



Tower House
Cemetery Road
Edgerton
Huddersfield



22.09.2017

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.

Following our recent telephone conversation, I am still uncertain about the status of the alternative routes proposed by the developer/s across Clayton Fields.

I have been unable to locate any local Public Rights of Way (PROW) on pavements beside roads on the definitive map.

I also remember you saying some years ago, if I remember correctly, that "footpaths were not pavements".

And yet, my understanding is, you said the proposed alternative footpath routes across Clayton Fields, which are, predominantly, planned to be on pavements beside the proposed estate road, will be recorded as a PROW / PROWs on the definitive map.

Can you please reassure me on this point, clearly? For instance, that there will be no difference between the present recording of PROW 345, alongside the proposed development, on the definitive map, and, should an order be issued and confirmed, the future recording of the proposed alternative footpath routes, within the proposed development, on the definitive map. With a number, PROW number?, etc.

Also, I have noticed a significant difference between the PROW Unit's mapping of Claimed Public Right of Way (CPROW) 183 on the Kirklees Crown Copyright database, dated 03.11.2014, issued to me shortly after I made my CPROW applications, and the CPROW 183 route, between G and H, shown on the Kirklees Crown Copyright database, dated 23.05.2017 - predominantly (but not exclusively) with regard to the proximity of the route to the property boundaries of the two, large Victorian houses at the end of Queens Road and Murray Road. **This is the plan which has been released by the PROW Unit to inform the public during the public consultation.**

The CPROW 183 footpath route has now re-established itself as a distinct desire line on the ground previously stripped of vegetation by the developer, and its location can easily be checked. Can you please explain this anomaly to me?

I am also including a briefing/report which I wrote for Marsh Forum, which met on 19.09.2017. If you consider that there are any significant factual errors in the document, I would be grateful if you would correct them.

Yours sincerely,

Jonathan Adamson, Chair, Clayton Fields Action Group.

Cc Barry Sheerman MP.

Enc.

A report and briefing for Marsh Forum, meeting on Tuesday 19th September 2017, following two, three minute statements made by Bill Magee and Jonathan Adamson to the Planning Sub-Committee (Huddersfield Area) on 31st August 2017. It is anticipated a number of Kirklees Councillors will attend.

Town & Country Planning Act 1990, Section 257.

Application by Seddon Homes Limited and Paddico (267) Limited for the "Closure or Diversion of Public Path[s]" on Clayton Fields, received by Kirklees Council on 26.05.2017.

1. On 31 August 2017 the Planning Sub-Committee (Huddersfield Area) determined unanimously to suspend its decision for this application "for one cycle, subject to further information". The next meeting of the Sub-Committee is scheduled for Thursday 12 October 2017, at Huddersfield Town Hall, at 1.00 p.m. It is best to check earlier that week that it has been listed (there may be reasons for a further deferral). Those wishing to make a 3 minute address to the Sub-Committee need to register not later than 24 hours before the meeting with Richard Dunne's office.
2. Seddon Homes and Paddico (267) - landowner for Prospect Estates - (SH/P), are seeking an order to extinguish all the Claimed Public Rights of Way (CPROW) applications submitted by Bill Magee and Mike Hardy in 1996 and by Jonathan Adamson in 2014, en block. **The order sought by SH/P would enable the Local Authority to avoid any assessment of the evidence submitted by the public in support of the 7 CPROW applications.**
3. During the previous five years the Kirklees Public Rights of Way Unit has added 3 CPROW applications to the definitive map as Public Rights of Way (PROWs). By its own acknowledgement it has 125 priority CPROW applications. I counted 199 listed on the council's WCA 1981, section 53B register. **[At the above rate of administration*,] if the Council received no further submissions it would take over 200 years to process the 125 priority CPROW applications.** Bill Magee's and Mike Hardy's CPROW applications remain unprocessed after 21 years.
4. On Thursday 14 September 2017, SH/P opened the steel gate at the bottom of Deveron Grove and cemented in bollards. The previously locked gate blocked access to CPROW 186. **It is worth noting this work was undertaken by SH/P following the suspension of the Planning Sub-Committee's decision on 31 August 2017.** Previously, in spite of an undertaking by the applicants **NOT to obstruct any of the CPROW routes "before [an] order comes into force"**, and requests made by Barry Sheerman MP, Marsh Forum, St. Patrick's Primary School, Clayton Fields Action Group, Cllr Sheikh Ullah, Cllr Mohan Sokhal, and members of the public, to the developers, and to the Council, to open the gate, **the gate remained locked.**
5. **Kirklees Officers had refused to enforce the unlocking of the steel gate at the bottom of Deveron Grove during the previous 12 months, at least.**
6. The Council's Legal Officer said the Local Authority (LA) was not required to enforce a CPROW application, during the Planning Sub-Committee meeting on 31 August 2017. However, the LA does have a statutory duty under section 130 of the Highways Act to unblock a PROW. **This clearly demonstrates the difference in legal weight attached to a CPROW application and to a PROW added to the definitive map.**

7. For the reasons I have set out above, on the 14 August 2017 I applied to The Planning Inspectorate for a direction to Kirklees Council to determine CPROW 183.

