
APPLICATION DETAILS:

Planning Application Number: 24/01050/CONDIT

Highway Reference Number: 2024/1050/04/H/R1

Application Address: Land North East Of Triumph Motorcycles Ltd Normandy Way Hinckley
Leicestershire LE10 3BZ

Description of Application: Re-consultation. Application to vary condition 1 and 2 and remove condition 8 of planning permission 22/01091/REM. Amendments to approved drawings to remove land and conditions which sit outside Jelson's land ownership.

Applicant Name: Mr Mitesh Rathod

Date:

Hyperlink:

GENERAL DETAILS:

Planning Case Officer: Ben Dutton

Access Officer: Andrew Poole

The applicant's recent response on Condition 8 of permission 22/01091/REM states that:

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.

In contrast to this, the facts of the case appear to be as follows:

1) Jelson Item 1

1.1) Reserved Matters

- i) The Jelson comment appears based on the Planning Aid England webpage <https://www.planningaid.co.uk/hc/en-us/articles/204857092-Outline-planning-permission> which includes '*Conditions imposed at the reserved matters approval*

stage can only relate to the details of the development then submitted, not the principle.’ No government guidance or regulations make such a stark distinction between detail and principle.

- ii) DCLG Circular 01/2006 Guidance on Changes to the Development Control System paragraph 48 at: <https://assets.publishing.service.gov.uk/media/5a79729aed915d0422068820/144854.pdf> states that *‘Outline applications allow for a decision on the general principles of how a site can be developed. They are typically used where applicants are looking for formal agreement about the amount and nature of development that can take place on a site prior to preparing detailed proposals.’* General principles are about the type and scale of development overall.
- iii) Government guidance at: www.gov.uk/guidance/making-an-application Paragraph: 005 Reference ID: 14-005-20140306 advises that *‘An application for outline planning permission allows for a decision on the general principles of how a site can be developed.’* A following paragraph adds *‘Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (i.e. they can be ‘reserved’ for later determination).’*
- iv) The paragraph headed ‘What are reserved matters’ includes the following detail:
 - ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. ...
 - ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
 - ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

The underlining above highlights that the treatment of public rights of way may reasonably fall under any of the aspects of Reserved Matters outlined. The aspects of Reserved Matters listed above are taken from article 2 of the ‘Town and Country Planning (Development Management Procedure) (England) Order 2015’ (SI 2015/595) at <https://www.legislation.gov.uk/uksi/2015/595>. That order states in article 7(3) that *‘Except where article 5(3) applies, an application for outline planning permission does not need to give details of any reserved matters.’* Provision 5(3) is that *‘Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.’*

- v) The Planning Portal website at <https://www.planningportal.co.uk/planning/planning-applications/consent-types/reserved-matters> clarifies the first of these specific reserved matters as being “means of access” which it defines as ‘covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.’ With any application this will be mainly about vehicular access but the focus there will be the locations of the proposed access roads, their junctions with the existing road network, and interconnectedness within the site. At this stage it will not be finalised whether those roads are to remain private or be adopted, nor whether the surfacing will be asphalt or block paving etc. If that is not an issue for roads at the outline stage nor is it for public rights of way.
- vi) Government guidance at: <https://www.gov.uk/guidance/use-of-planning-conditions> Paragraph: 025 Reference ID: 21a-025-20140306 advises: *‘The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted.’*
- vii) Courts have confirmed that whilst a reserved matters application has to be within the scope of the outline permission (see *Heron Corp Ltd v Manchester City Council* [1978] 1 WLR 937), this is a matter of fact and degree for the planning authority to determine based on its own judgement (see *Hammersmith and Fulham LBC, ex parte GLC* (1985) 51 P&CR 120 and *R v. Bolsover DC, ex parte Ashfield DC* (1995) 70 P & CR 507).
- viii) The original application 15/00188/OUT was outline for ‘access only’, whereas application 22/01091/REM was for the Approval of reserved matters (appearance, layout and scale) of outline planning permission (ref: 15/00188/OUT). As noted in 1) iv) above the appearance or aspects of a place in a development and the materials used, and the way in which routes in a are laid out are all details consistent with the treatment of any public right of way.

