

NOTICE OF ORDER

Wildlife And Countryside Act 1981 - Section 53

Kirklees Metropolitan Council

Kirklees Council (Colne Valley 253 – Cellars Clough, Marsden) Public Path Modification Order 2018

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 **17 December 2019**

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

The Inquiry will be held at **Marsden Mechanics Hall, Peel Street, Marsden, Huddersfield HD7 6BW** on **23 June 2020** 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 the footpath running from its junction with the Huddersfield narrow canal towpath at point A at grid reference 0540 1228 and proceeding in a north easterly direction for 437 metres to its junction with public footpath Caine Valley 181 at point D at grid reference 0576 1248 with a link commencing at point C at grid reference 0547 1230 and proceeding in a generally northerly direction for 108 metres to its junction with the Huddersfield Narrow Canal towpath at point B at grid reference 0548 1239, as shown on the order map.

Any queries relating to this Order should be referred to Clive Richards at The Planning Inspectorate, Rights of Way Section, Room 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5502. Email: clive.richards@planninginspectorate.gov.uk. Please quote reference number ROW/3232071 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 Kirklees Council, Huddersfield Customer Service Centre, Civic Centre 3, Market Street, Huddersfield (Opening hours Monday-Friday 0900-1700 except Thursday 1000-1700) and Marsden Mechanics Hall, 21-23 Peel Street, Marsden,

Huddersfield HD7 6BW (tel: 01484 844587 for opening hours). Council Contact: Sandra Haigh, Tel: 01484 221000 ext 77871.

Timetable for sending in statements of case and proofs of evidence

Within 8 weeks of the start date by [by 11 February 2020]

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 - 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 24 March 2020]

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case¹ is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to 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 - 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 full copy to the Authority. Copies will also be sent to 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 - these will be available to view at the Authority's offices).

4 weeks before the date of the inquiry [by 26 May 2020]

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. 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);

¹ 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.

- 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

INQUIRY CANCELLED

WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53
WEST YORKSHIRE COUNTY COUNCIL
DEFINITIVE MAP AND STATEMENT FOR THE KIRKLEES AREA
KIRKLEES COUNCIL (COLNE VALLEY 253 – CELLARS CLOUGH, MARSDEN)
PUBLIC PATH MODIFICATION ORDER 2018

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) of the Act, 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 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 June 2018.
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 and shown on the map attached to the Order.
3. This Order shall take effect on the date that it is confirmed and may be cited as the "Kirklees Council (Colne Valley 253 – Cellars Clough, Marsden) "Public Path Modification Order 2018.

GIVEN UNDER THE CORPORATE)
COMMON SEAL OF THE COUNCIL)
OF THE BOROUGH OF KIRKLEES)
THIS FOURTH DAY OF JUNE)
TWO THOUSAND AND EIGHTEEN)



[Handwritten signature]

~~Service Director/Legal, Governance & Commissioning/~~Authorised Signatory

010820

SCHEDULE

PART 1 – MODIFICATION OF THE DEFINITIVE MAP

DESCRIPTION OF PATH OR WAY TO BE ADDED

A public footpath shown on the plan annexed hereto by the bold dashed line commencing at its junction with the Huddersfield narrow canal towpath at point A at grid reference 0540 1228 and proceeding in a north easterly direction for 437 metres to its junction with public footpath Colne Valley 181 at point D at grid reference 0576 1248 with a link commencing at point C at grid reference 0547 1230 and proceeding in a generally northerly direction for 108 metres to its junction with the Huddersfield Narrow Canal towpath at point B at grid reference 0548 1239.

PART 2 – MODIFICATION OF THE DEFINITIVE STATEMENT

The following details to be added to the Definitive Statement

Area	Colne Valley
Path No	253
Map Reference	SE 01SE 0512.

