

**NOTICE OF ORDER**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**SECTION 257**

Calderdale Metropolitan Borough Council  
WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53  
Public Path Diversion Order and Definitive Map and Statement Order  
Order No. 6, 2015 Footpath Blackshaw 38

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **02 August 2016**.

Consideration of the Order will take the form of exchanges of statements of case and comments on statements of case.

The effect of the Order, if confirmed without modifications, will be to divert part of public footpath Blackshaw 38 running to the east of Green Barn, Lower Rawtonstall, Blackshaw Head between Point A (grid reference SD 9771 2732) in a south south easterly direction for 18 metres to Point C (grid reference SD 9772 2731) to a line running between the same points, via Point B (grid reference SD 9772 2732), up to approximately 3 metres to the north east of its current position as shown on the order map. The order will also modify the West Yorkshire Metropolitan County Council Modified Definitive Map and Statement.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: [clive.richards@pins.gsi.gov.uk](mailto:clive.richards@pins.gsi.gov.uk). Please quote reference number FPS/A4710/5/2 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment at Halifax Customer First, Horton Street, Halifax between 9am and 5pm, Monday to Friday. (Tel: 01422 288001)

**Timetable for sending in statements of case and comments**

**Within 2 weeks of the start date [by 16 August 2016]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to everyone who has made an objection or representation, the applicant and any other person who has written to us in respect of the Order.

**Within 8 weeks of the start date [by 27 September 2016]**

Everyone who has made an objection or representation or any other written representation must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order.

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, Secretary of State will send a copy (excluding copies of any supporting documents, although these will be available to view at the Authority's offices) to the Authority, everyone who has made an objection or representation and any other person who has written to us in respect of the Order.

**Within 14 weeks of the start date [by 08 November 2016]**

Everyone who has made an objection or representation, the Authority, the applicant (if applicable) and anyone who has written to us in respect of the Order must ensure that their comments on any or every other statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of these comments to everyone else.

Any other person wishing to make representations in writing to the Secretary of State in respect of the above Order(s) must do so in line with the timetable set out above.

In fairness to the other parties everyone should keep to the timetable to ensure that statements of case and comments are received on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

**PUBLIC PATH DIVERSION ORDER AND  
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257  
WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53A(2)**

**THE BOROUGH COUNCIL OF CALDERDALE**

**ORDER NO. 6, 2015**

**Footpath Blackshaw 38**

This order is made by the Borough Council of Calderdale under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the public footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: a single storey extension adjacent to the north east elevation of Green Barn, planning permission number 14/00730HSE.

This order is also made under section 53(A) of the Wildlife and Countryside Act 1982 ("the 1981 Act") because it appears to the authority that the West Yorkshire Metropolitan County Council Modified Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely the diversion (as authorised by this Order) of a highway hitherto shown or required to be shown in the map and statement.

**BY THIS ORDER:**

- 1 The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this order ("the Schedule") shall be stopped up and the West Yorkshire Metropolitan County Council Modified Definitive Map and Statement shall be modified, as provided below.
- 2 There shall be created to the reasonable satisfaction of the Borough Council of Calderdale an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
- 3 The diversion of the footpath shall have effect on the date on which the Borough Council of Calderdale certifies that the terms of Article 2 above have been complied with, and upon the occurrence of that diversion the West Yorkshire Metropolitan County Council Modified definitive map shall be modified by deleting from it that path or way referred to in paragraph 1 of this order and the path or way referred to in paragraph 2 of this order shall be added to it, and the definitive statement shall be modified as described in Part 3 of the Schedule

- 4 The following works shall be carried out in relation to the highway described in Part 2 of the Schedule:
- At point B on the order plan a 2.5 metre length of the existing dry stone wall shall be removed.
  - Between points B and C the top soil shall be removed, a compacted stone base course laid and top soil re-laid to create a 2.5 metre wide path with an appropriate gradient, to the satisfaction of the Council.
- 5 Prof. W Hollway is hereby required to pay the cost of carrying out the said works.