1.2) Other Planning Law

- i) Government guidance on ‘Determining a planning application’ at: www.gov.uk/guidance/determining-a-planning-application in Paragraph: 006 Reference ID: 21b-006-20190315 is that *‘The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. ... If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.’*
- ii) Within the National Planning Policy Framework (NPPF) paragraph 105 requires that *‘Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.’* The requirement is explicitly to protect and enhance. Mitigation is not enough. Enhancement means lasting public benefits should also be provided, commensurate with the scale of the development, reflecting NPPF paragraph 58.
- iii) The Court of Appeal in the recent case *Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 32

<https://www.bailii.org/ew/cases/EWCA/Civ/2025/32.html> ruled that the legal status of the National Planning Policy Framework and Planning Practice Guidance (PPG) is essentially the same; no legal distinction exists between them. Judgement paragraph 34 states *'The NPPF is a comprehensive framework of national planning policy, in which the Government sets out its general policies for planning decision-taking and plan preparation. [Whereas] The PPG is national guidance for planning practice, which can reinforce that framework.'*

- iv) The PPG at: www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space Paragraph: 004 Reference ID: 37-004-20140306 on Public rights of way and National Trails includes Defra Rights of Way circular (1/09) where Section 7 on 'Planning permission and public rights of way' in paragraph 7.3 states that: *'Most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and consequently such matters are usually dealt with during consideration of the matters reserved under the planning permission for subsequent approval.'* So the government guidance directs that rights of way would more normally be addressed at the reserved matters stage.
- v) More generally Circular 1/09 paragraph 7.2 confirms *'The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.'* This would apply to both the Outline and Reserved Matters application stages.
- vi) The Government guidance on 'Determining a planning application' in Paragraph: 008 Reference ID: 21b-008-20140306 adds: *'The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest ...'*
- vii) The NPPF, PPG, and Circular 1/09 are now applied locally by the Leicestershire Highway Design Guide (LHDG) adopted annex on Development and Public Rights of Way at: www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-way which in paragraph 12 advises: *'In the case of public rights of way which do not require diverting development will still, in most situations, cause a significant increase in use. Development also changes the character of rights of way and consequently raises reasonable public expectations that they should be capable of being used in all weathers. Therefore, such paths will usually require provision of tarmacadamed all-weather surfaces.'*

Summary: The planning law, government regulations, and statutory-based guidance above all emphasise that the treatment of public rights of way is a matter of detail and should normally be addressed as a Reserved Matter, more than at the Outline stage. NPPF is quite clear that public rights of way should be both protected and in addition that they should be enhanced. To not do so would be contrary to the NPPF and the PPG.

2) Jelson Item 2

2.1) Planning Decisions

- i) LPA case 15/00188/OUT is the outline permission overarching the Hinckley West Sustainable Urban Extension (SUE). The LHA response included a plan of all the PRoW routes on site and comments at: https://publicdocuments.hinckley-bosworth.gov.uk/PublicAccess_Live/Document/ViewDocument?id=4635C2ECD13F11E4A7B61EACCDEE5DC5 including in paragraph number 1. that *'The sections of all the footpaths within the boundaries of the application should be provided with an all-weather sealed surface to a specification approved by the Highway Authority ...'* referencing Part 3, Section DG7 of the 6Cs Design Guide (which was the predecessor to the LHDG).
- ii) The LPA officer report for the Planning Committee 21 June 2016 <https://moderngov.hinckley-bosworth.gov.uk/documents/s6449/Hinckley%20West%20Committee%20Report%20Final%20NT.pdf> in paragraph 3.5 describes all the PRoW routes on the application site and in paragraph 8.34 states that *'Sustainable modes of transport will be encouraged throughout the development and links to the town centre through improvement of footpaths/cycleways and the provision of a bus.'*
- iii) In the 15/00188/OUT permission granted to Bloor Homes Ltd, the Decision Notice at: https://publicdocuments.hinckley-bosworth.gov.uk/PublicAccess_Live/Document/ViewDocument?id=EA32F7004EAF11E8B134000C29FEB1A8 includes all the usual 'Notes to Applicant' concerning public rights of way, but there is not a specific condition addressing public rights of way at this stage.
- iv) LPA case 22/01091/REM is a Reserved Matters application enabled by the outline permission 15/00188/OUT. The LHA response dated 21/04/2023 at: https://publicdocuments.hinckley-bosworth.gov.uk/PublicAccess_Live/Document/ViewDocument?id=E52DD8ED990D47D9ABEC6ACFFD2B2B79 again includes a request for a scheme for the treatment of the Public Rights of Way.
- v) In the permission granted to Jelson Ltd, the Decision Notice at: https://publicdocuments.hinckley-bosworth.gov.uk/PublicAccess_Live/Document/ViewDocument?id=72E92C1A51CF407AA565912B8B0BADA0 contained the condition 8 as here below.
 8. No development shall take place above ground level until a scheme for the treatment of the Public Rights of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their surfacing, drainage, width, structures, signing, landscaping, and management during construction, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To protect and enhance Public Rights of Way and access in accordance with the National Planning Policy Framework (2021).
- vi) Government guidance on the 'Use of planning conditions' Paragraph: 002 Reference ID: 21a-002-20190723 at: <https://www.gov.uk/guidance/use-of-planning-conditions> highlights that the Town and Country Planning Act 1990 (TCPA90) 'section 70(1)(a) empowers the local planning authority when granting planning permission to impose "such conditions as they think fit". This power needs to be interpreted in light of material considerations such as the National

