

## **App A1**

### **Clayton Fields Action Group**

See App A2

### **Marsh Community Forum**

The Council proposals for stopping up the existing footpaths at Clayton Fields were discussed at a public meeting of the Marsh Community Forum on 20 June 2017. Three councillors were present at the meeting – Cllrs Pattison, Ullah and McGuin. Cllr Sokhal sent his apologies to the meeting.

I was asked to write to the council to communicate the views of the Marsh Community Forum. I previously wrote to you in December 2016.

People present at the meeting confirmed that they have made extensive use of all seven of the claimed footpaths shown on the map prepared by Kirklees Council on 23 May 2017 and attached to this letter. It was said that use of the footpaths goes back at least 20 years and in some cases goes back as far as 30 or 40 years.

There was particular concern that claimed Public Right of Way 183 could be lost. This is the footpath that runs along Clayton Dike, adjacent to Clayton Fields and on the other side of Clayton Dike to the existing allotments. It runs along the top of the embankment above Clayton Dike and continues over to the junction of Queens Road and Murray Road. Footpath 183 was recognised and used by those present at the meeting. People felt that retaining this footpath was especially important. It would ensure that public access across Clayton Field was retained. Additionally it would mean that the existing woodland and habitat that borders Clayton Dike would be retained. The meeting called upon the council to give priority to maintaining the footpath, the existing woodland and the habitat that the woodland provides.

There was also discussion about the presence of Japanese Knotweed on the site. The concern was raised in the letter that was sent on December 2016. Is the council able to state with confidence that the owners of the site, their agents and the associated developers are dealing with the knotweed responsibly and in line with the legal requirements?

Mike Woodward  
Chair, Marsh Community Forum

### **Response E**

We wish to object to the proposals by developers to stop up footpaths at Clayton Fields.

In principle, the existing footpaths should be retained. If footpaths are to be rerouted, then they should be replaced with new earth footpaths, not paved walkways.

Path DMMO APP 183 should be retained as a matter of priority. It provides a route across the site from Queens Road to St Patrick's school. It also provides a barrier between the development & the dike & woodland canopy, which is essential to protect the wildlife habitat.

The proposed Woodland Public Footpath Y-Z on plan 2 seems a badly thought out concept. It will be difficult to construct & will form a potential safety hazard being so near the dike, and will disrupt the existing wildlife habitat. We are concerned that the developers say they will maintain it, but remain

unconvinced that this will be forthcoming. The existing footpath DMMO APP 183 requires no maintenance and is safe to use in all conditions.

Existing access across Clayton Fields must be maintained from Edgerton Road, Deveron Grove, Queens Road and the bridge at the corner of the field nearest St Patrick's school.

### **Mr Jon Sundance**

I've walked across, over and around Clayton Fields for more than two decades, and enjoyed such immensely. The proposed development of the site and the fact that the majority of the arboreal material has already been slain, leaves me reeling.

The relocating of the main footpath along Clayton Dyke would appear not be for the benefit of those that would use it, which surly is the purpose of a footpath, yes ? Extensive works, including yet more disturbance of natural habitat would have be incurred to facilitate the construction of such. Further, both you and I know that if such a path were to be created that it wouldn't be sufficiently maintained by those responsible. See Middlemost Pond in Birkby as an example.

So, in brief, I object vehemently to such a proposal .

### **Mr Bill Magee plus 4 others**

On initial inspection of the proposed footpath put forward by Padico, does not seem that bad but, closer inspection show that the public footpaths rights of way only follow the proposed layout of their planning application, i.e. the road access which has no bearing on the definitive public footpaths as put forwards by Clayton Fields action group for the Village green and accepted by Kirklees council.

The proposed alternative route on plan 2 of 2 between points Z and Y shows the path to run parallel with the stream, and on inspection this route is almost impossible, particularly to disables persons and dangerous. the original public footpath route on plan 1 between point B and Queens road t point H shows the acceptable route which runs at the top of the tree canopy and easily accessible by both pedestrians and disabled persons as this is a country walk and should be available to all.