Amongst other things, the Inspectorate is seeking information about "the authority's estimated decision time for determining this particular application [...] including in the context of the special circumstances which the applicant has submitted."

The Inspectorate has requested a reply from Kirklees Council by the 19 October 2017.

8. Following the (two) initial consultation meetings with representatives of SH/P (4 & 7 July 2017), the developers aligned the position of garden fences along the route of CPROW 183 on, or around, 16 July 2017, with yellow tipped stakes. In spite of a statement from representatives of SH at Flint Street (7 July 2017) to the effect that SH intended the replacement route for CPROW 183 / the Woodland Walk to be at the top of the bank above Clayton Dike, **the staking towards the bridge end of CPROW 183 shows the path was, in fact, intended to be located along a virtually impossible route, slightly down from the flat embankment top, across the steep, slimy, densely wooded slope which descends into Clayton Dike.**

The staking of this fence line between the consultation meeting at Flint Street, on 7 July 2017, and my meeting with Rob Stenhouse (SH), on site, on 17 July 2017, **reinforces the consultees historic lack of trust in the former, single developer's, and the present, joint developers' willingness to consult and negotiate meaningfully.**

9. One of the proposals set out in my letter to Rob Stenhouse (SH), dated 25 July 2017, was for adjacent Council allotment land, which includes a small area of woodland by the stream, open to the public, to be combined with much of the land dedicated to public use in the developer's Outline Planning Permission, and for it to be registered as a Town and Village Green (TVG). This would ensure the registered land was protected from development in future. Registration would be at no cost to the Council or to the developer and would enrich the lives of future residents, of those living beyond the development and the natural and semi-natural environment as a whole. **Clayton Fields Action Group (CFAG) have not received a response to this proposal from SH/P, or from the Council, to date.**

10. It is not clearly stated in the information or shown on the plans issued by Kirklees PROW Unit for public consultation, that a **significant amount of the proposed 'replacement footpaths' are routed on the pavements along the proposed estate road (see below, 11).**

11. An email from the land owner's / developer's architect (Loroc) to Kirklees' planning case officer (John Ritchie), dated 22 December 2014, states: "[...] **this footpath [the Woodland Walk (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.)

NOTE: the "multiple links" of 'replacement footpaths' would be, predominantly, on tarmac. If the length of the widening of PROW 345, and the length of the proposed WW, are subtracted from the

length of the proposed 'replacement footpaths', **at least ¾ of the remaining length would be on pavements beside the estate road.**

12 During an early consultation meeting between residents, CFAG and Rob Cooke, representing the landowner and the developer, Paddico (267) and Prospect Estates, at Elm Crest Guest House, on 05.09.2014, Rob Cooke stated that **the development would not extend beyond the tree canopy along Clayton Dike.** This is recorded by Marilyn Hodgkinson in the minutes of the meeting. **The existing route of CPROW 183 is located almost entirely underneath the present tree canopy along the top of the bank above Clayton Dike.** Please see the enclosed Kirklees plan of CPROW applications for the route of CPROW 183.

