

Town & Country Planning Act 1990, Section 257. Public footpath Spenborough 24 (part) and Spenborough 42 (part) at land Whitechapel Road, Cleckheaton. Path Diversion application - Explanatory Statement

Under the Town & Country Planning Act 1990, 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 so in order to enable development.

An application has been received to divert part of public footpaths Spenborough 24 and 42 at Whitechapel Road, Cleckheaton. The application is made on the grounds that it is required to implement planning consent 2019/93658 for the erection of 122 dwellings, landscaping and associated infrastructure

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2F93658>

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

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. The part of Spenborough 42 to be stopped up commences at the junction with path 24 adjacent to the motorway banking and is also shown by a bold solid line. The footpaths to be created are shown by the bold dashed lines. The lengths of footpath unaffected by this diversion proposal are shown by the continuous lines with short bars at intervals.

A length of footpath 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 the issue will be dealt with at a later date. An alternative route has been available on the ground adjacent to the motorway banking. The current diversion proposal will only deal with the length of footpath within the development site.

The definitive alignment of the footpath proposed to be stopped up is currently subject to a temporary closure to allow drainage work to be undertaken. A temporary diversion route may be available, running immediately alongside the motorway.

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.

To make an order Kirklees Council will need to be satisfied that the proposal complies with the following grounds and tests 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 must also consider the effect that the Order would have on users of the path.

Any comments on the proposal should be made in writing by 28 July 2022 by email to publicrightsofway@kirklees.gov.uk or by post to Kirklees Council, Public Rights of Way, PO Box 1720, Huddersfield, HD1 9EL. Enquiries only may be made by telephone on 01484 221000 and ask for Sharon Huddleston