Plan 1, point I to H and point C to F has been completely removed from their plan and should not be so. As I recall when we met to discuss the footpaths, along with Mike Hardy who has since passed away, that you made it quite clear that roads and their pavements could not form part of a public definitive right of way.

I can see some room for movement, but clearly the alternative proposed public footpath routs in its present form is not acceptable.

### **Response C**

I would like to log my objection of closing Clayton Fields Footpath. My son attends Saint Patrick's School at the bottom of said footpath and I live at 28 Mitre Street. It is the route I use to walk him to and from school everyday, along with a great other parents which children attend that school. Closing this route would make the already congested George Avenue hell to try and get my son to school on time.

Has this notice been forwarded to the school, so that they can distribute it to all of it parents that require that route to be open?

### **Response D**

It appears to me to be quite complicated. Could you please tell me if the footpath from Edgerton Road down to St. Patrick's school is affected.

## **Gerry Gallagher - Kirklees Police Architectural Liaison Officer**

I have no adverse comments in respect of the proposals

### **St Patricks School**

I am writing on behalf of the pupils, staff and Governing Body of St. Patrick's Catholic Primary School to express our views and concerns regarding the proposed extinguishment of publically claimed rights of way and the provision for alternative footpaths.

This is with regard to routes at Clayton Fields, Edgerton, Huddersfield HD3 3AA.

Historically the school has supported and joined in community events enjoying this very special green oasis and used the area as part of a wider curriculum resource for nature study, wildlife habitats, science and geography. School has even used the paths as a part of a cross country running and orienteering course!

First of all there has been confusion about the actual information published for public consultation and in particular the diagrams and explanations offered on the notices on the school gates. Many parents contacted school because they thought PROW 345 might be extinguished. In fact school welcomes the proposal to widen this pathway and the idea previously promised to school by Rob Cook, representing Prospect Estates, that this would include the existing mature trees and additional landscaping. However it appears that this section of land has still not yet been transferred to Highways.

Secondly the school has expressed concerns with the developer, on several occasions, about the blocked access at Deveron Grove. Clayton Fields had been formally registered as a town and village green for about seventeen years. The locked gates have created great inconvenience and considerable annoyance among parents. Why does it remain locked? The route to school was in regular use between Deveron Grove, Murray Road and Queen's Road linking to PROW345 and the path above the dyke.

Thirdly St. Patrick's School notes the proposed changes to much of the established CPRW footpath network for paved footways along the planned housing estate. There must be more scope to include more off road PROW footpaths into the development in keeping with the historically established routes and for the benefit of all. We support the CPRW183 submission and assert the retention of this route between PROW345 and Murray Road/Queens' Road. This variation is vital in preserving the small, less developed, semi woodland along the raised banking of Clayton Dyke. It could also provide a near level access for all users without any need for paving or a suggested woodland walk below, alongside the dyke.

It is a real set back to the locality that Clayton Fields is no longer designated as a town village green. That decision led to the destruction of what was a green oasis in the midst of considerable and historic urban development and a very busy road system. It was a huge loss to a vibrant local community. There now remains some opportunity to retain a ribbon of hope along the dyke. The devastation brought to wildlife has already been well documented and there continues to be clear observational evidence within the adjoining school grounds. As an example, there has been no frogspawn in our pond this spring. Our records of the first frogspawn in school stretch back over fifteen years. Never before has our recording been zero! Yet this coincides with the extensive grounds works undertaken on Clayton Fields in late 2016.

Our grounds also enjoy a rich variety of wildlife as did the Clayton Field site when it retained extensive tree cover and a variety of habitats. We regularly see, apart from what we might call the more usual garden birds, wrens, long tailed tits, nut hatches, tree creepers, bullfinches, gold crests, and owls with

occasional visits from more. Events over recent years have had a clear knock on effect observed from within school. These included the predation on nesting sites, with unprecedented initial incidents of same species birds destroying or disturbing each other's nests to set up their own.

In school we are convinced this was caused by the destruction of habitat on Clayton Fields. Substantial, committed and determined efforts are still possible to conserve and protect what little remains of these habitats before any final damage occurs.

