
Order Decision

Site visit made on 15 December 2017.

by Helen Heward BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 20 June 2018

Order Ref: ROW/3178615

- This Order is made under Section 119 of the Highways Act 1980 ('the 1980 Act') and Section 53A(2) of the Wildlife and Countryside Act 1981 and is known as the Council of the City of Wakefield Public Path Diversion Order and Definitive Map & Statement Modification Order No 7, 2015, Public Footpath Ossett No 2.
- Wakefield Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.
- The Order is dated 10 December 2015 and proposes to divert the public right of way shown on the Order plan and described in the Order Schedule. If confirmed, the Order will also modify the Definitive Map and Statement for the area in accordance with Section 53(3)(a)(i) of the Wildlife and Countryside Act 1981. Full details of the route are set out in the Order Plan and Schedule.
- In accordance with Paragraph 2(3) of Schedule 6 to the Highways Act 1980 notice has been given of my proposal to confirm the Order subject to modifications which would include land not affected by the Order as submitted.

Summary of Decision:

I have confirmed the Order subject to the modifications that I formerly proposed.

Preliminary Matters

1. The effect of the Order if confirmed with the modifications that I previously proposed would be to divert part of Public Footpath Ossett No 2 (FP2) around the site of Newly Weds Food Limited (NWF Ltd).
 2. I proposed that the Order should be modified as follows.
 3. Firstly, for consistency and having regard to the description in Column 9 of the Definitive Statement for FP2, I proposed that the Order be modified so as to describe existing FP2 as a 1.5 metre wide public footpath and that PART 2 be modified to describe the proposed alternative as a 1.5 metre wide public footpath.
 4. Secondly, when concluding that the new route would not be substantially less convenient to the public, I had regard to an offer by NWF Ltd to install a kissing gate as part of the diversion and to replace an existing stile with a kissing gate where FP2 enters from Hidswell Lane. The submitted Order referred only to stiles. I therefore proposed that both the description of 'the new statement entry' and column nine of the 'Proposed Statement' table in Part 3 of the Order Schedule be modified by the deletion of the words "6 stiles" and the addition of the words "4 stiles and 2 kissing gates".
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5. No statutory objections were made to my proposed modifications.

Conclusion

6. Bearing in mind all relevant matters, I conclude that the Order should be confirmed subject to the modifications set out in paragraph 31 of my interim Order Decision dated 15 December 2017.

Formal Decision

7. In exercise of the powers transferred to me, the Order is confirmed subject to the modifications previously proposed:
- (i) Amend the Schedule PART 1 to describe the existing FP2 as a 1.5 metre wide public footpath;
 - (ii) Amend the Schedule PART 2 to describe the proposed alternative as a 1.5 metre wide public footpath;
 - (iii) Amend the Schedule PART 3 description of new statement entry by deleting the words "6 stiles" and adding in the words "4 stiles and 2 kissing gates", and
 - (iv) Amend the Schedule PART 3 table of Proposed Statement (column nine) by deleting the words "6 stiles" and adding in the words "4 stiles and 2 kissing gates".

Helen Heward
Inspector

0 0.05883
kilometres
Scale: 1:1,250

MAP NOT TO
ORIGINAL SCALE

Path to be diverted
Path to be created
Paths not affected



Grid references
A : GR 2690 2215
B : GR 2698 2220
C : GR 2700 2215

9m

Pond

Path (um)

A

B

C

111.3m

125.4m

122.5m

0.4m

Dwl
buse

69 71

68

57

55

53

PICKERING LANE

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