

Name of meeting and date:

Planning sub-committee (Heavy Woollen Area) 9 February 2023

Title of report:

Application for an order to divert public footpaths Spenborough 24 (part) and 42 (part) at Whitechapel Road, Cleckheaton. Town & Country Planning Act 1990, Section 257.

1. Purpose of report

Members are asked to consider and decide whether to authorise the making of an order to divert parts of public footpaths Spenborough 24 & 42, which if confirmed and brought into force, would stop up part of public footpaths and provide diversionary footpath routes. The public footpath routes to be stopped up, and the proposed diversionary routes to be created are shown on appended plan 1. Members are asked to make a decision on the Council's making and confirmation of a relevant order.

2. Summary of Report

An application has been made to the Council for an order to stop up part of public footpaths Spenborough 24 (part) and 42 (part) at a residential development site and provide alternative routes. Conditional full s106 planning permission was granted under reference 2019/93658. A number of houses are proposed to be built on the current legal lines of the above public footpaths, prompting an application for an order to stop up and divert public footpaths at the site. A number of planning conditions are yet to be discharged and are the subject of numerous applicant submissions and ongoing discussions with officers, to be finalised under delegated powers. For an order to be made under section 257, there must be a relevant planning consent or in anticipation of a planning consent. For an order under section 257 to be confirmed, planning consent must be granted. Two user groups have raised procedural concerns which are included in part 4 of the committee report.

3. Ward Councillor comments

Ward members have been consulted, as part of the informal preliminary consultation.

Cllr Kath Pinnock raised concerns in objection to the proposal, regarding proposed path alignment and noise concerns for users, which are described at paragraph 4.1 of the committee report, with officer comment.

No response was yet received from the other ward members. Officers would update committee as appropriate on any further comment.

4. Officer recommendations and reasons

Officers recommend that members authorise the making of an order to divert public footpaths 24 (part) and Spenborough 42 (part), and for officers to seek confirmation of the diversion order. Officers consider that the proposal is appropriate and would satisfy the relevant legal criteria, described in the full report.