

HIGHWAYS ACT 1980

KIRKLEES COUNCIL (ROBIN LANE (PART) AND HECKMONDWIKE 19 (PART)) PUBLIC PATH EXTINGUISHMENT ORDER 2026 (order 1); and

KIRKLEES COUNCIL (CAWLEY LANE TO CAPAS HEIGHTS WAY, HECKMONDWIKE) PUBLIC PATH CREATION ORDER 2026 (order 2)

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 concurrent creation and extinguishment public path orders to affect a diversion of a public right of way in circumstances where section 119 of the Highways Act 1980 cannot be used, in the case as the new route is of a different status. This statement has been prepared to explain various aspects of the orders.

The alignment of part of Robin Lane is obstructed by residential homes and retaining wall. The applicants are the affected landowners, and they are seeking to address these obstructions.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Kirklees Council has made the creation 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 is expedient that a way should be created, having regard to the extent to which it would add to the convenience and enjoyment of persons resident in the area as a short cut between Capas Heights Way and Cawley Lane.
- There is no indication that the creation of the public footpath would have an adverse effect on the rights of persons interested in the land. The primary landowners support the proposal.
- It is in accordance with the Councils public sector duty under the Equality Act, 2010
- It is in accordance with the Kirklees Council Rights of Way Improvement Plan.
- There is no adverse effect of the proposals on conservation, fauna, geological or physical features.

Kirklees Council has made the extinguishment order on the following grounds:

- The creation order will provide an improved pedestrian route to the extent that the unrecorded part of Robin Lane and part of Heckmondwike 19 will be unlikely to be used by the public, even when disregarding the temporary obstructions.
- Part of Heckmondwike 19 is not needed for public use as it would otherwise be rendered a cul-de-sac leading to a place the public do not have a right to be.
- Neither the unrecorded part of Robin Lane or part of Heckmondwike 19 provide the means of access for any landowner to any parcel of land.
- The primary landowners support the proposals. There is no evidence that the Order will negatively impact land served by the existing routes.

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

Representations or objections relating to the order must be made in writing by no later than 18 June 2026 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 Mark Drydale 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 orders. If representations or objections are made and not withdrawn then the council may refer the orders 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.