th November 2017

Pedestrian survey data was collected during the same period as the traffic count data and we have transposed this onto our spreadsheet which can be found in Appendix C. The basic information this provided was that out of the total number of pedestrian movements in that location there were just 13 pedestrians who utilised the definitive right of way out of the 32 pedestrian movements in that location during the 8-hour survey period – some 40%.

### 3.2.2 3<sup>rd</sup> December 2017

Acknowledging the data collected on Thursday in November the December survey information confirmed that the number of pedestrians utilising the PRoW was significantly higher on a Sunday with 23 pedestrian movements along the PRoW out of the total pedestrian journeys (59 no.) made in and around this location – some 38%. Our spreadsheet can be found in Appendix C.

### 3.2.3 11<sup>th</sup> February 2019

The survey revealed that the number of pedestrians utilising the PRoW was only 12 no. out of an overall 32 pedestrian journeys carried out in the locality – 37.5%.

### 3.2.4 17<sup>th</sup> March 2019

This survey information revealed that out of the 64 pedestrians using the local network only 24 utilised the Public Right of Way again accounting for 37.5% of the journeys on foot in this locality.

### 3.2.5 13<sup>th</sup> September 2019

The pedestrian movements for the full 8-hour period was low with only 22 pedestrian trips (including 1 runner) being recorded. The number using the public right of way was only 9 no.

### 3.2.6 21st September 2019

Pedestrian survey data for Saturday revealed that the number of pedestrian trips was relatively high, however, this included a walking group which consisted of 38 people, walking up the footpath towards the Trig Point. This significantly increased the actual total for the survey period. We have reason to believe that that this group was not part of an “official” walking group, but was part of a memorial walk and they gathered at a memorial bench area on private land beyond the Trig Point. Although the number of pedestrians utilising the right of way was

65no. out of a total of 82 pedestrian's journeys in this locality, this would have been significantly lower, and nearer the average for a weekend survey, without the walking group. The survey data can be found in Appendix C.

### 3.3 CYCLE AND EQUESTRIAN SURVEY

#### 3.3.1 30<sup>th</sup> November 2017

The data collected on this date revealed that only a small number of trips were made by cycle on that day – just 5 trips in total. 4 trips towards Upperthong and just 1 trip towards the B6107. No cyclists were noted utilising the PRow. The results of the survey can be found in Appendix D.

#### 3.3.2 3<sup>rd</sup> December 2017

The information obtained on Sunday the 3<sup>rd</sup> December obviously highlighted an increase in the number journeys made by cycle and also that there was also some equestrian use of Wolfstones Road. The survey details identify there were 26 journeys made by cycle in several directions, however, the majority were along Wolfstones Road. However, the number of cycle journeys was not significant to warrant a reason for concern in relation to any conflict with pedestrians.

#### 3.3.3 11<sup>th</sup> February 2019

The information gained from this survey revealed that the number of journeys made by cycle were low with only 4 trips made during a 5-hour period, however, the number of trips made on horseback slightly increased to 5 trips with 4 journeys utilising the public footpath and 1 journey from the Moor Lane direction towards Upperthong.

#### 3.3.4 17<sup>th</sup> March 2019

The data collected revealed that no horse riders used this section of Wolfstones Road during the survey period. The number of cyclists using the Wolfstones Road was considered low for a Sunday.

#### 3.3.5 13<sup>th</sup> September 2019

The information gained from the survey on Friday the 13<sup>th</sup> September revealed a total of just 12 trips by cycle along the Wolfstones Road. However, there were 6no. made on horseback that day.

**3.3.6 13<sup>th</sup> September 2019**

There was an increase in the number of cycle journeys made along the local route on the Saturday. 9 of the journeys were made by a cycling club. 4 cyclists also utilised the route along the public footpath to the trig point.

3.3.7 The surveys did note that equestrian use of Wolfstones Road was evident during the survey period, however, the trips generated were very low over all the survey dates. This, however, still identifies that horse riders feel safe using Wolfstones Road as a means of access as part of their journey in the local area, by the number of trips made by this mode of transport would not pose a conflict with other road users. The cycle and equestrian survey data can be found in Appendix D.

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**4.0 ACCIDENT DATA**

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- 4.1 The accident records for the area in and around the site for the 5 years up to December 2018 along the Wolfstones Road has been obtained from the Department for Transport's web site – Crashmap which revealed that there have been no recorded injury accidents in this location during the search period. This confirms that the local highway operates in a safe and efficient manner.

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**5.0 JOURNEY TIMES**

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- 5.1 The proposed diversion of the public footpath will see an increase in journey times for walkers / pedestrians who are travelling towards Upperthong or the Trig point. Walkers travelling towards the B6107 will not be affected by the changes in alignment. The additional distance to travel for those affected, from the point of the proposed diversion of the footpath to the current termination point opposite the TRIP Point land by the changes, is approximately 400 metres which is no more than a 5-minute walk based upon the IHT Guidelines for walking. Users of the proposed diverted footpath travelling towards Moor Lane, will have a reduction in travel time and distance than utilising the current line of the path.

**6.0 OVERALL COMPARISONS****6.1 Vehicle Speeds**

30/11/2017		3/12/2017	
From B6107	From Upperthong	From B6107	From Upperthong
18.23	18.85	21.78	21.48

11/2/2019		17/3/2019	
From B6107	From Upperthong	From B6107	From Upperthong
18.17	19.91	21.06	20.41

13/9/2019		21/9/2019	
From B6107	From Upperthong	From B6107	From Upperthong
16.29	18.05	17.37	18.88

6.2 As can be noted from the information provided above the 85<sup>th</sup>ile wet weather speeds varied over the survey dates as follows:

From B6107 between - 16.29 – 21.78 mph

From Upperthong between – 18.05 – 21.48 mph

Notwithstanding the variations in the recorded speeds they are still within accepted tolerances for variations in traffic speeds and are well below the posted speed limit. Vehicle speeds along this length of the highway are confirmed as being low which probably acknowledges the general nature of the route and its horizontal and vertical alignment.

## 6.3 Traffic Movements

30/11/2017		3/12/2017	
From B6107	From Upperthong	From B6107	From Upperthong
84	66	73	49
<b>Total Trips</b>	<b>150</b>	<b>Total Trips</b>	<b>122</b>

11/2/2019		17/3/2019	
From B6107	From Upperthong	From B6107	From Upperthong
87	92	93	73
<b>Total Trips</b>	<b>179</b>	<b>Total Trips</b>	<b>166</b>

13/9/2019		21/9/2019	
From B6107	From Upperthong	From B6107	From Upperthong
108	83	133	97
<b>Total Trips</b>	<b>191</b>	<b>Total Trips</b>	<b>230</b>

- 6.4 The traffic surveys revealed that Wolfstones Road is only lightly trafficked and even on the most recorded heavily trafficked day (21/9/19) still only generated a vehicle trip along the site frontage every 2.08 minutes or so on average. However, the data provided does acknowledge that the actual movements across the site frontage were generally over a greater timescale with minor peaks at varying times.
- 6.5 This level of traffic movement across the site frontage and the related vehicle speeds would not warrant a reason for concern in relation to highway / pedestrian safety in respect of the additional distance of approximately 120 metres or thereabouts, from the current termination point to the diverted termination point and vice versa on Wolfstones Road, that pedestrians will have to travel as a result of the minor diversion of the public footpath, assuming the desired direction of travel is south towards Upperthong, which the survey identifies is not by any means always the case. Where the direction of travel is northwards towards Moor Lane, then travel time and distance is less than the current footpath.

## 6.6 Pedestrian Movements

30/11/2017		3/12/2017	
Utilising PRoW	Wolfstones Road / TRIG Point	Utilising PRoW	Wolfstones Road / TRIG Point
13	19	23	36
<b>Total Trips</b>	<b>32</b>	<b>Total Trips</b>	<b>59</b>

11/2/2019		17/3/2019	
Utilising PRoW	Wolfstones Road / TRIG Point	Utilising PRoW	Wolfstones Road / TRIG Point
12	20	24	40
<b>Total Trips</b>	<b>32</b>	<b>Total Trips</b>	<b>64</b>

13/9/2019		21/9/2019	
Utilising PRoW	Wolfstones Road / TRIG Point	Utilising PRoW	Wolfstones Road / TRIG Point
5	17	18	64
<b>Total Trips</b>	<b>22</b>	<b>Total Trips</b>	<b>82</b>

6.7 The Public Right of Way is reasonably well used with pedestrian trips along the route varying across the survey's dates with between 5 and 24 trips. The accident data confirms that the Wolfstones Road operates safely and well within capacity with wide verges to utilise should pedestrians meet an oncoming vehicle. Bearing in mind that vehicle speeds are low the potential for pedestrian vehicle conflict are considered to be equally low.

## 6.8 Equestrian Use

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A table of equestrian related movements along the site frontage has not been provided as these have been low (with a maximum of 6 trips on any one day) or non-existent. The use of the footpath by horse riders was more than likely to be the land owner who keeps and exercises horses. Therefore, potential conflict with horse riders is equally low. The footpath has no status as a bridle route.

## 6.9 Cycle Use

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The use of Wolfstones Road by cyclist has varied considerably over the survey dates as follows:

Date	30/11/17	3/12/17	11/2/19	17/3/19	13/9/19	21/9/19
Cycle trips	5	26	4	15	12	27

The survey data did note as expected that Saturdays and Sundays were the busiest days for cyclists, however, the overall number involved were not particularly high. Saturday the 21<sup>st</sup> September did include one cycling club of 9 individual cyclists.



## 7.0 CONCLUSIONS

- 7.1 In conclusion, the surveys undertaken provide an accurate and detailed snapshot of the use of a short section local highway, which will see a slight increase in pedestrian trips due to the proposal to divert a public footpath linking onto the Wolfstones Road. The surveys include a typical working day and the most popular days to walk in the local area i.e. a Saturday or Sunday. The surveys confirmed that traffic speeds are very low along this section of Wolfstones Road and the number of vehicle trips is also low over the 8-hour periods surveyed.
- 7.2 The visibility for pedestrians egressing the proposed diverted footpath's junction onto the Wolfstones Road of oncoming traffic is considerably improved from the existing situation. Intervisibility for drivers travelling along the major road of pedestrians stepping onto the carriageway or verge is also to a high standard. Taking into account the frequency of vehicle movements along Wolfstones Road, the low speed of those vehicles, together with the frequency of pedestrian activity, the proposed relocation of the footpath entry point onto Wolfstones Road can only serve to further reduce the potential for accidents.
- 7.3 It is also the case that the only increase in journey length will be from the diversion route termination on the Wolfstones Road towards Upperthong from the existing termination point and vice versa (if applicable). Where users are travelling north towards Moor Lane from the diverted footpath (and vice versa) then this results in shorter journey times and distances compared with the current situation. Again, pedestrians have been observed using the unfinished diverted footpath and presumably benefitting from this.
- 7.4 The information obtained would also confirm that the local highway network operates safely and the minor increase in journey length along a short section of the Wolfstones Road should not result in any significant or even notable conflict with existing users and the Council are respectfully requested to accept the findings of this report.

# Appendix A

## Speed Surveys

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JOB NUMBER  
DATE OF SURVEY  
START TIME  
FINISH TIME

03/12/2017  
08:00  
16:00

### SPEED SURVEY 3

LOCATION Wolfstones Heights Farm Wolfstones Road Upperthong  
DIRECTION OF TRAVEL From Upperthong Temp 5 to 9 Degrees

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26	2	51		76	
2		27	1			77	
3		28		53		78	
4		29	1	54		79	
5		30	1	55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12		37		62		87	
13		38		63		88	
14	2	39		64		89	
15	2	40		65		90	
16	5	41		66		91	
17		42		67		92	
18	7	43		68		93	
19	4	44		69		94	
20	9	45		70		95	
21	3	46		71		96	
22	7	47		72		97	
23	1	48		73		98	
24	3	49		74		99	
25	1	50		75		100	

49

DUAL CARRIAGEWAY?

MEAN SPEED 20.3061224

SINGLE CARRIAGEWAY?  Y

STANDARD DEVIATION 3.6640374

WET ROAD SURFACE?  N

85th PERCENTILE 23.9701598

85th PERCENTILE WET WEATHER SPEED 21.4851598 ✓



JOB NUMBER  
DATE OF SURVEY  
START TIME  
FINISH TIME

30/11/17  
08:00  
16:00

## SPEED SURVEY 2

LOCATION Wolfstones Heights Farm Wolfstones Road Upperthong  
DIRECTION OF TRAVEL From Moor Lane

Temp 0 to 2 Degrees

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26		51		76	
2		27				77	
3		28		53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12	2	37		62		87	
13	2	38		63		88	
14	9	39		64		89	
15	7	40		65		90	
16	11	41		66		91	
17	9	42		67		92	
18	15	43		68		93	
19	4	44		69		94	
20	12	45		70		95	
21	2	46		71		96	
22	4	47		72		97	
23	3	48		73		98	
24	4	49		74		99	
25		50		75		100	

84

DUAL CARRIAGEWAY?

MEAN SPEED 17.75

SINGLE CARRIAGEWAY?  Y

STANDARD DEVIATION 2.96515913

WET ROAD SURFACE?  N

85th PERCENTILE 20.7151591

85th PERCENTILE WET WEATHER SPEED 18.2301591 ✓



JOB NUMBER  
DATE OF SURVEY  
START TIME  
FINISH TIME

30/11/17  
08:00  
16:00

### SPEED SURVEY 1

LOCATION Wolfstones Heights Farm Wolfstone Road

DIRECTION OF TRAVEL From Upperthong

Temp 0 upto 2 Degrees

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26		51		76	
2		27				77	
3		28		53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12		37		62		87	
13		38		63		88	
14	4	39		64		89	
15	5	40		65		90	
16	8	41		66		91	
17	8	42		67		92	
18	6	43		68		93	
19	8	44		69		94	
20	11	45		70		95	
21	5	46		71		96	
22	6	47		72		97	
23	2	48		73		98	
24	3	49		74		99	
25		50		75		100	

66

DUAL CARRIAGEWAY?

MEAN SPEED 18.6363636

SINGLE CARRIAGEWAY?  Y

STANDARD DEVIATION 2.69835485

WET ROAD SURFACE?  N

85th PERCENTILE 21.3347185

85th PERCENTILE WET WEATHER SPEED 18.8497185 ✓



JOB NUMBER  
DATE OF SURVEY  
START TIME  
FINISH TIME

17/03/2019  
08:00  
16:00

### SPEED SURVEY

LOCATION Wolfstones

DIRECTION OF TRAVEL From Upperthong

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26	2	51		76	
2		27	1	52		77	
3		28		53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12		37		62		87	
13	1	38		63		88	
14		39		64		89	
15	2	40		65		90	
16	5	41		66		91	
17	5	42		67		92	
18	8	43		68		93	
19	8	44		69		94	
20	10	45		70		95	
21	12	46		71		96	
22	8	47		72		97	
23	3	48		73		98	
24	2	49		74		99	
25	3	50		75		100	

70

DUAL CARRIAGEWAY?

MEAN SPEED 20.0428571

SINGLE CARRIAGEWAY?  Y

STANDARD DEVIATION 2.85614372

WET ROAD SURFACE?  N

85th PERCENTILE 22.8990009

85th PERCENTILE WET WEATHER SPEED 20.4140009 ✓



JOB NUMBER  
DATE OF SURVEY  
START TIME  
FINISH TIME

03/12/2017  
08:00  
16:00

#### SPEED SURVEY 4

LOCATION Wolfstones Heights Farm Wolfstones Road Upperthong  
DIRECTION OF TRAVEL From Moor Lane Temp 5 to 9 Degrees

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26	4	51		76	
2		27	3			77	
3		28	2	53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12		37		62		87	
13		38		63		88	
14	1	39		64		89	
15		40		65		90	
16	6	41		66		91	
17	2	42		67		92	
18	12	43		68		93	
19	7	44		69		94	
20	10	45		70		95	
21	7	46		71		96	
22	4	47		72		97	
23	7	48		73		98	
24	4	49		74		99	
25	4	50		75		100	

73

DUAL CARRIAGEWAY? 

MEAN SPEED 20.9041096

SINGLE CARRIAGEWAY?  Y

STANDARD DEVIATION 3.36305245

WET ROAD SURFACE?  N

85th PERCENTILE 24.267162

85th PERCENTILE WET WEATHER SPEED 21.782162 ✓



JOB NUMBER  
 DATE OF SURVEY  
 START TIME  
 FINISH TIME

11/02/2019  
 09:00  
 16:00

**SPEED SURVEY**

LOCATION Wolfstones  
 DIRECTION OF TRAVEL From Upperthong

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26		51		76	
2		27	1	52		77	
3		28		53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11	1	36		61		86	
12		37		62		87	
13		38		63		88	
14	2	39		64		89	
15	1	40		65		90	
16	12	41		66		91	
17	6	42		67		92	
18	7	43		68		93	
19	5	44		69		94	
20	10	45		70		95	
21	3	46		71		96	
22	5	47		72		97	
23	4	48		73		98	
24	3	49		74		99	
25	3	50		75		100	

63

DUAL CARRIAGEWAY?

MEAN SPEED 19.1746032

SINGLE CARRIAGEWAY?  Y

STANDARD DEVIATION 3.22560163

WET ROAD SURFACE?  N

85th PERCENTILE 22.4002048

85th PERCENTILE WET WEATHER SPEED 19.9152048 ✓





JOB NUMBER  
 DATE OF SURVEY  
 START TIME  
 FINISH TIME

11/02/2019
09:00
16:00

**SPEED SURVEY**

LOCATION Wolfstones  
 DIRECTION OF TRAVEL Moor Lane

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26	1	51		76	
2		27		52		77	
3		28		53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12	1	37		62		87	
13	1	38		63		88	
14	9	39		64		89	
15	7	40		65		90	
16	9	41		66		91	
17	11	42		67		92	
18	8	43		68		93	
19	12	44		69		94	
20	9	45		70		95	
21	6	46		71		96	
22	1	47		72		97	
23	2	48		73		98	
24	1	49		74		99	
25	1	50		75		100	

	79	DUAL CARRIAGEWAY?	
MEAN SPEED	17.8227848	SINGLE CARRIAGEWAY?	Y
STANDARD DEVIATION	2.84090765	WET ROAD SURFACE?	N
85th PERCENTILE	20.6636925		
85th PERCENTILE WET WEATHER SPEED	18.1786925		✓



JOB NUMBER  
 DATE OF SURVEY  
 START TIME  
 FINISH TIME

17/03/2019  
 08:00  
 16:00

**SPEED SURVEY**

LOCATION Wolfstones  
 DIRECTION OF TRAVEL From Moor Lane

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26	4	51		76	
2		27	1	52		77	
3		28	1	53		78	
4		29	1	54		79	
5		30		55		80	
6		31	1	56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12		37		62		87	
13		38		63		88	
14		39		64		89	
15		40		65		90	
16	4	41		66		91	
17	4	42		67		92	
18	14	43		68		93	
19	19	44		69		94	
20	11	45		70		95	
21	13	46		71		96	
22	8	47		72		97	
23	7	48		73		98	
24	1	49		74		99	
25	3	50		75		100	

	92	DUAL CARRIAGEWAY?	
MEAN SPEED	20.576087	SINGLE CARRIAGEWAY?	Y
STANDARD DEVIATION	2.96956613	WET ROAD SURFACE?	N
85th PERCENTILE	23.5456531		
85th PERCENTILE WET WEATHER SPEED	21.0606531		✓



**JOB NUMBER**  
**DATE OF SURVEY**  
**START TIME**  
**FINISH TIME**

21/09/2019  
 08:00  
 16:00

**SPEED SURVEY**

**LOCATION** Wolfstone Heights Farm  
**DIRECTION OF TRAVEL** From Upperthong

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26		51		76	
2		27	1	52		77	
3		28		53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12	1	37		62		87	
13	3	38		63		88	
14	1	39		64		89	
15	5	40		65		90	
16	6	41		66		91	
17	16	42		67		92	
18	11	43		68		93	
19	10	44		69		94	
20	6	45		70		95	
21	8	46		71		96	
22	3	47		72		97	
23	7	48		73		98	
24	1	49		74		99	
25		50		75		100	

79

DUAL CARRIAGEWAY?

MEAN SPEED 18.5063291

SINGLE CARRIAGEWAY?  Y

STANDARD DEVIATION 2.85941279

WET ROAD SURFACE?  N

85th PERCENTILE 21.3657419

85th PERCENTILE WET WEATHER SPEED 18.8807419 ✓



JOB NUMBER  
 DATE OF SURVEY  
 START TIME  
 FINISH TIME

13/09/2019  
 08:00  
 16:00

**SPEED SURVEY**

LOCATION Wolfstone Heights Farm  
 DIRECTION OF TRAVEL From Moor Lane

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26		51		76	
2		27		52		77	
3		28		53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12	5	37		62		87	
13	6	38		63		88	
14	7	39		64		89	
15	14	40		65		90	
16	15	41		66		91	
17	22	42		67		92	
18	13	43		68		93	
19	5	44		69		94	
20	2	45		70		95	
21	4	46		71		96	
22	3	47		72		97	
23		48		73		98	
24		49		74		99	
25		50		75		100	

96

DUAL CARRIAGEWAY?

