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Huddersfield
HD1 5NF

Tel:

30.03.2017

Giles Cheetham
Definitive Map Officer
Public Rights of Way
Kirklees Council
Flint Street
Fartown
Huddersfield
HD1 6LD

Dear Mr Cheetham,

Town & Country Planning Act 1990, Section 257.

Proposed stopping up of footpaths and provision of alternative footpath routes at Clayton Field[s], Edgerton, Huddersfield.

Consultation Response.

Objections:

Preamble

1. "Declaration and Undertaking no 2" - "We declare that the path to be stopped up is in no way obstructed and that it is fully available for use and We undertake that it will in no way be obstructed before the order comes into force" - made by Seddon Homes Limited / Paddico 267 (SH/P267) in their application form, received by Kirklees on the 26 May 2017, *is false*. Despite previous requests by Barry Sheerman MP, St. Patrick's Catholic Primary School and Clayton Fields Action Group (CFAG), the developer / landowner has continued to obstructed access to Claimed Public Right of Way (CPROW) 186 (DMMO APP 186), at the bottom of Deveron Grove, with a double locked steel gate.

2. CFAG notes that the "alternative footpath routes" in the application made by SH/P267 are predominantly on pavements along the proposed estate road. This is not apparent on the public information plans located by the Public Rights of Way unit around Clayton Fields (CF).

*

Specifics

3. The present submission does not offer a complete alternative off road footpath route for CPROW 183 (DMMO APP 183).

3a. CPROW 183 has been continuously used as an earth path between PROW 345 and Murray Road / Queens Road since the early 1960s.

3b. An RAF aerial photograph (Huddersfield Library Accession no. 330054) shows much of CPROW 183 as a desire line along the bank top above Clayton Dike in 1949.

3c. The present CPROW 183 earth path is virtually flat and, therefore, a suitable walking, pushchair and wheel chair route for the young, old and disabled. It can also be used by cyclists.

3d. The proposed "Woodland Walk" ("WW"), which is routed for approximately one third of the distance of CPROW 183, parallel to it, will, if constructed (see 3h), not be flat. Therefore, it can not be used by the public in the ways described above (3c.). The "WW" is shown as Y – Z on the public notices.

3e. The "WW" is conditioned in the developer's Outline Planning Permission (OPP) (decision date 11 September 2015) which states that after the "WW" has been constructed: "The footpath shall be retained for public access at all times thereafter." (Condition 6.)

3f. We understand that full construction details of the "WW" have not (*yet?*) been submitted to Kirklees Council, as part of Prospect Estates' Reserved Matters planning application.

3g. We believe the topography and ground conditions make it impossible to construct and maintain the "WW" along the route submitted by the developer.

3h. An email sent from the land owner's / developer's architect to the planning case officer, dated 22 December 2014, states: "[...] **this footpath [the "WW"] may not be realised as we have a multiple links from the site to the existing / adjacent footpath [PROW 345] making the above work abortive! As highlighted this footpath was a request by the CFAG and is being retained to try to appease them / help address the permissive footpaths issues. On the hopeful receipt of planning approval any CFAG problem causing will be removed from the design process and allow us to detail the scheme under a reserved matters application and resolve such items, if required.**" (My bold and underline.)

3i. Accommodating a flat, off road, PROW 183 within the proposed development can be done for very little expense, and would benefit everyone.

3j. A complete, off road, PROW 183 would be much cheaper to maintain than the "WW".

3k. A complete 183 route would also help to protect the woodland along Clayton Dike and its biodiversity. Conditions 13 & 14 of the developer's OPP stress the provision of "bat roosts and bird nesting boxes" and a development strategy which will avoid "loss or detriment to the wildlife habitat used by [the] said [protected] species."

3l. CFAG offers to accept, as a community asset transfer, the ownership of the land occupied by an optimum, off road, 183 PROW; the land stretching from 183 to the site's boundary along Clayton Dike; the area of proposed public open space adjacent to Edgerton Road; providing it is agreed by all the parties that these areas will remain, or be allowed to become, semi-wild habitats. This is CFAG's second response to the offer made by the developer, some years ago, to transfer ownership of public open space within the development site to Kirklees, or to other bodies.

3m. An optimum 183 route would also allow an additional, largely green, heritage rich, quiet, predominantly off road route to be created, connecting the development to Huddersfield Town centre. This could be a unique selling point.

4. There seems to be a perfectly good, off road, PROW route along the sewer easement crossing the site diagonally. No explanation has been offered as to why this has not been used to accommodate an amalgamated length of CPROW 185, 30, 184 and 31.

5. CFAG welcomes the landowner's proposed dedication of a small strip of land along the east side of PROW 345 "recorded and protected for future public enjoyment". However, it notes the transfer of this land to Highways relies on an order being made by Kirklees, which, if objections are not withdrawn, will, after a public enquiry, be determined by the Secretary of State.

In my opinion, the slight, off road, re-routing of CPROW 183, the community asset transfer of the land cited above (31) and consideration of other, possible, PROW adjustments, will resolve CFAG's objections.

Everything advocated by CFAG is consistent with the emphasis on individual and community wellbeing in the Government's National Planning Policy Framework.

I am happy for my consultation response to be given to the applicants.

Yours sincerely,

A rectangular box with a thin black border, used to redact the signature of Jonathan Adamson. The box is empty, indicating the signature has been removed for privacy.

Jonathan Adamson, Chair, Clayton Fields Action Group.

Cc Barry Sheerman MP.