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Date: 01-May-2024  
Our Ref: 2023/93659

Dear Sir,

**Application for Approval of Details Reserved by Condition  
Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Discharge of condition 3 (PROW) of previous Reserved Matters approval 2021/94622  
pursuant to outline permission 2018/60/91787/E for demolition of existing buildings  
and structures and erection of residential development  
Greenside Mills, Saville Road, Skelmanthorpe, Huddersfield, HD8 9EE  
Application Number: 2023/93659**

I write with reference to your application to discharge the conditions for the above development as submitted on 11-Dec-2023.

Condition 3 (PROW)

You have submitted the following information pursuant to condition 3:

- Plan ref 21374 138 rev P3
- Plan ref 21374 155 rev P10

The submitted details are insufficient for the purposes of condition 3. The submission includes details of layout and levels, however, the condition requires that the following additional information is provided:

- construction
- surface materials
- drainage
- details of low-level boundary treatments to keep the paths separate from neighbouring domestic curtilage

Given the absence of this information the submitted details cannot be approved.

The council's Public Right of Way team have requested that the following note be provided for information purposes:

*The developer's intention is for the paths and the estate road to be become highways maintainable at the public expense.*

*The Greenside Mills site is crossed by an un-named highway. On 13 March 2024 the Secretary of State made an Order under s247 to authorise the stopping up of the highway. The Order came into force on 5 April 2024. However, the Order contains the following articles:*

*"2. No part of the said highway shall be stopped up pursuant to this Order until the Council certify to the developer that the provisions of article 3 of this Order have been complied with.*

*3. The develop shall to the reasonable satisfaction of Kirklees Council provide new highway as proposed and detailed in the approved planning permission, development plans and associated legal agreements with the Council."*

*The plan accompanying the Order indicates the new highway to be constructed as including the two lengths of footpath for which details are required to be submitted and approved in writing by the Local Planning Authority under Condition 3 to 2021/94622. The replacement highway would also include part of the estate road.*

*It is the developer's intention for the estate road and the footpaths described in Condition 3 to be formally adopted via procedure under s38 Highways Act 1980. On issuance of the final certificate of adoption and completion under s38 and certification that article 3 of the s247 Order have been complied with, the existing highway will be stopped up.*

For the avoidance of doubt, neither the Section 38 process nor the Section 247 process must be completed to comply with condition 3, as they are separate legislative procedures. However, it is advisable that these processes be progressed alongside the technical design work required to address condition 3, to avoid abortive work or conflicting information being produced.

Yours faithfully

Mathias Franklin  
Head of Planning and Development