

Clayton Fields, Huddersfield – Statement in support of applications to stop-up footpaths under Section 257 of the Town and Country Planning Act 1990

Introduction

1. This Statement has been produced in support of an application submitted to Kirklees Council (“Council”) to stop up the following footpaths under Section 257 of the Town and Country Planning Act 1990 (“the 1990 Act”). The applications have been submitted to the Council jointly by Seddon Homes Limited and Paddico 267 Limited (“the Applicants”).
2. The application under Section 257 of the 1990 Act has been submitted to stop up the following footpaths:-
 - a. Route 1 – The route from Points “C” to “D” as shown coloured dark blue on Plan 1 attached to this Statement;
 - b. Route 2 - The route from Points “E” to “F” as shown coloured dark green on Plan 1;
 - c. Route 3 - The route from Points “G” and “H” as shown coloured light blue on Plan 1;
 - d. Route 4 - The route from Points “I” and “J” as shown coloured light green on Plan 1;
 - e. Route 5 - The route from Points “K” and “L” as shown coloured brown on Plan 1;
 - f. Route 6 – The route from Points “M” and “N” as shown coloured orange on Plan 1.
 - g. Route 7 – The route from Points “A” and “B” as shown coloured yellow on Plan 2 attached to this Statement.
3. The submission of the application is without prejudice to the Applicants’ position that they do not accept that public rights of way have been acquired over any of the routes included in the application.
4. Under Section 257 of the 1990 Act the Council has the ability to make an order authorising the diversion or stopping up of any footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.

Background to the Site

5. Paddico (267) Limited are the owners of the site as shown edged red Plan 3 attached to this Statement (“the Site”). A copy of the registered title to the Site is provided as part of the application.
6. On 11 September 2015 outline planning permission was granted for a residential development on the Site comprising 41 new build houses and associated works (application reference 2014/93014). Reserved matters approval pursuant to this outline consent has been granted by the Council (reference 2017/90190) and a copy of the approved layout for the site is provided as Plan 3.
7. The Applicants are ready to start construction of the consented scheme on the Site but are aware of a number of alleged footpaths which cross the Site. The purpose of this application is to stop up any alleged pedestrian public rights of way that exist on the Site to enable construction of the development to start. This will secure the delivery of much needed new homes for the area.

8. The allegations relating to these footpaths is the final hurdle in starting the development and the Applicants will be in a position to start the development as soon as this issue has been resolved.
9. The new footpaths to be provided as part of the development will be of benefit to the local area. The routes shown coloured red on Plan 6 attached to this Statement will be hard surfaced and lit. The route shown coloured pink on Plan 6 will be a pleasant woodland footpath. This is in contrast to the current position on site where the footpaths are not marked and the location of the each alleged route is not visible on the ground.

Summary of each stopping up applied for

10. Routes 1 - 6 - these routes needs to be stopped up to enable the houses, their gardens, open space areas and the estate roads to be constructed on the Site. The overlay plan provided as Plan 4 attached to this Statement shows how the development will be constructed over Routes 1 – 6.
11. Route 7 – pedestrian rights have been claimed over land that adjoins Huddersfield Public Footpath 345. The route of Footpath 345 is shown coloured pink on Plan 2 attached to this Statement. Pursuant to the planning consent which has been granted on the site Footpath 345 is to be widened, as shown shaded blue on Plan 2. This leaves a remaining strip of land over which pedestrian rights of way have been claimed. To ensure that the development can progress this strip of land (as shown coloured yellow on Plan 2) needs to be included in the stopping up application. The majority of this land falls within the garden boundaries of the houses to be built on the Site, whilst a small part of it will form the open space/landscaping element of the new development. Plan 2 shows Route 7 with the approved development layout also shown.

Alternative routes across the Site

12. The key access points into the Site are shown with black circles on Plan 6 attached to this Statement. The footpaths to be provided on the Site are shown coloured red and pink on Plan 6.
13. Plan 6 attached to this Statement shows the new footpaths to be provided in the context of the approved layout. This shows that the approved layout for the development provides north, south, east and west access across the Site on pavements and footpaths.
14. These new footpaths will connect into the local footpath and highway network, and will provide links to local schools, bus routes and the town centre. The new routes will improve local pedestrian links for both residents of the new development, and existing local people.
15. The footpaths shown coloured red on Plan 6 will be dedicated as new public footpath by the landowner. The footpath shown coloured pink on Plan 6 will be managed and maintained by a Management Company in accordance with the terms of the Section 106 agreement for the Site.

Shoosmiths LLP

4 July 2017