MEAN SPEED 16.4479167

SINGLE CARRIAGEWAY?  Y

STANDARD DEVIATION 2.32998664

WET ROAD SURFACE?  N

85th PERCENTILE 18.7779033

85th PERCENTILE WET WEATHER SPEED 16.2929033 ✓



JOB NUMBER  
 DATE OF SURVEY  
 START TIME  
 FINISH TIME

13/09/2019  
 08:00  
 16:00

**SPEED SURVEY**

LOCATION Wolfstone Heights Farm  
 DIRECTION OF TRAVEL From Upperthong

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26		51		76	
2		27		52		77	
3		28		53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12	3	37		62		87	
13	2	38		63		88	
14	1	39		64		89	
15	6	40		65		90	
16	5	41		66		91	
17	12	42		67		92	
18	14	43		68		93	
19	11	44		69		94	
20	7	45		70		95	
21	5	46		71		96	
22	3	47		72		97	
23	2	48		73		98	
24	1	49		74		99	
25		50		75		100	

	72	DUAL CARRIAGEWAY?	
MEAN SPEED	17.9444444	SINGLE CARRIAGEWAY?	Y
STANDARD DEVIATION	2.59408259	WET ROAD SURFACE?	N
85th PERCENTILE	20.538527		
85th PERCENTILE WET WEATHER SPEED	18.053527		✓



JOB NUMBER  
 DATE OF SURVEY  
 START TIME  
 FINISH TIME

21/09/2019  
 08:00  
 16:00

**SPEED SURVEY**

LOCATION Wolfstone Heights Farm  
 DIRECTION OF TRAVEL From Moor Lane

SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS	SPEED (MPH)	NO. OF READINGS
1		26		51		76	
2		27	1	52		77	
3		28		53		78	
4		29		54		79	
5		30		55		80	
6		31		56		81	
7		32		57		82	
8		33		58		83	
9		34		59		84	
10		35		60		85	
11		36		61		86	
12		37		62		87	
13	5	38		63		88	
14	1	39		64		89	
15	4	40		65		90	
16	18	41		66		91	
17	31	42		67		92	
18	22	43		68		93	
19	15	44		69		94	
20	13	45		70		95	
21	11	46		71		96	
22	6	47		72		97	
23		48		73		98	
24		49		74		99	
25		50		75		100	

127

DUAL CARRIAGEWAY?

MEAN SPEED 17.992126

SINGLE CARRIAGEWAY?  Y

STANDARD DEVIATION 2.22359663

WET ROAD SURFACE?  N

85th PERCENTILE 20.2157226

85th PERCENTILE WET WEATHER SPEED 17.7307226 ✓

# Appendix B

## Vehicle Movements

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Vehicle Movements on 30/11/2017

Wolfstones Heights Farm, Upperthong

Time	From Upperthong		From Moor Lane		Accumulated Numbers
	Non-Farm Traffic	Farm Traffic	Non-Farm Traffic	Farm Traffic	
08:00-08:15	1		2		3
08:15-08:30	1		1		2
08:30-08:45	1		1		2
08:45-09:00	1		3		4
09:00-09:15	8		4		12
09:15-09:30	3		3	2	8
09:30-09:45	2		3		5
09:45-10:00	1		4		5
10:00-10:15	2		4		6
10:15-10:30	0		3		3
10:30-10:45	2		4	1	7
10:45-11:00	1		1		2
11:00-11:15	2		3	1	6
11:15-11:30	1		2		3
11:30-11:45	6	1	2		9
11:45-12:00	2	1	0		3
12:00-12:15	3		1		4
12:15-12:30	2		2		4
12:30-12:45	4		2		6
12:45-13:00	2		2		4
13:00-13:15	1		3		4
13:15-13:30	3		3		6
13:30-13:45	2		3		5
13:45-14:00	4		1		5
14:00-14:15	2		2		4
14:15-14:30	2		1		3
14:30-14:45	3		3		6
14:45-15:00	2		2		4
15:00-15:15	3		2		5
15:15-15:30	2		5		7
15:30-15:45	1		2		3
15:45-16:00	2		4		6
Total	72	2	78	4	156





Vehicle Movements on 03/12/2017

Wolfstones Heights Farm, Upperthong

Time	From Upperthong		From Moor Lane		Accumulated Numbers
	Non-Farm Traffic	Farm Traffic	Non-Farm Traffic	Farm Traffic	
08:00-08:15					0
08:15-08:30	1		1		2
08:30-08:45					0
08:45-09:00	2		1		3
09:00-09:15	1		2		3
09:15-09:30	2				2
09:30-09:45	2		2		4
09:45-10:00	2		1		3
10:00-10:15			2		2
10:15-10:30	4		2		6
10:30-10:45	2		3		5
10:45-11:00	1		1		2
11:00-11:15	1		2		3
11:15-11:30	3		2		5
11:30-11:45	2		4		6
11:45-12:00		1	3		4
12:00-12:15	10		2		12
12:15-12:30	1		0		1
12:30-12:45	2		2		4
12:45-13:00	1		5		6
13:00-13:15	3		6		9
13:15-13:30	0		4		4
13:30-13:45	1		1		2
13:45-14:00	5		6	1	12
14:00-14:15	0		7		7
14:15-14:30	1		3		4
14:30-14:45	0		0		0
14:45-15:00	2		2		4
15:00-15:15	0		3		3
15:15-15:30	1		0		1
15:30-15:45	1		2		3
15:45-16:00	1		1		2
<b>Total</b>	<b>52</b>	<b>1</b>	<b>70</b>	<b>1</b>	<b>124</b>



Vehicle Movements 11-2-19

Wolfstones Heights Farm, Upperthong

Time	From Upperthong		From Moor Lane		Accumulated Numbers
	Non-Farm Traffic	Farm Traffic	Non-Farm Traffic	Farm Traffic	
08:00-08:15	3		1		4
08:15-08:30	3		1		4
08:30-08:45	3		1		4
08:45-09:00	5		3		8
09:00-09:15	2		5		7
09:15-09:30	1		3		4
09:30-09:45	3		7		10
09:45-10:00	2		1		3
10:00-10:15	3		3		6
10:15-10:30	4		0		4
10:30-10:45	2		2		4
10:45-11:00	2		4		6
11:00-11:15	3		1		4
11:15-11:30	2		3		5
11:30-11:45	4		4		8
11:45-12:00	2		2	1	5
12:00-12:15	2		4		6
12:15-12:30	7		4		11
12:30-12:45	5		3		8
12:45-13:00	1		3		4
13:00-13:15	2		2		4
13:15-13:30	6		2		8
13:30-13:45	2		2		4
13:45-14:00	5		5		10
14:00-14:15	0		0		0
14:15-14:30	2		1		3
14:30-14:45	1		1		2
14:45-15:00	2		4		6
15:00-15:15	1		2		3
15:15-15:30	1		2		3
15:30-15:45	3		10		13
15:45-16:00	3		5		8
Total	87	0	91	1	179



Vehicle Movements 17-3-19

Wolfstones Heights Farm, Upperthong

Time	From Upperthong		From Moor Lane		Accumulated Numbers
	Non-Farm Traffic	Farm Traffic	Non-Farm Traffic	Farm Traffic	
08:00-08:15	1		0		1
08:15-08:30	0		1		1
08:30-08:45	0		1		1
08:45-09:00	1		2		3
09:00-09:15	0		2		2
09:15-09:30	1		2		3
09:30-09:45	0		2		2
09:45-10:00	2		1		3
10:00-10:15	2		5		7
10:15-10:30	2		4		6
10:30-10:45	6		3		9
10:45-11:00	5		2		7
11:00-11:15	4		2		6
11:15-11:30	3		4		7
11:30-11:45	4		3		7
11:45-12:00	2		4		6
12:00-12:15	2		8		10
12:15-12:30	5		7		12
12:30-12:45	1		1		2
12:45-13:00	4		4		8
13:00-13:15	5		3		8
13:15-13:30	3		7		10
13:30-13:45	4		4		8
13:45-14:00	3		7		10
14:00-14:15	2		2		4
14:15-14:30	1		1		2
14:30-14:45	2		3		5
14:45-15:00	2		1		3
15:00-15:15	3		2		5
15:15-15:30	0		2		2
15:30-15:45	2		2		4
15:45-16:00	1		1		2
Total	73	0	93	0	166



Vehicle Movements on 13/09/2019

Wolfstones Heights Farm, Upperthong

Time	From Upperthong		From Moor Lane		Accumulated Numbers
	Non-Farm Traffic	Farm Traffic	Non-Farm Traffic	Farm Traffic	
08:00-08:15			0		0
08:15-08:30	1		0		1
08:30-08:45	3		2		5
08:45-09:00	6		11		17
09:00-09:15	3	1	5		9
09:15-09:30	3		2		5
09:30-09:45	3		5		8
09:45-10:00	1		3		4
10:00-10:15	2		3		5
10:15-10:30	4		3		7
10:30-10:45	3		4		7
10:45-11:00	2		5		7
11:00-11:15	2		5		7
11:15-11:30	2		1		3
11:30-11:45	0		3		3
11:45-12:00	4		3		7
12:00-12:15	3		3		6
12:15-12:30	1		2		3
12:30-12:45	2		2		4
12:45-13:00	2		3		5
13:00-13:15	4		3		7
13:15-13:30	7	1	5	1	14
13:30-13:45	4	1	1		6
13:45-14:00	2	1	4		7
14:00-14:15	3		3		6
14:15-14:30	1		3	1	5
14:30-14:45	4		4		8
14:45-15:00	0		9		9
15:00-15:15	2		4		6
15:15-15:30	2		3		5
15:30-15:45	0		2		2
15:45-16:00	3		0		3
<b>Total</b>	<b>79</b>	<b>4</b>	<b>106</b>	<b>2</b>	<b>191</b>



Vehicle Movements on 21/09/2019

Wolfstones Heights Farm, Upperthong

Time	From Upperthong		From Moor Lane		Accumulated Numbers
	Non-Farm Traffic	Farm Traffic	Non-Farm Traffic	Farm Traffic	
08:00-08:15	1		0		1
08:15-08:30	1		1		2
08:30-08:45	1		2		3
08:45-09:00	8		2		10
09:00-09:15	4		3		7
09:15-09:30	3		6		9
09:30-09:45	5		5		10
09:45-10:00	5	1	5	1	12
10:00-10:15	7		4		11
10:15-10:30	3		7		10
10:30-10:45	0		4		4
10:45-11:00	3		3		6
11:00-11:15	7		5		12
11:15-11:30	3		4		7
11:30-11:45	4		9		13
11:45-12:00	1		10		11
12:00-12:15	5	1	5		11
12:15-12:30	6		9		15
12:30-12:45	2		2		4
12:45-13:00	6	1	5	1	13
13:00-13:15	4		7		11
13:15-13:30	0		3		3
13:30-13:45	1		4		5
13:45-14:00	3		7		10
14:00-14:15	2		3		5
14:15-14:30	1		2		3
14:30-14:45	2		4		6
14:45-15:00	0		0		0
15:00-15:15	1		3		4
15:15-15:30	1		2		3
15:30-15:45	2		3		5
15:45-16:00	2		2		4
<b>Total</b>	<b>94</b>	<b>3</b>	<b>131</b>	<b>2</b>	<b>230</b>

# Appendix C

## **Pedestrian Movements**

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Pedestrian Movements on 3/12/2017  
 Wolfstones Heights Farm, Upperthong

Time	From Footpath HOL/60/20 Towards Moor Lane	From Footpath HOL/60/20 towards Upperthong	From Footpath HOL/60/20 Towards Trig Point	From Moor Lane Towards Footpath HOL/60/20	From Moor Lane Towards Upperthong	From Moor Lane Towards Trig Point	From Upperthong Towards Footpath HOL/60/20	From Upperthong Towards Moor Lane	From Upperthong Towards Trig Point	From Trig Point Towards Footpath HOL/60/20	From Trig Point Towards Moor Lane	From Trig Point Towards Upperthong
08:00-08:15												
08:15-08:30												
08:30-08:45												
08:45-09:00												
09:00-09:15												
09:15-09:30								2			1	
09:30-09:45			1	1								
09:45-10:00										1		
10:00-10:15				2						1		
10:15-10:30							1					
10:30-10:45	1								1			
10:45-11:00							2	2				
11:00-11:15								1	2			
11:15-11:30			3									
11:30-11:45								3				
11:45-12:00			1						3			
12:00-12:15			2				1					
12:15-12:30								2				
12:30-12:45					2							2
12:45-13:00					1							
13:00-13:15			6			3						
13:15-13:30					2							
13:30-13:45												
13:45-14:00											3	
14:00-14:15												
14:15-14:30					1							1
14:30-14:45												
14:45-15:00												1
15:00-15:15						1						
15:15-15:30												
15:30-15:45								2				
15:45-16:00												
Total	1	0	13	3	7	3	4	10	8	2	4	4



Pedestrian Movements on 30/11/2017  
 Wolfstones Heights Farm, Upperthong

Time	From Footpath HOL/60/20 Towards Moor Lane	From Footpath HOL/60/20 towards Upperthong	From Footpath HOL/60/20 Towards Trig Point	From Moor Lane Towards Footpath HOL/60/20	From Moor Lane Towards Upperthong	From Moor Lane Towards Trig Point	From Upperthong Towards Footpath HOL/60/20	From Upperthong Towards Moor Lane	From Upperthong Towards Trig Point	From Trig Point Towards Footpath HOL/60/20	From Trig Point Towards Moor Lane	From Trig Point Towards Upperthong
08:00-08:15												
08:15-08:30												
08:30-08:45				1			1					
08:45-09:00												
09:00-09:15												
09:15-09:30												
09:30-09:45			1									
09:45-10:00												
10:00-10:15							1					
10:15-10:30						2						
10:30-10:45					1							
10:45-11:00					2	1						
11:00-11:15												
11:15-11:30			1									
11:30-11:45								1			1	
11:45-12:00										1		
12:00-12:15		1		1								
12:15-12:30												
12:30-12:45					2							
12:45-13:00		1						1				
13:00-13:15			1		1							
13:15-13:30												
13:30-13:45					2							
13:45-14:00												
14:00-14:15		1				1						
14:15-14:30		1										
14:30-14:45					2							
14:45-15:00								1				
15:00-15:15			1		1							
15:15-15:30												
15:30-15:45												
15:45-16:00												
Total	0	4	4	2	11	4	2	2	1	1	1	0





Pedestrian Movements 11-2-19

Wolfstones Heights Farm, Uppershong

Time	From Footpath HOL/60/20 Towards Moor Lane	From Footpath HOL/60/20 towards Uppershong	From Footpath HOL/60/20 Towards Trig Point	From Moor Lane Towards Footpath HOL/60/20	From Moor Lane Towards Uppershong	From Moor Lane Towards Trig Point	From Uppershong Towards Footpath HOL/60/20	From Uppershong Towards Moor Lane	From Uppershong Towards Trig Point	From Trig Point Towards Footpath HOL/60/20	From Trig Point Towards Moor Lane	From Trig Point Towards Uppershong
08:00-08:15												
08:15-08:30					1							
08:30-08:45												
08:45-09:00												
09:00-09:15												
09:15-09:30					1		2					
09:30-09:45		1			2							
09:45-10:00												
10:00-10:15					1							
10:15-10:30												4
10:30-10:45												
10:45-11:00											1	
11:00-11:15												
11:15-11:30												
11:30-11:45												
11:45-12:00					1				1			
12:00-12:15												
12:15-12:30			1									
12:30-12:45												
12:45-13:00		1							1			
13:00-13:15												
13:15-13:30								1				2
13:30-13:45									1			
13:45-14:00		1	3									
14:00-14:15												
14:15-14:30												
14:30-14:45					1		2	1				1
14:45-15:00							1					
15:00-15:15												
15:15-15:30												
15:30-15:45												
15:45-16:00												
Total	0	3	4	0	7	0	5	2	3	0	1	7



Pedestrian Surveys 17/3/19

Wolfstones Heights Farm, Upperthong

Time	From Footpath HOL/60/20 Towards Moor Lane	From Footpath HOL/60/20 towards Upperthong	From Footpath HOL/60/20 Towards Trig Point	From Moor Lane Towards Footpath HOL/60/20	From Moor Lane Towards Upperthong	From Moor Lane Towards Trig Point	From Upperthong Towards Footpath HOL/60/20	From Upperthong Towards Moor Lane	From Upperthong Towards Trig Point	From Trig Point Towards Footpath HOL/60/20	From Trig Point Towards Moor Lane	From Trig Point Towards Upperthong
08:00-08:15												
08:15-08:30												
08:30-08:45								1				
08:45-09:00								1		1		
09:00-09:15												
09:15-09:30												
09:30-09:45								1				
09:45-10:00						1						
10:00-10:15					1							
10:15-10:30												
10:30-10:45							3					
10:45-11:00						1						
11:00-11:15					2	1		2				
11:15-11:30		1			2	1			1			
11:30-11:45			1					2				
11:45-12:00									1			
12:00-12:15									2			
12:15-12:30												
12:30-12:45							2					
12:45-13:00			2									
13:00-13:15					2				3			3
13:15-13:30		1										
13:30-13:45							2					
13:45-14:00							3					
14:00-14:15							4					
14:15-14:30			1									
14:30-14:45					1							2
14:45-15:00			1				1					
15:00-15:15												
15:15-15:30			1			1			2			
15:30-15:45					2							
15:45-16:00					2							2
Total	0	2	6	0	12	5	15	7	9	1	0	7



Pedestrian Movements on 13/9/19  
 Wolfstones Heights Farm, Upperrthong

Time	From Footpath HOL/60/20 Towards Moor Lane	From Footpath HOL/60/20 towards Upperrthong	From Footpath HOL/60/20 Towards Trig Point	From Moor Lane Towards Footpath HOL/60/20	From Moor Lane Towards Upperrthong	From Moor Lane Towards Trig Point	From Upperrthong Towards Footpath HOL/60/20	From Upperrthong Towards Moor Lane	From Upperrthong Towards Trig Point	From Trig Point Towards Footpath HOL/60/20	From Trig Point Towards Moor Lane	From Trig Point Towards Upperrthong
08:00-08:15												
08:15-08:30							1					
08:30-08:45												1
08:45-09:00												
09:00-09:15												
09:15-09:30		1							1			
09:30-09:45												
09:45-10:00												
10:00-10:15		1										
10:15-10:30								2	1			
10:30-10:45		2										
10:45-11:00					1							
11:00-11:15												
11:15-11:30												
11:30-11:45											2	
11:45-12:00												
12:00-12:15										1 runner		
12:15-12:30					1							
12:30-12:45												
12:45-13:00												
13:00-13:15												
13:15-13:30												
13:30-13:45								2				
13:45-14:00												
14:00-14:15			1									
14:15-14:30										1		
14:30-14:45			1									2
14:45-15:00												
15:00-15:15												
15:15-15:30												
15:30-15:45												
15:45-16:00												
Total	0	4	2	0	2	0	1	4	2	2	2	3



Pedestrian Movements on 21-9-19

Wolfstones Heights Farm, Upperthong

Time	From Footpath HOL/60/20 Towards Moor Lane	From Footpath HOL/60/20 towards Upperthong	From Footpath HOL/60/20 Towards Trig Point	From Moor Lane Towards Footpath HOL/60/20	From Moor Lane Towards Upperthong	From Moor Lane Towards Trig Point	From Upperthong Towards Footpath HOL/60/20	From Upperthong Towards Moor Lane	From Upperthong Towards Trig Point	From Trig Point Towards Footpath HOL/60/20	From Trig Point Towards Moor Lane	From Trig Point Towards Upperthong
08:00-08:15												
08:15-08:30												
08:30-08:45												
08:45-09:00												
09:00-09:15												
09:15-09:30		2					1	1				
09:30-09:45		2										
09:45-10:00		2										
10:00-10:15		2										
10:15-10:30			1	1 runner	1			1		1		1
10:30-10:45					2		1		2			
10:45-11:00												
11:00-11:15		1	1				2					
11:15-11:30					1		1					
11:30-11:45		2										
11:45-12:00												
12:00-12:15			38 walking group									
12:15-12:30												
12:30-12:45												
12:45-13:00												
13:00-13:15												
13:15-13:30					1							
13:30-13:45												
13:45-14:00			2									
14:00-14:15												
14:15-14:30					1			1				
14:30-14:45		1										1
14:45-15:00					1							
15:00-15:15			1							1		
15:15-15:30		2						1		2	2	
15:30-15:45												
15:45-16:00												
Total	0	12	43	1	7	0	5	4	2	4	2	2

# Appendix D

## Cycle and Equestrian Movements

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Cycle / Horse Movements on 3/12/2017  
 Wolfstones Heights Farm, Upperthong

Time	From Footpath HOL/60/20 Towards Moor Lane		From Footpath HOL/60/20 towards Upperthong		From Footpath HOL/60/20 Towards Trig Point		From Moor Lane Towards Footpath HOL/60/20		From Moor Lane Towards Upperthong		From Moor Lane Towards Trig Point		From Upperthong Towards Footpath HOL/60/20		From Upperthong Towards Moor Lane		From Upperthong Towards Trig Point		From Trig Point Towards Footpath HOL/60/20		From Trig Point Towards Moor Lane		From Trig Point Towards Upperthong	
	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses
08:00-08:15																								
08:15-08:30																								
08:30-08:45																								
08:45-09:00																								
09:00-09:15																								
<b>09:15-09:30</b>									1															
09:30-09:45									1															
<b>09:45-10:00</b>									1															
<b>10:00-10:15</b>									1															
<b>10:15-10:30</b>									2						1									
<b>10:30-10:45</b>									2						3									
<b>10:45-11:00</b>																								
11:00-11:15																								
11:15-11:30																								
<b>11:30-11:45</b>									1			3												
<b>11:45-12:00</b>									3															
12:00-12:15																								
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Cycle / Horse Movements on 30/11/2017

Wolfstones Heights Farm, Upperthong

Time	From Footpath HOL/60/20 Towards Moor Lane		From Footpath HOL/60/20 towards Upperthong		From Footpath HOL/60/20 Towards Trig Point		From Moor Lane Towards Footpath HOL/60/20		From Moor Lane Towards Upperthong		From Moor Lane Towards Trig Point		From Upperthong Towards Footpath HOL/60/20		From Upperthong Towards Moor Lane		From Upperthong Towards Trig Point		From Trig Point Towards Footpath HOL/60/20		From Trig Point Towards Moor Lane		From Trig Point Towards Upperthong	
	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses	Cycles	Horses
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Total	0	0	0	0	0	0	9	0	0	0	2	0	0	0	3	0	1	0	0	0	0	0	0	0







Date: 6 July 2021

Our Ref: PAH/1406

Your Ref: DPI/Z4718/21/6

**Mrs Claire Moody – Caseworker Manager**

National Transport Caseworker Team  
Department for Transport  
Tyneside House, Skinnerburn Road  
Newcastle Business Park  
Newcastle Upon Tyne  
NE4 7AR

Dear Mrs Moody

**RE: WOLFSTONE HEIGHTS FARM – PUBLIC INQUIRY**

I write in relation to the above impending Public Inquiry. Paragon Highways was instructed and duly commissioned to undertake Highways Surveys as identified in the attached report dated November 2020, issued in January 2021.

