

## **NOTICE OF ORDER**

### **WILDLIFE & COUNTRYSIDE ACT 1981 – SECTION 53**

West Yorkshire County Council  
Definitive Map and Statement for the Kirklees Area  
Kirklees Council  
(Kirkburton Public Footpath 254 – Low Fold, Kirkheaton  
Public Path Modification Order 2013

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 **08 July 2016**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at Huddersfield Town Hall, The Old Court Room, Corporation Street, Huddersfield, HD1 2TA on Wednesday 14 December 2016 at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the Definitive Map and Statement for the area by adding to them a public footpath shown by the bold dashed line commencing at its junction with Bankfield Lane opposite Bankfield Avenue at Point A on the Order Map at Grid Reference 1794 1790 and proceeding in a southerly direction for 103 metres to its junction with St Paul's Road at Point B on the Order Plan at Grid Reference 1795 1781.

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/Z4718/7/45 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment during normal opening hours at a) Kirklees Legal Services Reception, High Street Buildings, High Street, Huddersfield HD1 2ND and b)

Kirkheaton Library & Information Centre, Fields Rise, Kirkheaton, Huddersfield, HD5 0LZ. Council contact: Sandra Haigh, Tel: 01484 221000.

### **Timetable for sending in statements of case and proofs of evidence**

#### **Within 8 weeks of the start date [by 02 September 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 and the applicant and any other person who has written to us in respect of the Order.

#### **Within 14 weeks of the start date [by 14 October 2016]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies 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 (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

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, the Secretary of State will send a copy 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 (excluding copies of any supporting documents, although these will be available to view at the Authority's offices).

#### **4 weeks before the date of the inquiry [by 16 November 2016]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State.

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

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

Notice of order for inquiry

**WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53  
WEST YORKSHIRE COUNTY COUNCIL  
DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA  
KIRKLEES COUNCIL (KIRKBURTON PUBLIC FOOTPATH 254 – LOW FOLD,  
KIRKHEATON) PUBLIC PATH MODIFICATION ORDER 2013**

This Order is made by Kirklees Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i), namely the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way, which is not shown in the Map and Statement subsists or is reasonably alleged to subsist over the land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path.

The authority has consulted with every Local Authority whose area includes land to which this Order relates. The Kirklees Council hereby orders that:-

1. For the purpose of this Order the relevant date is 1 December 2013.
2. The West Yorkshire Metropolitan County Council Definitive Map and Statement for the Kirklees Area shall be modified as described in Part 1 and Part 2 of the Schedule to this Order and shown on the map attached hereto.
3. This Order shall take effect on the date it is confirmed and may be cited as the "Kirklees Council (Kirkburton Public Footpath 254 – Low Fold, Kirkheaton) Public Path Modification Order 2013.

## SCHEDULE

### PART 1

#### MODIFICATION OF THE DEFINITIVE MAP

#### DESCRIPTION OF PATH TO BE ADDED

A public footpath shown on the plan annexed hereto by a bold dashed line commencing at its junction with Bankfield Lane opposite Bankfield Avenue at point A at grid reference 1794 1790 and proceeding in a southerly direction for 103 metres to its junction with St Paul's Road at point B at grid reference 1795 1781.