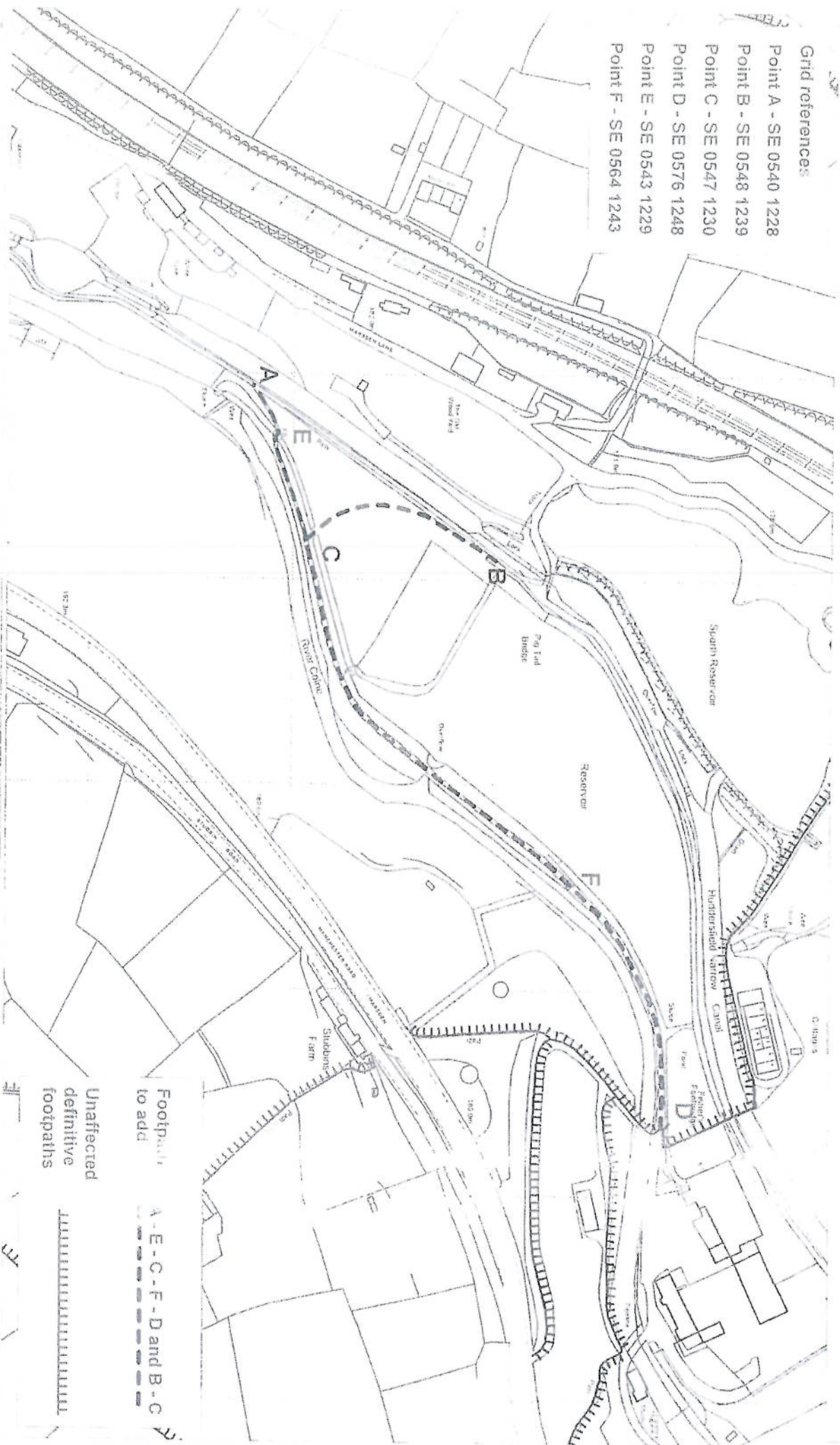
Description of route:

Footpath commencing at its junction with the Huddersfield narrow canal towpath and proceeding in a north easterly direction to Colne Valley 181 with a link proceeding in a generally northerly direction to the Huddersfield Narrow Canal towpath.

Nature of surface	Rough Metalled 240 m Earth 305 m
Length	545 m
Width	2.5 m
General	2 squeeze stiles; at points A and F 2 gates; at points B and F 2 foot bridges; at points C and E

Wildlife & Countryside Act 1981, section 53. Modification order to add a public footpath to the definitive map and statement at Cellars Clough, Marsden - Colne Valley 253

- Grid references
- Point A - SE 0540 1228
 - Point B - SE 0548 1239
 - Point C - SE 0547 1230
 - Point D - SE 0576 1248
 - Point E - SE 0543 1229
 - Point F - SE 0564 1243



Footpath to add
A-E-C-F-D and B-C

Unaffected definitive footpaths



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Ordnance Survey 100019241



Map prepared on 12 April 2018
Scale 1 : 25

MAP NOT TO ORIGINAL SCALE

DATED 4 JUNE 2018

KIRKLEES COUNCIL
(COLNE VALLEY 253 – CELLARS CLOUGH,
MARSDEN) PUBLIC PATH MODIFICATION
ORDER 2018

KIRKLEES COUNCIL
LEGAL SERVICES
2ND FLOOR
HIGH STREET BUILDINGS
HIGH STREET
HUDDERSFIELD
HD1 2ND