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

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Highway Officer: Steve Dudhill
Our ref: AVBC/2025/014043/R1
Your ref: AVA/2025/0668
Date: 11 February 2026

Dear Mr Redmond,

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

PROPOSAL: Outline application for development of up to 49 dwellings including affordable housing, enhanced public right of way, equipped play area, public amenity space and habitat creation.

LOCATION: Land At Moor Lane Moor Lane Kirk Langley Ashbourne Derbyshire

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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, has no objection subject to conditions and financial obligations.

Background

The highway authority's initial observations on this planning application were issued on 7/10/25. The applicant has submitted a highways technical note (TN; Ref 1, dated November 2025) in response to the 7/10/25 observations.

Technical Note (TN)

The highway authority has the following observations on the TN, using the relevant headings or the issue numbers referred to in the TN for reference.

Travel Plan Statement (TPS)

The TN states that it is not necessary for a TPS to be provided. This is not accepted by the highway authority.

The highway authority's 7/10/25 observations referred the applicant to the "Guidance for the Preparation of Travel Plans in Support of Planning Applications" document (the "Guidance"), published by Nottinghamshire County Council and adopted by Derbyshire County Council. It provides "… guidance on the requirements for Travel Plans submitted in support of planning applications within Derby, Derbyshire and Nottinghamshire …" as clearly stated in its introduction.

The Guidance states: "For very small sites that don't generate significant amounts of movement (e.g. in the context of travel plans this could be fewer than 50 dwellings or 20 total staff) then a simplified Travel Plan (or a Travel Plan Statement) may be appropriate focusing attention on the Travel Plan Co-ordinator role, proposed Measures and light-touch monitoring."

The requirement for a TPS in support of this proposed development is based on several factors, including:

1. The above Guidance.

2. Chapter 9 of the National Planning Policy Framework (NPPF). In this respect: NPPF paragraph 109 e) requires that developments should identify and pursue opportunities to promote walking, cycling and public transport use; Paragraphs 110 and 111 a) require the need to travel to be limited and a choice of transport modes to be provided, maximising sustainable transport solutions; Paragraph 115 a) places emphasis on prioritising sustainable transport modes; Paragraph 117 a) requires priority to be given to pedestrian and cycle movements, to facilitating access to high quality public transport and to encouraging public transport use; and, paragraph 118 requires developments to provide travel plans as part of a vision-led transport statement. NB: this planning application is supported by a transport statement (TS) but the TS is not a vision-led document.

3. Without a TPS, the proposed development would not therefore accord with the NPPF.

4. The need to mitigate the lack of transport sustainability associated with the proposed development given its location in Kirk Langley, and the lack of local facilities.

5. The proposed 53 dwelling development to the east of Kirk Langley, permitted under planning reference AVA/2023/0006, is subject to a planning condition which requires provision of a travel plan. The developer of that site has submitted a detailed TPS, including a range of initiatives to encourage sustainable travel, which was approved by the highway authority. The difference between the scheme permitted under AVA/2023/0006 and that proposed under this planning application (4 dwellings) is not sufficient to justify a different approach for the current planning application.

The TPS can be secured by planning condition with funding for TP monitoring and review, a TP bond, and TP measures to be committed by planning obligation.

Bus Taster Tickets and Travel Information Packs

The TPS submitted in support of permission reference AVA/2023/0006 included proposals for provision of bus taster tickets and travel information packs, amongst other initiatives, to encourage new residents to travel by sustainable modes. As the applicant has submitted no TPS, the requirement for such measures should be secured by appropriate planning conditions and obligations.

Transport Statement (TS)

Issue 1

TN Table TN01 summarises travel to work mode share data for Kirk Langley obtained from the 2011 census. Walk (6.5%), bus (2.5%), and cycle (2%) mode shares are relatively low, due to the limited availability of employment facilities within walking distance of the site, limited bus services, and the lack of cycle routes and challenges to use of the A52 by cyclists. Rail mode share is shown at 1.5% but, in the absence of a nearby rail station, use of rail as an option is most likely to be part of a journey by car. The private car accounts for 85.5% of all trips (higher if linked to trips by rail), much higher than the national target that half of all journeys should be by sustainable modes (Source: Active Travel England).