The reporting author was our co-director, Paul Howarth. However, in the last several months, Mr Howarth has retired. Unfortunately, neither myself nor anyone with sufficient experience in the organisation can attend the Public Inquiry during week commencing 23 August 2021. We apologise for any inconvenience that this may cause but assure you that this situation is unintended and unavoidable.

Nevertheless, I can on behalf of Paragon Highways confirm the authenticity and accuracy of what is reported in the attached and its conclusions, following surveys taken over a period of three years.

From our viewpoint, in our professional opinion there is no reason that this stopping up and diversion should not take place. It in fact results in a better and safer outcome compared with the present situation as described in the attached report.

As we are unable to attend the Inquiry, for completeness, we can consent to this letter and attachment being registered as evidence at the forthcoming Public Inquiry.

We can provide any clarification in relation to the attached report should it be required by the DfT in advance of the Inquiry.

Yours sincerely,

**Leigh Ogden** MCIHT MIHE  
Director  
Paragon Highways

cc. Noel Scanlon, Claire Moody, National Caseworker (DfT), The Planning Inspectorate – by email  
Encs: Paragon Highways, Highway Surveys Report.

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



# Official copy of register of title

Title number WYK137187

Edition date 05.11.2018

This official copy shows the entries on the register of title on 14 NOV 2018 at 14:01:14.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 14 Nov 2018.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Nottingham Office.

## A: Property Register

This register describes the land and estate comprised in the title.

WEST YORKSHIRE : KIRKLEES

- 1 (07.06.1978) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Wolfstones Heights Farm, Wolfstones Road, Holmfirth (HD9 3UU).
- 2 (13.09.1995) The land edged and lettered A in red on the filed plan added to the title on 13 September 1995.
- 3 (16.01.1997) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 4 (06.01.1997) ) The land has the benefit of the following rights reserved by a Transfer of the land edged and numbered WYK600977 in green on the filed plan dated 12 December 1996 made between (1) Richard Howard Butterfield (Transferor) and (2) Philip Leigh Andrews and Gwynneth Andrews (Transferees):-

"RESERVING NEVERTHELESS unto the Transferor and his successors in title (in common with the Transferees and their successors in title and all persons authorised by them) full right and liberty with or without vehicles plant machinery and equipment as appropriate and necessary at all reasonable times to enter upon and pass and re-pass along so much of the access road coloured brown including any verge area between the access road and the bounary A-B shown on the said plan bound up within which forms part of the property hereby transferred as is reasonably necessary for the purpose of maintaining repairing and renewing the walls and other parts of the structure of the dwellinghouse Wolfstones Heights Farm and the boundary walls and fences thereof and maintaining repairing cleansing emptying and renewing the septic tank and pipes serving the same now erected and situate upon the adjoining property comprised in the above title number and retained by the Transferor ('the Retained Property') or some part thereof SUBJECT to the Transferor and his successors in title doing no unnecessary damage and reasonably making good all damage occasioned thereto in the exercise of such rights as soon as is reasonably possible.

.....  
..

Title number WYK137187

## A: Property Register continued

The Transferees hereby grant and confirm to the Transferor and his successors in title the owners and occupiers for the time being of the Retained Property full right and liberty to continue using the existing overflow pipe ("the overflow pipe") from the well and the runoff pipe ("the runoff pipe") from the septic tank situate on the Retained Property and leading into and across Field Number 7900 shown on the said plan bound up within and for the purpose of inspecting cleansing maintaining repairing renewing and reinstating the same to enter upon such part of Field Number 7900 as is reasonably necessary at all reasonable times with or without all necessary workmen materials plant tools and equipment SUBJECT to the Transferor and his successors in title doing no unnecessary damage and reasonably making good all damage occasioned thereto in the exercise of such rights as soon as is reasonably possible

IN further consideration of the Premises the Transferees hereby grant to the Transferor but as a personal right only and not so as to extend to his successors in title the right together with members of his family workmen tenants and licensees to use and pass and re-pass across the said access road coloured brown on the said plan bound up within and the continuation thereof forming part of the transferees adjoining property and shown coloured blue on the said plan bound up within with or without motor vehicles agricultural machinery and with or without animals at all reasonable times for the purpose of access to and egress from Fields 8500 and 9300 forming part of the Retained Property."

-NOTE: Original Transfer plan filed under WYK600977.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (13.09.1995) PROPRIETOR: RICHARD HOWARD BUTTERFIELD of Wolfstones Heights Farm, Wolfstones Road, Holmfirth, West Yorkshire HD9 3UU.
- 2 (12.02.2010) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 18 January 2010 in favour of HSBC UK Bank PLC referred to in the Charges Register.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject as mentioned in a Deed of Grant dated 24 June 1970 made between (1) Harry Arthur Booth (2) The Provincial Building Society (3) Philip Leigh Andrews and Gwynneth Andrews and (4) Wright Mellor and Ernest Radcliffe.  
  
-NOTE: Copy filed.
- 2 (12.02.2010) REGISTERED CHARGE dated 18 January 2010.
- 3 (05.11.2018) Proprietor: HSBC UK BANK PLC (Co. Regn. No. 9928412) of Mortgage Service Centre, P.O. Box 6308, Coventry CV3 9LB.

## End of register



**These are the notes referred to on the following official copy**

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

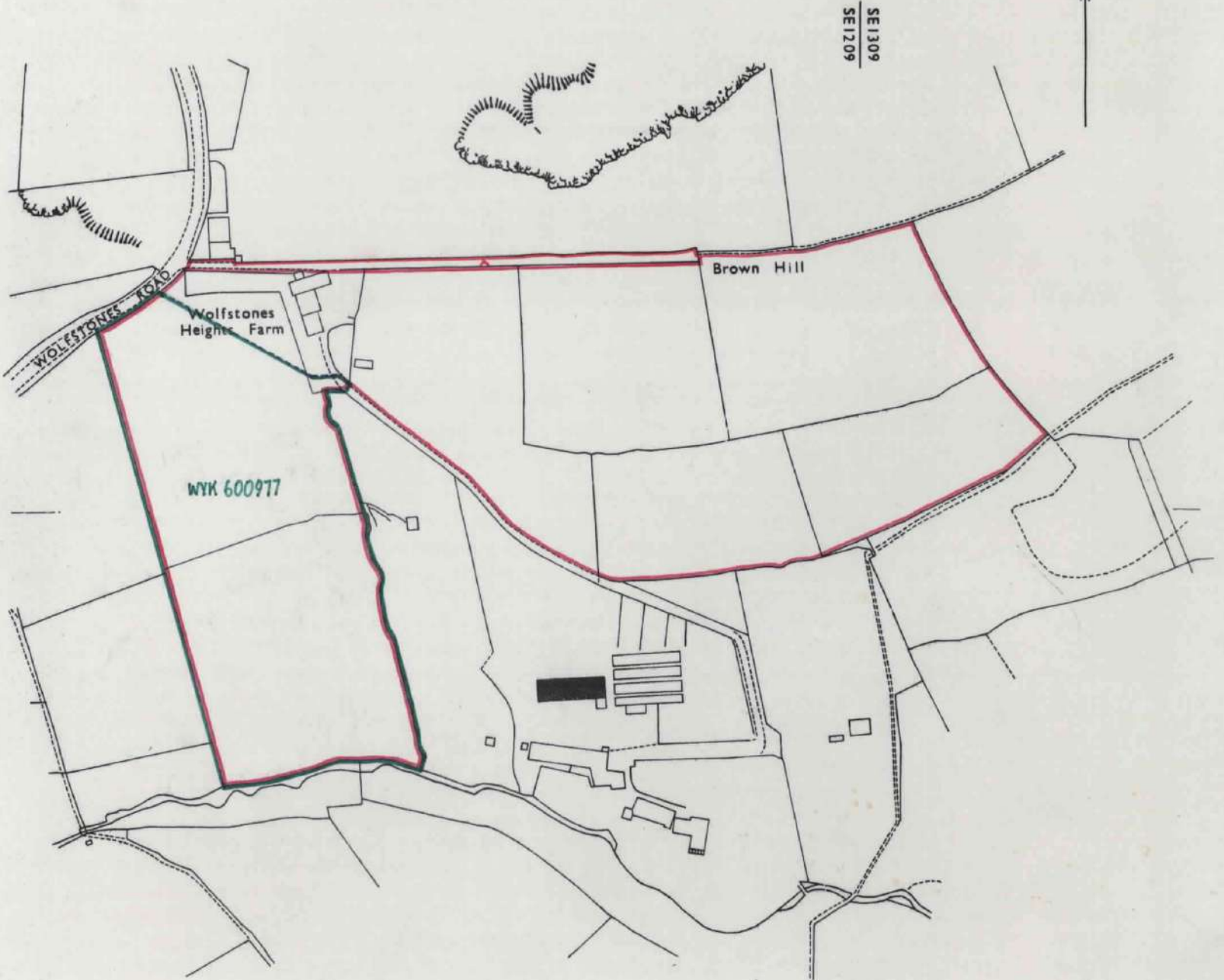
This official copy is issued on 14 November 2018 shows the state of this title plan on 14 November 2018 at 14:01:57. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Nottingham Office .

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H.M. LAND REGISTRY		TITLE NUMBER	
		WYK 137187	
ORDNANCE SURVEY PLAN REFERENCE	SE1208/1308 SE1209/1309	SECTION	Scale 1/2500
COUNTY WEST YORKSHIRE	DISTRICT KIRKLEES	© Crown Copyright 1978	

HOLME VALLEY PARISH



Title Number : WYK448872

This title is dealt with by HM Land Registry, Nottingham Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 9 FEB 2022 at 13:10:53 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: WYK448872
Address of Property	: Wolfstone Heights, Wolfstones Road, Holmfirth (HD9 3UU)
Price Stated	: £825,000
Registered Owner(s)	: RICHARD HOWARD BUTTERFIELD of Wolfstones Heights Farm, Wolfstones Road, Holmfirth HD9 3UU and of Wolfstone Heights, Wolfstones Road, Holmfirth HD9 3UU.
Lender(s)	: None

Title number WYK448872

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 9 FEB 2022 at 13:10:53. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

## A: Property Register

This register describes the land and estate comprised in the title.

WEST YORKSHIRE : KIRKLEES

- 1 (14.08.1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Wolfstone Heights, Wolfstones Road, Holmfirth (HD9 3UU).
- 2 (21.08.2014) The registered proprietor claims that the land in this title has the benefit of a right of way with or without vehicles over the land shown tinted brown on the title plan. The right claimed is not included in this registration. The claim is supported by a Statement of Truth dated 12 June 2014 by Adelina Maria Corradini and Parise Corradini.

*NOTE: Copy filed.*

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (07.02.2017) PROPRIETOR: RICHARD HOWARD BUTTERFIELD of Wolfstones Heights Farm, Wolfstones Road, Holmfirth HD9 3UU and of Wolfstone Heights, Wolfstones Road, Holmfirth HD9 3UU.
- 2 (07.02.2017) The price stated to have been paid on 31 January 2017 was £825,000.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to the rights granted by a Deed of Grant dated 26 April 1989 made between (1) Brenda Braithwaite and Thelma Jones and (2) Norman Braithwaite and Brenda Braithwaite.

*NOTE: Copy filed.*

- 2 The land is subject to the following rights reserved by a Conveyance of the land in this title dated 8 June 1989 made between (1) Brenda Braithwaite and Thelma Jones (Vendors) and (2) Parise Corradini and Adelina Maria Corradini (Purchasers):-

"RESERVING NEVERTHELESS unto the Vendors and their successors in title the right of way with or without vehicles to pass and repass at all times over and along the area of land coloured yellow on the said plan hereto for the purpose of access to and egress from the retained land of the Vendors being Field Number 6892 and 7119 on the said Ordnance Survey Map."

Title number WYK448872

C: Charges Register continued

*NOTE: Copy plan filed.*

End of register



**HM Land Registry**  
**Official copy of**  
**title plan**

Title number **WYK448872**  
 Ordnance Survey map reference **SE1209SE**  
 Scale **1:1250** enlarged from 1:2500  
 Administrative area **West Yorkshire: Kirkstiles**

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This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

**This title is dealt with by HM Land Registry, Durham Office.**

WYK494426

WYK926367

YY6903

WOLFSTONES ROAD

290.4m



WYK448872

YY6903

WOLFSTONES ROAD

YY6903

290.9m

heights  
WYK821600

304.3m

Track

Track

Brown Hill

Wolfstones





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## **SUPPORTING STATEMENT & STATEMENT OF REASONS FOOTPATH STOPPING UP (IN PART) AND DIVERSION**

**Footpath:** Public Footpath HOL/60/20 (Part)  
**Location:** Adj. Wolfstone Heights Farm, Upperthong, Holmfirth, West Yorkshire HD9 3UU  
**Applicant:** Mr. Richard H. Butterfield ('**applicant**')  
**Date:** 8<sup>th</sup> December 2023

### **1.0 BACKGROUND**

- 1.1 This Supporting Statement & Statement of Reasons ('**Statement**') is submitted on behalf of Mr. Butterfield in support of an application pursuant to Section 247 of the Town and Country Planning Act 1990 (as amended) ('**TCPA**'), for the diversion of part of the existing public right of way ('**PROW**'), being Footpath HOL/60/20 ('**Footpath 60**' or '**the Footpath**') which currently crosses land ('**the Site**') that is owned by the applicant.
- 1.2 There is a re-application of a previous application made under s.247 of the Town and Country Planning Act 1990 ('**TCPA**' or '**TCPA 1990**'). This application is made for the diversion of part of Footpath 60, in order to enable development to be carried out in accordance with the planning permissions granted for the Site. Details of the diversion are submitted in the accompanying DfT Application Form, which this Statement accompanies.
- 1.3 Following an Inquiry in August 2021, concluding in early 2022, that application was not successful as set out in the Secretary of State Decision Letter, principally at paragraphs 8 and 9, which state:
- 8. The Secretary of State notes the Inspector's observations and his particular conclusions at IR7.43 – 7.49 that the benefits of the scheme and of stopping up and diverting the highway, as conferred by the Order, would not outweigh the disadvantages put forward in the objections. He considers that the inconvenience that would be caused to highway users to be of a significance where he cannot support the implementation of the Order.*
- 9. Overall, the Secretary of State agrees with the Inspector's recommendation at IR8.1 that the Order should not be made. The application is therefore not approved.*
- 1.4 The said Secretary of State Decision Letter is enclosed as **Appendix 1** (the 'SoS Decision Letter'), with the accompanying Inspector's Report enclosed as **Appendix 2** (the 'Inspector's Report').
- 1.5 Principally, as set out in paragraph 8 of the Decision Letter, the previous application was not successful because the SoS-Inspector found that significant inconvenience would be caused to users, though the SoS Inspector's Report did find that the highways safety risk would be "very small".
- 1.6 The owner did take senior counsel's opinion on challenging the Decision Letter by way of Judicial Review at the High Court. There were clear points of challenge, including in parts the revisiting of the merits of planning permissions (e.g. the Inspector's reference to a path akin to a country park, lending itself more to the substantive planning considerations and not the advantages and disadvantages of making the order), evidential leaps from the evidence before

him about , perception (being the Inspector’s opinion that people being less inclined to use the diversion route), usage and history (for example a reference to 200 years of historic use, when there was no credible evidence to this effect), as well as the statement in the Inspector’s Report that the benefits of the diversion are entirely private ones, which plainly is not the case.

- 1.7 However, counsel’s opinion was clear that in all likelihood, regardless of the merits and a successful challenge, a small but specific deficiency was helpfully raised by the SoS-Inspector, being a lack of pedestrian survey data during the likely busier summer months. Accordingly, it was entirely possible that notwithstanding potential success through challenge in the High Court, the decision could (though not necessarily would) ultimately have been the same because of that perceived evidential gap.
- 1.8 It should be noted that the applicant did consider the commissioning of ‘summer months’ surveys in 2020 but was advised to the contrary. As it was explained by Mr. Eric Appleton of Via Solutions Ltd. in the previous Inquiry (acting as expert witness), to have taken a pedestrian survey in the summer months of 2020 would very likely have resulted in ‘skewed’ and potentially unreliable data. This was for the simple reason that the summer months of 2020 were in a state of flux so far as the Covid-19 Pandemic ‘lockdown’ was concerned. Mr. Appleton could only speculate what any pedestrian user results may have been, but it is possible that, depending of course on the exact survey period, pedestrian use may have been either very unusually high, or very unusually low.
- 1.9 In either case, its efficacy as data would have potentially been compromised challenged due to the impact of the Covid-19 restrictions that year, hence why a decision was taken not to commission surveys where the unusual backdrop may have led to unusual and thereby more easily challengeable results. By the summer months of 2021, the previous Inquiry was of course underway.
- 1.10 This has now been addressed in this application, by the commissioning of electronic traffic speed and video pedestrian survey data from surveys in late July and through August 2022. We shall come on to this in greater detail at 8.0, further below.
- 1.11 Construction work has taken place pursuant to two planning permissions on both sides (south and north) of the Footpath. The relevant planning permissions were granted pursuant to Local Planning Authority references: 2014/92814 and 2017/91374, as amended by two respective non-material amendment permissions under Section 96A TCPA, being 2018/NMA/93302 and 2018/NMA/93277. The planning permissions, including the NMAs shall from hereon in be referred to as the ‘**Permissions**’. The decision notices and relevant accompanying plans for the said Permissions are all enclosed at **Appendix 3 (Appendix 3(1) to Appendix 3(11)**, inclusive).
- 1.12 The application for a diversion of part of Footpath 60 is in order that the Permissions can be implemented in full. This cannot occur without the diversion of part of the Footpath, being a total length of 151 metres (but see paragraph 2.10 below) from point ‘B’ as to its westerly termination point at point ‘A’, both as identified on the plan accompanying this application, compiled by Messrs ADP Architects attached at **Appendix 4A and Appendix 4B** (both referred to as either the ‘**Plan**’ or the ‘**Order Plan**’). The two plans are provided so that the DfT can decide whether it wishes to use the plan with the detailed explanatory notes (**Appendix 4A**) or the identical plan without the detailed explanatory notes (**Appendix 4B**). Where for example Appendix 4B is used by the DfT as the Order Plan, the Appendix 4A is available to explain any matters of relevance.

Hereafter, Appendix 4A and Appendix 4B shall simply be referred to as **Appendix 4** or the ‘**Plan**’ or the ‘**Order Plan**’.

- 1.13 The following is, for illustrative purposes only and no other purpose, an extract from a Kirklees Council GIS plan identifying the footpath, which is derived from the Council's website, as well as the line of the diversion applied for under a previous application to the Council under Section 257 TCPA, as compiled and kept by the Council's Rights of Way Section.



- 1.14 For completeness, A previous application was made to the Council under Section 257 TCPA. The relevant Rights of Way Officer report to the said Committee, recommending that Committee resolves to make an order under Section 257 TCPA, is attached at **Appendix 5**. The Committee resolved not to make such an order despite officer recommendation. The applicant did consider challenging the said Kirklees Council Committee's decision not to make an order under Section 257 TCPA by way of Judicial Review. However, where that decision would have been quashed following the reference to the High Court, it would likely return to the same Committee for determination as to whether or not to make an Order, risking the possibility of yielding a similar result. Accordingly, it was decided that the more appropriate and less acrimonious approach was a direct application to the Secretary of State under Section 247 TCPA.
- 1.15 For context, the applicant, Mr. Butterfield, is a relatively well-known local employer, being the chairman of a global business with Headquarters in the Huddersfield. Mr. Butterfield previously had strong relations at chief officer level with the Council in an ex-officio capacity, being a key adviser involved in significant regeneration plans for the Huddersfield area. However, given changes in political makeup and re-positioning by senior officers, this relationship no longer exists.
- 1.16 The Applicant has considered whether following the SoS Decision Letter whether to try and apply again apply under s.257 to the Council, or under s.247 to the DfT. In fairness to the Council, it has helpfully communicated that following the SoS Decision Letter there is little possibility that officers could recommend the making of an order or that elected members would depart from the SoS Decision Letter. More so (and again in fairness to the Council), it has helpfully disclosed that an application under s.257 to the Council would take a considerable amount of time; likely well over two years on current information to even be reported. Also factored into this decision, is the Council's precarious financial position and operational position (it is reportedly many millions in debt with mass redundancies expected) as well as the relationship with the applicant being completely broken down where this matter is concerned.

