

**HIGHWAYS ACT 1980  
WILDLIFE AND COUNTRYSIDE ACT 1981  
KIRKLEES COUNCIL (PUBLIC FOOTPATH DENBY DALE 82 (PART) TOP O' TH' CLOSE,  
UPPER CUMBERWORTH) PUBLIC PATH EXTINGUISHMENT ORDER AND DEFINITIVE MAP  
AND STATEMENT MODIFICATION ORDER 2022**

## **EXPLANATORY STATEMENT**

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

An application was received to extinguish part of public footpath Denby Dale 82 which runs between Longroyd Lane and the property Top o' th' Close. The application was made under Section 118 of the Highways Act 1980 on the grounds that it is not needed for public use. This link of the footpath has only ever gone to this property. It is now not required for access to the property. It does not lead to a place of popular resort such as a viewpoint or beauty spot, or other feature of historic or cultural importance. There is no indication that the house at Top o' th' Close is of any notable historic or architectural interest in itself.

The section of footpath stopped up is a cul de sac footpath to the property only.

The proposed extinguishment would come into effect only after the order has been confirmed.

## **THIS STATEMENT DOES NOT FORM PART OF THE ORDER**

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 stopped up on the grounds that it is not needed for public use.
- To confirm an Order, the extent to which the path would be likely to be used must be considered, as well as the effect that the extinguishment would have as respects land served by the way.
- Any temporary circumstances preventing use of the path shall be disregarded.
- It is in accordance with the Kirklees Council Rights of Way Improvement Plan.

Representations or objections to the order must be made in writing by 08 December 2022 to Harry Garland, Kirklees Council, Legal Services, PO Box 1720, Huddersfield HD1 9EL (quoting reference D112-342).

If you want to discuss your concerns about this order, contact Sharon Huddleston, Public Rights of Way, PO Box 1720, Huddersfield, HD1 9EL. Email [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk) or telephone 01484 221000 and ask for Sharon Huddleston

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner.

If no representations or objections are received, or representations or objections which are made are subsequently withdrawn, the council can confirm the order. If representations or objections are made and not withdrawn, the council will refer the order to the Planning Inspectorate for determination. An inspector from the Planning Inspectorate will hear the objections at a public hearing or inquiry, or in writing if the objectors agree. The inspector can confirm an order, confirm it with modifications, or refuse to confirm it.