Neither the TS nor the TN come forward with any meaningful proposals to reduce car mode share, providing further justification for the TPS. Instead, the TN relies on low levels of pedestrian and cycle trips to support the lack of proposals to encourage sustainable travel. Such an approach is inconsistent with the NPPF.

Given constraints on walking and cycling, the most appropriate option for reducing car mode share is to encourage greater use of the bus services within Kirk Langley by improving bus stop infrastructure, incentivising bus travel, and improving access to bus stops. Planning conditions are therefore recommended to secure measures that will encourage greater use of the bus.

Issue 2 and TS Paras 2.10 to 2.13

The TN refers to the availability of a footway along the eastern side of Moor Lane between the site and the A52. Whilst such a footway is available, it is narrow in places. There is a central refuge with dropped kerb crossing and tactile paving facilities across the Moor Lane bell mouth at its junction with the A52. However, pedestrians can only reach such facilities by using the narrow section of footway along Moor Lane between the A52 and a point south of The Cunnery. On-street parking, including parking on the footway on the narrow section of Moor Lane, obstructs pedestrian movement. The TN omits any assessment of this section of footway.

There are no conveniently located dropped kerb crossing facilities to permit pedestrians to safely cross the A52 between Moor Lane and the eastbound bus stop on the A52 to the west of Moor Lane.

The TN confirms the lack of designated cycle paths/routes in Kirk Langley but suggests that “local roads within Kirk Langley in the vicinity of the site are typically conducive to cycling”. This ignores the need for cyclists to use the wider road network where, particularly in the case of the A52, cycling is not attractive.

The TN refers to retail facilities and schools within the Mickleover and the Mackworth Estate areas as being conveniently accessible by cycle. However, cyclists would be required to use high speed sections of the A52, an indirect routes on local roads within the estates, to reach such facilities.

The assessment of the pedestrian and cycle networks in the TN is therefore incomplete, and the TN makes no proposals to improve accessibility on foot (beyond the principal site access) or by cycle. Such an approach is inconsistent with the NPPF.

Having regard to the above, the only realistic options for encouraging greater use of sustainable travel modes are to:

1. Encourage greater use of bus travel by improving bus stop infrastructure. This should include improvements to the bus stop opposite the site on Moor Lane, the eastbound bus stop on the A52 west of Moor Lane, and the westbound bus stop on the A52 north of Old School Close.

2. Incentivise bus travel by provision of bus taster tickets.

3. Promote use of sustainable transport through a TPS and by provision of travel information packs.

4. Provide improvements to pedestrian crossing facilities at the A52/Moor Lane junction and across Moor Lane.

Planning conditions and obligations are recommended to secure such measures. Works within the highway, where necessary, can be secured through a Section 278 Agreement under the Highways Act 1980 (S278).

Issues 3 and 4

The TN states that walking distances between the application site centre and the limited range of local facilities, as presented in TS Table 2.1, were calculated. The cited distances between the site and the bus stops and primary school appear reasonable. However, the distance between the application site and the centre of the employment sites on Church Lane and the A52, using established footway routes, appear to be underestimated and should be closer to circa 600m and 850m, respectively. It may be that the distances cited in TS Table 2.1 rely on use of Kirk Langley Footpath 17. However, footpath 17 would not have utility in adverse weather conditions or during darkness hours. The footway along Church Lane is generally narrow. There is no continuous footway route along the southern side of the A52 between Kirk Langley and the employment site to the west. There are no crossing facilities on the A52 adjacent to the employment site and the A52 footways are narrow in places and, running directly alongside the A52, provide unattractive routes.

As stated in the highway authority's 7/10/25 observations, the Church Lane and A52 employment sites are relatively limited and, without proposals for expansion of such facilities and given other committed housing developments in Kirk Langley, are therefore likely to provide employment for only a minority of residents of the development proposed under this planning application.

Having regard to the above, walking is therefore unlikely, as confirmed by the mode share data presented in the TN, to form a significant proportion of trips to and from the application site other than between the site and the primary school, with little prospect of any significant increase in walk mode share.

The TN omits to properly acknowledge the above constraints or come forward with proposals for improvements to pedestrian safety and accessibility beyond the application site, contrary to the NPPF.