Planning Policy Framework, this supporting guidance on the use of conditions, and relevant case law.'

Summary: With 15/00188/OUT the LPA demonstrates awareness of the public rights of way (PRoWs) from the Outline stage onwards. The decision to not address them at the initial stage but as a Reserved Matter demonstrates that the LPA, in exercising its judgement, viewed the treatment of the PRoWs as a matter of detail rather than principle, in accordance with the planning law and guidance noted above in section 1 and their powers of discretion under TCPA90 section 70.

2.2) Adjoining Phases

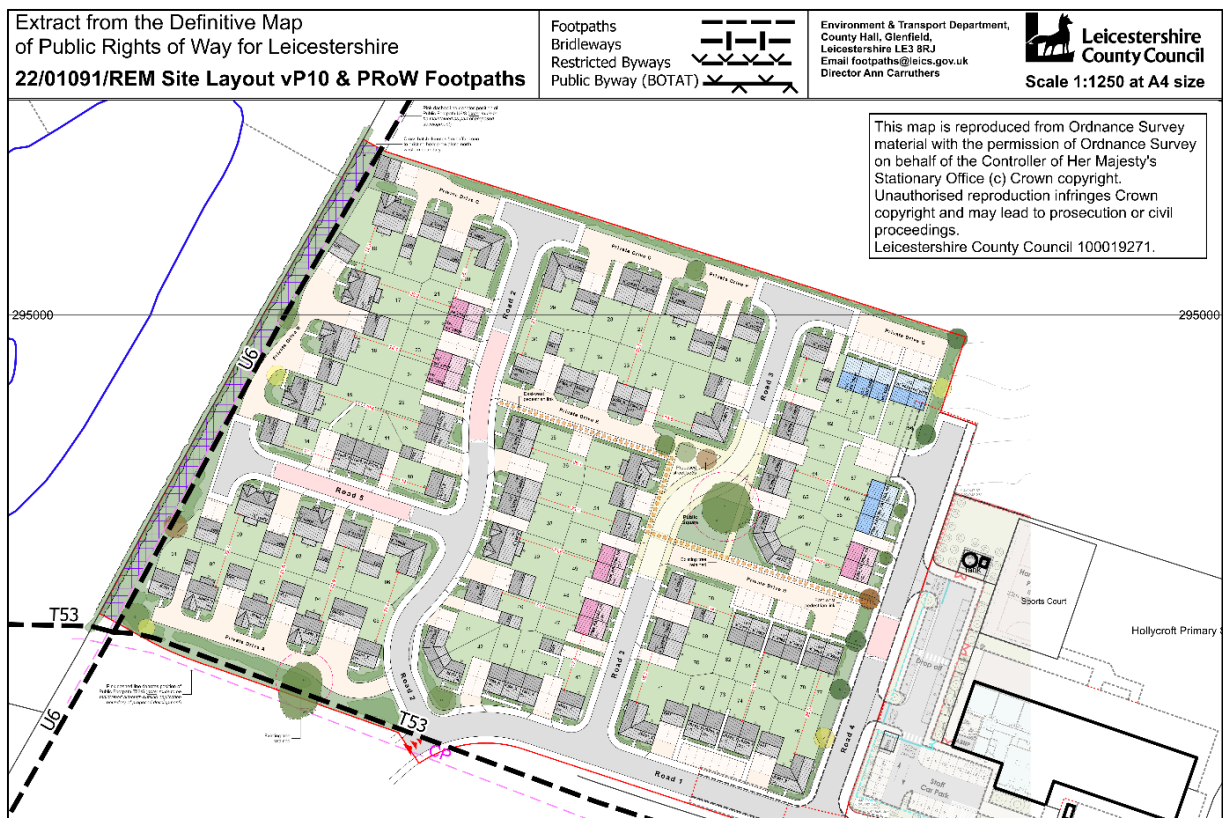
- i) LPA cases 24/01050/CONDIT and 22/01091/REM comprise Phase 8 of the development allowed by permission 15/00188/OUT, for which the 2016 Amended Design and Access Statement (DAS) at: https://publicdocuments.hinckley-bosworth.gov.uk/PublicAccess_Live/Document/ViewDocument?id=585DD144474A11E685AF000C29A481C5 includes on page 20 Figure 9: Land Use Plan and page 21 Figure 9A: Phasing Plan which together show the numbered residential phases and other elements of the overall development. North of Phase 8 is the area for Outdoor Sports Activities covered by permission 23/01139/REM. Southwest of Phase 8 is Phase 7 covered by permissions 21/01262/REM and 22/01008/DISCON. Southeast of Phase 8 is labelled as 'Parkland' which is part of Phases 1 and 2 covered by permissions 18/00563/REM, 20/00527/REM, 23/00753/DISCON and others.
- ii) The Outdoor Sports Activities area application 23/01139/REM pending approval includes the Landscape Masterplan at: https://publicdocuments.hinckley-bosworth.gov.uk/PublicAccess_Live/Document/ViewDocument?id=ED5008CC3A1244FCA13A0286D3CDB7D6. The legally-defined alignment of public right of way Footpath U6 runs parallel with the western site boundary, and the legally-defined alignment of public right of way Footpath U5 runs parallel with the northern site boundary. On the Masterplan both legal alignments are matched by white stippled areas labelled in the Hard landscape key as '*Pedestrian/ cycle footpaths; 3m wide ; Breedon gravel; Buff colour or similar approved.*'
- iii) Phase 7 permissions 21/01262/REM granted to Bloor Homes Ltd includes Surface Materials plan at: https://publicdocuments.hinckley-bosworth.gov.uk/PublicAccess_Live/Document/ViewDocument?id=6D1BBF06E98D41B4A8C77DB996FE0CB3. The legally-defined alignment of public right of way Footpath U6 runs parallel with the western site boundary, That legal alignment is matched by a yellow strip labelled '*Breedon Gravel Pathway with Timber Edging*'

