

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257
KIRKLEES COUNCIL PUBLIC FOOTPATHS SPENBOROUGH 24 (PART) AND
SPENBOROUGH 42 (PART) LAND AT WHITECHAPEL ROAD, CLECKHEATON
PUBLIC PATH DIVERSION ORDER 2023**

Explanatory Statement

Under the Town & Country Planning Act 1990, Section 257 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. A notice that an order has been made has to be advertised on the site of the public right of 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 footpaths Spenborough 24 and 42 at Whitechapel Road, Cleckheaton and to provide an alternative route. This statement has been prepared to explain various aspects of the order. The diversion would be required to implement planning consent 2019/93658 for the erection of 122 dwellings, landscaping and associated infrastructure.

The part of Spenborough 24 to be stopped up commences about 120 metres north of Whitechapel Road and is shown by the bold solid line (A-B on the order plan). The part of Spenborough 42 to be stopped up commences at the junction with Spenborough 24 adjacent to the motorway banking and is also shown by a bold solid line (B-C).

New parts of Spenborough 42 will be created, one running up the west of the site and one up through the eastern part of the new housing estate. These paths are shown by the bold dashed lines A-D-E-F-L-G-C and E-H-J-C. A small additional section of Spenborough 42 will be created to link to adjacent land (G-K). Generally the new parts of Spenborough 42 will be 2 metres wide, however where the development proposes a multi-modal link from the estate road to the adjacent land to the north (L-G-K) the order width is 3 metres. The lengths of public footpath unaffected by this diversion proposal are shown by the continuous lines with short bars at intervals.

A length of public footpath Spenborough 42 north of the site is currently obstructed by a fence and trees. This section of the route is not within the ownership of the developer and this issue will be dealt with later. An alternative route has been available on the ground adjacent to the motorway banking. The current diversion proposal will only deal with changes concerning the recorded public footpaths within the development site.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Kirklees Council is satisfied that the order complies with the following grounds and tests laid down 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 has also considered the effect that the Order would have on users of the path.

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.

Any representations or objections to the order may be sent or delivered in writing to Harry Garland quoting reference D112-343 at Kirklees Council Legal Services, PO Box 1720, Huddersfield HD1 9EL no later than 24th August 2023.

If you want to discuss your concerns about this order, contact Public Rights of Way, PO Box 1720, Huddersfield, HD1 9EL. Email publicrightsofway@kirklees.gov.uk or telephone 01484 221000 and ask for Giles Cheetham

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 will refer the order to the Planning Inspectorate for determination. An inspector from the Planning Inspectorate will 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.