Issue 5 and TS Para 2.16

The TN confirms that the Swift and Number 2 bus services serve Derby City Centre. The Swift service stops at Derby bus station, some 800m walk distance from Derby rail station. The Number 2 service stops some 600m walk distance from Derby Rail station. The TN states that such walk distances should be considered acceptable as part of a longer journey by rail. However, this ignores walk distances between the site and bus stops in Kirk Langley, waiting times at the Kirk Langley and Derby bus station and stops and waiting times at the rail station. The relatively poor level of accessibility between Kirk Langley and Derby rail station is likely to account for the low rail mode share cited in TN Table TN01.

Rail is therefore unlikely, as confirmed by the mode share data in the TN, to form a significant proportion of trips to and from the application site, with little prospect of any significant increase in rail mode share unless improved bus patronage is encouraged.

Issue 6 and TS Para 2.17

The TN fails to come forward with proposals to improve pedestrian, cycle, and public transport accessibility, contrary to the NPPF.

Issue 7

The TN confirms that accessibility within the site would be considered at reserved matters stage. Internal pedestrian access and links to footpath 17 are addressed later in these observations.

Issue 8 (and TN Appendix B)

The TN confirms that the primary destination for cycle trips will be Derby and summarises, with reference to the Derby Active Travel Map presented in TN Appendix B, cycle routes which are available on and in the vicinity of the A52 approach to Derby city centre.

The map in TN Appendix B confirms that there are no formal cycle routes along, or adjacent to, the A52. The nearest routes are available to the east of Markeaton and Mackworth. Use of such routes would rely on cyclists with origins/destinations in Kirk Langley having to use the A52, which is challenging given the distance between the application site and Derby, and the levels of traffic, relatively high speed limits, and lack of cycle facilities along the A52.

Cycling is therefore unlikely, as confirmed by the mode share data presented in the TN, to form a significant proportion of trips to and from the application site, with limited prospect of any significant increase in cycle mode share.

Issue 9

See TPS section earlier.

TS Paras 2.14 and 2.15

The TN states that the proposed financial contribution to improving the Moor Lane bus stop, referred to in the highway authority's initial 7/10/25 observations, is under consideration by the applicant in consultation with the Local Planning Authority (LPA). Notwithstanding that:

1. The proposed financial contribution also covered some works beyond the Moor Lane bus stop to better facilitate active travel and use of the bus.

2. The highway authority's initial observations were based on the incomplete assessment presented in the TS and stated that a conclusion on the degree to which the proposed development can satisfy highway authority guidance, and relevant NPPF and development plan transport policies, would depend upon the submission of further information.

3. The information in the TN now justifies consideration of additional measures to encourage bus accessibility and patronage as the most appropriate means of reducing car mode share given limitations on walking, cycling, and use of rail as sustainable modes.

4. The site access scheme presented in TN Appendix D makes inadequate provision to accommodate the improvements required at the Moor Lane bus stop i.e. a bus stop with shelter facility (see later).

Requirements for further measures, having regard to the above, are therefore identified in these observations.

TS Paras 2.24 and 2.25, para 6.10 and TN Appendix C

The TN now includes an analysis of the accident record using up to date information. That shows a higher number of accidents (3 no.) at the A52/Moor Lane junction compared to the data cited in the TS. All three accidents involved vehicles turning right into Moor Lane from the A52, a consistent pattern.

The TN states that the capacity assessments in the TS showed a negligible impact at the A52/Moor Lane junction. Whilst that is correct, the proposed development will increase traffic flows turning right into Moor Lane from the A52 and it is not appropriate to rely on the capacity assessments to assess impacts on highway safety.

Measures to reduce car mode share would assist in reducing development-generated traffic flows and would therefore assist in mitigating development-related impacts on highway safety at the A52/Moor Lane junction. This provides further support for a TPS and measures to encourage sustainable travel.

TS Paras 4.2 and 4.3

The TN continues not to fully assess the pedestrian and cycle networks or come forward with measures which comply with the NPPF.

TS Chapter 7

As explained above, neither the TS nor the TN demonstrate that, without appropriate mitigation, the proposed development would accord with chapter 9 of the NPPF. The highway authority therefore recommends planning conditions and obligations to secure appropriate mitigation.

The TN states that construction traffic impacts can be addressed by planning condition. The highway authority recommends a planning condition to secure a construction traffic management plan.

Site Access Layout – TN Appendices D and E

The highway authority has the following observations on the site access layout presented in TN Appendix D.