Finally the very narrow access alongside the dyke bridge and embankment needs urgent and thoughtful consideration. In the past flash flooding has caused considerable damage. The boundary wall of the school grounds here is where the dyke begins to emerge and when there have been particularly heavy downpours school has evidenced the surprising ferocity of the water flow, diverting itself through our woodland gardens, lifting cut tree sections, pebble paths and buckling the perimeter fence before re-joining the dyke at the small bridge.

The Birkby area needs open spaces and public access to them. The footpath considerations above offer some limited recreational opportunities in what was previously much a rich, green, urban oasis. They would allow a flavour of what once existed and what was once enjoyed by so many to be retained for future generations.

#### **Response F**

I strongly oppose the recent proposal to extinguish rights of way applications across Clayton Fields; DMMO Refs 30, 31, 183, 184,185,186,187.

My argument is that the seven DMMO applications should be treated and assessed separately not extinguished as one. Each claimed right of way should be considered on its own merits; some are more important to the community than others and therefore should take precedence. This is shown by the amount of statement of use forms each CROW has.

One of the routes has shown importance to the local people by garnering at least 95 forms, photos and other relevant documentation associated with historical useage. Other claimed rights of way have shown some importance to local people and others less.

Please assess these DMMO applications separately, they were applied for separately and need to be properly processed.

#### **Response G**

The proposed footpath between point Y and point Z (The Woodland Walk') is totally unacceptable and is unwanted.

As you are aware, an application was made to recognise the importance of the footpath along the top of the embankment; DMMO Ref 183. We would like to see this footpath kept in its original location and following its current route. The ninety or so statements of use (which are now in your possession) from local people young and old would seem to indicate that this particular footpath is well used and well loved.

The proposed 'Woodland Walk' [WW] between points Y and Z is not viable for many reasons.

By nature of the area's topography, the WW will be very hard to negotiate with steps and 1 or steep slopes and will be very slippery. This will make the use of this route possible only for the able bodied;

disabled people will not be able to traverse it nor will the elderly or infirm. The existing footpath (ref 183) is walked by all; the elderly, mothers with prams, youngsters and wheelchair access is not a problem.

Practicality; Due to the WWs proposed location, presumably it will be prone to flooding, rot, fire damage, structural issues such as collapse or breakage and an easy target for vandalism. What measures are in place to ensure that the build and construction is substantial and future maintenance is guaranteed? A possible scenario is that the WW becomes dilapidated, unused and forgotten about due to lack of funding for ongoing maintenance.

Impact of Woodland Walk to surrounding environment; According to Kirklees planning dept, the WW has to be hand built with no damage to roots and minimal damage to trees in the area. This, is frankly, impossible and insults the intelligence of those who care about the woodland. The natural wooded area is beautiful as it presently is and does not warrant any manufactured eyesore such as the WW encroaching in to it. Trees and diverse vegetation would need to be removed to facilitate construction of a footpath used as a nature walk, what sense does that make?

Cost; Has the scheme been costed? Who will pay for the expensive, unnecessary WW?  
I have not yet seen a comprehensive structural engineering and construction diagram or plan.

The landowner has no intention of building a Woodland Walk (this can be substantiated via a 2016 FOI request) and is only part of the proposed plans to appease local campaign groups. I have been reliably informed that an application can be made to remove the construction of the WW from the outline planning application condition schedule. If that was to be successful, where would that leave the DMMO Ref 183 application? Would it have been extinguished by then?

Mr Cheetham, I urge you to consider the reasons why the DMMO application for route 183 should be approved. It would be a huge loss for local people, many of whom do not want to trade a perfectly useable, accessible and practical footpath for a fake, man-made boardwalk through their beloved woodland.

**No response from:**

Peak & Northern Footpath Society, Open Spaces Society, Auto Cycle Union, CTC, Huddersfield Rucksack Club, Byways & Bridleways Trust, Kirklees Bridleways Group, Huddersfield Ramblers, KC allotments officer, WY Police, WY Fire, WYAS, WYPTE, MYCCI, Road Haulage Association, National Grid, KCOM, Yorkshire Water, BT, NTL, & YEDL