Summary: Section 1.2) ii) above notes that NPPF paragraph 105 means applicants have effectively an 'enhancement duty' in relation to public rights of way. The key issue is the physical treatment of the legally-defined alignments of the public rights of way footpaths. 22/01091/REM Condition 8 quoted in section 2.1) v) is simply one of several means to that end. The approved drawing for permission 21/01262/REM and the drawing submitted with pending application 23/01139/REM both mean a constructed surface will be laid on all of Footpath U5 within the site, and laid on Footpath U6 either side of the 22/01091/REM permission / 24/01050/CONDIT application area. The vast majority of the Footpath U6 route through the wider development will be surfaced, so it would be against the public interest for a relatively short Jelsons section to not be surfaced.

3) Jelson Item 3

3.1) Ecological Buffer

- i) The alignment of any public right of way is legally 'fixed' by the Definitive Map of public rights of way, the official record. The Wildlife and Countryside Act 1981 section 56(1)(e) means that, if the physical route on the ground is different, legally the alignment recorded on the Definitive Map takes precedence.
- ii) Included below is the 22/01091/REM approved Proposed Site Layout Plan vP10 dwg J112-BRP-00-00-DR-A-0102-P10 as at: https://publicdocuments.hinckley-bosworth.gov.uk/PublicAccess_Live/Document/ViewDocument?id=13BE525F675B48AC80B5BE0C547B3748. The drawing includes a thin dashed line parallel with the western site boundary labelled '*Pink dashed line denotes position of Public Footpath U6/3 (note: route to be maintained as part of development).*' The purple grid is labelled '*Cross hatch denotes 5m buffer zone to existing hedgerow along north-western boundary.*'
- iii) The drawing is overlaid with the alignments of public rights of way Footpaths T53 and U6 as recorded on the Definitive Map. The alignment on the Jelson plan is too far to the west, with at least 1.5 metres error at the southern end, though at the northern end the error is less. In all places, the centre-line of the legal alignment of the PRoW is at least 1.0 metre away from the edge of the ecological buffer zone so that construction of a 2.0 metre-wide surfaced footpath is compatible with that, just as it has been judged to be for a constructed footpath within the sites of Bloor Homes Ltd Phase 7 permission 21/01262/REM and pending sports pitches application 23/01139/REM. The only conflict here is between the public right of way and the turning head of the cul-de-sac road.



