

**Tiffany MacDonald**

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**Subject:** FW: 24/01050/CONDIT - Land North East Of Triumph Motorcycles, Hinckley

**Sent:** 07 February 2025 09:46

**To:** Matt Jedruch <[Matt.Jedruch@hinckley-bosworth.gov.uk](mailto:Matt.Jedruch@hinckley-bosworth.gov.uk)>

**Subject:** RE: 24/01050/CONDIT - Land North East Of Triumph Motorcycles, Hinckley

Morning Matt,

Apologies for the delay getting back to your email below. Please find our response to Highway Authority's comments below:

We note the response of the Highway Authority pointing out that Jelson may have rights to surface the path under the terms of the land transfer. This may well be the case but this does not alter the planning decision that needs to be made as to whether or not the path upgrade is required.

In this regard the following material considerations are relevant;

- 1) The application to which the condition is attached is a Reserved Matters application. As such only matters of detail, not principle, should be under consideration. It is noted that no conditions requiring the upgrade of public footpaths, or even a scheme for such, were attached to the outline planning permission (15/00188/OUT). This is a matter of principle that should have been controlled at outline stage and in our view the imposition of this condition at RM stage is not therefore lawful.
- 2) Even if it were lawful, the same condition was not attached to any of the earlier phases of development that also affect the footpath in the same way. This is not only demonstrates inconsistency in decision making, but also means that there is little practical benefit in surfacing the relatively short section of path adjoining the Jelson site, when the vast majority of the route through the wider development will remain unsurfaced. The public benefit would be negligible.
- 3) The requirement to surface the path also directly contradicts conditions of the outline planning permission which require an ecological buffer of 5m to the boundary hedge. Construction of a hard surfaced path would undermine the objectives of the ecological strategy for the site.

Accordingly, we consider that the imposition of condition 8 was inconsistent with the outline planning permission and unnecessary in planning terms and our request to remove it should be approved.

If you require any further information please do not hesitate to contact me.

Kind regards

Mitesh Rathod  
Senior Planner