

Andy Thornton

co.uk

RC CA16/3/3/3

28 November 2008

Engineering Services
PROW Team
Northgate House
Northgate
Halifax HX1 1UN

Dear PROW Team

Rosemount Estates owns the land outlined in red on the attached plan. We refer to the site as 'Upper Ainleys'. One of the conditions of the planning approval for industrial use was that we provide a footpath to link footpaths 24 and 25 which we did in 1992 prior to excavating the site. This footpath runs along the south side of the excavated part of our land from points E to D and then joins footpath 24 at point F. We dug out and stoned this footpath between points E & D (please see 2 photographs attached).

I tried until 1999 to make this a dedicated public right of way and wrote lots of letters and filled in lots of forms until I gave up in 1999 because it was getting very complicated and taking up too much of my time.

After we had completed the excavation we decided in 1995 to let the public walk across the excavated part of the site until such time as we could afford to develop it. I was advised by Calderdale Planning department that to prevent people claiming permanent rights of way across this site I should fill in a form that was a 'Notice of Intention not to dedicate public rights of way. Highways Act 1980 Section 31 (6).' (Copy attached).

I was then advised that to further safeguard my position I should close the footpaths for the third week in February every year which we have been doing. We also put up signs supplied by Jan Gibson that say 'Calderdale Countryside Service. This path is not a public right of way but walkers are normally allowed to use it by permission of the landowner'. We have replaced these signs on numerous occasions and I did so again this week when I was looking at the footpaths with Mr Thompson from your department.

I had been advised that the 'non dedication' form was only valid for 6 years and so I filled in another form in 1999 (copy attached).

The development of the site was not viable whilst tipping was going on at the adjoining landfill site and so it was put on hold. In this time of delay I forgot to renew the 'non dedication' form and only realised when I checked the file this week. I understand the standard form is no longer used and so I am writing to confirm that I do not want to dedicate the footpaths shown in green on the attached plan as public rights of way as directed by 31 (6) of the Highways Act 1980. For the avoidance of doubt the paths run from points A and A+ to B to C to D and from point E to D to F on the plan.

