

**HIGHWAYS ACT 1980, SECTION 119.  
PUBLIC FOOTPATHS MELTHAM 26 (PART) & 79 (PART) AT WM MORRISON STORE,  
STATION STREET, MELTHAM. PUBLIC PATH DIVERSION ORDER 2022  
EXPLANATORY 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 the public footpaths Meltham 26 & 79 on the grounds it is in the interest of the landowners. If confirmed and brought into force, the order will also modify the definitive map and statement to reflect the footpath diversion.

Parts of the existing alignments of the two footpaths have not been available to the public since the footbridges over the former railway lines were removed during development of the site for a Safeway store. Due to the longstanding and major nature of these obstructions, it is considered appropriate in the circumstances to allow an opportunity to apply for a diversion order.

The lengths of the public footpath Meltham 79 and 26 proposed to be stopped up are shown by the bold solid lines on the enclosed plan and commence off Near Lane (which also forms part of footpath 26). The replacement public footpaths proposed to be recorded as new parts of Meltham 26 and 79 are shown by the broken black lines, running down the existing stairway, responsibility for which is to be retained by Wm Morrison, then across the front of the store and also along part of the cycle and pedestrian route known as the Meltham Greenway.

Although not forming part of this diversion proposal, there is another unrecorded route already available to the public which runs from Near Lane down a slope to connect to the Greenway further east. This slope route and the Meltham Greenway hereabouts were formed as parts of previous agreements under Section 106 of the Town & Country Planning Act 1990 connected with development of the area in the 1990s.

**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 Highways Act 1980:

- 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 29<sup>th</sup> April 2022 to Harry Garland, Kirklees Council, Legal Services, PO Box 1720, Huddersfield, HD1 9EL (quoting reference D112-340).

If you want to discuss your concerns about this order, contact Sharon Huddleston, Kirklees Council, Public Rights of Way, PO Box 1720, Huddersfield, HD1 9EL. Office hours 8.30-17.00. Email [sharon.huddleston@kirklees.gov.uk](mailto:sharon.huddleston@kirklees.gov.uk) or telephone 01484 221000

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 generally 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.