The Moor Lane bus stop is immediately opposite the site access. Buses waiting at that stop would obstruct traffic movements to and from the site. There is no physical constraint within the site which dictates that the site access should be located as proposed. Consequently, there should be no reason why the site access cannot be relocated to avoid conflict with the bus stop.

The site access scheme now presented in TN Appendix D shows no proposal for replacement of the existing bus shelter on the eastern side of Moor Lane or for improvements to the bus stop layout. In fact, the existing substandard bus shelter is retained on the access plan. The proposed dropped kerb facility on the eastern side of Moor Lane, just south of the bus stop, would conflict with bus boarder kerbs at the stop.

No improvements are shown to the width of the footway on the eastern side of Moor Lane to accommodate increased use of the bus stop or to provide a link to the existing footpath which provides a route to the school.

The TN states that a major road visibility splay of 2.4m x 59m is required to the south of the site access. The highway authority had previously stated a requirement for a 2.4m x 67m splay. Neither of these splays is correct (an error having been made in the splay calculation which informed the highway authority's 7/10/25 observations). With a recorded northbound 85th percentile traffic speed of 37.1mph on the Moor Lane approach to the site access, the visibility splay calculation should be based on a 2s driver perception-reaction time and a deceleration rate of 2.45 ms2. These parameters result in a splay requirement of 2.4m x 92m along Moor Lane to the south of the site access. The site access scheme shown in TN Appendix D shows a 2.4m x 59m splay, which is incorrect.

The visibility splay shown along Moor Lane to the north of the site access is not correctly projected to the western carriageway edge tangent.

The dropped kerbs shown on the access road are set too far into the site.

New hedgerow planting should be offset 1m from visibility splay lines to allow for future growth. The plan in TN Appendix D includes no such proposal.

Having regard to the above, the applicant has not come forward with an acceptable site access proposal and the scheme presented in TN Appendix D cannot be approved as a non-reserved matter at this stage. Revised details are required and it is therefore necessary for the highway authority to recommend a planning condition requiring submission of a detailed access scheme design prior to development commencement. A stage 1 road safety audit will be required at the preliminary design stage. Approved works within the highway can then be secured through a S278.

Street Trees

The initial length of the site access road shown on the plan in TN Appendix D makes no provision for street trees. Street tree details will be secured at the reserved matters stage by planning condition.

Access to/from Footpath 17

The TN states that no footway link will be provided along the site frontage between the main site access to the point where footpath 17 emerges onto Moor Lane, to avoid removal of the hedgerow fronting the site. The TN states that access to footpath 17 will be within the site by means of an internal footway link.

The applicant's illustrative site layout plan shows a footpath link between the main site access and footpath 17 within the site, running parallel to the eastern site boundary. The highway authority considers that such a link is necessary in the absence of a footway along the western side of Moor Lane.

A planning condition is therefore recommended to secure details of the internal footpath link between the main site access point and footpath 17.

The TN states that it is not necessary to provide a section of footway on the western side of Moor Lane to accommodate pedestrian crossing movements to and from footpath 17. The TN relies solely on the crossing facilities at the proposed site access.

The logical pedestrian desire line between Fielden Close, east of Moor Lane, and dwellings located in the south-eastern part of the site and the play/amenity areas within the application site, is via footpath 17. Fielden Close also provides a route between the site and the westbound bus stop on the A52 to the north of Old School Close. The proposed development is therefore likely to increase use of footpath 17 and pedestrian crossing movements where footpath 17 emerges onto Moor Lane. The crossing facilities at the proposed main site access do not conveniently accommodate such pedestrian movements.

It is therefore necessary to make provision for pedestrians to safely cross Moor Lane at the point where footpath 17 emerges onto Moor Lane. That will require provision of a short section of footway to provide a safe landing area for pedestrians at the point where footpath 17 meets Moor Lane, together with dropped kerb and tactile paving facilities on both sides of Moor Lane at this location. The highway authority recommends a planning condition to secure provision of such measures.

Public Right of Way (PRoW)

The highway authority's 7/10/25 observations recommended that the applicant should apply for a footpath diversion order to allow footpath 17 to be located within the landscaped area to the south-west of the main development area. This advice accords with the guidance in Rights of Way Circular 1/09.

