

LP0397 Daisy Bank, Savile Park, Halifax

Supplementary Note, March 2022

The Inspector asked the Council to summarise the advice note it previously submitted on the access arrangements to LP0397. This can be found below.

Whilst the case law appears to be clear on the question of the modes of transport that would be able to use the Yellow Land and Blue Land it is less certain regarding the type of use such access rights could be put to where the nature or use of the land benefitting from the rights of access has changed (or is to change). The authorities suggest that case law can be contradictory and that each case should be considered on its own merits taking into consideration the terms of the original grant and the surrounding circumstances when the grant was made.

Confirmation has been requested from the site promoters to prove that they would have the rights to upgrade the access as required. To date, no confirmation of this nature has been provided.

The Council has also been unsuccessful in further attempts to contact the landowners of the access.

The Council considers that there is sufficient information to demonstrate a *reasonable* prospect of access rights being obtained. At this stage however, we have no confirmation that any permissions that may be necessary from the landowners of the access to upgrade the track have been secured.