## **SCHEDULE**

### **PART 1**

#### **DESCRIPTION OF SITE OF EXISTING PATH OR WAY**

A public footpath approximately 1.2 metres wide known as Blackshaw 38 (part) shown by a bold continuous line on the plan attached to this order and commencing at a point at grid reference SD 9771 2732 (marked A on the plan) and running in a south south easterly direction for approximately 18 metres to a point at grid reference SD 9772 2731 (marked C on the plan).

### **PART 2**

#### **DESCRIPTION OF SITE OF NEW PATH OR WAY**

A public footpath 2.5 metres wide known as Blackshaw 38 (part) shown by a bold broken line on the plan attached to this order and commencing at a point at grid reference SD 9771 2732 (marked A on the plan) and running in a south south easterly direction for approximately 8 metres to a point at grid reference SD 9772 2732 (marked B on the plan) then continuing in an approximately southerly direction for approximately 11 metres to a point a grid reference SD 3772 2731.

PART 3

**MODIFICATION OF DEFINITIVE STATEMENT  
VARIATION OF PARTICULARS OF PATH OR WAY**

Delete existing entry and substitute the following:

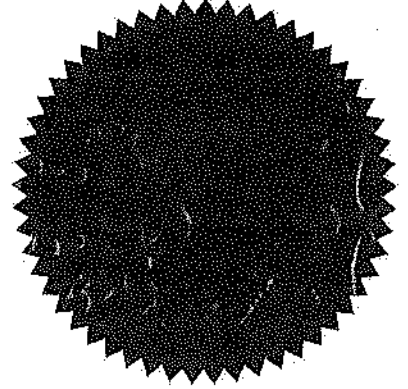
Path no.	Map ref.	Description of route	Nature of surface	Approx. length (metres)	Width (metres)	General	Limitations and conditions (added by order No. 6, 2015)
Blackshaw 38	SD92 NE 9727	Footpath from Green House running in a generally southwesterly direction towards Lower Rawtonstall, then in a generally south easterly then south westerly direction to bridleway Blackshaw 75 near Fernly.	Grass	224	1.2 (approx.)	Diverted to east of Green Barn by Order No. 6, 2015	None
			Grass	19	2.5		
			Metalled	419	1.2 (approx.)		

THE CORPORATE COMMON SEAL OF  
The BOROUGH COUNCIL of CALDERDALE was hereunto  
affixed this 17<sup>th</sup> day of November 2015  
in the presence of:

*J.R. Hughes*

IAN HUGHES

HEAD OF DEMOCRATIC AND  
PARTNERSHIP SERVICES





MAP NOT TO ORIGINAL SCALE

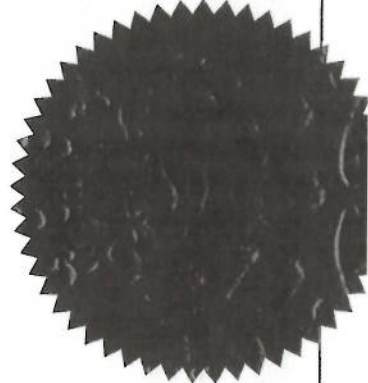
Towards Rawtonstall Bank

Towards Lower Rawtonstall

Green Barn

IAN R HUGHES  
HEAD OF DEMOCRATIC AND PARTNERSHIP SERVICES

*I.R. Hughes*



Rawtonstall House

**KEY**

-  Footpath to be closed
-  Replacement path
-  Unaffected public footpaths
-  Unaffected public bridleway

**Calderdale**  
Council

Westgate House, Westgate, Halifax,  
West Yorkshire. HX1 1PS

Telephone 01422 28802

Website: [www.calderdale.gov.uk](http://www.calderdale.gov.uk)  
Email: [highwaysandengineering@calderdale.gov.uk](mailto:highwaysandengineering@calderdale.gov.uk)

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Diversion of public footpath  
Blackshaw 38 at  
Green Barn, HX7 7JR

Sheet Ref: SD9727

Date: 09/11/2015

Scale: 1:500

Drawn By: PC

**Economy & Environment**  
**HIGHWAYS & ENGINEERING**