

**Highway Act 1980, section 119. Denby Dale public footpath 67 (part) at Broombank
Denby Dale.
Public Path Diversion application - Explanatory Statement**

Under the Highways Act 1980, local authorities have the power to make orders to create, divert or extinguish public rights of way.

An application has been received to divert part of the public footpath Denby Dale 67 at Broombank, Denby Dale. This application is in lieu of enforcement action to reopen the footpath which current passes through the house and garden of 4 Broombank. Part of the definitive alignment of the footpath has not been available to the public for many years

Part of the footpath to be stopped up is within the ownership of the applicant and part is within the ownership of Network Rail. Part of the footpath to be created is within the ownership of Network Rail and the section along the footway and the existing route to the tunnel is on land not registered with the Land Registry.

On the plan, the length of path to be stopped up is shown by the bold solid line, whilst the path to be created is shown by the bold dashed line. The sections of unaffected public footpaths are shown by the continuous line with short bars at intervals.

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

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.

Kirklees Council will need to be satisfied that the proposal complies with the following grounds and tests laid down in the Highways Act 1980:

- It appears expedient that the path should be diverted on the ground that it is in the interest of the landowner or the public.
- 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 necessary works to implement the proposed path will be undertaken.
- The proposed path will not be substantially less convenient and will not have undue effect on public enjoyment of the path as a whole.
- Kirklees Council will have to consider our Rights of Way Improvement Plan.

Comments on the proposal should be made in writing by 19 July 2019 to Giles Cheetham, Kirklees Council, 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.