

**Consultation Response from KC,  
Highways Development Management**

**2025/93174 Land Adjacent, 2, Hoyle Ing, Linthwaite, Huddersfield, HD7 5RX**

**Discharge of details reserved by conditions 7 (boundary treatment), 8 (footway), 10 (bat/bird roosting), 11 (Remediation Strategy), 14 (noise), 15 (CEMP) on previous permission 2022/94124 for erection of 2 dwellings (Use Class C3) and associated landscaping and car parking (within a Conservation Area)**

**Date Responded:** 3<sup>rd</sup> February 2026

**Responding Officer:** C Dows

**Responding Ref:** K2-2/35

**Recommendation – Partial Discharge**

The condition relating to highway matters is condition 8 which states:

**Condition 8;** The development shall not be brought into use until a scheme detailing the provision of a 1.7-metre-wide footway to the front of the site has been submitted to, and approved by, the Local Authority. The submitted scheme shall include the surfacing material, associated surface water drainage, gradient and delineate the extent of the footway upon a 1:200 scale plan. The development shall not be brought into use until the approved scheme has been completed. The footway shall thereafter be retained as a footpath for use by the public. **Reason:** In the interests of highway safety and to accord with Policies LP21, LP22 and LP24 of the Kirklees Local Plan, policy within Chapters 9 and 12 of the National Planning Policy Framework and principles 12 and 19 of the Housebuilders Design Guide SPD.

The information submitted is acceptable in principle and in terms of construction detail is sufficient to partially discharge the condition. The second part of the condition goes on to state – “*The development shall not be brought into use until the approved scheme has been completed. The footway shall thereafter be retained as a footpath for use by the public*”, this element of the condition cannot be discharged until the footway has been constructed and dedicated as adopted highway.

Having discussed with colleagues in the Section 38 Team it is considered that a Section 38 Agreement would be disproportionate for such a small area of works, would take considerable time to conclude and is likely to be costly in terms of legal fees and bond arrangements. Section 38 have advised that the APC (Advanced Payment Code) would be a more appropriate mechanism for works of this scale. Once the works are completed and approved, a Deed of Dedication would then be required to dedicate the footway as adopted highway.

To initiate this process and fully discharge the condition the Applicant must contact the Section 38 team at [Highways.Section38@kirklees.gov.uk](mailto:Highways.Section38@kirklees.gov.uk) who can ensure the correct processes are followed and financial surety secured.

In conclusion, condition 8 can be partially discharged.