DERBYSHIRE County Council

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

Planning Manager
Amber Valley Borough Council
PO Box 15, Town Hall, Market Place
RIPLEY
Derbyshire
DE5 3XE

Highway Officer: Gemma Statham
Our ref: AVBC/2025/014790/R3
Your ref: AVA/2025/0772
Date: 4 February 2026

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
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.

Background

The highway authority's most recent observations on this planning application were issued on 13/1/26. The applicant has submitted revised fence and access details.

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.

Assessment

The western section of fence previously included provision of a double gate, set back into the site to the north of a widened access onto the A610, this has now been amended to a single gate set back into the site and the access width retained to that which is existing. Given the existing vegetation and that the proposal is not for any increase in use, the Highway Authority does not consider that an objection could be sustained to the proposed boundary fence alongside the A610.

The amended details now show a 2m width between the fences which run alongside the route of footpath FP10 Codnor. However, the plans do not demonstrate the required 2m x 2m visibility splays on both sides of each of the gates where they meet the footpath. Nor do the plans show the gates set back 5m from the footpath edge to ensure that vehicles do not have to obstruct the footpath when crossing the path and waiting at the gates. The gates should be hung to open into the applicant's land only and not outwards over the public footpath or should be of sliding design.

The above issues can be addressed by planning conditions.

Conclusion

Having regard to the above, the highway authority would have no objection to this planning application subject to the following recommended planning conditions and informatives being attached to the decision notice if planning permission is granted.

Conditions

1. 2m x 2m pedestrian splays shall be provided on both sides of each of the gates where they meet the footpath FP10 Codnor. Such splays shall be free of obstruction above a height of 0.6m above adjacent footpath level and shall be maintained for the life of the development.
   REASON: In the interest of pedestrian safety.

2. The gates abutting the Footpath FP10 Codnor shall be set 5m from the edge of the footpath and shall be hung to open away from the footpath or be of sliding design.
   REASON: In the interest of pedestrian safety.

3. Gates at the access to the A610 shall be located no closer than 5m from the nearside carriageway edge and shall be hung to open inwards or be of sliding design.
   REASON: In the interest of highway safety.

Informatives

Notes to Applicant

Codnor Footpath 10 must remain open, unobstructed and on its legal alignment.

There should be no disturbance to the path surface without prior authorisation from the County Council's Rights of Way (RoW) section.

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.

There should be no encroachment of the path, and no fencing should be installed without consulting the County Council's RoW section.

The deposit of mud or other items, and/or the discharge of water, onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

Yours sincerely,

Gemma Statham
Transport Development Management

Date Received	Case Officer	Reviewer	Date Issued
22 January 2026	**Gemma Statham**		**4 February 2026**