### PART 2

#### MODIFICATION OF THE DEFINITIVE STATEMENT

The following details to be added to the Definitive Statement

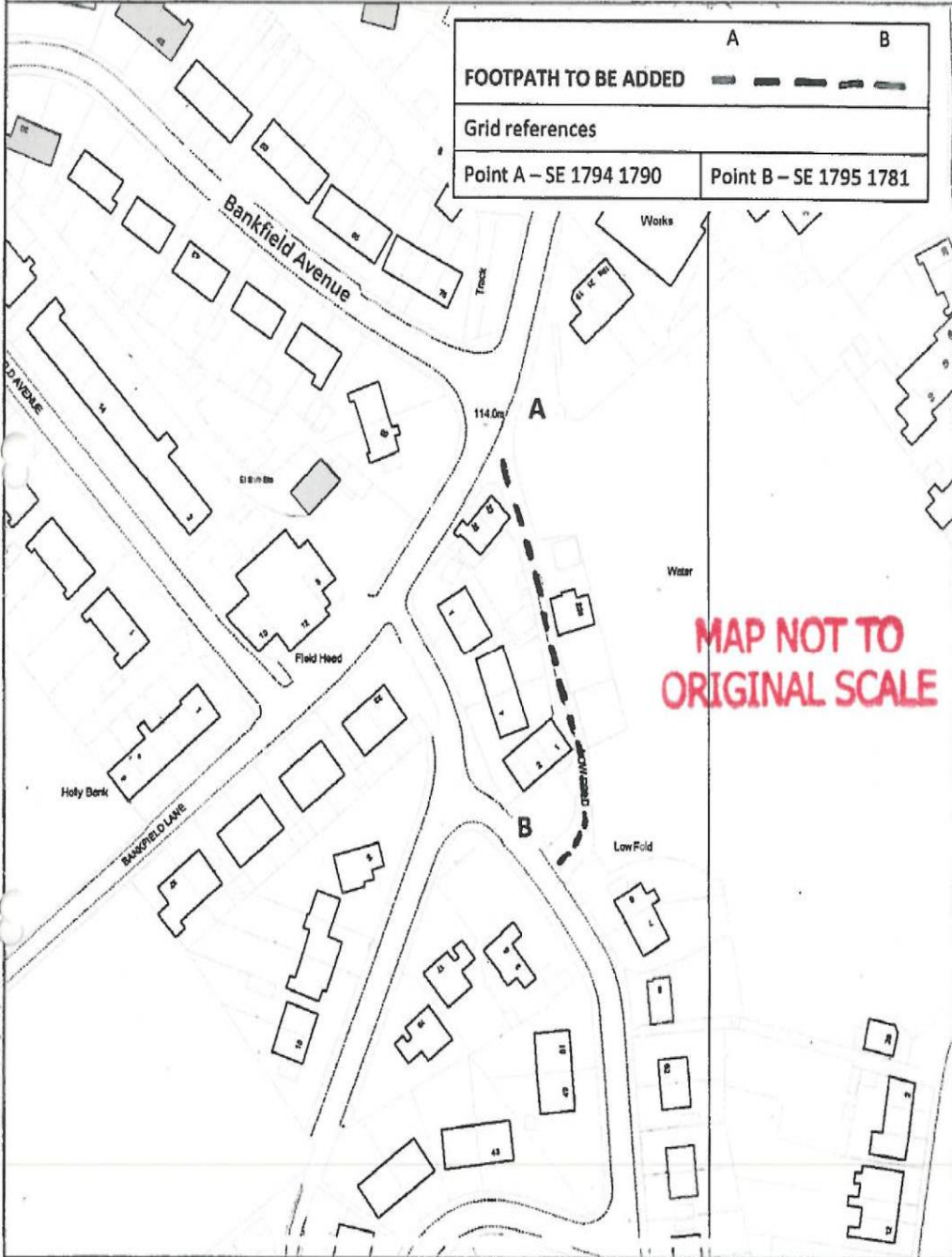
<b>Area</b>	Kirkburton
<b>Path No</b>	254
<b>Map reference</b>	SE 11NE 1717

#### Description of route:

Public footpath commences at its junction with Bankfield Lane opposite Bankfield Avenue and proceeding in a southerly direction to its junction with St Paul's Road

<b>Nature of surface</b>	ash/cinder/soil
<b>Length</b>	103 m
<b>Width</b>	3 m

**Wildlife & Countryside Act 1981, section 53. Modification order to add a footpath**  
**Kirkburton 254, Low Fold, Kirkheaton**



	A	B
<b>FOOTPATH TO BE ADDED</b>	— — — — —	
<b>Grid references</b>		
Point A – SE 1794 1790	Point B – SE 1795 1781	

	<p>© Crown Copyright and database right 2013. Ordnance Survey 100019241</p>	<p>Scale 1/1250                  Centre = 417939 E 417863 N                  Date 4/12/2013</p>
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GIVEN UNDER THE CORPORATE )  
COMMON SEAL OF THE COUNCIL )  
OF THE BOROUGH OF KIRKLEES )  
THIS SEVENTEENTH DAY OF )  
DECEMBER TWO THOUSAND )  
AND THIRTEEN )



*D. White*

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Authorised Signatory

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**DATED 17 DECEMBER 2013**

**WILDLIFE AND COUNTRYSIDE ACT 1981  
WEST YORKSHIRE COUNTY COUNCIL  
DEFINITIVE MAP AND STATEMENT FOR  
THE KIRKLEES AREA**

**KIRKLEES COUNCIL  
(KIRKBURTON PUBLIC FOOTPATH 254 –  
LOW FOLD, KIRKHEATON)  
PUBLIC PATH MODIFICATION ORDER 2013**

**JULIE MUSCROFT  
ASSISTANT DIRECTOR - LEGAL,  
GOVERNANCE & MONITORING  
KIRKLEES COUNCIL  
LEGAL SERVICES  
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