

Town & Country Planning Act 1990, section 257. Stopping up of footpaths and provision of alternative routes at Kenmore Drive, Kenmore View, Milton Terrace and Rooks Avenue, Cleckheaton. 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 do so in order to enable development. Stopping up is the extinguishment of public highway rights.

An application had been received for a Definitive Map Modification Order (DMMO) to modify the Definitive Map and Statement (the legal record of Public Rights of Way) to record various footpaths crossing land between Kenmore Drive, Milton Terrace, Kenmore View and Rooks Avenue.

In addition to the routes that were formally 'claimed', various other footpaths across the land have been identified from aerial photographs. Kirklees Council has made an Order under section 257 of the Town & Country Planning Act 1990 to stop up public rights of way over all the currently unrecorded routes that have been identified. Replacement footpaths through the development will be provided between Kenmore Drive, Milton Terrace and Rooks Avenue. The Order is required to implement planning consent for residential development, under planning consent 2020/91746

Any proposed extinguishment of footpaths and provision of replacement paths would come into effect only after the order has been confirmed.

THIS STATEMENT DOES NOT FORM PART OF THE ORDER

Kirklees Council is satisfied that the order complies with the following grounds and tests in the Town & Country Planning Act:

- It is necessary to stop up the parts 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 whole Order would have on users of the paths to be extinguished.
- Orders under the 1990 Act may include provision for the creation of alternative highways (e.g. footpaths), or the improvement of an existing one, for use as a replacements for ones being stopped up

Representations or objections relating to the Order must be made in writing by 8th April 2022 to Harry Garland, Kirklees Council Legal Services, High Street Buildings, High Street, Huddersfield, HD1 2ND (quoting reference D112-339)

If you want to discuss your concerns about this order, contact Sharon Huddleston, Kirklees Council, Public Rights of Way, Flint Street, Fartown, Huddersfield, HD1 6LG. Office hours 8.30-17.00. Email sharon.huddleston@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.