

**Town & Country Planning Act 1990, Section 257. Holmfirth public footpath 60 (part)  
at Wolfstones Heights Farm, Wolfstones Road, Upperthong.  
Amended Public Path Diversion application - Explanatory Statement**

Under the Town & Country Planning Act 1990, local authorities have the power to make orders to stop up or divert public rights of way if they are satisfied that it is necessary to do so in order to enable development. Kirklees Council has received an amended application to divert part of the above public footpath under Section 257 of the Town & Country Planning Act 1990.

**AMENDED APPLICATION**

An amended diversion application has been received which would retain more of the original route to the east of point B.

The applicant has indicated that they are willing to dedicate an additional footpath link between public footpaths Holmfirth 58 and 60. This link would be dedicated if a diversion order is made and can be confirmed by the Council without having to forward it to the Secretary of State at DEFRA. The Council cannot confirm any order made if formal objections have been made and not withdrawn

**The diversion application is being made on the basis that it would be required to implement planning consent 2014/92814 for formation of new access and stopping up existing access, diversion of public right of way and related external works**

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f92814>

The length of the public footpath Holmfirth 60 proposed to be stopped up commences by the property on Wolfstones Road and is shown by the bold solid line on the enclosed plan whilst the path to be added commences at a point approximately 120 meters north along Wolfstones Road and is shown by the bold dashed line.

A gate to British Standards is to be provided at point C

**THIS EXPLANATORY STATEMENT IS PART OF THE AMENDED PRELIMINARY CONSULTATION ON THE APPLICANT'S PROPOSAL AND NO DECISION OR ORDER HAS BEEN MADE BY THE COUNCIL.**

To make an order Kirklees Council will need to be satisfied that the proposal complies with the following grounds and tests in the Town & Country Planning Act:

- It is necessary to divert the part of the path in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town & Country Planning Act 1990.
- It is in accordance with the Kirklees Council Rights of Way Improvement Plan.
- The council must also consider the effect that the Order would have on users of the path.

Comments on the proposal should be made in writing by 3 August 2018 to Giles Cheetham, Kirklees Council, Public Rights of Way, Flint Street, Fartown, Huddersfield, HD1 6LG. Email [giles.cheetham@kirklees.gov.uk](mailto:giles.cheetham@kirklees.gov.uk) . Enquiries only may be made by telephone on 01484 221000 and ask for Giles Cheetham.