3.2) Matters Arising

- i) The Site Layout overlaid with the Definitive Map also shows the legally-defined alignment of public right of way Footpath T53 running inside the south-western site boundary of 22/01091/REM. Treatment of that section of route also appears to be a Jelson Ltd responsibility. On several plans Bloor Homes Ltd have shown Footpath T53 plotted 4.5 metres further south than the legally fixed alignment. This may highlight a problem with co-ordination on this aspect of the SUE project.
- ii) There are principles in the 15/00188/OUT Amended DAS (as referenced at 2.2) i)) where the SUE applicant commits to the delivery, across the whole site and all phases, of provision that includes:
 - 'improved footpath and cycle routes' (General Description and Principles p23).
 - That 'There will be an emphasis on informal recreation and movement within the green corridor. Combined footpath and cycle links will provide attractive alternative routes through the development and connect to the surrounding public footpath network' (Green Corridors p26 – where on the accompanying plan all the footpaths are shown as surfaced)
 - A '3 metre wide combined footpath and cycle way should be incorporated to provide an easily accessible movement route that links key parts of the site with the surrounding area' (Design Principle p27),
 - 'Northern and western edges defined by enhanced public footpath route' (Playing Fields Description p29)
 - 'Use of surface treatments, signage and street furniture to slow traffic, highlight pedestrian priority and identify wider footpath links.' (Footpath Crossing p35)
 - 'Within the site the lines of the existing public rights of way will be retained and enhanced with new paths.' (Movement and Access p50)
- iii) Following the grant of the 15/00188/OUT planning permission, later in 2015 Bloor Homes had communication with the LHA PROW section about the alignment and treatment of the public rights of way across the whole SUE area. The whole correspondence is included as an appendix at the end of this submission. In their email 24/11/2015 Bloor Homes committed to the assumption that Footpath T53 would be *'2m wide tarmac with timber edging for the footpath we are currently discussing, and 2m wide rolled aggregate chippings with timber edging for the footpaths along the northern and western boundaries'* which are Footpath U5 and Footpath U6. In reply the LHA email on 02/12/2015 quoted the LHDG specification (as referenced above in section 1.2) vii)) that all surfaces should be tarmac rather than Breedon gravel etc. and, if they are to be Pedestrian / cycle routes, the surface should be 3 metres wide in all cases.
- iv) The Chartered Institution of Highways and Transportation national guidelines 'Providing for journeys on foot' (p91) notes that material such as gravel etc. would be mainly used on lightly-used footways and rural paths. The UK Design Manual

for Roads and Bridges CD 143 revision 2.0.1 'Designing for walking, cycling etc'. rates a gravel surface as having a lower adequacy score than sealed surfaces involving bitumen. Active Travel England recommend roadside pavements (footways) and footpaths should be treated similarly for everyday use and should have a 'smooth, even surface that is high grip'.

- v) Sustrans, the charity which manages the most widely-spread national network of cycle and pedestrian routes, (in Information Note No. 8 on p24 at <https://www.satinonline.org/Documents/80-Technical-note-8-cycle-path-surface-options.pdf>) notes that it *'initially surfaced many off-road sections ... with unbound limestone or granite dust surfaces, which were considered most economic and more environmentally friendly at the time. Experience over the last 15-20 years or so has shown however that already significant path sections have suffered erosion, rutting, ponding or other damage that make these paths very unattractive and unusable in very wet weather conditions. Annual maintenance requirements for unbound surfaces are generally higher than for bound surfaces.'*
- vi) For these reasons the Leicestershire Highway Design Guide specification for 'Active Travel Assets' for footways (which includes separate footpaths for everyday use) is that the surface treatment should be of all-weather durable options, mainly asphalt concrete (see <https://www.leicestershirehighwaydesignguide.uk/materials-and-construction/active-travel-assets-and-other-paved-areas/footways>). The LHA will maintain routes that are adopted, or are constructed to adoptable standards, but otherwise maintenance responsibility remains with the landholder.