Further advice has been sought from the County Council's Rights of Way (RoW) team in response to the TN. The RoW team confirms that footpath 17 currently runs through an open field and, to be given full protection, would need to run through an open space. Otherwise, locating the PRoW on a footway which will potentially be adopted in the future will mean that the PRoW will be subsumed by highway status and thus lost to the footpath network. The RoW team therefore reiterates that the PRoW should be protected by being diverted through the open space, which offers a green corridor. The RoW team therefore recommends that the applicant should apply to the Local Planning Authority for a diversion order at the earliest opportunity, to ensure that no issues arise at the reserved matters stage.

The TN states that such matters will be considered, with further details submitted at the reserved matters stage. The highway authority therefore recommends that details should be secured by an appropriate planning condition.

Reserved Matters and Layout Issues

Appearance, landscape, layout, and scale remain to be addressed as reserved matters. In addition to internal access layout and car parking, the reserved matters applications will also be expected to address the issues identified earlier in relation to: the internal footpath between the main site access and footpath 17; provision of street trees; and, protection of footpath 17 within the site.

In addition, the highway authority requires the internal access arrangements to comply with the design requirements set out in the highway authority's Planning, Streets, and Places (PSP) guidance. Car and cycle parking provision should comply with the requirements set out in the highway authority's Parking Guidance for New Developments (PGND). Layout details should address delivery and servicing access requirements and should be supported by swept path analyses.

Details of secure, covered cycle parking, electric vehicle charging, and bin storage/refuse disposal facilities are required.

Planning conditions are recommended to ensure that the above matters are appropriately addressed.

Summary

The highway authority considers that neither the TN nor the TS fully or properly address the issues raised in the highway authority's 7/10/25 observations or the issues explained earlier in these observations.

Notwithstanding this, the highway authority considers that the above issues can be satisfactorily addressed by appropriate planning conditions and obligations which would deliver adequate mitigation to bring the proposed development substantially into compliance with the requirements of the NPPF.

Recommended Planning Conditions, Planning Obligations, and Informatives

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 the LPA is minded to grant planning permission and to the planning obligations recommended below being included in an appropriate legal agreement.

Planning Conditions

1. Prior to the commencement of the development hereby permitted details of a scheme for the principal site access onto Moor Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall address pedestrian safety, visibility, geometry, accessibility for all users, provision for service vehicles, and improvements to the bus stop and eastern footway on Moor Lane. The scheme shall be subject to a stage 1 road safety audit prior to approval. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

   Reason: To ensure that safe and suitable access is provided for all users in the interest of highway safety and to encourage sustainable travel.

2. The reserved matters applications shall include:

   i) Details of internal site access arrangements, servicing provision, and swept path analyses in accordance with the Highway Authority's Planning, Streets, and Places guidance, or any subsequent revision.

   ii) Details of car parking provision in accordance with the Highway Authority's Parking Guidance for New Developments (PGND), or any subsequent revision. The details shall identify the number, location and type of spaces (including allocated, unallocated and visitor spaces), together with dimensions, access arrangements, and driveway visibility and pedestrian splays.

   iii) A scheme for providing pedestrian access between the principal site access and Kirk Langley Footpath 17, within the site and adjacent to the eastern site boundary.

   iv) A scheme for the protection of Kirk Langley Footpath 17 in accordance with the guidance in Rights of Way Circular 1/09.

   v) Provision of street trees including planting details, root protection systems, future management plan, and the proposed times of planting.

   The above measures shall be first submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to first occupation of the development hereby permitted (or prior to first occupation of the relevant development phase) or in accordance with a programme to be first approved in writing by the Local Planning Authority.

Reason: To ensure safe and efficient layout and operation of the site and provision of adequate car parking in the interests of highway and pedestrian safety and pedestrian amenity; to further sustainable travel; and, to ensure the provision, and continued wellbeing, of street trees in the interests of the amenity and environmental quality of the locality and in accordance with paragraph 136 of the National Planning Policy Framework.

3. No part of the development hereby permitted shall commence until a scheme of improvements to the bus stop opposite the site on Moor Lane, the eastbound bus stop on the A52 Ashbourne Road west of Moor Lane, and the westbound bus stop on the A52 Ashbourne Road north of Old School Close has been submitted to and approved in writing by the Local Planning Authority. The scheme of improvements shall include raised kerbs, shelters, timetable cases, lighting, highway bus stop markings, and real time information, where feasible and not already in place. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

   Reason: To ensure that appropriate public transport infrastructure is provided to support sustainable travel and to mitigate the transport impacts of the development, in the interests of highway safety and sustainable transport.