Accordingly, weighing up all factors, including the candour of the Council, an application (or rather re-application) to the DfT under s.247 TCPA is the most appropriate form and mechanism to apply to stop up and divert part of Footpath 60.

- 1.17 It should perhaps be noted that costs against the Council were awarded as it had failed to substantiate its objection to the application made to the DfT under s.247 TCPA. The Council paid a substantial sum of local taxpayers' money to the Applicant in December 2022 as a result; a settlement negotiated away from formal proceedings of Senior Court Costs Office, which would undoubtedly have resulted in higher payment had formal proceedings been issued. Along with other non-statutory objectors, in particular the Council, the Holme Valley Parish Council and the Peak and Northern Footpaths Society as statutory objectors, are on notice that the applicant reserves his position on a claim for costs where they are unclear about and/or are unable to fully substantiate their respective objections (if applicable).
- 1.18 Moreover, it has transpired that the Inquiry following the previous s.247 TCPA application was in some ways a worthwhile exercise, as it did at least produce some helpful points of agreement between all parties. This will hopefully assist in streamlining matters going forwards with this application. These are summarised at 6, below.
- 1.19 However, the reasons for making the order can be summarised by stating that it is necessary to divert the relevant part of Footpath 60, otherwise, quite simply the Permissions cannot be implemented in full. However, it is also submitted that the advantages of the proposed diversion outweigh any perceived disadvantages.

In more simple terms, matters raised (in particular an evidential gap) have been addressed and it is submitted that there is now no good reason for the SoS not to make a final order following this re-application.

### **FOOTPATH HOL/60/20 ('Footpath 60' or 'Footpath') and the Proposed Diversion ('Diversion' or 'Diversion Route')**

#### **2.0 Footpath 60**

- 2.1 The following is a description of the current route and the proposed diversion, with subsequent full explanation and reasoning for the proposed diversion in this Statement.
- 2.2 Footpath 60 runs from Netherthong Village through Point A and to Point B on the Order Plan and vice-versa. Looking at the perspective from east to west, for the most of its whole length, it passes through fields, over stile structures and through gates, rising steadily as it progresses in a westerly direction, before finally rising more steeply from Point A on the Order Plan up towards Point B where it meets Wolfstones Road. Footpath 60 does intersect with other footpaths throughout its length, but not on any part of the Footpath that is the subject of this application for stopping up and diversion.
- 2.3 Throughout the route, save for the part to be diverted, far-reaching views exist in northern, southern, and easterly directions. This is the case save mainly in the area where the Footpath is proposed for diversion, which is built up (and being further built up as a result of the Permissions), enclosed and where any view is restricted and narrowed in all directions.
- 2.4 The Footpath is a recreational route, which was helpfully confirmed by all parties in the previous Inquiry and helpfully reported by the Inspector's Report at (see **Appendix 2** at paragraph 7.12). It is a leisure route enjoyed mainly by walkers and the odd runner, enjoyed for recreation and exercise, with its extensive views for the most part.
- 2.5 Footpath 60 is legally 1.2m (120cm, or four feet) in width as evidenced by its reference in historic documentation provided by the Council's Rights of Way Section. It exists at the northernmost side of the current gated driveway to Wolfstone Heights Farm, which it currently shares. A letter from a witness, Mr. Russell Earnshaw, dated 28<sup>th</sup> December 2021, which we have included as **Appendix 6**, usefully explains this position. The Inspector in the Inspector's Report (**Appendix 2**) did conclude at 8.2 in his recommendation to the SoS that:

*“However, should the Secretary of State decide to make the Order then **I recommend that** (i) he makes clear in his decision the lack of the necessity for the verge works on Wolfstones Road (as provided for in the Unilateral Undertaking submitted by the applicant) and (ii) the Order is made on the basis of plan no Diversion Plan 13072-200-P11-28Dec21 (CD13.5v3) **showing the footpath to be stopped up on the northernmost side of the lane/drive.**”*

(NB. Our emphasis)

Mr. Earnshaw’s letter (**Appendix 6**) explains the position in terms of scale and there is no question here that the Order Plan (**Appendix 4A or Appendix 4B**) is the correct plan. Please on this basis also refer to the DMMO at 7, below.

- 2.6 Where walking east to west, the Footpath currently terminates at its westerly point on to Wolfstones Road (point ‘B’ on the Order Plan). It currently passes through the curtilage area of Wolfstone Heights Farm to the south and adjacent (to the north) of the southern gable end and raised planters of another residential building known as Wolfstone Heights, a listed building which fronts onto Wolfstones Road, albeit cushioned and screened by a verge and large dry stone wall. Wolfstones Road is an adopted rural road open to all traffic, dropping steeply and moving to the south towards the village of Upperthong and moving north towards Wilshaw and Honley, terminating/beginning at the intersection of Moor Lane to the north of the Site. A verge on the outside of the rural road at its easternmost side has been deemed serviceable and suitable for walking by the Council’s Rights of Way Section.
- 2.7 The total length of the proposed diversion – from point A to point B on the Order Plan and vice-versa – is 151 metres. However, paragraph 3.8 and 3.9 below identifies the reality of this situation, as the Diversion in part runs almost parallel to the existing Footpath before gently sweeping northwards, as described if walking from point A towards point C as identified on the Order Plan.
- 2.8 Where Footpath 60 currently terminates at its westerly end on Wolfstones Road (point ‘B’ on the Order Plan), it is currently possible to cross the rural road from the east to the west and progress onto land that is owned by the Holme Valley Land Charity, being the charitable trust organisation of the Holme Valley Parish Council. This land (the ‘**Charity Land**’) contains a relatively recently constructed ‘trig point’.
- 2.9 However, importantly, the way up to this trig point on the Charity Land, is NOT a PROW and has in more recent years been identified as permissive only by the owning Land Charity. The sign at the entrance simply states that it is land owned by the Land Charity. Brief investigation has found that the Land Charity land has only been blocked/closed once or twice in the last couple of decades for logistical reasons, mainly to do with the makeshift path being blocked.
- 2.10 A tall lamp post-style sign with an arrow pointing eastwards away from the Charity Land exists at the entrance to the Charity Land on Wolfstones Road, identifying Footpath 60 as a public footpath on the opposite side of the road going eastwards. In more simple terms, identifying Footpath 60 from its own land, but not in any way implicating or identifying its own land as a right of way. Again, the Charity Land is **NOT a PROW**, this is an area of land that it is possible may be closed at any time, for any reason, without notice.
- 2.11 Beyond the Land Charity trig point land, to the east, is a further parcel of open land owned by a Mr. Stephen Heinz. This is also a permissive route. At the previous Inquiry in August 2021 and February 2022, some objectors had represented that they had ‘agreed’ with Mr. Heinz that his land could be used by walking groups and that a permissive walking route could be promoted. On learning this post-SoS Decision, Mr. Heinz has taken the opportunity to close his land on several occasions. Further, Mr. Heinz and his wife Linda have discovered that this re-application was being made and have asked that their email to Noel Scanlon of NSCL enclosed in **Appendix 7** be submitted with this application. This is in order that there is no doubt about both the status of Mr. Heinz’s land and, more concerningly, that untruths

about contact with Mr. and Mrs. Heinz are not allowed to be peddled by would-be objectors to this application.

### 3.0 Diversion Route

- 3.1. The Diversion has been constructed by the applicant in accordance with the Permissions, albeit entirely at the applicant's risk. This because the Permissions (see 5, below) had been granted and the contractors were available. The line of the Diversion Route path, side verges, sitting benches, some planting is enclosed by open timber fence exists on site, though the Diversion is not yet full surface finished, which shall be with rolled crushed sandstone aggregate.
- 3.2 Signage at both Point A and Point C presently identifies the Diversion Route as a permissive path which can be closed and permission withdrawn at any time (until it is hopefully confirmed/finally made, as a result of this application). For information the Diversion Route has signs at both ends (i.e. point A and Point C) identifying it as a permissive route only and it is presently closed several times a year, but generally the applicant keeps this open most of the time.
- 3.3 The Diversion is to be surfaced finished with crushed stone scalplings if/where the order is finally made and sustained. The applicant has left matters open to Council if they want to take on the stewardship and maintenance of the Diversion Route, hence 'TBC' is referenced in Part G of the Application Form. At present the Council has not continued to engage, but it is not known if this position may change during the course of this application.
- 3.4 It can be seen on the Order Plan submitted with this application that a small strip on the bottom/left-hand side of most of the Diversion Route (depending on the point of the Diversion Route) is excluded. This is because over the years a small but sharp-drop grass banking has effectively 'taken' and now acts in parts as a retaining banking for the slightly higher ground and planting above it, though this banking completely tapers away when it gets towards point C. Consequently, following 3.3. above, where the Council was to maintain the new footpath should an order be finally made by the SoS, it is acknowledged that it would be unfair on the Council, because it would in small part amount to a minor engineering operation, hence why this grass banking is deliberately excluded on the Order Plan showing the Diversion Route. For the avoidance of any doubt also, the fences and intermittent gates are not intended to be included in the Order as it would again be unfair and in many ways impractical for the Council to be liable for such works. This grass verge is therefore not intended to be a part of the order and hence why it is excluded from the Order Plan, though this is almost imperceptible in parts due to scale limits.
- 3.5 The width of the Diversion Route is at its widest at Point A, being 3.5metres wide at this point, whereas at its narrowest is 1.20m (120cm or four feet) wide at point C, where it meets the public highways that is Wolfstones Road. In between this, on the main body of the Diversion Route, the width (excluding the grass retaining banking, but not including present vegetation on the flatter surface spreading from this) is at its very narrowest 2.10 metres and at its very widest 3.35 metres. Photos of elements of the route beginning from Point A on the Order Plan and ending at Point C on the Order plan, are as set out in the ten photos showing elements of the path with tape measure at these various points, in **Appendix 8**. The measurements are described at various points with reference to each photo in **Appendix 8**, so that they are verifiable.
- 3.6 However, for the avoidance of any doubt, it should be noted that two sitting benches as identified on the Order Plan (labelled as 'SEAT 1' and 'SEAT 2' on the said Order Plan) are intended to be included within the Order. These are slightly recessed into this retaining grass banking, as they perform an important function not only in terms of leisure and enjoyment, but also as respite for the less able-bodied and the elderly, so do have a connection to the Equality Act 2010. The Order Plan has, so far as possible in the scale realistically allowed (and drawn on an OS Plan by a very experienced Architect) shown that the retaining grass verge is slightly set back where the sitting benches are situated.

Otherwise, this application is clear that the Order does not include the various widths of grass banking which in parts now acts as a partial retaining banking.

- 3.7 Looking from the perspective of moving from east to west, the Diversion Route begins at point A on the Order Plan, moving northwards for only a few meters before cornering 90-degrees to the west and running **in parallel to the current Footpath 60** moving due eastwards for approximately 75 to 77 metres, before diverging northwards again in a gently sweeping motion north/northwest and then finally west/northwest for 149 metres to point C on the Plan, which is where it meets Wolfstones Road. Incidentally, the previous Inquiry established that the design of the Diversion path was assisted through guidance from the Council's Head of Planning, Mr. Franklin, and Mr. Cheetham, the Council's Rights of Way Officer.
- 3.8 The total distance from point B to point C on the Plan and vice versa is 118m on the adopted rural road along the walking verge on the eastern side of Wolfstones Road. The total distance from point A to point C being a **maximum** of 227 metres. Accordingly, the diversion is moving from a route of 151 metres to a **maximum** total of 344 metres to arrive back at point B on the Plan.
- 3.9 However, it is important to note that due to the parallel direction of the Diversion path, running only metres away alongside the current Footpath 60 for the first 75-77 metres, then in reality this reduces a total of 344 metres to 267 metres back to point A on the Plan (if indeed users elect to get back to point A, which evidence shows is most certainly not always the position – see part 8, below). Nevertheless, for simplicity, subtracting 151 metres (i.e. point A to Point B and vice versa) from the maximum 344 metres, leaves a **maximum** net increase in pedestrian distance of 193 metres.
- 3.10 Footpath 60 is a recreational rather than functional walking route. The SoS-Inspector following the previous Inquiry concurred with this<sup>1</sup>. The Diversion Route is a far superior user experience. Compared with the current Footpath, which is only 1.2m in width and the relevant part of which is increasingly enclosed (*sandwiched*) by buildings, the Diversion Route is by contrast wider in most part and offers far reaching panoramic open unspoilt views to the far vista. At its widest (and for the avoidance of doubt excluding the grass retaining banking), the to-be-surfaced finished part of the path between the fences varies between approximately 3.50 metres at its widest and 2.10 metres at its narrowest on the main body of the Diversion Route, though it narrows to 1.2m for just a few metres at point C where the Diversion Route meets/leaves Wolfstones Road.

#### 4.0 The Law and Guidance

- 4.1 Section 247 TCPA provides that (for the purposes of this application) the Secretary of State ('SoS') may by order authorise the stopping up or diversion of any highway if he is satisfied that it is necessary to enable development to be carried out in accordance with planning permission granted under Part III TCPA. For completeness it should perhaps be noted that the power of the SoS to make an order under this Section 247 TCPA includes the power to provide for the improvement of any other highway as appears to the SoS to be expedient or necessary. The order may also provide that any such a highway created or improved by virtue of this order becomes a highway maintainable at the public expense.
- 4.2 A difference between Section 247, under which this application is made, and Section 257, under which a previous application to the Council was made, is that Section 247 can relate to any form of highway, whereas Section 257 TCPA relates to non-vehicular highways. Section 257 is limited to footpaths, bridleways and restricted byways. Other than that difference, Section 257 applications to Councils, with a few minor exceptions, effectively mirrors the powers of the SoS under Section 247 TCPA. The similar balancing exercise in Section 257 applies as for Section 247 TCPA.

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<sup>1</sup> Paragraph 7.12 of the Inspector's Decision letter enclosed at Appendix 2, the SoS-Inspector concludes that: *"There is no significant challenge to the Applicant's statement that the footpath is a recreational route rather than one used for commuting."*

- 4.3 The procedure before the making of an order under Section 247 by the SoS, is set out in Section 252 TCPA 1990.
- 4.4 The essential components for the making of an order by the SoS under Section 247 TCPA are (i) the existence of planning permission; (ii) the extinguishment or diversion of the highway is necessary for the development permitted by planning permissions to be carried out; and (iii) the said development should not have been substantially completed.

A public right of way cannot be diverted under s.247 TCPA if the development is substantially completed<sup>2</sup>. The necessity test is met, but this is elaborated on below. There is no question that the development has **not** been substantially completed and this has been agreed and acknowledged by all parties, including the SoS-Inspector at the previous Inquiry, but this is again elaborated on below in the section on the 'Permissions' at part 5, below.

All of the essential components are in summary, but without question, available and met for the purposes of this application.

- 4.5 Following this, the SoS must conduct a balancing exercise. The first issue is whether the proposed diversion is necessary to enable the permitted development to proceed, whether the public or adjoining property owners would be disadvantaged by the diversion and, if so, where the balance of advantage lies.
- 4.6 More colloquially, there are essentially two stages to consideration of an order, in what has become known as the *necessity* test and the *merits* test:

(1) **the necessity test:** whether it is necessary to enable development to be carried out in accordance with planning permission (in this case, the 'Permissions'); and

(2) **the merits test:** in exercising the discretion whether to confirm an order, the obligation to take into account any significant disadvantages or losses flowing directly from the order which have been raised. The decision-maker must then decide whether any such disadvantage or losses are of such significance or seriousness that he should refuse to make the order.

- 4.7 The test to be applied for an application under s.247 TCPA was considered in *Vasiliou v Secretary of State for Transport [1991] All ER 77*, with the equivalent test under s.257 being considered by the Court in the 'Network Rail' case (*R (ex p Network Rail Infrastructure Ltd.) v Secretary of State for the Environment, Food and Rural Affairs [2017] EWHC 2259 (Admin)*), which cited the earlier *Vasiliou*. At the previous Inquiry all main parties were helpfully entirely in agreement that this is applicable in the case of an application under s.247 TCPA and the previous s.247 application was reported and determined accordingly by the SoS-Inspector and the SoS themselves.
- 4.8 The Judgment by Holgate J or paragraph 49 in *Network Rail* which cited the earlier authority of *Vasilou* stated that:

*"In summary, it was decided in Vasiliou that: -*

- (i) *The Secretary of State cannot make an order under section 247 or confirm an order under section 257 **unless satisfied that a planning permission exists** (or under sections 253 or 257(1A) will be granted) for development and that it is necessary to authorise the stopping up (or diversion) of the public right of way by the order so as to enable that development to*

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<sup>2</sup> E.g. *Ashby and Another v Secretary of State for the Environment and Another [1980] 1 WLR 673*; *Hall v Secretary of State for the Environment [1998] JPL 1055*.



take place in accordance with that permission (see also language to the same effect in section 259(1A)(b));

- (ii) *But even if the Secretary of State is so satisfied, he is not obliged to confirm the order; he has a **discretion** as to whether to confirm the order and therefore may refuse to do so;*
- (iii) ***In the exercise of that discretion** the Secretary of State is **obliged** to take into account any **significant disadvantages or losses** flowing **directly** from the stopping up order which have been raised, either for the public generally or for those individuals whose actionable rights of access would be extinguished by the order. In such a case the Secretary of State **must** also take into account any countervailing advantages to the public or those individuals, along with the planning benefits of, and the degree of importance attaching to, the development. He **must** then decide whether any such disadvantages or losses are of **such significance or seriousness** that he should refuse to make the order.*
- (iv) *The confirmation procedure for the stopping up order does not provide an opportunity to re-open the merits of the planning authority's decision to grant planning permission, or the degree of importance in planning terms to the development going ahead according to that decision.*

*As a form of shorthand it is convenient to refer to the test in (i) above as a "necessity" test and the test in (iii) above as a "merits" test."*

(NB. Emphasis in underline and bold font added)

- 4.9 Therefore, it is clear that the legal power to make or not make a final order is a qualified discretionary one, not an absolute power for a decision-maker.
- 4.10 Before moving on to such a qualification, it is perhaps helpful to briefly examine of some of the key words, none of which appear in the Judgment and one must therefore look to their meaning in context. Indeed, it can be seen in the 7.47 and 7.48 that the SoS-inspector in the Inspector's Decision letter engages with the meaning of such wording.
- 4.11 The word: 'obliged' means compelled or duty bound. In other words, there is a process for the decision maker to carry out in exercising their discretion.

We should also consider the word: 'significant'. Significant means very important or being sufficiently great to be worthy of attention in a particular situation. Let us finally consider the word: 'seriousness'. This is a noun deriving from the word: 'serious'; or about the state of being 'serious'. Serious means characterised by careful consideration of the gravity of a situation. Not trivial. Not remote. Not far-fetched. Applicable to the objective gravity of a situation.

- 4.12 Therefore, there are essentially two parts to the 'merits' test, before the decision-maker moves to weighing advantages and disadvantages.

The first is: In the exercise of their qualified discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up order which have been raised, either for the public generally or for those individuals whose actionable rights of access would be extinguished by the order.

The second is: In such a case the Secretary of State must also take into account any countervailing advantages to the public or those individuals, along with the planning benefits of, and the degree of importance attaching to, the development.

Following this, the SoS must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to make the order. However, where there are no significant disadvantages or losses, then the SoS is not required to move to the second part, because the merits test has in such a case already been met.

- 4.13 Taking the first part, whilst the SoS is not obliged to finally confirm (in this case of Section 247 TCPA, 'make') a final order, the SoS is obliged in exercising their discretion as to whether or not to make a final order to: take into account any significant disadvantages or losses flowing directly from the stopping up order, either for the public generally or for those individuals whose actionable rights of access would be extinguished by the order.
- 4.14 The second part requires that where any significant disadvantages or losses are identified, the SoS must (note, not 'can' or 'may', but 'must' not; i.e. the SoS is compelled) take into account any countervailing advantages. However, the SoS must then decide whether any such disadvantages are of such significance (so sufficiently great to be worthy of attention in a particular situation), or seriousness (so not trivial, not remote, not far-fetched) that he should refuse to make the order.
- 4.15 This legal requirement is helpfully underpinned by government guidance.
- 4.16 DEFRA Rights of Way Circular 1/09, albeit primarily intended as a guide for local authorities for applications under Section 257 TCPA, provides at paragraph 7.1 and 7.2 that:

*7.1 Proposals for the development of land affecting public rights of way give rise to two matters of particular concern: the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.*

*7.2 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.*

- 4.17 Therefore, an examination of the consequences of the proposed diversion of part of Footpath 60 as a material consideration has already been considered, insofar as the Permissions have been granted.

More specifically, in considering whether to make an order, Paragraph 7.15 of the same Circular states that:

*“... Having granted planning permission for a development affecting a right of way however, an authority **must have good reasons to justify a decision either not to make or not to confirm an order.***

(NB. our emphasis)

Clearly this applies to the Secretary of State for Transport in the case of a s.247 Order as it would to a Council in the case of a s.257 Order.

- 4.18 **Appendix 5** shows that this was originally clearly understood by the Council's Rights of Way Section in reporting to its Committee recommending the making of an Order. This current application (or rather re-application), like others of its type and in accordance with the above guidance so far as it relates to an application made to the SoS under s.247 TCPA, needs to be assessed through the prism that (as described at 5, below) planning applications affecting a PROW, including subsequent NMAs, have been assessed and the Permissions have been granted. As identified above, the LPA has assessed and taken account the potential consequences of this development on the PROW.
- 4.19 In addition, as identified in paragraph 4.1 of the PINS *Rights of Way (RoW) Advice Note No. 9: General Guidance on Public Rights of Way Matters* (updated 29<sup>th</sup> July 2022), before an order can be made by the SoS, it must be apparent that there is a conflict between the development and the right of way, such as an obstruction, though it can also be a change of use. Further, at paragraph 4.3 of the same said PINS

RoW Advice Note, the Inspector does have latitude to consider wider issues. He should consider the overall public interest in diverting or stopping up a right of way and how it will affect those concerned.