4) Conclusion

From the details above it can be seen that, when the applicant's submission is examined, none of the points have any foundation in planning law or in the facts of this development and the situation on the ground. In contrast, the details above reinforce the need for permission 22/01091/REM Condition 8 to be fully met. They also highlight that any PRoW scheme needs to demonstrate proper communication between Jelson Ltd and Bloor Homes Ltd about the appropriate standards and their consistent application across the whole Hinckley West site as outlined in the 15/00188/OUT DAS. To do any less would be contrary to the NPPF and PPG and against the public interest.

I would be grateful if the above comments could be considered in the decision making process and also passed to the applicant. If further information is required please contact the County Council on (0116) 305 0001 or footpaths@leics.gov.uk.

Kind Regards

Andrew Poole
Access Officer, Blaby + Hinckley & Bosworth
Safe and Sustainable Travel Team
Environment and Transport
Leicestershire County Council

Please note that the contents of this email including any attachments are offered as my officer opinion and will not prejudice any future decision the Highway Authority may make in relation to this matter.

APPENDIX:

From: Samantha Ireson
Sent: Wednesday, December 2, 2015 10:06 AM
To: 'Max Whitehead' <Max.Whitehead@bloorhomes.com>
Subject: RE: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Hi Max,

Thanks for the proposed layout plan.

As the plan shows that a number of "Potential Pedestrian / cycle routes" are proposed to link into the existing Public Rights of Way through the site. For costing purposes at this time I would recommend costing for tarmac surfaces to a width of 3 metres on all the PROW routes within the site. If this is budgeted for, then once the proposed layout is confirmed we can then look again at the surfacing requirements the County Council will expect.

For your information, the County Council is due to reassess its surfacing requirements for Public Rights of Way shortly, and it may be that granular surfaces may be acceptable.

To conclude therefore, I would suggest that you budget for 3m wide tarmac surfaces for the Public Rights of Way but approach us again when the layout is finalised.

Thanks

Sam

Samantha Ireson
Senior Access and Development Officer
Leicestershire County Council

From: Max Whitehead [<mailto:Max.Whitehead@bloorhomes.com>]
Sent: 27 November 2015 15:46
To: Samantha Ireson
Subject: RE: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Samantha, apologies, please see attached.

Kind regards

Max

Max Whitehead
Strategic Planning Manager

Bloor Homes Midlands
7 Calico Business Park, Sandy Way, Amington, Tamworth, Staffordshire, B77 4DS

Tel: 01827 302000
Fax: 01827 302001
Email: Max.Whitehead@bloorhomes.com



From: Samantha Ireson [<mailto:Samantha.Ireson@leics.gov.uk>]
Sent: 27 November 2015 13:21
To: Max Whitehead
Subject: RE: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Hi Max,

It is hard to state what our surfacing requirements for the Public Footpaths will be without seeing a proposed layout for the site as a whole. Can you provide me with this plan?

Thanks

Sam

Samantha Ireson
Senior Access and Development Officer
Leicestershire County Council

From: Max Whitehead [<mailto:Max.Whitehead@bloorhomes.com>]
Sent: 24 November 2015 11:22
To: Samantha Ireson; 'Mark Rose'
Cc: Kirstie Clifton
Subject: RE: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Ok thanks for confirming Samantha.

Moving forward and for costing purposes, we need to make some assumptions as to the treatment of the existing public footpaths that cross the site.

At the minute we are assuming 2m wide tarmac with timber edging for the footpath we are currently discussing, and 2m wide rolled aggregate chippings with timber edging for the footpaths along the northern and western boundaries.

Does that sound about right to you?

Thanks

Max

Max Whitehead
Strategic Planning Manager

Bloor Homes Midlands
7 Calico Business Park, Sandy Way, Amington, Tamworth, Staffordshire, B77 4DS

Tel: 01827 302000
Fax: 01827 302001
Email: Max.Whitehead@bloorhomes.com



From: Samantha Ireson [<mailto:Samantha.Ireson@leics.gov.uk>]
Sent: 24 November 2015 11:02
To: Max Whitehead; 'Mark Rose'
Cc: Kirstie Clifton
Subject: RE: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Hi Max,

If the roundabout is to become a Public Highway then no there is no need to divert the Public Footpath.

Kind Regards

Samantha Ireson
Senior Access and Development Officer
Leicestershire County Council

From: Max Whitehead [<mailto:Max.Whitehead@bloorhomes.com>]
Sent: 23 November 2015 13:43
To: Samantha Ireson; 'Mark Rose'
Cc: Kirstie Clifton
Subject: RE: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Samantha

On the basis that the roundabout will be dedicated as public highway is there really a need to go through the formal diversion process?