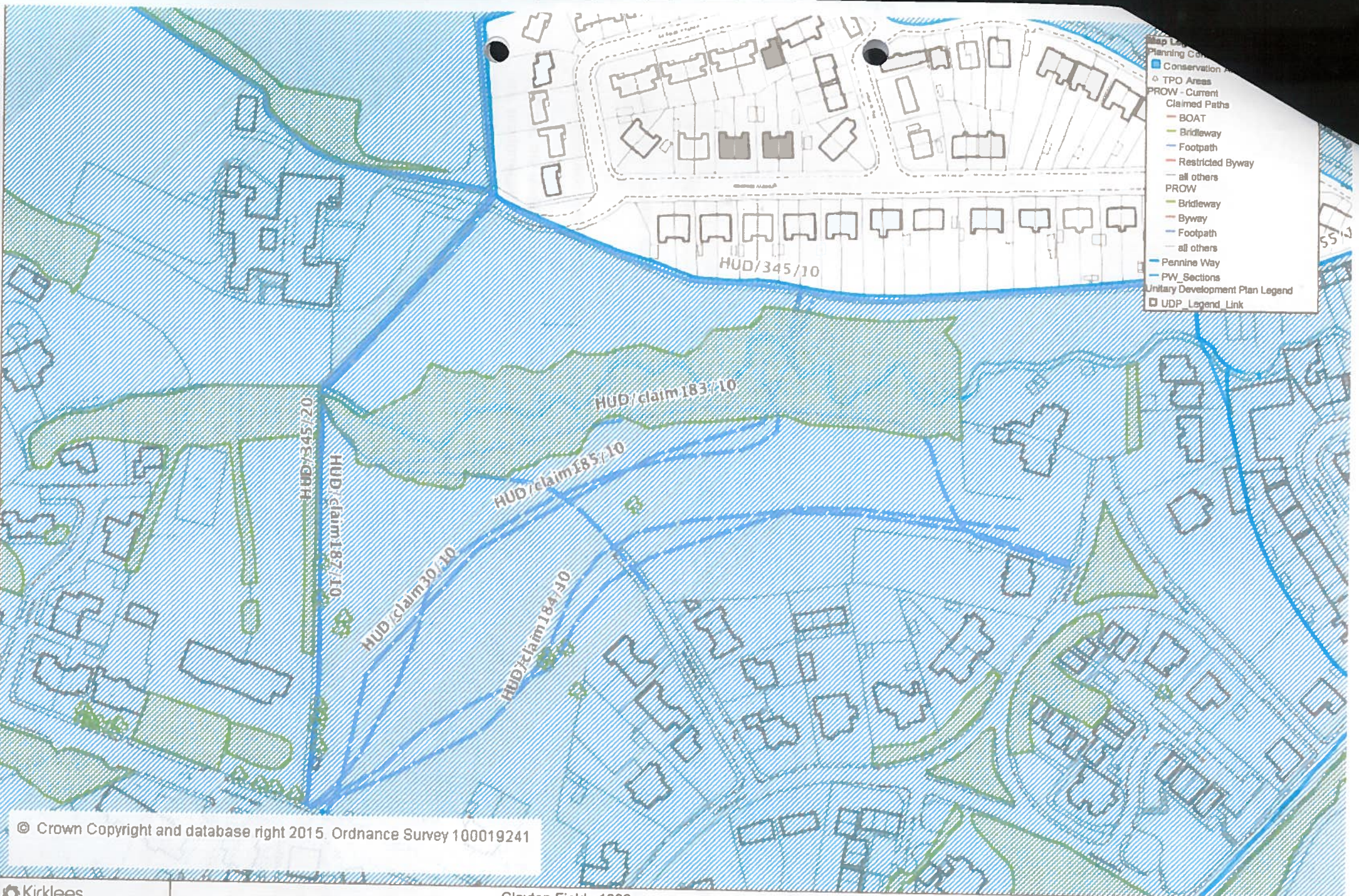
13 The Environment Agency (EA), in its planning consultation response, dated 05.11.2014, ref. RA/2014/130143/01-LO1, cites The National Planning Policy Framework (NPPF) and Article 10 of the Habitats Directive and asserts "the importance of natural networks of linked habitat corridors to allow the movement of species between suitable habitats, and promote biodiversity. River corridors are particularly effective in this way. [...] Wherever possible, development should be set back from the watercourse to provide a wildlife buffer zone. **The buffer zone should be free from all built development. Domestic gardens and formal landscaping should not be incorporated in the buffer zone [my bold].**"

14. The report prepared for the Planning Sub-Committee (Huddersfield Area), (background papers), by Kirklees Planning Service, dated 26 February 2015, states "Impacts on semi-natural woodland should be avoided **which Officers regard as an important issue and argue strongly that gardens should not impinge on woodland habitat** or any UK Habitat of Principal Importance. **To do so in the absence of a detailed habitat assessment of harm and any mitigation measures is contrary to NPPF guidance.**" P.29 & 29. The report goes on to state: "**The exact rear boundary of the dwellings can be conditioned**", p. 31. **This boundary (crucial to the woodland habitat) was NOT conditioned in Prospect Estates' Outline Planning Permission, granted, on appeal, on 11 September 2015 (Appeal Ref: APP/Z4718/W/15/3002523), or conditioned in Kirklees Planning's Reserve Matters Permission, granted on 21 April 2017 (2017/61/90190/W).**

Jonathan Adamson, Chair, Clayton Fields Action Group.

19.09.2017.

* This amendment was made on 21 September 2017. Un-amended copies were handed out to those attending Marsh Forum, including two Greenhead Ward Councillors, Carole Pattison and Mohan Sokhal.



- Map Legend
 Planning Control
 Conservation Area
 TPO Areas
 PROW - Current
 Claimed Paths
 BOAT
 Bridleway
 Footpath
 Restricted Byway
 all others
 PROW
 Bridleway
 Byway
 Footpath
 all others
 Pennine Way
 PW Sections
 Unitary Development Plan Legend
 UDP Legend Link

© Crown Copyright and database right 2015. Ordnance Survey 100019241