

Town & Country Planning Act 1990, Section 257. Proposed stopping up and provision of alternative footpaths at Kenmore Drive, Kenmore View, Milton Terrace and Rooks Avenue, Cleckheaton

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.

An application has been received to stop up routes at Kenmore Drive, Kenmore View, Milton Terrace and Rooks Avenue, Cleckheaton. The application is made on the grounds that it would be required to implement planning application 2020/91746 for erection of extra care development providing 80 apartments

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2F91746>

The Council is in receipt of a Definitive Map Modification Order Application (DMMO) to record footpaths on the area of land shown on the plan. No investigation or decision on the DMMO has taken place. Alternative public footpaths would be included in the order and provided in line with the development proposals. The applicant is also proposing to stop up tread lines or other lines of use across the site. The order would stop up any public rights over the claimed routes and the tread line routes and create new public footpaths over the alternative routes.

The routes to be stopped up commence at their junctions with Kenmore Drive, Kenmore View, Rooks Avenue and Milton Terrace and are shown by the bold solid lines, whilst the footpaths to be created are shown by the bold dashed line.

Any proposed stopping up order would come into effect only after it has been confirmed: this is a preliminary consultation process and simply provides an opportunity for views to be expressed.

Details of this application will be included on the Council website at <https://www.kirklees.gov.uk/beta/countryside-parks-and-open-spaces/changes-to-definitive-map.aspx>

THIS EXPLANATORY STATEMENT IS PART OF A 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 17 May 2021 to Public Rights of Way, Public Rights of Way, Flint Street, Fartown, Huddersfield, HD1 6LG. Email publicrightsofway@kirklees.gov.uk . Enquiries only may be made by telephone on 01484 221000 and ask for Giles Cheetham