

Highways Act 1980, Section 119.
**Meltham public footpaths 26 (part) & 79 (part) at Wm Morrison store, Station Street,
Meltham. Public Path Diversion application - Explanatory Statement**

Under the Highways Act 1980, local authorities have the power to make orders to create, divert or extinguish public rights of way.

A new application has been received to divert part of the public footpaths Meltham 26 & 79 on the grounds that it is in interest of the landowner. Parts of the existing alignments of the two footpaths have not been available to the public since the footbridges over the former railway lines were removed during development of the site for a Safeway store. Due to the longstanding and major nature of these obstructions, it is considered appropriate in the circumstances to allow an opportunity to apply for a diversion order.

The part of public footpath Meltham 26 to be stopped up commences at the end of Near Lane and run to The Cobbles, whilst the part of Meltham 79 to be stopped up commences at the end of Near Lane and run through the existing car park. These are shown by the bold solid lines on the enclosed plan

The replacement public footpaths proposed to be recorded as new parts of Meltham 26 and 79 are shown by the dashed lines, running down the existing stairway, then across the front of the store and also along part of the cycle and pedestrian route known as the Meltham Greenway.

Although not part of this proposal the diversion would allow the extensions to the existing store to be constructed as shown in planning consent 2020/90614. A small flight of steps near point B will be replaced by a small flight of steps near point D.

THIS EXPLANATORY STATEMENT IS PART OF PRELIMINARY CONSULTATION ON THE APPLICANT'S PROPOSAL AND NO DECISION OR ORDER HAS BEEN MADE BY THE COUNCIL.

Details of this application will be posted on the Public Rights of Way section of the Councils website.

<https://www.kirklees.gov.uk/beta/countryside-parks-and-open-spaces/changes-to-definitive-map.aspx>

Although not forming part of this diversion proposal, there is another unrecorded route already available to the public which runs from Near Lane down a slope to connect to the Greenway further east. This slope route and the Meltham Greenway hereabouts were formed as parts of previous agreements under Section 106 of the Town & Country Planning Act 1990 connected with development of the area in the 1990s.

The length of footpath 26 immediately north of point B and the length of footpath 79 west of point C are still recorded on the definitive map but run over part of the carriageway and footway of The Cobbles are not included in the proposal and to avoid confusion are not shown on the attached plan.

Please note that the public path orders made by the Council in October 2013 under section 257 of the Town & Country Planning Act 1990 and the order made under section 119 of the Highways Act 1980 December 2015 have been held in abeyance at the request of the applicant.

Kirklees Council will need to be satisfied that the proposal complies with the following grounds and tests laid down in the Highways Act 1980:

- It appears expedient that the path should be diverted on the ground that it is in the interest of the landowner or the public.
- The end points of the diversion are on the same highway or one connected to it and are substantially as convenient as at present.
- The necessary works to implement the proposed path will be undertaken.
- The proposed path will not be substantially less convenient and will not have undue effect on public enjoyment of the path as a whole.
- Kirklees Council will have to consider our Rights of Way Improvement Plan.

Comments on the application should be made in writing by 4 January 2022 to Kirklees Council, Public Rights of Way, Flint Street, Fartown, Huddersfield, HD1 6LG or email publicrightsofway@kirklees.gov.uk . Enquiries only may be made by telephone on 01484 221000 and ask for Sharon Huddleston.