- 4.20 For the avoidance of any doubt and for completeness, the proposed diversion results in no conflict whatsoever with the Council's Rights of Way Improvement Plan 2010-2020 ('ROWIP'). The following will show that both the Council and the Peak and Northern Footpaths Society have previously publicly acknowledged that the impact of the application is at least 'neutral'. Furthermore, it is submitted that the Diversion Route in fact serves to enhance the overall recreational user experience, which meets and even exceeds the objectives in the ROWIP. Accordingly, no further elaboration is required in this respect.

## 5.0 The Permissions

- 5.1 Although the merits of the Permissions are not relevant to the determination of this Footpath diversion application, the context, backdrop and rationale is. Accordingly, a brief description of the Permissions and from where they derive is described in order to assist.
- 5.2 Briefly, the re-location of the vehicular accessway to Wolfstone Heights Farm had been a consideration for the applicant for some time, due to the relative awkwardness, limited manoeuvrability, and visibility. Importantly, however, this driveway also on its northernmost side serves in part as the Footpath. This obviously caused conflict between pedestrian users of the Footpath, particularly if accompanied by children and dogs using the narrow drive and the applicant's vehicles and those of their visitors, emergency or other services visitors.

The right-angle turn out of the driveway of Wolfstone Heights Farm combined with the gradient is difficult to negotiate, particularly in ice and snow. A small gap between buildings faces the prevailing wind, meaning the area is quickly affected by poorer weather conditions, for both the applicant's private vehicular use and the pedestrian use of the footpath.

- 5.3 The catalyst for the original applications for the Permissions, was not the applicant's keeping and transporting of horses and classic cars, as has been erroneously and rather facetiously suggested by previous objectors to the diversion. It was following a break-in at the residential property from a person using the Footpath, but also a serious fire at the property in 2014, during which the difficulty in using the current driveway was unfortunately brought into stark significance. The fire at the property destroyed a sizable part of the house on the north elevation and the fire engine appliance deployed to deal with the blaze became wedged in the narrow and awkward driveway. The existing point of access from the existing drive into Wolfstones Road is on a bend in the road at the crest of the hill, where visibility is poor. This crest is the area of the westerly termination point of the Footpath at point 'B' on the Plan.
- 5.4 The applicant has investigated alternative routes to create a more suitable access, but none were physically or legally feasible. The building and land to the north-east/north respectively, known as Wolfstone Heights, came up for sale. The applicant saw this an opportunity to substantially overcome access problems, whereby part of the residential curtilage of Wolfstone Heights containing one of the two driveways, could be purchased to be used as a new access to Wolfstone Heights Farm, with Wolfstone Heights continuing to be served by its existing access.
- 5.5 The Permissions require brief description to set this context. The permission allocated with Local Planning Authority ('LPA') reference: 2014/92814 permits in summary (quoting the related Decision Notice) the 'formation of a new access and stopping up of existing access, diversion of public right of way and related external works'. 2017/91374 permits in summary (again quoting the related Decision Notice) the 'demolition of a garage building, the erection of garages, garden room and fuel store with associated landscaping works associated within the curtilage of a Listed Building', being the building known as Wolfstones Heights. At the time of this diversion application, the garage building referenced

has been demolished and the erection of the new garages, garden room and fuel store, etc. and roof terrace has commenced and is built in accordance with the respective Permissions.

The Permissions sit immediately next to each other and meet at the point of the Footpath immediately to the north of Wolfstone Heights Farm and the area of the lower garages and the newly constructed driveway as part of the Permissions, which currently crosses the Footpath.

- 5.6 For information only and not related to this diversion application, the corresponding Listed Building Consent ('LBC') for the demolitions described was issued under LPA reference 2017/91375. Although again not related to this diversion application, by way of further information only and for completeness, works involving extensions, alterations and restorations are currently taking place on the Wolfstones Heights building under LBC ref: 2018/91284 and planning permission ref: 2018/91285.
- 5.7 By way of further information and for context, both Wolfstone Heights Farm and Wolfstone Heights (the building, not the Charity Land), with some of the wider surrounding land, are owned by the applicant. The applicant's main residence is Wolfstone Heights Farm. All of the land on which the relevant part of Footpath 60 and the Diversion is proposed is owned by the applicant under HM Land Registry numbers: WYK137187 and WYK448872. For completeness, the copies of the said HM Land Registry Register and associated filed Title Plans (as well as a 'MapSearch' result for the larger Title Plan on WYK448872) are enclosed at **Appendix 10A, 10B, 10C, 10D, 10E and 10F**. Updated versions can be supplied if/when required.
- 5.8 Non-Material Amendment ('NMA') applications in relation to both 2014/92814 and 2017/91374 were applied for, in order to make some minor amendments for safety, engineering and to a smaller extent, aesthetic reasons. The two permissions also better integrate and sit harmoniously alongside each other. Both NMAs relate in part to the area whereby the part of the Footpath will need to be diverted. The NMAs were applied for in order to improve engineering and visual aesthetics on the site, as well as better integration of the overall development into the landscape. Briefly, these NMA permissions, with respective LPA references: 2018/93302 and 2018/93277, allow for:
- alterations in levels and to the parking area covered by the main planning permissions adjacent to the newly constructed lower garage and roof terracing, thereby creating a tandem parking area, instead of the current side-by-side parking;
  - new retaining wall with a drystone face to match existing materials, feeding into a retaining wall and slim raised bed adjacent to the part of the existing farmhouse to retain and protect the foundations to the boilerhouse, affected by a significant fire previously;
  - stone steps from the proposed extended lawn area on the original permission across the area of the existing driveway (and therefore Footpath), in-part supported by the new retaining wall, with the steps meeting those proposed that carry on up to the lower-garage roof terrace, currently being constructed;
  - additional hard and soft landscaping for improved aesthetics, screening and integration; and
  - integrating the movement of the current northerly garden wall for Wolfstone Heights Farm to extend the garden and meet the boundary of the Wolfstone Heights hereditament.

It should be noted that this has all been accepted as outstanding work to be completed pursuant to the Permissions by the SoS-Inspector in the previous Inquiry. Please see the summarised position at paragraph 7.3 and 7.4 of the Inspector's Report (see **Appendix 2** enclosed), then concluding that the development pursuant to the Permissions is not complete and therefore the 'necessity test' is met.

- 5.9 Therefore, this is moving the intended retaining wall that divides the driveway and existing Footpath back towards the farmhouse to preserve and better protect the newer part of the building housing the boiler, which is where the significant house fire started. Most of the boiler house building was built/re-built as part of the construction under the ongoing 2014 Permission. The desire is to better protect the

Wolfstones Heights Farm building, but also to achieve a more desirable looking and functioning development. The resulting development will overall sit seamlessly, functionally, attractively and integrally alongside each other.

- 5.10 However, this importantly avoids any conflict between vehicular and pedestrian users as a result of the Diversion, as well as protecting the buildings and allowing easier access to emergency services and similar vehicles where required, with the prospect of improving safety and security.

## **6.0 POINTS OF AGREEMENT FOLLOWING THE PREVIOUS INQUIRY**

- 6.1 As referred to further above, the previous application and subsequent Inquiry did very helpfully yield several points of agreement between the Applicant, the Council and the Peak and Northern Footpaths Society. These should assist in streamlining any issues moving forwards. In no particular order, these are briefly set out in the following.

### **‘Neutral’ Impact on Footpath/PROW Network**

- 6.2 It was agreed during examination by both the Council and the Peak and Northern Footpaths Society that the impact of the proposed stopping up and diversion on the footpath network itself was at least neutral; being neither positive nor negative in this respect. This helpful point of agreement is perhaps crystallised in the SoS Inspector referring to there being “*winner and losers*” at 7.20 and 7.47 of his reporting at **Appendix 2**.

It is in any event clear that the impact on the footpath network is at least neutral, meaning that the relevant parties agree there would be no real effect on the PROW network itself as a result of the proposed stopping up and diversion.

### **A stopping-up and diversion is in principle acceptable**

- 6.3 Clearly a diversion is acceptable to the Council. It has been described above that the Diversion Route was facilitated and had design input from both Mr. Franklin (Planning) and Mr. Cheetham (Highways/Rights of Way) at the Council, the latter of which at **Appendix 5** supported the diversion through a previous application through its reporting to its relevant Committee. The Council has not denied and acknowledged that this was the position on examination at the previous Inquiry relating to the previous s.247 TCPA application.
- 6.4 The Peak and Northern Footpaths Society (‘PNFS’) did represent in examination that a diversion of the relevant part of the existing Footpath 60, is not itself unacceptable. However, to be clear the PNFS did represent that it could not support this particular diversion, principally because in its opinion, Point C is too far away from Point B (the distance being 118 meters).
- 6.5 It is at least helpful to understand that the PNFS is not intransigent in this respect. It should also be identified that prior to the previous application and even following the SoS determination on 9<sup>th</sup> March 2022 (see **Appendix 1**), the applicant has sought feasibility on alternative diversion options. Unfortunately, and in summary, this remains impossible from a legal, logistical and likely planning perspective, given the impact on property and listed buildings. Moreover, contrary to what some had thought, the applicant does not own all of the relevant land and has had no success from previous contact with the other landowners, two of which apparently do not live in this country and do not respond to contact.
- 6.6 Accordingly, this is the only realistic diversion option available, but again the design of the Diversion Route was in no small part guided by the Council as Local Planning Authority and the Rights of Way Section.

### Highways Safety

- 6.7 Following evidence at the previous Inquiry, the Inspector in his Report to the SoS (**Appendix 2**) has stated at paragraph 7.45 that:

*“Whilst the possibility of an accident cannot be completely discounted, I consider that in reality the highway safety risk for walkers using the section of Wolfstones Road necessitated by the diversion would be **very small**.”*

(NB. Our emphasis)

- 6.8 Notwithstanding this, in commissioning additional pedestrian surveys which took place in July and August 2022 (the so-called ‘summer months’) (see 8, below and **Appendix 9A**), further speed surveys were undertaken in the same period.

- 6.9 Whilst this is obviously not yet a point of agreement between the applicant and statutory objectors, it is now clear that there is no evidential basis of any kind to suggest that highway safety risk is anything other than “very small”, as the Inspector puts it. There is absolutely no credible evidence to the contrary.

### The ‘Necessity Test’ is met

- 6.10 Whilst it was initially queried by the Council and other objectors, there is as described above at 5, no question that the Permissions have not and cannot be (lawfully) fully implemented without the stopping up and diversion applied for. The Inspector’s Report (enclosed at **Appendix 2**) confirmed at paragraph 7.2 that:

*“[...] I am satisfied the stopping-up is necessary to enable development to be carried out in accordance with a planning permission.”*

There can now be no dispute or question about this. The situation has not changed. The ‘Necessity Test’ is covered in further detail at 4 and 5, above.

### 7.0 Definitive Map Modification Order (‘DMMO’)

- 7.1 Given the references to dimensions of the existing Footpath and the diversion route at 2 and 3, above, we should briefly mention that a DMMO under the Wildlife and Countryside Act 1981 is outstanding on a part of the existing Footpath 60, part of which is covered by this application. The DMMO, properly titled: “*Kirklees Council (Holmfirth 60 – Wolfstones Road to Brown Hill, Netherthong, Definitive Map Modification Order 2021*” (Council Ref: D105-171) has been objected to and remains an opposed order.
- 7.2 This was applied for by the Peak and Northern Footpaths Society (‘PNFS’) in September 2020 to modify the Definitive Map and Statement by varying particulars concerning the width of this part of Footpath 60, or more simply: a DMMO attempting to widen the existing footpath from its present 1.20 metres (120cm or four feet).
- 7.3 As was attempted by both the Council and the PNFS with the previous s.247 TCPA application, but as resisted by the DfT and the SoS-Inspector previously, further attempt to conflate this application with the DMMO and amalgamate their respective examination into one Inquiry is expected again. We therefore briefly comment as follows.
- 7.4 The DMMO application was and, in our view, remains a very cynical one, which was put in place to frustrate the previous stopping up and diversion application. Nevertheless, the Council as (then in that capacity) an Order Making Authority resolved to make a DMMO in June 2021. Presently, this is an opposed Order, which was only submitted to the Planning Inspectorate (‘PINS’) as the administrator for the Secretary of State for the Environment Food and Rural Affairs. At the time of compiling this Statement of Reasons, there has, despite enquiries, been no confirmation or contact from PINS as to the

present status of the DMMO. Furthermore, the Council has been invited to re-consider its reporting of the matter and decision to make the now-opposed DMMO, not least because of its precarious financial position.

7.5 It can be seen in **Appendix 2** that the SoS-Inspector reporting on the previous s.247 TCPA application found that the DMMO had no bearing on the SoS for Transport's ability to determine that application pursuant to s.247 TCPA 1990.

7.6 Nevertheless, on present information, it is highly unlikely that this DMMO would be determined prior to the determination of this stopping up and diversion application in any event. Regardless of this, what amounts to the 'way' of the existing Footpath 60 is clear, and as the Inspector states at 7.41 of his Report in **Appendix 2** in this Application, referring to the information submitted by Mr. Earnshaw of Messrs ADP Architects as set out in the enclosed **Appendix 6**:

*"[...] In the interests of accuracy in the event that the Order is made it would be necessary to make it subject to this revised plan."*

The Inspector then goes on to state at 7.42 of his report as enclosed at **Appendix 2**:

*"[...] I think it is highly unlikely that anyone would have misunderstood which section of footpath the Order relates to, or would not have submitted a representation on the Order on the basis of the advertised plan but would wish to do so on the basis of the amended plan. On this basis no prejudice would be likely to result from this course of action."*

Moreover, as set out at 2.5, above, the Inspector concluded at paragraph 8.2 that:

*"[...], should the Secretary of State decide to make the Order then I recommend that [...] (ii) the Order is made on the basis of plan no Diversion Plan 13072-200-P11-28Dec21 [...] showing the footpath to be stopped up on the northernmost side of the lane/drive."*

7.7 This is reinforced by the SoS themselves in paragraph 6 of the SoS Decision Letter (see **Appendix 2**), which states:

*"He [i.e. the SoS] is also satisfied that the area in question is public highway and this fact does not appear to be disputed by the parties. Although the exact footprint and dimensions of the current footpath have been brought into question during the course of the application and Inquiry, these factors would not materially alter the Secretary of State's decision on whether the Order should be made, only whether it should be made as currently drafted, or if modifications would have been required."*

7.8 Therefore, it is clear that the DMMO has no bearing on the determination of this application and issues should not be allowed to be conflated. The determination of the DMMO and the determination of this application are entirely different statutory processes, with different evidence types about different legal issues. Moreover, it involves a larger amount of land, beyond Points A to B in the Order Plan.

7.9 As identified by the Inspector and the SoS themselves in the previous determination of an application under s.247 TCPA 1990, all reasonably know and understand the 'way' and, at very worst and if absolutely necessary, where the DMMO is confirmed (which is not expected and it is vigorously opposed by numerous parties) prior to the determination of this application (which is also not expected) then Order Plan can simply be amended and publicised appropriately in accordance with the powers available to the Secretary of State. However, like the SoS Decision Letter and the Inspector Report following what it set out in the respectively enclosed **Appendix 1** and **Appendix 2** to this application, it is submitted from the outset that this absolutely would not be necessary here.

## 8.0 Pedestrian and Speed Surveys

- 8.1 As identified from the outset, whilst significant survey data was and remains available, a gap in the evidence was data from the oft-referred to ‘summer months’ or ‘school holiday months’, being July and August, when it is alleged (not unreasonably, it is conceded) that the use of the Footpath and/or the Diversion Route may generally increase compared with other times of the year, due to what traditionally would be seen as better weather conditions.
- 8.2 For completeness and as explained, this was an opportunity not only for additional speed surveys, but also additional information on the usage of the Diversion Route. Accordingly, the applicant commissioned Mr. Eric Appleton of Messrs Via Solutions Ltd., who was a contributor and witness at the previous Inquiry.
- 8.3 So that there could be no doubt whatsoever and all evidence is verifiable, at not insignificant cost a camera survey was commissioned, with cameras sited near Point B and Point C on the Order Plan (‘Site A’ and ‘Site B’ as they are referred to in the said Survey Report).
- 8.4 Traffic volume and speeds were recorded in the vicinity of Point B and Point C (as we refer to them on the Order Plan) using automatic recording equipment (being tubes across the Wolfstones Road) between Friday 5th August and Thursday 11th August 2022 and again between Friday 12th August and Tuesday 16th August 2022 (the ‘**Updated Volume and Speed Surveys**’). By using video cameras, all pedestrian movements were surveyed between 07.00 and 20.00 hours (13 hours per day) over the following dates from Sunday 31st July to Tuesday 2nd August 2022 (3 days); Thursday 4th August to Monday 8th August 2022 (5 days); Friday 12th August to Tuesday 16th August 2022 (5 days); and Thursday 25th August to Monday 29th August 2022 (5 days) (the ‘**Updated Pedestrian Surveys**’).
- 8.5 The Diversion Route, presently as a permissive route is closed periodically. However, to be very clear and for the avoidance of any doubt, during the survey periods in the ‘summer months’ of 2022, Footpath 60 and the Diversion Route were **both open at all times**. For completeness, the only time that part of Footpath 60 has been closed is 14th August 2023 to 11th September 2023 (i.e. nearly a year after the updated surveys) as a result of a Temporary Traffic Regulation Order (‘TTRO’) made by Kirklees Council, as repairs were required and works had to be carried out which in part impacted an area of Footpath 60. Footpath 60 was closed from Point A to Point B during this period. Also, again for completeness, the Diversion Route was left open during that time. In addition to TTRO notices placed by the Council, temporary signage was erected near to Point A and Point B on the applicant’s land during this period, directing users towards the Diversion Route.
- 8.5 The said updated Survey Report titled: ‘Technical Note: Highways’ dated April 2023 is enclosed as **Appendix 9A**. The report is self-explanatory and builds on the previous survey data from Messrs Paragon Highways, which for completeness are included with this application at **Appendix 9B** and **Appendix 9C**.

### Updated Volume and Speed Surveys

- 8.6 **Appendix 9A**, which consolidates the earlier survey work in **Appendix 9B** and the findings and opinion as described in **Appendix 9C**, is very clear, but there are some key findings in this consolidated data.
- 8.7 It is now beyond any evidential doubt whatsoever that any highways safety risk is very small, as the Inspector put it (see **Appendix 2**). This latest Updated Volume and Speed Surveys show that Wolfstones Road is low volume low speed traffic road. The data in **Appendix 9A** is clearly consistent with the earlier survey work in **Appendix 9B** in this respect.
- 8.8 There was no contrary evidence for the Council at the previous Inquiry to consider and this remains the position. The Council and no other person or organisation has acknowledged itself that it has no speed data of its own and that there is no recorded accident on Wolfstones Road that it holds. There are in fact no recorded accidents on Wolfstones Road at any time.



8.9 As Mr. Appleton (through Via Solutions Ltd.) puts it himself in his conclusion (see **Appendix 9A**):

*“As in previous survey data, whilst the proposed part-closure and diversion of Public Footpath HOL/60/20 would slightly increase pedestrian movements on a short length of Wolfstones Road, this would be of a similar level to that which exists on the same road to the south and on a section of road with what are now irrefutably low speeds and traffic volumes.”*

And Mr. Appleton further concludes:

*“As a result, it is now beyond any evidential doubt that such a proposal would not result in a material or significant increase in pedestrian / vehicle conflict on Wolfstones Road.”*

(NB. our emphasis).

8.10 The Updated Volume and Speed Surveys are consistent with earlier data and reinforce that there is absolutely no evidence that this application invokes any issues concerning highway safety. It is now to the point that this is unarguable. There is no data or any other evidence of any kind to the contrary.

#### **Updated Pedestrian Surveys**

8.11 Following a description and examination of the data, Appendix 9A identifies (on page 12) that:

*“The overriding point is that it is evident that users are in significant numbers actually electing to use the permissive/diversion route over the present legal Footpath HOL/60/20, even though it may be perceived as being less convenient when moving south towards Upperthong or up towards the permissive land housing the Trig Point.”*

In other words, despite what would ordinarily be perceived to be ‘inconvenient’ to a pedestrian user, such users are actively selecting the Diversion Route over the present legal Footpath 60 route.

8.12 The report also opines in the Updated Pedestrian Survey (again on page 12 of our Appendix 9A) that:

*“As this is a clear leisure (rather than functional) walking route, I was surprised to see a reference to alleged inconvenience in the report of the Inspector, given that I observed no particular evidence pointing to this during the course of the Inquiry or indeed his final report to the Secretary of State. However, in professional objective fairness, I speculate that this may have been down to the fact that summer survey data was not before him at that time.”*

The report goes on to state that:

*“Moreover, there is now clear evidence that the diversion route is not ‘inconvenient’ to a majority of users. It is in fact far from such a case. The evidence, as with previous evidence, is clear that significant numbers of pedestrian users appear to actively prefer the permissive/diversion route over the present legal Footpath HOL/60/20. This is unsurprising in our experience, given that this is a leisure walking route rather than a functional route. On why people are using or preferring the diversion route over the present legal route where it may seem to be more ‘inconvenient’, we can only speculate. It may be down to the quality of the route and greater enjoyment of the walk, but that is of course beyond the scope of this survey and not something that we are able to comment on.”*

8.13 The report goes on to conclude that:

*“According to all available data, the permissive route and its effects are neither unsafe, nor inconvenient, given that users are in significant number actively choosing the permissive route over the present legal Footpath HOL/60/20. [...]”*

- 8.14 It is also noted that only 5 (five) pedestrian movements per day were recorded between Wolfstones Road North and Footpath HOL/60/20, all of which elected to use the permissive route instead, which again is contrary to the assertion of alleged inconvenience of the proposed diversion route.

