

Giles Cheatham
Definitive Map Officer
Public Rights of Way
Kirklees Council
Flint Street
Huddersfield
HD1 6LB

6th July 2017

Dear Giles

Re Clayton Fields, Huddersfield – Application to stop-up footpaths under Section 257 of the Town and Country Planning Act 1990

Many thanks for sending me copies of the representation letters you have received in relation to our recent application.

Our application to stop up the alleged footpaths at Clayton Fields

Our application was made under Section 257 of the Town and Country Planning Act 1990. Section 257 states that a competent authority may by order authorise the stopping up or diversion 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. The site benefits from both outline and reserved matters approval, and details of these were provided on the application form.

For ease of reference, please find attached an updated copy of the Supporting Statement to our application, which describes both the routes to be stopped up and the new footpaths to be provided. The Statement is accompanied by 7 drawings which also show what we are proposing to do.

Our comments on the representations received

We have carefully read through the representations received and comment as follows with reference to the attached drawings.

(A) Mr Sundance

Mr Sundance says that the relocating of the main footpath along Clayton Dyke will not benefit users of the path. We are unclear as to the reasoning for this. The new footpaths to be provided on the site will be of benefit to both occupiers of the site and the wider community. The new footpaths shown coloured red on Plan 6 (attached) will be hard surfaced and lit. The woodland path (shown coloured pink on Plan 6) will be a pleasant woodland path. This is in contrast to the current position on site where the footpaths are not marked and the location of each alleged route is not visible on the ground.

The new footpaths connect into the local footpath and highway network, and will provide links to local schools, bus routes and the town centre.

Mr Sundance also queries whether the new footpaths will be adequately maintained. The new footpaths shown coloured red on Plan 6 will be dedicated as new public footpath by the landowner, so these will be maintained by the Council. The woodland path will be managed and maintained by a management company in accordance with the requirements of the Section 106 agreement for the site.

(B) Bill Magee, Jennie Magee, Lewis Magee, Matthew Magee and Clare Magee Denton

The new footpaths to be provided are shown on Plans 5 and 6 attached. Plan 5 shows the routes only, whilst Plan 6 shows the new footpaths over the development layout (which has reserved matters approval). As can be seen from the drawing, the new routes shown edged red on Plan 6 cross areas of both open space and the new footways to be provided as part of the development. A new woodland path is also proposed.

The new woodland path will be constructed and provided under the Council's supervision, and to their required standard. This is required under Condition 6 of the outline planning permission. Condition 6 says:

"Prior to the occupation of any of the dwellings hereby permitted the proposed woodland footpath adjacent to, and running alongside Clayton Dyke shall have been constructed and made available for use in accordance with details first submitted to and approved in writing by the local planning authority. The submitted details shall include:

- The width, materials, construction details and design including any retaining or supporting structures and handrails; and
- The route and its levels relative to the existing ground and river channel, and relationship to existing trees supported by accurate topographical, tree and ecological surveys.

The footpath shall be retained for public access at all times thereafter."

(C) I understand that this representation has been withdrawn.

(D) I understand that this representation has been withdrawn.

(E) Anonymous

It is necessary to stop up the routes shown in our application form in order to enable the development that has planning permission to be built. There is a pressing need for new homes to be built in the local area and this site is ready and available to meet its share of this need.

As mentioned above, the new routes to be provided cross areas of both open space and the new footways to be provided as part of the development. A new woodland path is also proposed.

A pedestrian route across the site from Queens Road to St Patrick's School will be provided as part of the development proposals. There will be a pedestrian route down Huddersfield Public Footpath 345 (which is to be retained) and then across the site west – east as shown on Plan 6.

As mentioned above, the woodland path will be constructed to the Council's specification. The construction process will be fully supervised and signed off by the Council. In terms of future maintenance, the landowner has a legal obligation (enforceable by the Council) that the woodland path must be maintained and kept open for public use.

As part of the development access across the site from Edgerton Road, Deveron Grove, Queens Road and to the bridge at the corner of the site nearest to St Patrick's School will be secured.

(F) Anonymous

As mentioned above, pedestrian routes across the site linking the local area to St Patrick's School (and other local facilities and amenities) will be maintained as part of the development proposals. Plan 6 shows the new routes to be provided and shows that the proposals provide north, south, east and west access across the site. All of the routes (except the woodland path) will be hard surfaced and lit which will ensure that the routes are available for use at all times of year, including the dark winter evenings.

(G) Anonymous

It is necessary to stop up the claimed route 183 to enable the development (as approved by the Council in the reserved matters application) to proceed. The development proposes a

package of alternative pedestrian routes through the site, which link into the existing main access points into the site (as shown on Plan 6).

It is a requirement of the outline planning permission for the site that the woodland path is constructed and made available for use by the public before any of the new houses on the site can be occupied. The new path will be constructed in accordance with a specification that will be approved by the Council and the Council will supervise the construction work. There is a legal obligation in the Section 106 agreement that the woodland path is maintained in accordance with a management and maintenance regime to be approved by the Council.

(H) Clayton Fields Action Group

It is necessary to stop up all of the claimed routes to enable the development (as approved by the Council in the reserved matters application) to proceed. The development proposes a package of alternative pedestrian routes through the site, which link into the existing main access points into the site (as shown on Plan 6). The new routes to be provided cross areas of both open space and the new footways to be provided as part of the development.

It is a requirement of the outline planning permission for the site that the woodland path is constructed and made available for use by the public before any of the new houses on the site can be occupied (Condition 6 attached to the outline permission). The new path will be constructed in accordance with a specification that will be approved by the Council and the Council will supervise the construction work. There is a legal obligation in the Section 106 agreement that the woodland path is maintained in accordance with a management and maintenance regime to be approved by the Council.

(I) Marsh Community Forum

It is necessary to stop up the claimed route 183 to enable the development (as approved by the Council in the reserved matters application) to proceed. The development proposes a package of alternative pedestrian routes through the site, which link into the existing main access points into the site (as shown on Plan 6).

Pedestrian routes across the site linking the local area to St Patrick's School (and other local facilities and amenities) will be maintained as part of the development proposals. Plan 6 shows the new routes to be provided and shows that the proposals provide north, south, east and west access across the site. All of the routes (except the woodland path) will be hard surfaced and lit which will ensure that the routes are available for use at all times of year. This is in contrast to the current position on site where the footpaths are not marked and the location of each alleged route is not visible on the ground.

(J) St Patrick's Catholic Primary School

It is necessary to stop up the claimed route 183 to enable the development (as approved by the Council in the reserved matters application) to proceed. The development proposes a package of alternative pedestrian routes through the site, which link into the existing main access points into the site (as shown on Plan 6).

Pedestrian routes across the site linking the local area to St Patrick's School (and other local facilities and amenities) will be maintained as part of the development proposals. Plan 6 shows the new routes to be provided and shows that the proposals provide north, south, east and west access across the site. All of the routes (except the woodland path) will be hard surfaced and lit which will ensure that the routes are available for use at all times of year. This is in contrast to the current position on site where the footpaths are not marked and the location of each alleged route is not visible on the ground.

I trust this is acceptable and thank you for your assistance with this matter.

Yours Sincerely

Rob Stenhouse

Development and Design Manager

Seddon Homes Ltd.