

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 AND PARAGRAPH 1 OF SCHEDULE 14

Kirklees Council Public Footpath Batley 40 (part) at Howley Walk, Soothill, Batley Public Path Diversion Order 2021

Explanatory Statement

Under the Town & Country Planning Act 1990, Section 257 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 do so in order to enable development. 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 Batley 40 at Howley Walk, Soothill. This statement has been prepared to explain various aspects of the order. The diversion would be required to implement planning consent 2020/93489 for demolition of existing garages and erection of 7 dwellings (modified proposal)

Part of the alignment of public footpath Batley 40 proposed to be diverted is currently obstructed. The order has been made in accordance with the Council's public rights of way enforcement policy.

The length of the public footpath to be stopped up commences off Grace Leather Lane and is shown by the bold solid line A-B. The path to be added is shown by the bold dashed line C-D-B. An additional link to Howley Walk (D-E) is to be provided as part of the development.

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 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 has also considered the effect that the Order would have on users of the path.

The proposed development of the site requires the diversion of the path as shown in planning consent 2020/93489.

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.

Any representations or objections to the order may be sent or delivered in writing to Harry Garland quoting reference D112-337 to Kirklees Council Legal Services, High Street Buildings, High Street, Huddersfield, HD1 2ND no later than 02 December 2021.

If you want to discuss your concerns about this order, contact Public Rights of Way, Flint Street, Fartown, Huddersfield, HD1 6LG. Email publicrightsofway@kirklees.gov.uk or telephone 01484 221000 and ask for Sharon Huddleston

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 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.