#### **Charity Land/Trig Point**

- 8.15 A thread running through the feedback and indeed the representations in the previous application and indeed the original s.257 TCPA application to the Council, is the alleged link with the Charity Land, which as described above is not a PROW, which feeds into the narrative of the alleged impact on public safety as a result of the Diversion Route. However, given the opportunity for 360-degree views at the trig point, regardless of whether this is a PROW and not even a formal permissive or other right of way, it is arguably an important local feature popular with recreational walkers.

However, this is underpinned by what we can now say with evidence is a myth that a majority of pedestrian users use Footpath 60 to access the Trig Point. Evidently it is now clear that this is not the case. See also 8.18, below.

- 8.16 It is again important to remember that the Charity Land is NOT a PROW and may be closed at any time. The alleged connection from the Footpath to the path to the trig point on the Charity Land is perhaps overstated. There is in fact no evidence available outside of the Survey. Apart from anything, in any event it is often lost that the Charity Land is not a PROW and can be closed or even sold at any time. It is a permissive route, as is the land west of the Charity land owned by Mr. Heinz. It is clear from **Appendix 7** that Mr. and Mrs. Heinz have very clear concerns about their land, particularly as it was represented by a user at the previous Inquiry that they had an arrangement for a walking route with Mr. Heinz, when it is apparent from **Appendix 7** that there has never been any such exchange, to the point where Mr. and Mrs. Heinz are rightly concerned.

- 8.17 It is also the case that the Land Charity does dispose of as well as manage their land assets, like any trustee having ownership and stewardship of land held in trust. The Council has more recently disposed of land in another area of the Holme Valley. To state that the Charity Land will always be in its present form is impossible.

#### **Public/Objector Concerns and the Survey Data**

- 8.18 Following the previous Inquiry and previous application, the concerns of objectors could be reasonably summarised as being based on three assumptions:

**First**, that the Footpath is used by an overwhelming majority of pedestrian users to access the Charity Land. **Second**, that there will be an increase in walkers using the rural road, having to walk a further south (i.e. up Wolfstones Road), thereby resulting in alleged increased conflict of vehicles and pedestrians. **Third**, that this rural road is dangerous and that vehicles speed.

All three assumptions were and remain evidently baseless. The evidence in **Appendix 9A and Appendix 9B** is now very clear in this respect. It is the case that none of these assumptions are borne out in five years' worth of evidence overall, against absolutely no evidence to the contrary.

- 8.19 Additionally, and importantly, what the SoS finally decided in the previous application, that the alleged 'inconvenience' that would be caused to highway users to be of a significance where the SoS could support the implementation of the Order (see paragraph 8 in **Appendix 1**), was respectfully not borne out of any real or meaningful evidence at the time. However, the lack of summer survey data did not assist. The Updated Pedestrian Surveys have now established the contrary. Moreover, where a route may well be perceived to be inconvenient, pedestrian users are apparently using the Diversion Route over the allegedly more convenient present legal route.

- 8.20 Indeed, **Appendix 9A**, on an analysis of ‘weekday’ (as opposed to weekend) pedestrian flows, the report states (at page 10):
- “It is also noted that only 5 (five) pedestrian movements per day were recorded between Wolfstones Road North and Footpath HOL/60/20, all of which elected to use the permissive route instead, which again is contrary to the assertion of alleged inconvenience of the proposed diversion route.”*
- 8.21 On analysis of weekend pedestrian flow data in Appendix 9A, the report states that:
- “The overriding point is that it is evident that users are in significant numbers actually electing to use the permissive/diversion route over the present legal Footpath HOL/60/20, even though it may be perceived as being less convenient when moving south towards Upperthong or up towards the permissive land housing the Trig Point.”*
- 8.22 The Updated Pedestrian Surveys in the summer months are completely verifiable. Notwithstanding the SoS (relying on the reporting of the SoS-Inspector) opining that significant inconvenience would be caused to pedestrian users, it is clear following summer surveys (and thereby indirect but useful guidance from the SoS and SoS-Inspector following the previous Inquiry) that the evidence of ‘significant inconvenience’, or in fact it would seem any inconvenience, must now be called into question when users are actively taking routes that would in that sense be perceived as inconvenient, notwithstanding the allegedly more convenient alternative.
- 8.23 The evidence taken as a whole could on this basis more than reasonably be equally well deployed as part of an application for a diversion pursuant to (as one example only) Section 119 Highways Act 1980. Insofar as the diverted footpath would still connect to the same highway, being Wolfstones Road, and we know are able to demonstrate that it would not be substantially less convenient to the public. This is obviously moot and, in any event, not relevant here, but is provided for comparative purposes only, given the consistency in the data in this respect.
- 9.0 Wolfstones Verge**
- 9.1 Even though the Council has publicly announced that the verge on Wolfstones road is a perfectly serviceable verge for walking on, the Council had originally attempted to effectively condition improvements to the verge on the eastern side of Wolfstones Road between what is now Point B and Point C on the Order Plan. However, on meeting the Council’s Highways Engineers on site, they have themselves said that the verge should not be converted into a traditional standard pavement as this will impact on drainage further down Wolfstones Road, and any surface should reflect the current verge including its porous nature. The applicant’s own engineers, Via Solutions Ltd. have also confirmed that Wolfstones Road is not conducive to traditional pavement and concurred that installation of a traditional pavement to Highways standard would do ‘much more harm than good’ in this location and would amount to departure from good highways engineering solutions, as well as being completely unsuitable for this stretch of rural road, narrowing the driving surface (thereby potentially impacting on safety when there are no issues in this respect) as well as causing potential drainage issues, particularly further north of the verge further down Wolfstones Road. Therefore, creating a problem that does not exist presently, for seemingly no apparent reason.
- 9.2 However, the applicant’s own engineers, although very clearly stating that improvements to the verge were absolutely not necessary, a slightly harder surface would in their opinion “do no harm” if engineering common sense and the correct system was applied in this particular location. In other words, the Council as Highway Authority would have to depart from a standard specification pavement system (which the Council is very clear that it will not do) and retain the verge essentially as a verge but with a harder surface. A relatively common porous plastic paving system (*Cellpave* lattice system) was promoted and costs towards this were offered with a specification in a s.106 unilateral undertaking to the Council paying towards the Council’s costs of such changes.

- 9.3 Aside from anything else the porous lattice system would mean that the verge could stay in its current dimensions and to some extent its visual form, which is in fairness attractive and conducive to a rural location such as this.
- 9.4 The Inspector in any event, after due consideration, very clearly concluded that alterations to the verge were not necessary were an order to be finally made (see paragraph 8.2 in **Appendix 2**). Nevertheless, accepting that it is certainly not necessary, but would “do no harm”, a monetary sum through a s.106 planning obligation can be offered again, but the Council is required to consider whether or not to object to this application, to establish whether it would wish to accept such an offer through an agreement or unilateral undertaking pursuant to s.106 of the Town and Country Planning Act 1990. There is little point in such an offer from the applicant, where the Council communicates that it will not accept it and a SoS-Inspector as well as the applicant’s own engineers have clearly stated that this is not necessary, with the Council’s own engineers apparently keen to leave the verge in place as is.
- 9.5 The position is there for the Council as Highway Authority to reconsider should it wish to. The Council should contact us if it requires any further details prior to making any decision in this respect. The Draft s.106 Unilateral Undertaking is substantially drafted and ready, but this obviously depends on whether or not the Council wishes to engage on this point.

## 10. The ‘Merits’ Test

10.1 Knowing that the ‘necessity test’ is undoubtedly met, we conclude by returning to the *merits* test.

10.2 Returning to 4.12, above, there are essentially two parts, or limbs, to the ‘merits’ test.

The **first limb** is: In the exercise of their qualified discretion the SoS is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up order which have been raised, either for the public generally or for those individuals whose actionable rights of access would be extinguished by the order.

The **second limb** is: In such a case the Secretary of State must also take into account any countervailing advantages to the public or those individuals, along with the planning benefits of, and the degree of importance attaching to, the development.

Following this, the SoS must then decide whether any such disadvantages or losses (which to be clear and for completeness means “significant” disadvantages or losses) are of such significance or seriousness that he should refuse to make the order.

### 10.3 The first limb of the ‘merits’ test – considering ‘significant’ disadvantages or losses flowing directly from the stopping up order

10.3.1 The above has set out what the word significant means, which again the SoS-Inspector engaged with in his reporting to the SoS following the previous Inquiry. Given the summer surveys (the acknowledged deficiency in the evidence of the previous application), being the Updated Volume and Speed Surveys and the Updated Pedestrian Surveys, as well as what else is set out above, it is sincerely promoted that there are no significant disadvantages or losses flowing directly from this application to stop up part of Footpath 60 and divert it to the Diversion Route.

10.3.2 The SoS in their Decision Letter (**Appendix 1**) found that the alleged inconvenience to users to be of a significance whereby he could not support the implementation of the Order could not be supported. The above has described that the reinforcing summer surveys have now evidenced that alleged inconvenience is unfounded, with active choices even being made by users to use the Diversion Route instead of the current legal route, despite it allegedly being ‘inconvenient’. It is speculated that this is because it is a recreational route (a point not disputed) and it is submitted that the Diversion Route

10.3.3 Moreover, it is clear that the risk in terms of highway safety is, even by the previous Inspector's own reporting, "very small". The summer surveys have now reinforced this, '*irrefutably*' in the words of Mr Appleton. The promotion of highways safety therefore being a 'significant disadvantage or loss' is now a hopeless argument even from the most ardent objector.

10.3.4 It is therefore submitted that it cannot now be reasonably said that there are any significant disadvantages or losses that would result from the stopping up and diversion. Indeed, it seems that the Diversion Route is in some cases more popular than the existing legal route. The first limb, as described in 10.2, above, is therefore clearly met, with no requirement to move to the second limb. There are no significant disadvantages or losses as a result of this application.

Nevertheless, where the SoS may disagree or find differently, then we indulge by looking to the second limb, again as set out in 10.2, above.

#### 10.4 **The second limb - countervailing advantages, etc.**

10.4.1 So, where significant disadvantages or losses flowing directly from the order are located (as set out above, it is sincerely submitted that there are none) the Secretary of State must also take into account any countervailing advantages to the public or those individuals, along with the planning benefits of, and the degree of importance attaching to, the development.

Following this exercise, the SoS must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to make the order. In addition to what is promoted in the above, we therefore look to some of the other advantages of the proposal.

#### **Quality and Safety of Diversion Route, etc.**

10.4.2 First, it is established that the route is a recreational route, rather than a functional route. As set out above, it is agreed that the impact on the footpath network is at least "neutral".

10.4.3 It is submitted that by comparison, the route in all senses is a far superior user experience. It is a better surface underfoot in all weathers and is a gentler sweeping gradient. As a result the Diversion Route is less slippery and being wider and more open (see below) is conducive to a much wider body of users compared with the existing route that is four feet wide and up/down a steeper incline to arguably a more unsafe pinch point on the brow of a hill on Wolfstones Road.

10.4.4 Moreover, the two sitting benches, which are now clearly intended as part of the order, allow all types of users to sit and enjoy the views, as well as the elderly and less able-bodied to rest if required.

#### **Compatibility with Equality Act 2010**

10.4.5 Accordingly, and following the above, it is submitted that the Diversion Route it is more conducive to the requirements of the Equality Act 2010. Age and disability are clear protected characteristics under s.5 and s.6 of the said Equality Act 2010 and it is submitted that the Like the Council as a relevant public authority, the SoS as a Minister of the Crown (or by extension the DfT as a government department) is required in law under its equality duties to have due regard to such matters when exercising its decision making functions.

10.4.6 In simple terms, it is submitted that the Diversion Route is easier and more conducive to those persons with the particular characteristics described and, the Diversion Route holds a key advantage in this respect compared with the current legal route. Moreover, it is also submitted that for this reason alone, more users are likely to use the Diversion Route than they would the existing part of the legal route to be stopped up. Such an advantage cannot in our submission be overlooked or understated.

### **Compatibility with Crime and Disorder Act 1998**

- 10.4.7 Section 17 of the Crime and Disorder Act 1998 requires a decision-making authority to have due regard in its decision making of the need to do all that it reasonably can to reasonably prevent crime and disorder in its area.
- 10.4.8 In recent years both Wolfstones Heights Farm and Wolfstone Heights have been the unfortunate victims of crime, the first being an intruder unknown and unconnected that had accessed via the footpath into Wolfstones Heights Farm whilst it was occupied by the applicant's family, with the second being theft from Wolfstone Heights during its construction.
- 10.4.9 It is obvious that the Diversion Route is set away from the dwellings. Whilst this will obviously not eradicate crime or the potential for crime, nor of course that all people are using the footpath with a view to committing crime, it is reasonable to say that the application is not un-assistive in this respect.

### **Impact on the owners - 'Great British Awkwardness'**

- 10.4.10 Following the above, as the Inspector's Report (see **Appendix 2**) outlined at paragraph 7.7. of his report, several supporters of the Order argue that stopping-up of the footpath would provide greater privacy and security for the occupants of Wolfstones Heights Farm and at the same time remove the awkwardness some walkers feel in passing close by a residential property. We have referred to this previously as 'Great British Awkwardness'. Regardless of piercings on either side of the property, the evidence (which we did not anticipate at the time of making the previous application) is that a not insignificant number of users of the existing Footpath 60, feel that they are imposing on the privacy of the applicant and his family.
- 10.4.11 The Inspector effectively dismissed this as a concern, based almost exclusively on the fact that there were a low number of piercings. In smaller part, the Inspector referenced the terraced feature on top of the new garages but said that this could also be seen from "above the hedge" on the Diversion Route. With the greatest of respect to the Inspector, this did not reflect the evidence or reality. Whilst "full privacy" (as the Inspector put it) on the said terrace will not be achieved, the fact is that the Diversion Route is some distance away from this, whereas the existing legal route is right next to it.
- 10.4.12 Furthermore, and again with the greatest of respect, the Inspector was dismissive of what a not insignificant number of supporters mentioned, which is that notwithstanding the lack of piercings, they felt awkward that they were imposing on the people that live in the properties. That indeed may well go to evidence as to why some select the Diversion Route over the existing legal route. There can be no denial that, although perhaps not the most significant advantage, it nevertheless represents an advantage of the Diversion Route that a not insignificant number find to be a benefit of the Diversion Route over the legal route.

### **The Diversion Route itself**

- 10.4.13 An overlooked advantage of the application is presence of the Diversion Route itself. As has been fully evidenced across a number of years, including now in all seasons including the assumed busier 'summer months', the Diversion Route is evidently popular and well-used compared with the existing legal route. To suggest that the application only benefits the applicant in this respect is irrational.
- 10.4.14 Importantly, the Diversion Route itself is/was a part of the Permissions. Moreover, and as described, the Council inputted heavily into the finished design of the Diversion Route.
- 10.4.15 The impact on the highway network has been agreed by the main parties as being neutral. Apart from also (it is submitted) resulting in a far more pleasant recreational user experience compared with the existing part of Footpath 60, the Council itself has previously opined that Point C provides greater inter-visibility between cars and pedestrians.

- 10.4.16 The serving of notices by the Council pursuant to Section 130A of the Highways Act 1980 by the Peak and Northern Footpaths Society on the Council in 2019, concerning the longstanding closed gates (pre-dating even the applicant's ownership of the land) has ironically but helpfully raised an advantage to this application to divert part of the Footpath. The concern is/was that the gates, which are generally closed on an evening, are not a recorded 'limitation' on the Definitive Map and Statement, or any previous records. This is despite the fact that the gates pre-date the current ownership.
- 10.4.17 Importantly, as the Council has conceded (but in fact it could do no other legally), all that could realistically be enforced is 120cm (four feet) width of the Footpath, were the Council to enforce (or be made to enforce) pursuant to the Section 130A Notices requirements, as identified in the Definitive Map and Statement. Of course, the PNFS application for a DMMO to widen Footpath 60 so far as it affects the applicant's land only is outstanding, but until that opposed DMMO is finally confirmed, the legal position is that only the 120cm at the northernmost side of the track is the extent of the footpath.
- 10.4.18 Following contact from the Council and on advice from its officers, Mr. Butterfield leaves the northernmost gate leaf open as a is all that is required to be left open to allow access and egress to the legal footpath on the northernmost side of the old driveway.
- 10.4.19 By comparison, as stated above, the Diversion Route, although being 120cm itself for a few metres at Point C where it meets/leaves Wolfstones Road, is between 2.0 metres and 3.5 metres, in most part being an average of around 2.50 metres; being twice the legal width of the current Footpath 60.
- 10.4.20 However, the width is not the only contribution to the improved recreational experience, as described further above. The more open nature of the Diversion Route contributes to a more rounded walking experience allowing far reaching views across its whole length, compared with the final part of the existing footpath being between buildings, most of which on the northernmost side is new following the Permissions. The part of the current Footpath to which this Section 247 TCPA application applies is where the footpath narrows and becomes increasingly enclosed due to the buildings. Consequently, at a particular 'pinch point', for approximately 75 metres, it can be observed on Site walking westwards up the rising incline, which as well as being a more difficult jaunt for certain users, being, narrow and slippery underfoot, as well as being a 'wind tunnel' in certain weathers, that the area becomes (and will continue to become) darker, with the far-reaching views becoming almost non-existent.
- 10.4.21 The Inspector opined that the existing path between buildings was an example of a footpath of traditional Yorkshire character, further opining that the Diversion Route is more akin to a country park. Apart from the fact that this was in our submission (and in fact on senior Counsel's opinion) a revisiting of the planning permissions and an opinion seemingly derived without reference or basis (which was a challengeable point in the opinion of said Counsel), very many footpaths in the area are in a similar very wide-open form to the Diversion Route. Indeed, Mr. Leader of the PNFS did provide evidence to the previous Inquiry that Footpath 60 itself, along its full length, is a recreational route, mainly across open fields, allowing users to enjoy far reaching views in mainly northerly and southerly directions.

Clearly the Diversion Route is popular, well used and well appreciated by those that use it, even where it may seem such a route may be 'inconvenient'. The Diversion Route is clearly a desirable and it is submitted an improved recreational user experience.

#### **Completion of the Development pursuant to the Permissions**

- 10.4.22 Being able to implement the Permissions to completion does not merely benefit just the applicant. The existing legal route will not see pedestrian users conflict with vehicles moving down the driveway (now referred to as the 'old' driveway). Also, being able to finish the development is conducive to good planning, insofar as the design and amenity of all, visually, spatially and otherwise, in a sensitive Green Belt location, was clearly envisaged in granting the Permissions. Permissions are not granted with a view to seeing incomplete developments and developments never arriving at completion.

10.4.23 Whilst the not making of a final order in itself will not see the popular (and even preferred in many) cases Diversion Route close, the applicant has conveyed that he is likely to close the Diversion Route and look at alternatives for the land, as it must be appreciated that he would be unable to permanently accommodated and manage two routes.

## 11.0 Conclusion

11.1 The applicant was disappointed that the SoS did not feel that they could make a final order following the previous application. Whilst the decision was challengeable in the High Court, the applicant acknowledged that a clear evidential gap was a lack of survey data in the summer months. This has now very clearly been addressed as is shown in Appendix 9A, which consolidates the data in Appendix 9B.

11.2 It is now evident from the data that the risk in terms of highway safety is negligible, if indeed there is any such risk at all. This is completely consistent with the findings of the SoS-Inspector following examination of all evidence at the previous Inquiry. Wolfstones Road is very clearly a low volume of traffic and low speed road. This is evidentially irrefutable now. There is no data in existence to the contrary of what is supplied.

11.3 It is also consistently evident from all of the data, but in particular the updated data from the 'summer months' as set out in **Appendix 9A**, that the Diversion Route is very popular and the allegation of significant inconvenience is not found. In fact, a not insignificant amount of pedestrians are making use of the Diversion Route even where it may previously have been considered inconvenient. Whilst only speculative and beyond the scope of the surveys, it is submitted that it is not unreasonable to infer that this is because users find the Diversion Route to be a better recreational walking route.

11.4 The Inquiry was not an unworthwhile exercise, as points of clear agreement were yielded, as set out particularly in 6 above and elsewhere above.

11.5 This Statement has covered the specific law and guidance around a determination for this application. There is no question that the *necessity test*, as described in this application, is met. Quite simply, the Permissions cannot be fully implemented unless the relevant part of the Footpath is diverted. All main parties were in agreement on this and it is beyond any dispute.

11.6 The 'merits' test is met at the first limb (see part 4, as well as 10.2 and 10.3, above). This is because there are no significant disadvantages or losses flowing directly from the stopping up and diversion of the relevant part of Footpath 60. Nevertheless, even where the SoS would find that the *first limb* (as described herein) is not met, the above information has clearly set out (at 10 and elsewhere) of the merits test is not met, then it is clear that there are several countervailing advantages to the scheme and that any perceived disadvantages are in no way of such significance or seriousness to warrant a refusal to make the order following this application.