4. No part of the development hereby permitted shall commence until a scheme for provision of safe and convenient facilities for pedestrians to cross Moor Lane at the point where Kirk Langley Footpath 17 emerges has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development hereby permitted.

   Reason: In the interest of pedestrian safety and to promote sustainable travel.

5. No part of the development hereby permitted shall commence until a scheme to provide safe pedestrian crossing facilities over the A52 Ashbourne Road to the west of its junction with Moor Lane has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development hereby permitted.

   Reason: In the interest of pedestrian safety and to facilitate access to the eastbound bus stop on the A52 Ashbourne Road in the interest of sustainable travel.

6. The development hereby permitted shall not be occupied until a Travel Plan Statement has first been submitted to and approved in writing by the Local Planning Authority. The Statement shall promote sustainable forms of travel to the development site. The submitted details shall include mechanisms for baseline data collection, monitoring and review over the life of the Statement, and timescales for implementation. The approved Statement shall be implemented prior to first occupation of the development, and then monitored, and reviewed in accordance with the approved details.

Reason: To reduce vehicle movements and promote sustainable access to and from the site, in the interests of highway and pedestrian safety and residential amenity.

7. No part of the development hereby permitted shall commence until a scheme for provision of free bus taster tickets for residents of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the bus passes including period of validity or equivalent, the area of coverage, arrangements for promoting the passes, application, and monitoring arrangements. The approved scheme shall be implemented on first occupation of the development hereby permitted.

   Reason: To encourage early uptake of sustainable travel options.

8. Prior to the first occupation of the development hereby permitted, a Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The Pack shall include, but not be limited to, information on public transport services, walking and cycling routes, cycle parking and facilities, and car sharing arrangements. The approved Pack shall be provided to each resident on first occupation of each dwelling.

   Reason: To ensure that residents are informed of sustainable travel options and site-specific travel arrangements from the outset, to promote sustainable travel and reduce reliance on private car use.

9. No dwelling hereby permitted shall be occupied until provision has been made for secure, covered cycle parking, secure cycle equipment storage, and electric vehicle charging facilities to serve that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

   Reason: To promote sustainable travel.

10. Prior to the commencement of the development hereby permitted, details of bin storage and bin collection facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of bin stores and bin collection points, capacity, enclosure, access for residents and refuse vehicles including swept path analysis where relevant, and measures to prevent bins being left on the highway. The approved facilities shall be implemented prior to first occupation of the dwelling(s) to which they relate and thereafter retained.

    Reason: To ensure that refuse storage and collection can take place safely and efficiently without obstruction of the highway.

11. Prior to commencement of the development hereby permitted, details of a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be restricted to providing, details of:

- Demand, provision, and location of construction site operative and visitor car parking;

- Provision and location of on-site accommodation for construction staff;

- Measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties, including traffic and pedestrian movement along Moor Lane;

- Delivery schedules and working times, with delivery and construction staff movements timed to avoid highway peak periods and school start and finish times;

- Advisory routes and signage proposals for construction traffic, including signage to discourage use of inappropriate routes e.g. Moor Lane south;

- Any temporary access(es) to and/or within the site;

- Details of temporary traffic management arrangements to accommodate construction of the site access and other highway and/or enabling works (e.g. drainage, utilities);

- Locations for loading/unloading and storage of plant, waste, and construction materials;

- Methods of preventing mud and dust being carried onto the highway, including provision of wheel wash and road sweeping facilities;

- Arrangements for turning vehicles;

- Arrangements to receive abnormal loads or unusually large vehicles;

- Joint highway condition surveys;

- Construction staff travel planning;

- Specific methods for positively communicating the Plan to staff, visitors, and neighbouring residents and businesses.

The development shall be implemented in accordance with the approved Plan which shall be maintained throughout the construction stage.

Reason: In the interests of the safe operation of the highway and the protection of amenity in the lead into and during the construction phase of the development.

Planning Obligations

The applicant should provide the following planning obligations through a suitable legal mechanism.

1. **Travel Plan Delivery, Monitoring and Management**

To secure the implementation, monitoring, review and ongoing effectiveness of the approved Travel Plan Statement, to ensure delivery of all Travel Plan Statement measures and remedial actions, and to provide appropriate management and oversight of the Statement, to encourage sustainable travel and mitigate the transport impacts of the development. Funding shall be in accordance with the County Council's Developer Contributions Protocol.

