

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
KIRKLEES COUNCIL (PUBLIC FOOTPATH COLNE VALLEY 198 (PART) AT OWLERS  
FARM, MANCHESTER ROAD, MARSDEN) PUBLIC PATH DIVERSION AND DEFINITIVE  
MAP AND STATEMENT MODIFICATION ORDER 2021  
REASON STATEMENT**

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 Colne Valley 198. This statement has been prepared to explain various aspects of the order.

The definitive alignment of the footpath is currently along the access to the property and the order has been made in the interests of the landowner to increase privacy and security.

To the south of point B, an unrecorded promoted route is available and this continues south through National Trust land, on registered common land.

Gates would be authorised at points D and E 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 1 April 2021 to Harry Garland, Kirklees Council, Legal Services, 2<sup>nd</sup> Floor, High Street Buildings, High Street, Huddersfield HD1 2ND. You should quote reference HG/D112-334 and state the grounds on which your objection/representation is made.

If you want to discuss this order, contact Giles Cheetham, Kirklees Council, Public Rights of Way, Flint Street, Fartown, Huddersfield, HD1 6LG. Telephone 01484 221000 and ask for Giles Cheetham or email [giles.cheetham@kirklees.gov.uk](mailto:giles.cheetham@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.