11.7 Risks to highways safety and alleged 'inconvenience' to pedestrian users are evidently not found in the case of this application. The latest survey data from the summer months clearly reinforces this.

**Accordingly, the *necessity test* is met, and it is submitted that the *merits test* is also met.**

**In accordance with relevant guidance, it is submitted that there is no good reason for the SoS not to make an order following this application.**

11.8 The applicant may also refer to any documentation or evidence submitted as part of any previous application or documentation or evidence from the previous Inquiry where relevant and necessary.

Otherwise, the applicant shall of be happy to assist or provide any further relevant information that the SoS may require.



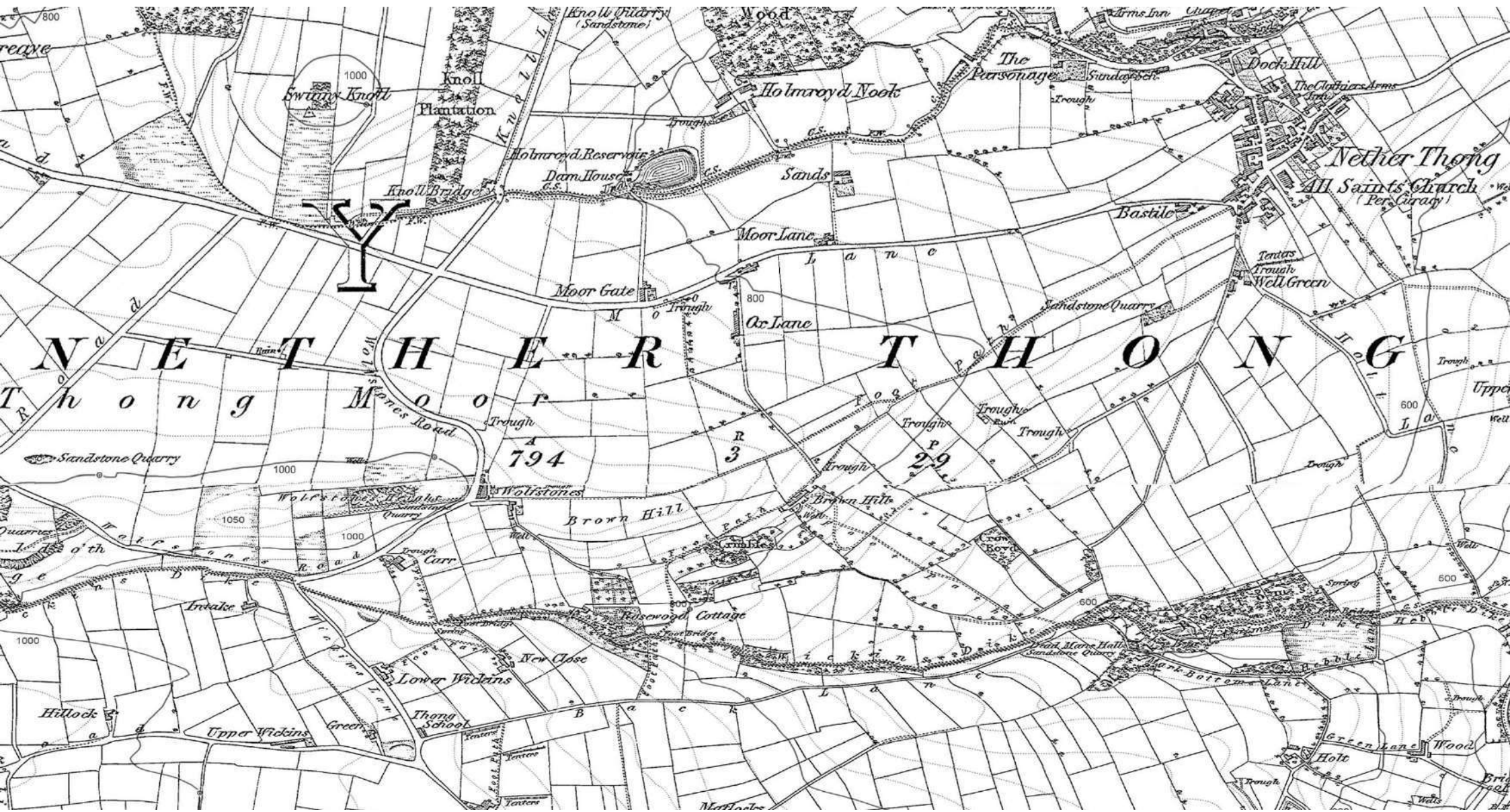
**Schedule of Appendices**

<b>Appendix 1</b>	Decision Letter Secretary of State for Transport 9 <sup>th</sup> March 2022
<b>Appendix 2</b>	Report of Secretary of State Inspector 1 <sup>st</sup> March 2022
<b>Appendix 3</b>	<b>Appendix 3(1) to Appendix 3(11)</b> inclusive – Permissions and associated relevant plans
<b>Appendix 4</b>	<b>Appendix 4A</b> – Proposed Order Plan 13072-200-P16-08Dec23 <b>Appendix 4B</b> – Proposed Order Plan 13072-200-P16-08Dec23 – WITHOUT NOTES
<b>Appendix 5</b>	s.257 TCPA Report to Kirklees Council Committee 30 January 2020
<b>Appendix 6</b>	Copy of Letter with enclosures from Russell Earnshaw ADP Architects 28 <sup>th</sup> December 2021
<b>Appendix 7</b>	Copy of Email from Mr. and Mrs. Heinz to Mr. Scanlon of NSCL dated 3 <sup>rd</sup> December 2023 at 17:07 hrs
<b>Appendix 8</b>	Photos of Diversion Route points with measurements
<b>Appendix 9</b>	<b>Appendix 9A</b> Via Solutions Ltd (Mr. Appleton) Technical Note April 2023 <b>Appendix 9B</b> Previous Survey Reporting and Data Paragon Highways <b>Appendix 9C</b> Letter from Paragon Highways to Claire Moody of National Casework Unit DfT 6 <sup>th</sup> July 2021
<b>Appendix 10</b>	<b>Appendix 10A</b> HM Land Registry Official Copy for Wolfstones Heights Farm WYK137187 <b>Appendix 10B</b> HM Land Registry Title Plan for Wolfstones Heights Farm WYK137187 <b>Appendix 10C</b> HM Land Registry Official Copy for Wolfstone Heights WYK448872 <b>Appendix 10D</b> HM Land Registry Title Plan (Part 1) for Wolfstone Heights WYK448872 <b>Appendix 10E</b> HM Land Registry Title Plan (Part 2) for Wolfstone Heights WYK448872 <b>Appendix 10F</b> HM Land Registry consolidated 'MapSearch' Plan for Wolfstone Heights WYK448872



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**DRAFT Minutes PLANNING STANDING COMMITTEE held at EXHIBITION ROOM at THE CIVIC, HUDDERSFIELD ROAD, HOLMFIRTH HD9 3AS on MONDAY 22 APRIL 2024 at 700pm**

Those present:

Chair: Cllr Andy Wilson

Vice Chair: Cllr Tom Dixon

Cllrs: Cllr Blacka, Cllr Brook, Cllr Colling, Cllr Fenwick, Cllr Liles, Cllr Ransby, Cllr Rostron

Officer: Gemma Sharp (Assistant Clerk)

Approved apologies:

Cllr Barnett, Cllr Fernandes

## **Welcome**

## **Open Session at Planning**

Five members of the public attended to speak on item 2425 06.

One member of the public attended to speak on item 2425 06 and 2425 07.

Cllr Whitelaw attended as a member of the public for items 2425 06 and 2425 07.

### **2425 01 Public Bodies (Admission to Meetings) Act 1960 amended by the Openness of Local Government Bodies Regulations 2014 on 6 August 2014**

As Local (Parish and Town) Council meetings can now be recorded, the Chair checked if any members of the public wished to record the meeting, to ensure reasonable facilities could be provided. One member of the public elected to make their own recording.

The meeting was already being recorded by the Officer for public broadcast via the Holme Valley Parish Council YouTube channel.

### **2425 02 To accept apologies for absence**

**Noted:** Apologies were **noted** and **accepted** from Cllr Barnett.

**Noted:** An existing dispensation is in place for Cllr Fernandes.

### **2425 03 To receive Members' and Officers' personal and disclosable pecuniary interests in items on the agenda**

Cllr Ransby declared personal interests in applications 2425/01/01, 2425/01/02 and 2425/01/16 under item 2425 09.

Cllr Dixon declared a personal interest in application 2425/01/08 under item 2425 09.

Cllr Wilson declared a personal interest in application 2425/01/01 under item 2425 09.

Cllr Rostron declared a personal interest in applications 2425/01/02 and 2425/01/09 under item 2425 09.

**2425 04 To consider written requests for new DPI dispensations**

None were received.

**2425 05 To consider whether items on the agenda should be discussed in private session**

No items were to be held in private session.

At this point Cllrs **resolved** to suspend standing orders in order to allow for discussion with the members of the public for items 2425 06 and 2425 07.

**2425 06 Consultation – Footpath Holmfirth 60 at Woolstones Heights Farm**

A notice for the proposal to make an Order under section 247 of the Town and Country Planning Act 1990 to authorise the stopping up and diversion of a length of Footpath Holmfirth 60, at the Wolfstones Heights Farm site, at Holmfirth in the Metropolitan Borough of Kirklees was received Ref: NATTRAN/Y&H/S247/5644, with accompanying draft order, and draft plan prior to the meeting and published with the meeting papers.

A discussion on the proposals was held and comments received by email were read out by the Assistant Clerk.

**Resolved:** The Committee resolved that an objection to the proposed order would be made to the Secretary of State.

**2425 07 Consultation – Parking Charges in Kirklees Car Parks**

A Public Notice and Statement of Reasons on a consultation for proposed Parking Places Order (and Schedules) for the introduction of parking charges in currently free car parks across the borough of Kirklees was received prior to the meeting and included with the meeting papers.

A discussion on the proposals was held and comments received by email were read out by the Assistant Clerk.

**Resolved:** Councillors resolved to submit an objection to the proposed introduction of charges on behalf of Holme Valley Parish Council to include the following points:



- Concerns for the site at Sands Rec for encouraging the use of the new riverside path once it is developed as a means to reduce congestion in central Holmfirth.
- A desire to encourage the use of the leisure centre and newly installed playground equipment at New Mill and Sands Rec.
- Concern for already declining footfall in Holmfirth evidenced by Holmfirth Forward and the effect on the surrounding villages parking charges will have on small businesses.
- Suggestion that consideration could be made to instead have a limited period of free parking (e.g. 3 hours) and be chargeable thereafter.

**2425 08 To Confirm the Minutes of the Previous Meeting**

**Approved:** The Minutes of the Planning Committee meeting held on 11 March 2024, numbered 2324 169 – 2324 186 inclusive were approved by the committee.

**2425 09 Completed Kirklees Planning Applications List**

**Noted:** List 2324-10 updated with the views of the Committee was noted by the Committee.

**2425 10 Kirklees Council - New Planning Applications**

The new or amended applications received from Kirklees Council 5 March 2024 to 16 April 2024 inclusive – List 2425-01 was considered by the committee.

**Resolved:** That the Planning Committee’s comments on the above applications be forwarded to Kirklees Council by the Assistant Clerk.

**2425 11 Kirklees Council - Planning Officers’ Decisions**

**Noted:** The list of Decision Notices issued by Kirklees Council for the period 30 January 2024 to 5 March 2024 inclusive was noted by the Committee.

**2425 12 Neighbourhood Planning and Reviewing Parish Council Outcomes**

**i. Purchase and placement of additional SID for the Holme Valley**

- At the full Council meeting on 27th March 2023 councillors approved the expenditure of up to £5,000 on a mobile speed indicator device (SID).
- At a meeting of the planning committee on 5 February 2024 Cllrs resolved that the clerking team would progress the purchase of a second SID for the Holme Valley. Confirmed costs for the second device have been requested from Kirklees officers.
- At a meeting of the planning committee on 11 March 2024 Cllr Wilson reported that the SID was now active within the scheme for Holme Valley South.



The Chair updated that discussion were ongoing with Holme Valley North Councillors to place their SID close to Honley High school to support the students’ ongoing campaign to improve road safety around the school.

**Action:** An action for the Assistant Clerk is follow up with Kirklees Highways on obtaining costs for a second SID.

ii. **Traffic calming**

School Parking Bollards:

Cllr Wilson confirmed that the parking bollards were now in use at Uppershong School.

Cllr Fenwick confirmed that Brockholes School were now ready to receive delivery of the bollards as the second school in the pilot scheme.

**Action:** An action for Cllr Wilson is to confirm with Uppershong School their storage arrangements for when the bollards are not in use and to gather feedback from the school.

**Action:** An action for the Assistant Clerk is to order a set of six parking bollards for delivery to Brockholes School.

iii. **Kirklees Statement of Community Involvement and Timetable for Local Plan**

**Note:** The Statement of Community Involvement approved by Kirklees council on 12 March 2024.

**Note:** The Local Plan Timetable approved by Kirklees Council on 12 March 2024.

**2425 13 Peak District National Park Authority**

- i. No new planning applications list were received in the previous period to be updated with HVPC comments.
- ii. New or amended applications received Peak District National Park Authority 5 March 2024 to 16 April 2024 inclusive were considered by the Committee.

**Resolved:** That the Planning Committee’s comments on the above applications be forwarded to Kirklees Council by the Assistant Clerk.

- iii. No new decision notices from the Peak District National Park received in the period 5 March 2024 to 16 April 2024.

**2425 14 Ongoing highways campaigns, including unmade roads, green lanes and byways of the Holme Valley**



The ongoing campaigns are:

- i. **Burnlee Road Closure**
- ii. **Ramsden Road**
- iii. **Cartworth Moor Road**
- iv. **Cheesegate Nab**
- v. **Netherthong centre**
- vi. **South Lane**

The Chair gave the following updates:

- An update on court action from Peak and Northern footpaths on Ramsden Road has been received detailing the next steps on repair requirements and planned TRO.
- Cllr Crook has updated that there have been many complaints regarding Cartworth Moor Road and updates from officers are pending.
- Cheesegate Nab has a TRO being progressed.
- The extension of the double yellow lines in central Netherthong has now been completed, and can be removed for the next meeting.

The Vice Chair updated on work beginning on the landslip at South Lane.

#### **2425 15 Planning Policy and Guidance**

At the planning meeting on 11 March 2024 Cllrs resolved to delegate the submission of the HVPC to the consultations on permitted development rights and brownfield development to Cllrs Wilson and Blacka.

**Noted:** The HVPC response to the national consultation on permitted development rights.

**Noted:** The HVPC response to the national consultation on brownfield development.

At the planning meeting on 11 March 2024 Cllrs Resolved to delegate to The Assistant Clerk to draft a letter to Kirklees ward councillors and CEO to follow up on correspondence regarding establishing a working relationship on conservation and heritage and the publication of pre-app advice.

**Resolved:** The draft letter to Kirklees Ward Cllrs and CEO to follow up on conservation/heritage and the publication of pre-app advice was approved to be sent by the Assistant Clerk.

#### **2425 16 Design Code**

Cllr Ransby reported on progress with the Design Code, he is still awaiting an update and will bring forward updates to the next meeting. .



**2425 17 Place Standards**

The Chair reported on a meeting of the Place Standards group that took place earlier in April 2024. The meeting covered:

- Plans for the widening of the riverside footpath. Work at Sands is expected to start in May 2024.
- A reconfiguration of the Town Gate car park.
- Alternate plans for the Town Gate/bus station improvements.
- The Holmfirth Blueprint work is close to commencement, expectation is that work can start in Summer 2024.
- There is planned marketing activity to encourage visiting and working in Holmfirth.

At this point the Committee approved extra time to continue the meeting beyond 9pm.

**2425 18 Committee Budget 2023-24 and 2024-25**

**Noted:** The Planning Committee noted that the Committee has one budget line under its remit for 2024-25. This is 4505 Neighbourhood Plan. At the start of the Council year, the budget contains £1,500.

In earmarked reserves, the Committee oversees two funds, -

- £12,526 earmarked for Road Safety; of this up to £10,000 has been committed to the purchase of 2 SIDs and up to £526 remains earmarked for the pilot school bollards safety scheme.

**2425 19 Publicising the work of Holme Valley Parish Council**

The Assistant Clerk updated on activity during the period of pre-election sensitivity and planned activity following 2 May 2024 to include Honley High School Students, Mobile SID and school parking bollards.

Close 9.03pm

Application No	Proposed Development	Location	Link	HVPC Comment
2024/65/90622/W	Listed Building Consent for erection of garage and gym/office (within a Conservation Area)	145, Church Street, Netherthong, Holmfirth, HD9 3EA	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90622">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90622</a>	No comment. Defer to Kirklees officers.
2024/62/90542/W	Alterations to convert former barn/store to extend living accommodation, rebuild and erection of extension of store and alterations to dwelling (within a Conservation Area)	Modd Laithe Farm, New Fold, Holmfirth, HD9 2DQ	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90542">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90542</a>	Support but would prefer to see a more thorough climate change statement.
2024/62/90449/W	Erection of front dormer	5, Dean Avenue, Netherthong, Holmfirth, HD9 3UJ	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90449">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90449</a>	Support
2024/62/90660/W	Erection of detached dwelling	land adj, Hillside, Cold Hill Lane, New Mill, Holmfirth, HD9 7JX	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90660">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90660</a>	Oppose. The style is not in-keeping with the surrounds, the size is too large and dominant for the plot and therefore has issues with overintensification and height.
2024/62/90613/W	Erection of single storey extension	Tenter Hill Cottage, Tenterhill Road, New Mill, Holmfirth, HD9 7LY	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90613">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90613</a>	Support
2024/62/90597/W	Demolition of existing conservatory and erection of sun room to side with roof terrace above	4, Wrigley Court, Netherton, Huddersfield, HD4 7ED	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90597">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90597</a>	Support
2024/62/90655/W	Installation of doorway with raised steps and balustrade to create secondary means of escape. (within a Conservation Area)	Shoulder Of Mutton Inn, 2, Dunford Road, Holmfirth, HD9 2DP	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90655">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90655</a>	Support
2024/62/90538/W	Erection of two storey side extension, two storey rear extension, formation of room in roof space and first floor balcony including associated works	Wood Crest, Stalley Royd Lane, Jackson Bridge, Holmfirth, HD9 7HX	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90538">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90538</a>	Oppose. The extension is very large in comparison to the original building and is out of scale. Overintensification for the size of the plot.
2024/62/90678/W	Erection of detached dwelling (within a Conservation Area)	adj, Carr Mount, Cooper Lane, Holmfirth, HD9 3HU	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90678">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90678</a>	Oppose. Insufficient parking provision.
2024/70/90749/W	Variation of conditions 3 (roofing materials) and 4 (timber clad) on previous permission 2022/91620	2, Town End Avenue, Wooldale, Holmfirth, HD9 1QW	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90749">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90749</a>	No comment. Defer to Kirklees officers

	for erection of extensions creating first floor to existing bungalow, internal and external alterations			
2024/62/90718/W	Erection of front and rear dormer windows and associated works	9, Springfield Avenue, Honley, Holmfirth, HD9 6ED	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90718">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90718</a>	Support
2024/62/90767/W	Erection of rear garage extension and associated alterations	42, Town End Avenue, Wooldale, Holmfirth, HD9 1QW	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90767">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90767</a>	Support
2024/44/90354/W	Discharge of conditions 9. ( Phase 1 Desk Study Report) 10. (Phase II Intrusive Site Investigation Report)& 11. (Remediation Strategy) on previous permission no. 2021/93228 for Outline application for erection of residential development	adj, 27, Town End Road, Wooldale, Holmfirth, HD9 1AH	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90354">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90354</a>	Noted
2024/62/90766/W	Erection of oak sloping canopy over the existing door entrance	4, Scotgate Fold, Honley, Holmfirth, HD9 6JU	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90766">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90766</a>	Support
2024/62/90716/W	Demolition of existing conservatory and erection of single storey rear extension and associated alterations	13, Netherhouses, Upperthong, Holmfirth, HD9 3XL	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90716">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90716</a>	Support
2024/62/90416/W	Erection of one dwelling	Former Hall Ing Quarry, Hall Ing Road, Brockholes, Holmfirth, HD3 3FR	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90416">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90416</a>	Support
2024/62/90620/W	Erection of rear extension and front and rear dormer extensions (within a Conservation Area)	5A, Greenway, Honley, Holmfirth, HD9 6NQ	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90620">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90620</a>	Oppose. Insufficient parking for a larger dwelling and issues with overlooking and loss of privacy.
2024/62/90703/W	Partial conversion of existing integral double garage to incorporate one garage space as habitable space.	39, Honey Head Lane, Honley, Holmfirth, HD9 6RW	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90703">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90703</a>	Support
2024/44/90826/W	Discharge conditions 3 (materials), 4 (energy statement), 5 (retaining walls), 6 (drainage) on previous permission 2022/92851 (APP/Z4718/W/22/3313257) for erection of detached dwelling and alterations to parking arrangements	Stoney Croft, 15, Park Head Lane, Holmfirth, HD9 2LB	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90826">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90826</a>	No comment. Defer to Kirklees officers
2024/64/90731/W	Advertisement Consent for erection of illuminated and nonilluminated signs (within a Conservation Area)	Shoulder Of Mutton Inn, 2, Dunford Road, Holmfirth, HD9 2DP	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90731">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90731</a>	Support

