

DCAdmin

From: Giles Cheetham
Sent: 13 November 2019 13:03
To: Adam Walker
Cc: Jon Evans; Emma Mills; Sharon Huddleston; DCAdmin
Subject: RE: 2019/92940 161 dwellings inc. 50 bed extra care facility at land west of, Ashbrow Infant and Nursery School, Ashbrow Road, Ashbrow, Huddersfield

[2019/92940 : on the topic of the PROW objection](#)

Hello Adam,

Further to my earlier response, just a note to reiterate that provision of this footpath link should be protected and secured for the public. A management company agreement alone would not be considered sufficient to enable ready administration/enforcement by the council. Similar events previously have led to unsatisfactory situations.

I'd highlight that if the path link is not appropriately secured as public, and is not provided/retained, then access to the public open space by the general public (non-resident) would only be by climbing up through the entire site. Across sites in Kirklees, accessibility to POS for the wider public is a matter raised repeatedly as being required, by PROW and KC Landscape consultees.

- To address objection, a condition should be added to any consent regarding a scheme for the design, agreement, provision and retention of a public path through route. This should have appropriate trigger(s). Submissions, including drawings, should identify what is intended to be done.
- The path link alignment should be re-designed to avoid the water tank footprint.

By far the simplest post-consent process would likely be to include the footpath link in the s38, which I understand Jon Evans and s38 would welcome.

There are two submitted 'retaining wall next to the PROW' drawings. Once agreed by highways structures, these should be specifically conditioned regarding their provision and retention. There are insufficient submissions for the path improvement works (e.g. what material is the herringbone pattern representing on section C-C on drawing 272/134/1004 Rev A.) Similar on section A-A on drawing 272/134/1003 Rev A, and with both drawings also not identifying the feature retaining the PROW, while detailing the make-up of the 'garden retaining' structure. Submitted surface treatment plan drawing does not include definitive footpath Hud/382 improvement works.

- So, additionally, to address objection, a condition should be added to any consent regarding a scheme for the design, agreement, provision and retention of improvement works to the existing definitive public footpath Huddersfield 382. This should have appropriate trigger(s). Submissions, including drawings, should identify what is intended to be done.

This is all in line with discussions throughout the pre and application process involving PROW.

As an aside, it is interesting to note that the Keepmoat-submitted proposed s38 drawing includes the footpath through the POS in the middle of the site, cul-de-sac areas and even includes an area around the pumping station at the top of the site, yet excludes the link footpath to the wider highway network.

Submitted "Section 38 legal plan" linked here:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2019/92940&file_reference=769064

which actually conflicts with the submitted "Section 38 proposed surfacing plan", which does include part of the path link:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2019/92940&file_reference=769063

Regards,
Giles

PROW

From: Giles Cheetham
Sent: 11 November 2019 14:12
To: Adam Walker <Adam.Walker@kirklees.gov.uk>
Cc: Jon Evans <Jon.Evans@kirklees.gov.uk>
Subject: RE: 2019/92940 161 dwellings inc. 50 bed extra care facility at land west of, Ashbrow Infant and Nursery School, Ashbrow Road, Ashbrow, Huddersfield

Hi Adam,

Thanks for your email. I'm disappointed to be hearing this from Keepmoat.

This is contrary to discussions going back over a significant period, which have included attending numerous meetings with Keepmoat, including at site, as early as April 2017.

PROW comments on the acceptability of the development have been based on the provision and securing of a public pedestrian link here. This was even more so, after Keepmoat removed the public path link further south from their earlier designs.

This northwest route is to provide a link as part of a connected highway network for pedestrians. If it is not dedicated, or otherwise included in a formal process under future council control, then it is not likely to be adequately secured.

My email of 23/3/18,

"They should also include **all proposed paths** (e.g. the one shown currently as including steps) within the RLB, **so that it can be controlled appropriately.**"

My email of 4/4/18.

"If the **requirement regarding the PROWs** and links is identified by committee decision, and **an appropriate condition for a scheme [...]**"

Keepmoat comments of 23/3/18 in red to PROW email (blue)

"Are there details of the **improvements to the PROW network** described in third para of 6.1 in the D&AS? New pathway to A641 etc. **There are no details for this from us. The new footpath would simply connect into the existing PROW once it leaves the site in the NW corner. If further details of the connection are required then these can be appropriately conditioned.**"

Including the link in the s38 is generally the simplest way of securing the route without recourse to separate, additional legal process. I don't understand the Keepmoat "not allowed for this within our budgeting" comment as they have to build it anyway. In numerous meetings that I attended this link path and the requirement for it was discussed and acknowledged by Keepmoat and its representatives.

The link is a transport and recreation connection for the public at large, including residents and visitors. It offers a mitigating alternative to the existing north-south definitive PROW whose setting has been negatively affected by the site layout.

PROW sought and seeks the permanent securing of a route for the public, we do not generally attempt to prescribe how this is done at comment stage, as others may have their own thoughts on how this may be achieved. Because a "s38 plan" has been submitted we have identified the route being on it. A "man co" is generally not enough to secure a route so that it can be readily enforced when somebody doesn't build it or somebody wishes to block it in future. In the absence of any other secure provision readily enforceable by the council, it ought to be included in the proposed s38.

states, "never been shown as adoptable on previous revisions of the S38 Legal Plan"

Anne Binks says they (s38) have no formal application, I'm informed by one of her colleagues that Jon Evans may have something on it. He's back later this week, and I've copied him in.

PROW objection remains.

Regards,
Giles

PROW