DERBYSHIRE County Council

Response provided under the delegated authority of the Executive Director for Place

Planning Manager
Amber Valley Borough Council
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Highway Officer: Gemma Statham
Our ref: AVBC/2025/014790
Your ref: AVA/2025/0772
Date: 25 November 2025

Dear Alex Shaw

TOWN AND COUNTRY PLANNING ACT 1990
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY

PROPOSAL: Erection of fence

LOCATION: Codnor Gate Farm Nottingham Road Ripley Derbyshire DE5 3JX

Derbyshire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015.

The highway authority has considered this part-retrospective planning application and comments as follows.

The proposal includes provision of a 1.8m high fence along the boundary with the classified A610 Nottingham Road which, at the height proposed, requires planning permission. The proposed fence is higher than the existing boundary features within the site frontage. The western section of the fence has already been installed along the frontage to Codnorgate Farm. A further section is proposed to the east of Codnorgate Farm.

Public Right of Way (PRoW)

Public footpath (FP10 Codnor) runs north from Nottingham Road and bisects the site. Fences which run northwards from the A610 bound each side of the footpath. The

applicant proposes timber gates within each section of fence to provide access across the footpath. There will need to be a minimum 2m width between the fences which run alongside the route of the footpath. Users of the footpath should not feel hemmed in. This will need to demonstrated. The gates should be hung to open over the applicant's land, not over the footpath, and should be set back 5m from the footpath edge to ensure that most vehicles do not obstruct the footpath when crossing the path and waiting at the gates. Pedestrian visibility splays of 2m x 2m are required on both sides of each of the gates where they meet the footpath and on both sides of the footpath where it meets the back of the northern footway on Nottingham Road. Warning signs will be required within the site to warn drivers of the presence of the footpath.

Subject to the above, the PRoW will not be directly physically affected by the proposed development, and the following general guidance is therefore appropriate: 1. The footpath must remain open, unobstructed and on its legal alignment; 2. There should be no disturbance to the path surface without prior authorisation from the County Council's RoW section; 3. Consideration should be given to the safety of members of the public using the path during and after the works. A temporary closure of paths may be permitted on application to the County Council where the path remains unaffected on completion of the development; and 4. There should be no encroachment of the path, and no fencing should be installed without consulting the County Council's RoW section.

The northern end of that section of fence to the east of the footpath does not appear to tie-in to any other fence or physical feature. The fence detail may not be complete in that respect and clarification is required.

Site Access and Visibility Splays

The western section of fence includes provision of a double gate, set back into the site to the north of an access which has a length of circa 12m between the gates and the northern back of footway along the A610. The access is bound on its western side by an existing wall and will be circa 15m wide, considerably wider than the existing site access at this point. This therefore justifies the need to ensure that the improved access will have adequate visibility along the A610 to accommodate its potential use. The highway authority therefore recommends that the fence on both sides of the improved vehicular access should be set back behind visibility splays of 2.4m x 43m measured from the centre line of the access along the A610.

At its western end, the fence abuts the existing stone wall to the east of the existing access to Codnorgate Farm. At that location, the highway authority recommends that the fence should be set back to provide a 2.4m x 43m visibility splay along the A610 to the east of the existing site access. Alternatively, the fence should be lowered to no more than 0.9m above the adjacent carriageway level on the A610 along that length where it falls within the 2.4m x 43m visibility splay.

Despite the provision of the double width gates and improving the width of the eastern site access to match the width of the proposed gates, the applicant proposes no change to the existing dropped kerb access onto the A610. The width of the dropped kerb should be increased to match the width of the proposed access. That will require amendment to provide dropped kerbs and a footway crossing over the full width of the access plus two dropper kerbs, all to highway authority specification. 2m x 2m pedestrian visibility splays are required at the back of the northern A610 footway on both sides of the widened access.

Summary

As submitted, the proposed development is objectionable on the basis that the proposal does not demonstrate safe and suitable access for all users, contrary to para 115 b) of the National Planning Policy Framework. Revised details are therefore required to address the above issues.

The highway authority therefore recommends that this planning application should not be determined until the applicant has submitted further information which satisfactorily addresses the above issues. The highway authority will comment again following receipt of further information.

Yours sincerely,

Gemma Statham
Transport Development Management

Date Received	Case Officer	Reviewer	Date Issued
6 November 2025	Gemma Statham		25 November 2025