2024/62/90476/W	Demolition of Pole Barn and erection of one dwelling	Moss Edge Farm, Moss Edge Road, Holmbridge, Holmfirth, HD9 2SD	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90476">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90476</a>	No comment. Defer to Kirklees officers
2024/62/90641/W	Demolition of existing shed and out-buildings, reconfiguration of existing drive, erection of detached garage, conversion of existing barn to form one dwelling and erection of single and two storey extensions to existing farm house.	Granby Farm, 20, Woodbottom Road, Netherton, Huddersfield, HD4 7DJ	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90641">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90641</a>	Support but would prefer to see greater climate mitigation measures.
2023/62/93661/W	Engineering operations to regrade land to form lower ground floor extension and erection of porch with alterations (within a Conservation Area)	110, Underbank Old Road, Holmfirth, HD9 1AS	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/93661">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/93661</a>	Support
2024/62/90808/W	Demolition of converted outbuildings and erection of two storey and single storey extension and alterations	57A, Sude Hill, New Mill, Holmfirth, HD9 7ER	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90808">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90808</a>	Support
2024/62/90738/W	Erection of first floor rear extension and alterations	1, Butterley Lane, New Mill, Holmfirth, HD9 7EZ	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90738">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90738</a>	Support
2024/62/90300/W	Installation of air source heat pump	27, Dobb Top Road, Holmbridge, Holmfirth, HD9 2PQ	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90300">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90300</a>	Oppose. Whilst HVPC recognises attempts to mitigate the climate emergency as positive, noise pollution is also a concern and should be addressed with a quieter ASH pump model.
2024/62/90887/W	Erection of two storey side and single storey rear extensions (within a Conservation Area)	24, Town Gate, Upperthong, Holmfirth, HD9 3UX	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90887">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90887</a>	Support
2024/CL/90974/W	Certificate of lawfulness for proposed erection of dormer and associated alterations	Long Ing Farm, Shaw Lane, Holmfirth, HD9 2PY	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90974">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90974</a>	No comment. Defer to Kirklees officers
2024/62/90975/W	Erection of front porch and rooflights to existing roof (within a Conservation Area)	12, Woodhead Road, Holmfirth, HD9 2JU	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90975">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90975</a>	Support

HVPC Reference	Application No	Proposed Development	Location	Link	Ward /Councillors
2425/02/01	2024/62/90907/W	Erection of extension to front dormer	16, Moorside Road, Honley, Holmfirth, HD9 6HR	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90907">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90907</a>	Honley West
2425/02/02	2024/62/90895/W	Erection of detached garden room	12, Groves Houses, Gynn Lane, Honley, Holmfirth, HD9 6LA	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90895">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90895</a>	Honley Central and East
2425/02/03	2024/62/90965/W	Erection of two storey extensions to northern and southern (side) elevations including associated alterations	14, Laithe Bank Drive, Holmbridge, Holmfirth, HD9 2PL	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90965">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90965</a>	Upper Holme Valley
2425/02/04	2024/62/91023/W	Erection of 4 dwellings with landscaping and associated infrastructure	Land Off, Woodhead Road, Brockholes, Honley, Holmfirth	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91023">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91023</a>	Brockholes
2425/02/05	2024/62/91030/E	Change of use from art studio to therapy unit	Wonderland, Upper Hagg Road, Thongsbridge, Holmfirth, HD9 3TF	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91030">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91030</a>	Netherthong
2425/02/06	2024/62/91034/W	Installation of external pergola with power for heating and lighting to existing patio (within a Conservation Area)	Shoulder Of Mutton Inn, 2, Dunford Road, Holmfirth, HD9 2DP	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91034">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91034</a>	Holmfirth Central
2425/02/07	2024/65/90962/W	<i>Listed Building Consent for roof repair works to south east elevation (within a Conservation Area)</i>	<i>Holmfirth Civic Hall, Huddersfield Road, Holmfirth, HD9 3AS</i>	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90962">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90962</a>	NO COMMENT TO BE MADE AS HVPC IS LANDOWNER
2425/02/08	2024/62/90961/W	<i>Roof repair works to south east elevation (Listed Building within a Conservation Area)</i>	<i>Holmfirth Civic Hall, Huddersfield Road, Holmfirth, HD9 3AS</i>	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90961">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90961</a>	NO COMMENT TO BE MADE AS HVPC IS LANDOWNER
2425/02/09	2024/62/90908/W	Erection of two storey side extension	72, Roundway, Honley, Holmfirth, HD9 6DD	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90908">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90908</a>	Honley Central and East
2425/02/10	2024/62/90957/W	Demolition of existing building and erection of replacement building	Old Moll Lane, Netherton, Huddersfield, HD4 7DN	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90957">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90957</a>	Honley West
2425/02/11	2024/CL/91139/W	Certificate of lawfulness for existing use comprising builder's yard and workshop for the preparation and storage of building materials and mechanic's workshop for the repair and servicing of cars, plant and machinery	Land at, Meltham Road, Honley, Holmfirth, HD9 6HL	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91139">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91139</a>	Honley West
2425/02/12	2024/62/91102/W	Erection of agricultural building	Land off, Cartworth Road, Holmfirth, HD9 2RG	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91102">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91102</a>	Holmfirth Central

2425/02/13	2024/CL/91115/W	Certificate of lawfulness for existing equine buildings and associated equine use of land	land off, Far Lane, Hepworth, Holmfirth, HD9	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91115">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91115</a>	Hepworth
2425/02/14	2024/62/90454/W	Conversion of existing barn to form holiday let	Shaley Farm, Shaley, Sandy Gate, Scholes, Holmfirth, HD9 1RY	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90454">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90454</a>	Wooldale
2425/02/15	2024/62/90816/W	Erection of freestanding 10Kw air source heat pump	11, Flush House Lane, Holmbridge, Holmfirth, HD9 2QY	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90816">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/90816</a>	Upper Holme Valley
2425/02/16	2024/62/91171/W	Erection of single storey front and two storey rear extensions (within a Conservation Area)	42, Underbank Old Road, Holmfirth, HD9 1EA	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91171">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91171</a>	Holmfirth Central
2425/02/17	2024/62/91048/W	Installation of roof lantern within flat roof covered entrance area including associated works	The Willows, Field End Lane, Honley, Holmfirth, HD9 6NE	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91048">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91048</a>	Honley Central and East
2425/02/18	2024/62/91137/W	Erection of raised decking	23, Binns Lane, Holmfirth, HD9 3BL	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91137">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91137</a>	Upperthong
2425/02/19	2024/62/91198/W	Demolition of existing rear extension and erection of rear single and two storey extension	11, Forest Cottages, Bradshaw Road, Honley, Holmfirth, HD9 6RJ	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91198">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91198</a>	Honley South
2425/02/20	2024/62/91002/W	Formation of 2 outdoor covered padel tennis courts with 9m high polycarbonate canopy, one uncovered padel tennis court, relocation of modular building and existing outdoor tennis court and associated car parking improvements	Thongsbridge Tennis & Fitness Club, Miry Lane, Thongsbridge, Holmfirth, HD9 7RY	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91002">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91002</a>	Wooldale
2425/02/21	2024/62/91065/W	Conversion of integral garage to (office/study) and additional kitchen storage	10, Meadowcroft, Honley, Holmfirth, HD9 6GJ	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91065">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91065</a>	Honley West
2425/02/22	2024/44/91313/W	Discharge condition 9 (bin store) on previous permission 2023/90408 for conversion and alterations to chapel to create one dwelling and change of use of land to domestic use	Gatehead Methodist Chapel, Gatehead lane, Hepworth, Holmfirth, HD9 7TU	<a href="http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91313">http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2024/91313</a>	Hepworth

**Kirklees Planning Decisions for the period 16/04/2024 - 14/05/2024**

No.	Location	Development	HVPC Comment	Kirklees Decision
90266	1, Wooldale Road, Wooldale, Holmfirth, HD9 1QN	Erection of two storey side and single storey rear extensions	Support, but would prefer to see a more developed climate mitigation statement.	Granted
93494	Land off, Wesley Avenue, Netherthong, Holmfirth, HD9 3UL	Variation condition 1 (plans and specifications), 2 (materials) on previous permission 2023/90714 for reserved matters application pursuant to outline permission 2020/91146 for erection of residential development of 35 dwellings	Oppose - Materials should remain the same, this appears to be a cost cutting exercise and will result in a lower quality build.	<b>Granted</b>
90444	Land adj, Fern Bank, Far End Lane, Honley, Holmfirth, HD9 6NS	Erection of detached dwelling	<p>Oppose. HVPC commented on this application in March 2023: "Object. The climate mitigation statement was poor. There was no ecological assessment and there would be an impact on the Kirklees wildlife habitat network. There was a lack of provision of a footway. Access to the site was blind. The proposed development did not harmonise with the local built environment. Overlooking was a concern and there was a potential loss of light."</p> <p>These comments still apply and the parish council maintains their original objection to this application which has done little to address previous concerns. With the changes to the application and representations from residents HVPC would also like to add the following comments:</p> <ul style="list-style-type: none"> <li>- There is concern for the potential for daylight issues due to the height of the proposed development that will affect the property on Woodhead Road below. The potential for loss of light should be subject to a BRE Daylight &amp; Sunlight report carried out independently of the designer's assessment.</li> <li>- There are significant differences to the original outline on highways that have raised concerns for visibility and sightlines on the access/egress points as well as the loss of the footpath, which was deemed a reason for refusal in the past for this site.</li> <li>- There remains a lack of a valid ecological assessment for the site.</li> </ul> <p>The survey carried out on 30</p>	Withdrawn

## Kirklees Planning Decisions for the period 16/04/2024 - 14/05/2024

No.	Location	Development	HVPC Comment	Kirklees Decision
			<p>January 2023 does not cover the correct plot of land as the survey area boundaries and the development plot boundaries differ. The need for this is heightened by the additional driveway space in the revised plan, which will contribute to further to biodiversity loss. No change has been made to the climate change statement.</p> <p>- There is concern for the steep incline of the plot and the stability of the landscape within the area due to the lack of the 2m easement strip required by Highways Structures.</p> <p>- The Parish Council does welcome the use of natural materials in this proposal.</p>	
90622	145, Church Street, Netherthong, Holmfirth, HD9 3EA	Listed Building Consent for erection of garage and gym/office (within a Conservation Area)	No comment. Defer to Kirklees officers.	Granted
92343	Wooldale Methodist Church, Wooldale Road, Wooldale, Holmfirth, HD9 1QJ	Change of use, partial demolition of building and wall and alterations to convert redundant chapel to dwelling (Listed Building within a Conservation Area)	Support subject to Listed Buildings Officer consent	Granted
92344	Wooldale Methodist Church, Wooldale Road, Wooldale, Holmfirth, HD9 1QJ	Listed Building Consent for change of use, partial demolition and alterations to convert redundant chapel to residential (within a Conservation Area)	Support subject to Listed Buildings Officer consent	Granted
90110	23, Station Road, Holmfirth, HD9 1AB	Advertisement Consent for erection of illuminated sign (Listed Building within a Conservation Area)	Support	Granted
90113	23/25, Station Road, Holmfirth, HD9 1AB	Listed Building Consent for erection of 1 illuminated sign (within a Conservation Area)	Support	Granted
90055	23, White Wells Gardens, Scholes, Holmfirth, HD9 1TZ	Erection of front and rear extension, first floor side extension, relocation of the integral garage, infilling of existing entrance porch, alterations to windows and erection of glazed garden room to side	Support	Granted
90420	Brockholes Village Hall, Brockholes Lane,	Listed Building Consent for installation of solar panels	Support	Granted



<b>Kirklees Planning Decisions for the period 16/04/2024 - 14/05/2024</b>				
<b>No.</b>	<b>Location</b>	<b>Development</b>	<b>HVPC Comment</b>	<b>Kirklees Decision</b>
	Brockholes, Holmfirth, HD9 7EB			
92595	Oak Leas Manor, Spring Lane, New Mill, Holmfirth, HD9 7EH	Change of use and alterations, including new car park to create events/wedding venue	Support but concerns for adequate parking provision for an event venue with up to 100 guests.	Withdrawn
91288	82, West Avenue, Honley, Holmfirth, HD9 6HF	Erection of detached garage with access from Westcroft and external alterations	Oppose; plans are unclear as to the scale of the development in relation to the dwelling but appears to be oversized in comparison	<b>Granted</b>
93516	Woodnook Arena, Wood Nook Lane, Honley, Holmfirth, HD9 4DU	Change of use of land and buildings to form a farm and equine veterinary practice with erection of modular buildings	Support	Granted
93564	Woodland Fisheries, 72, Springwood Road, Thongsbridge, Holmfirth, HD9 7SN	Raising of roof height and single storey side extension	Support subject to officer approval	<b>Refused</b>
90660	land adj, Hillside, Cold Hill Lane, New Mill, Holmfirth, HD9 7JX	Erection of detached dwelling	Oppose. The style is not in-keeping with the surrounds, the size is too large and dominant for the plot and therefore has issues with over-intensification and height.	<b>Granted</b>
90292	Springfield Barn, Fieldhead Lane, Holme, Holmfirth, HD9 2QJ	Formation of practice arena	Support	Granted
90449	5, Dean Avenue, Netherthong, Holmfirth, HD9 3UJ	Erection of front dormer	Support	<b>Refused</b>
90655	Shoulder Of Mutton Inn, 2, Dunford Road, Holmfirth, HD9 2DP	Installation of doorway with raised steps and balustrade to create secondary means of escape. (within a Conservation Area)	Support	Granted
90855	50, Derwent Road, Honley, Holmfirth, HD9 6EL	The proposal is for erection of single storey rear extension. The extension projects 4.5m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3.7m, the height of the eaves of the extension is 2.4m	Did not received for comment	Not Required
90815	84, Leas Avenue, Netherthong, Holmfirth, HD9 3EW	The proposal is for erection of single storey rear extension. The extension projects 4.45m beyond the rear wall of the original dwellinghouse. The maximum height of the	Did not receive for comment	Not Required

## Kirklees Planning Decisions for the period 16/04/2024 - 14/05/2024

No.	Location	Development	HVPC Comment	Kirklees Decision
		extension is 2.4m, the height of the eaves of the extension is 2.25m		
90666	3, Wall Nook Lane, Cumberworth, Huddersfield, HD8 8YB	Certificate of lawfulness for proposed alterations to existing dwelling	Did not receive for comment	Granted
90718	9, Springfield Avenue, Honley, Holmfirth, HD9 6ED	Erection of front and rear dormer windows and associated works	Support	Refused
90613	Tenter Hill Cottage, Tenterhill Road, New Mill, Holmfirth, HD9 7LY	Erection of single storey extension	Support	Granted
90703	39, Honey Head Lane, Honley, Holmfirth, HD9 6RW	Partial conversion of existing integral double garage to incorporate one garage space as habitable space	Oppose. Insufficient parking for a larger dwelling and issues with overlooking and loss of privacy.	Granted
90716	13, Netherhouses, Upperthong, Holmfirth, HD9 3XL	Demolition of existing conservatory and erection of single storey rear extension and associated alterations	Support	Granted
90749	2, Town End Avenue, Wooldale, Holmfirth, HD9 1QW	Variation of conditions 3 (roofing materials) and 4 (timber clad) on previous permission 2022/91620 for erection of extensions creating first floor to existing bungalow, internal and external alterations	No comment. Defer to Kirklees officers	Granted
93162	57-59, Cliff Road, Holmfirth, HD9 1UY	Erection of extensions and alterations to one dwelling to form 2 dwellings, demolition of existing external store, widen parking bay, improve external steps and access, external and internal alterations (Listed Building)	Support but with some concern for limited parking in the immediate area.	Refused
90767	42, Town End Avenue, Wooldale, Holmfirth, HD9 1QW	Erection of rear garage extension and associated alterations	Support	Granted
93679	Hey End Cottage, 17, Cliff Lane, Holmfirth, HD9 1XE	Demolition of existing extension and erection of single-storey extension, alterations to patio and steps (within a Conservation Area)	No Comment. Defer to Kirklees Conservation Officers.	Granted
90118	Clough Dene, 96, Penistone Road, New Mill, Holmfirth, HD9 7DY	Change of use of land from public highway to residential garden	Support subject to the clarification of ownership of the land and associated permission	Granted

## Kirklees Planning Decisions for the period 16/04/2024 - 14/05/2024

No.	Location	Development	HVPC Comment	Kirklees Decision
90360	Picturedrome, Market Walk, Holmfirth, HD9 7DA	Installation of 3 air source heat pumps to rear (within a Conservation Area)	Support	Granted
90361	Picturedrome, Market Walk, Holmfirth, HD9 7DA	Listed Building Consent for Installation of 3 air source heat pumps to rear (within a Conservation Area)	Support	Granted

Application No	Proposed Development	Location	Link	HVPC Comment
NP/K/0224/0168	Listed Building consent - Replacing the windows at the front of the house (8 windows in total), they will be similar to the current windows just with double glazed window panes.	14 The Village, Holme	<a href="#">Planning Application details - NP/K/0224/0168   Peak District National Park Authority</a>	Support



## HOLME VALLEY PARISH COUNCIL

Holmfirth Civic Hall  
Huddersfield Road  
Holmfirth HD9 3AS

Tuesday 14 May 2024

FAO Kirklees Councillors for Holme Valley North and Holme Valley South:

Cllr Donna Bellamy, Cllr Charles Greaves, Cllr Tony McGrath,

Cllr Moses Crook, Cllr Paul Davies, Cllr Jane Rylah

C.C. Steve Mawson

Kirklees Council

*Via email*

### **Re: Pre-Application Planning Advice, Conservation and Heritage.**

Dear Councillors

I am writing on behalf of the Holme Valley Parish Council's Planning Standing Committee to follow up on unresolved matters relating to planning policy and working relationships between Kirklees Council as the local planning authority and Holme Valley Parish Council as a consultee. There are 2 main areas the committee wish to focus on:

#### **1. Pre-Application Advice**

In December 2023 the planning committee wrote to Kirklees Planning Department to request that the Pre-application advice given to applicants ahead of submitting planning applications be published in the interest of transparency and to aid informed commentary on applications. To date no response has been received and it is unclear whether this request has been considered or overlooked. A copy of the letter is included for information.

#### **2. Conservation and Heritage**

The committee are committed to supporting heritage and conservation in the Holme Valley. Several attempts have been made over the last year to establish links with officers in the Heritage and conservation team to discuss how the HVPC planning committee can best support the overall shared objectives on this topic. Whilst the committee recognises that officer time is limited; investing some time in community support with local knowledge from Parish Councillors is likely to be beneficial. A community led, place-based approach to conservation is sure to benefit residents and businesses in the area which is ultimately the shared goal of Kirklees and Holme Valley Parish Councils. The HVPC planning committee would like to invite suggestions on how to increase engagement on heritage and conservation and how to facilitate this.

The committee welcome responses which can be sent via the Assistant Clerk Gemma Sharp or via the chair of the Planning Standing Committee, Cllr Mary Blacka.

Best Regards

Gemma Sharp - Assistant Clerk [assistantclerk@holmevalleyparishcouncil.gov.uk](mailto:assistantclerk@holmevalleyparishcouncil.gov.uk)

On Behalf of Holme Valley Parish Council Planning Standing Committee



## HOLME VALLEY PARISH COUNCIL

Holmfirth Civic Hall  
Huddersfield Road  
Holmfirth HD9 3AS

Tuesday 30 April 2024

FAO Kirklees Council Parking Office  
Kirklees Council  
*Via email*

[TRO.Objections@kirklees.gov.uk](mailto:TRO.Objections@kirklees.gov.uk)

**Re: DEV/D119-122/Car Parks.**

**Proposed introduction by Kirklees Council under their powers in the Road Traffic Regulation Act 1984 the effect of which will be to introduce parking charges in the car parks across the district, introduce maximum stays and no return periods in some instances as listed in the published schedule dated 11 April 2024.**

Dear Kirklees Council Parking Office,

I am writing to you on behalf of Holme Valley Parish Council to make an objection to the above proposal to introduce parking charges in previously free car parks across the district.

At a meeting of the Holme Valley Parish Council Planning Standing Committee on 22 April 2024 one member of the public came to speak on the matter and comments received via email were read out by the Assistant Clerk. Councillors discussed the proposals and voted to send an objection via the consultation email address provided by Kirklees Council.

Holme Valley Parish Council wish to object to the proposals for the following reasons:

- There are concerns for the site at Sands Rec, particularly for encouraging the use of the planned new riverside path once it is developed as a means to create a "Park and Stride" site where visitors can park for free and walk into the town centre via the new riverside path with the aim of reducing traffic congestion in central Holmfirth.
- A desire to encourage the use of the leisure centre and support its viability and continued operation. Leisure centres have been under threat in rural parts of Kirklees due to funding considerations and HVPC councillors are concerned that car parking charges may play a part in reducing visitor numbers and therefore income for the centre at Sands.
- Kirklees have recently installed new playground equipment at the site at New Mill and Sands Rec and further development is in progress. The Parish Council would prefer to see this investment fully used by the community and introducing parking charges risks diverting visitors to other areas.
- There is concern for an already declining footfall in Holmfirth (according to information from Holmfirth Forward) and the effect parking charges may also have on visitors to New Mill and Honley, particularly on the small independently owned businesses that characterise the Holme



## HOLME VALLEY PARISH COUNCIL

Holmfirth Civic Hall  
Huddersfield Road  
Holmfirth HD9 3AS

Valley. There were suggestions from councillors however that consideration could be made to instead have a limited period of free parking (e.g. 3 hours) and be chargeable thereafter to allow visitors to villages to shop and eat or exercise at a leisure centre and then be charged for any longer parking duration.

Kind Regards

Gemma Sharp - Assistant Clerk  
On behalf of Holme Valley Parish Council.