Yours sincerely

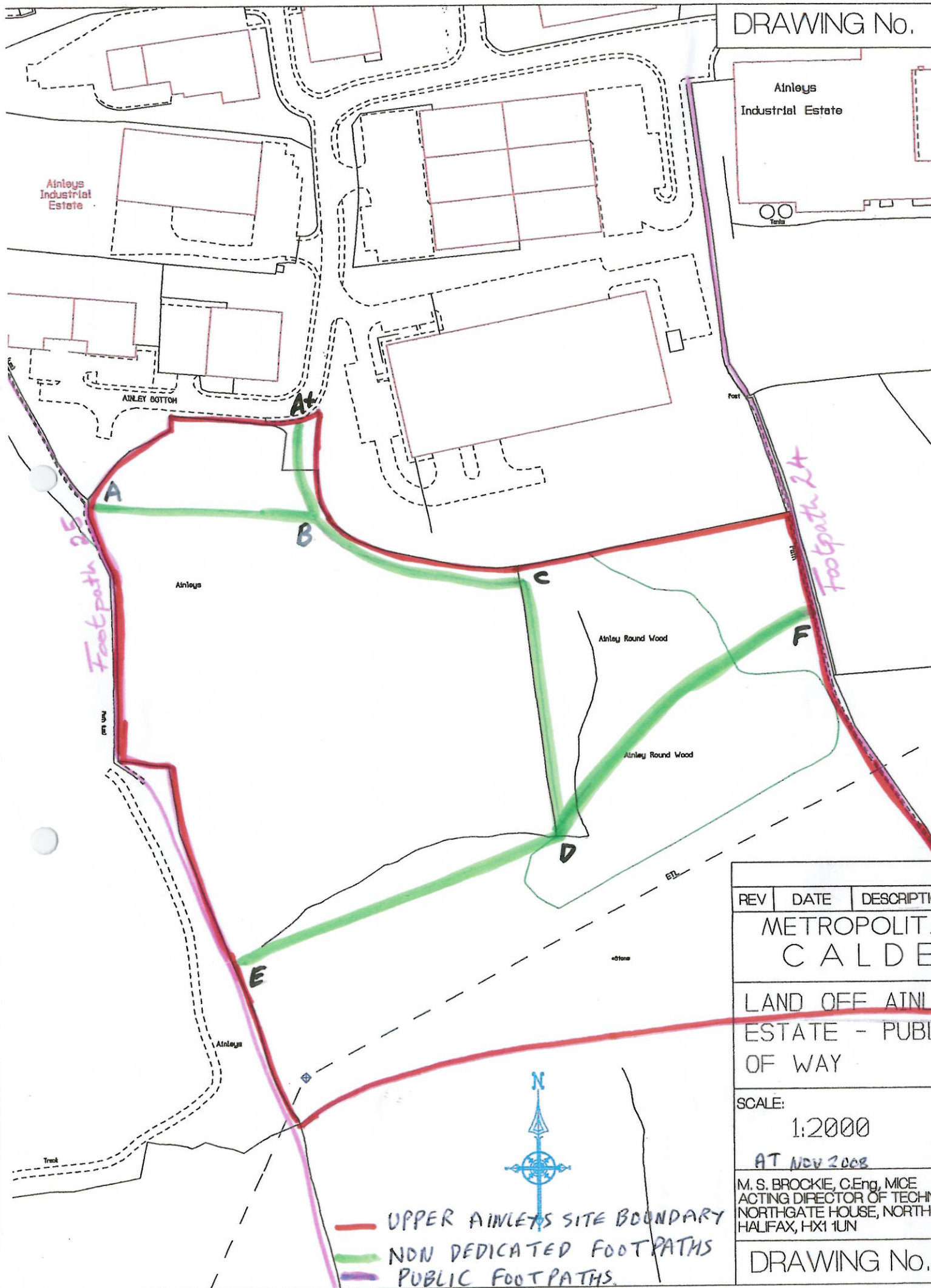
Andy Thornton

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Office: Throstle Nest, Warley Wood Lane, Luddendenfoot, Halifax, HX2 6BW

DRAWING No.



REV	DATE	DESCRIPTION
METROPOLITAN COUNCIL OF CALDER		
LAND OFF AINSELYS INDUSTRIAL ESTATE - PUBLIC OF WAY		
SCALE: 1:2000		
AT NOV 2008		
M. S. BROCKIE, C.Eng, MICE ACTING DIRECTOR OF TECHNICAL SERVICES NORTHGATE HOUSE, NORTHGATE HALIFAX, HX1 1UN		
DRAWING No.		

— UPPER AINSELYS SITE BOUNDARY
 — NON DEDICATED FOOTPATHS
 — PUBLIC FOOTPATHS.



FOOT PATH BETWEEN POINTS E AND D
1992



CALDERDALE METROPOLITAN BOROUGH COUNCIL

NOTICE OF INTENTION NOT TO DEDICATE PUBLIC RIGHTS OF WAY

HIGHWAYS ACT 1980 SECTION 31(6)

I/We, being the owner/s of land situated at

ADJOINING AINLEYS INDUSTRIAL ESTATE

being shown edged red on the attached plan:

- a) acknowledge the public footpath/s (shown purple) and/or the public
bridleway/s (shown green) as shown on the Definitive Map
- b) I/We declare that it is not my/our intention to dedicate any public
rights of way on or across the land

I/We understand that this notice is valid for six years and thereafter must be
served again to afford continuing protection to the land.

Signed:

Date:

4-11-95

NAME (BLOCK CAPITALS)

ANDREW THORNTON

ADDRESS (BLOCK CAPITALS)

AINLEYS INDUSTRIAL ESTATE

ELLAND, WEST YORKS

HX5 9JP

*This form gives us some protection by registering the land
in an ownership - renewable every*

Completed copy of form to be returned to:

The Borough Engineer
Northgate House
Northgate
HALIFAX
HX1 1UN

*6 years.
Prevents people claiming a
route after 20 years of usage*

CA16/3/3/2

Calderdale Metropolitan Borough Council

NOTICE OF INTENTION NOT TO DEDICATE PUBLIC RIGHTS OF WAY

Highways Act 1980 Section 31(6)

Wildlife & Countryside Act 1981 - Section 53(1)

I/We, being the owner/s of land situated at

SOUTH OF AINLEYS INDUSTRIAL ESTATE, ELLAND.....

and shown edged red on the attached plan:

- (a) acknowledge any existing right(s) of way which cross the land and are shown on the Definitive Map and Statement of Public Rights of Way
- (b) declare that it is not my/our intention to dedicate any other public rights of way on or across the land.

I/We understand that this notice is valid for six years and thereafter must be served again to afford continuing protection to the land.

Signed:

Date:

10-5-99.....

NAME (BLOCK CAPITALS) ANDREW THORNTON.....

ADDRESS (BLOCK CAPITALS) THROSTLE NEST,.....

WARLEY WOOD LANE, LUDPENDEN FOOT,.....

HALIFAX HX2 6BW.....

Completed copy of form to be returned to:

The Director of Technical Services
Metropolitan Borough of Calderdale
Northgate House
Northgate
HALIFAX HX1 1UN