Provision, funding and implementation of:

a) Travel Plan Statement, including appointment and retention of a suitably qualified Travel Plan Statement Coordinator for the life of the Travel Plan Statement and any subsequent approved revisions thereof.

b) Travel Plan Statement Monitoring Fees.

c) Travel Plan Statement Bond.

Triggers - Prior to first occupation (for appointment of the Coordinator, provision of the Bond, and commencement of monitoring), and thereafter in accordance with the programmes specified in the approved Travel Plan Statement and any subsequent approved revisions thereof.

Bond Retention Period - For a minimum period of five years from first occupation of the development, or such period as agreed in writing by the Local Planning Authority, or until such time as the Local Planning Authority confirms in writing that no further Travel Plan Statement monitoring, review, and/or remedial measures are required.

2. **Bus Taster Tickets**

The purpose of this mitigation is to encourage use of bus services in the interest of promoting sustainable transport.

Contribution – The applicant is to fund the provision of free bus taster tickets at a cost which accords with a scheme to be secured by planning condition.

3. **Bus Stop Infrastructure Improvements**

The purpose of this mitigation is to enhance existing public transport provision serving the site, improve passenger accessibility, safety and comfort, and support sustainable travel choices to mitigate the transport impacts of the development and reduce reliance on private car travel.

Contribution - The applicant is to fund and secure improvements to existing bus stops as required and approved by condition. Cost to be determined following approval of scheme designs, payable prior to development commencing.

Informatives

Notes to Applicant

Planning permission does not convey consent to work on or adjacent to the public highway.

Prior to any works commencing on site, including enabling works, the developer must obtain the highway authority's consent.

The development makes it necessary to carry out work on the adopted highway which shall be constructed to the satisfaction of the highway authority at the developer's expense.

Before undertaking work on the adopted highway, the developer must first enter into an agreement with the County Council, under Section 278 of the Highways Act 1980, which would specify the highway works and the terms and conditions under which they are to be carried out.

The highway agreement must be completed, the bond secured, and the highway authority's technical approval and inspection fees paid before any further details will be considered and approved.

Contact the highway authority's Development Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the agreement.

The developer will be required to pay fees to cover the Council's costs in undertaking the following actions: Drafting the agreement; Monitoring; Approving the highway details; Inspecting the highway works.

The development hereby approved, and any associated highway works, is likely to impact on the operation of the highway network during construction. The developer should contact the highway authority's Network Management Team at www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx at least eight weeks prior to any activity on site to enable temporary traffic regulation orders to be prepared and/or a programme of temporary traffic management measures to be agreed.

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. The developer must first enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk. The developer will be required to pay fees to cover the Councils cost's in undertaking the following actions: Drafting the Agreement; Set up costs; Approving the highway details; Inspecting the highway works.

The developer should enter discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be

adopted by the highway authority. The highway authority's technical approval and inspection fees must be paid before any drawings will be considered and approved.

Once technical approval has been granted a highway agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protection, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

Kirk Langley Footpath 17 must remain open, unobstructed and on its legal alignment. There should be no disturbance to the footpath surface without prior authorisation from the County Council's Rights of Way Section. Consideration should be given to the safety of members of the public using the footpath during and after the works. A temporary closure of the bridleway may be permitted on application to the County Council where the bridleway remains unaffected on completion of the development. There should be no encroachment onto the footpath, and no fencing should be installed without consulting the County Council's Rights of Way section.

The applicant should apply to the Local Planning Authority for a footpath diversion order under section 257 of the Town and Country Planning Act 1990, as necessary and at the earliest opportunity.

It is expected that contractors will be registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community". Constructors should give utmost consideration to their impact on neighbours and the public by:

• Informing, respecting and showing courtesy to those affected by the work;

• Minimising the impact of deliveries, parking and work on the public highway;

• Contributing to and supporting the local community and economy; and,

• Working to create a positive and enduring impression and promoting the Code.

The construction traffic management plan should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing legislation.

The travel plan statement should comply with the guidance at https://www.nottinghamshire.gov.uk/media/124515/travelplanguidance.pdf which is adopted by Derbyshire County Council.

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.

SD; DCC TDM; 11/2/26.