

HIGHWAYS ACT 1980

WILDLIFE AND COUNTRYSIDE ACT 1981

KIRKLEES COUNCIL (HOLMFIRTH PUBLIC FOOTPATH 135 (PART) AT FAR MOUNT, INTAKE LANE, CUMBERWORTH) PUBLIC PATH DIVERSION ORDER AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2023

Under the Highways Act 1980, local authorities have the power to make orders to create, divert or extinguish public rights of way. A notice that an order has been made has to be advertised on the site of the way in question and in the local press. This provides an opportunity for the public to make representations or objections to the proposed change.

Kirklees Council has made an order to divert part of public footpath Holmfirth 135. This statement has been prepared to explain various aspects of the order.

The definitive alignment of the footpath is currently obstructed by an extension to the original property. The applicant is the current landowner and is seeking to address this obstruction. The order has been made on the grounds that it is in the interests of the landowner.

Gates will be provided by the applicant at points E and F to British Standard 5709:2018.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Kirklees Council has made the order on the following grounds:

- Kirklees Council is satisfied that the order complies with the following grounds and tests laid down in the Highways Act 1980:
- It appears expedient that the path should be diverted in that it is in the interest of the landowner.
- The end points of the diversion are on the same highway or one connected to it and are substantially as convenient as at present.
- The applicant will undertake the necessary works to implement the proposed path.
- The proposed path will be substantially as convenient and will not have undue negative effect on public enjoyment of the path as a whole.
- It is in accordance with the Kirklees Council Rights of Way Improvement Plan.

The order will come into effect only after it has been confirmed: making and advertising the order simply provides an opportunity for representations or objections to be made.

Representations or objections relating to the order must be made in writing by 26 January 2024 to Harry Garland, Kirklees Council, Legal Services, PO Box 1720, Huddersfield HD1 9EL.

If you want to discuss this order, contact Sharon Huddleston, Kirklees Council, Public Rights of Way, PO Box 1720, Huddersfield HD1 9EL. Telephone 01484 221000 and ask for Sharon Huddleston or email publicrightsofway@kirklees.gov.uk

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner.

If no representations or objections are received, or representations or objections which are made are subsequently withdrawn, the council can confirm the order. If representations or objections are made and not withdrawn then the council may refer the order to the Planning Inspectorate for determination. An inspector from the Planning Inspectorate would hear the objections at a public hearing or inquiry, or in writing if the objectors agree. The inspector can confirm an order, confirm it with modifications, or refuse to confirm it.

Where a new way is being created (by a creation or diversion order) the change will come into effect only after a specified period from the date of confirmation to allow time for work to be undertaken if it is needed to bring the new way into a state fit for public use.