Kind regards

Max

Max Whitehead
Strategic Planning Manager

Bloor Homes Midlands
7 Calico Business Park, Sandy Way, Amington, Tamworth, Staffordshire, B77 4DS

Tel: **01827 302000**
Fax: **01827 302001**
Email: Max.Whitehead@bloorhomes.com



From: Samantha Ireson [<mailto:Samantha.Ireson@leics.gov.uk>]
Sent: 23 November 2015 13:10
To: 'Mark Rose'
Cc: Max Whitehead; Kirstie Clifton
Subject: RE: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Hi Mark,

Sorry for the delay in getting back to you.

I have now had the legal line of the Public Footpath verified and I have overlaid the legal line (shown by a red dashed line) onto the layout plan you provided. A copy of the overlay is attached.

As you will see from the attached plan the majority of the Public Footpath follows your proposed line on the ground. Apart from the section within the vicinity of the roundabout, this will need to be diverted to follow the route shown on your layout plan. I can confirm that the Public Footpath runs alongside the hedge line and not upon it.

I hope the above information and attached plan clarifies the situation, If you require any further information please do not hesitate to contact me again.

Kind Regards

Samantha Ireson
Senior Access and Development Officer
Leicestershire County Council

From: Mark Rose [<mailto:mark@wearedefine.com>]
Sent: 23 November 2015 10:33
To: Samantha Ireson
Cc: Max Whitehead; Kirstie Clifton
Subject: Re: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Morning Samantha

I wondered if you had been able to consider the issue of the alignment of Footpath T53 at the Hinckley West site that we recently discussed?

Kind regards
Mark

Mark Rose
Director

Define | Unit 6 | 133-137 Newhall Street | Birmingham | B3 1SF

M: 07841 537 271 T: 0121 237 1915 | mark@wearedefine.com | www.wearedefine.com

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On 17 Nov 2015, at 18:02, Mark Rose <mark@wearedefine.com> wrote:
Samantha

Further to our telephone conversation, please find attached the latest detailed layout for Phase 1 and 2.

As discussed, my client's intention is retain the PRW on its current alignment alongside the existing hedgerow as there is no need to realign it. However, the architects had previously pointed out to me that the definitive route they had ran extremely tight to the hedgerow and in places on top of

it. The hedgerow alignment shown on the layout is as surveyed on the site, and as the hedgerow has been there for some time, my initial thought was that there must be an error on the plan and / or in the base mapping.

I would be grateful if you could confirm the position, but in any case is there any flexibility to be applied in these circumstances, particularly if the difference is marginal? In this case the intention is improve the surface of the footpath, but we also need to be conscious that we do not want to unnecessarily harm or remove the hedgerow.

I look forward to hearing from you.

Kind regards
Mark

Mark Rose
Director

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The Path to the left of the internal island was pulled slightly south, as it currently is tight to the existing hedge (and in places on the centreline of it!!!) which in reality we can't tarmac tight up to the hedgerow so we made the decision to offset it by a metre.

Can you please advise if this is ok, - we obviously wont rip the hedge out to put in the path but we would have to show the hedgerow overlapping the footpath which would probably kill the hedge off long term?

From: [Samantha Ireson](#)
Sent: 10/09/2015 14:10
To: [Max Whitehead](#)
Subject: RE: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Hi Max,

Thank you for your email.

I have overlaid your revised layout plan with the Definitive line of footpath T53, a copy of which is attached. As you will see there is still a discrepancy between the two lines.

Kind Regards

Samantha Ireson
Senior Access and Development Officer
Leicestershire County Council
samantha.ireson@leics.gov.uk
0116 305 7088

From: Max Whitehead [<mailto:Max.Whitehead@bloorhomes.com>]
Sent: 08 September 2015 11:14
To: Samantha Ireson
Subject: Footpath T53 - Land North of Triumph, Hinckley 15/00582/OUT

Good morning Samantha

Further to your consultation response date 3.7.15, amongst other revisions we have sought to adjust the layout to accord with the definitive line of footpath T53. This layout is in draft for internal review and has not been submitted to the LPA yet.

Would you mind checking the attached for us to make sure we have got it right?

Thanks in anticipation

Max

Max Whitehead
Strategic Planning Manager

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