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: Steve Dudhill
Our ref: AVBC/2026/017148
Your ref: AVA/2026/0244
Date: 3 May 2026

Dear Ms Cox,

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

PROPOSAL: Variation of condition 12 (timing of pedestrian link) of AVA/2018/0668 to amend the timing trigger for delivery of the pedestrian link

LOCATION: Land to the South of B600 Lower Somercotes Somercotes Alfreton Derbyshire

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Background

This application seeks to vary planning condition 12 on permission reference AVA/2018/0668, granted on appeal, which relates to the residential development of land to the south of the B600 Lower Somercotes, Somercotes, Alfreton.

Planning Condition 12

Condition 12 is as follows:

“Prior to first occupation of any dwelling and unless agreed otherwise in writing by the Local Planning Authority, a new pedestrian route linking the site in the north western corner to the B600 Lower Somercotes and safe pedestrians crossing facilities shall be provided in accordance with details that shall first be submitted to and agreed in writing with the Local Planning Authority.”

Proposed Variation of Condition 12

The applicant argues that the requirement within condition 12 to deliver the pedestrian route prior to first occupation is not practical in the context of the

construction programme and raises health and safety concerns. The applicant states that this is because the location of the pedestrian route will be within an active construction zone during the early stages of development, with ongoing heavy plant movement and construction traffic, and that opening the route for public use at this stage would present an unacceptable risk to future occupants and the public.

The applicant states that the proposed amendment is therefore necessary to ensure the safe and appropriate delivery of the development, whilst still securing the pedestrian route in full accordance with the approved details.

The applicant seeks to vary planning condition 12 to read as follows:

“Prior to occupation of the final dwelling, and unless otherwise approved in writing by the Local Planning Authority, a new pedestrian route linking the site in the north-western corner to the B600, Lower Somercotes, and safe pedestrian crossing facilities shall be provided in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.”

Assessment

The pedestrian route was originally indicated on the plans submitted in support of application AVA/2018/0668. A planning condition to secure the route was recommended in the Local Planning Authority’s (LPA’s) 9/9/19 planning committee report, which explained that the route was required to provide a route to the footpath adjacent to 392 Lower Somercotes to overcome the lack of a pedestrian route along the B600 without pedestrians having to cross the road.

The current condition was included in the Inspector’s 26/10/20 decision on planning appeal reference APP/M1005/W/20/3248700. The Inspector stated, at paragraph 59 of his report, that “Highway conditions covering the submission and approval of … a pedestrian link to the B600 are all necessary in the interests of highway safety and the promotion of sustainable travel modes …” The pedestrian routelnk was therefore justified for highway safety and sustainable travel reasons.

The route is illustrated on the following plan submitted in the applicant’s construction management plan (CMP; see planning application reference COND/2025/0094):

Fig 3- a site layout showing car parking, materials storage and site welfare



The CMP shows the applicant's construction compound located in the far western area of the site, to the west of the pedestrian route.

The pedestrian route would not always be within an active construction zone except when the route itself is being established and routes between dwellings constructed at the early stages of the development may be used by "heavy plant movement and construction traffic". The extent to which the pedestrian route may be affected by such traffic would therefore be determined by the development phasing.

The route would clearly have utility in highway safety and sustainable travel terms when serving those dwellings constructed to the south and east of the route. Construction in the later stages of the development, to the west of the culs-de-sac which link to the route, would have limited traffic impact on the pedestrian route.

The applicant's proposed variation of condition 12 would permit the pedestrian route to be constructed after all the dwellings on the site have been occupied. That would not serve the interests of highway safety and sustainable travel choices of most residents, particularly those who occupy dwellings constructed in the early stages of development. The proposed variation of condition 12 would therefore be contrary to the reasons for condition 12 and the objectives of paragraphs 115 and 117 of the National Planning Policy Framework.

The pedestrian route should be constructed as soon as practicable following first occupation of the development and be made available for use no later than first opening to pedestrian movement of a footway within the first of the culs-de-sac to be constructed to the south and east of, and which connect to, the pedestrian route.

Summary and Conclusion

The highway authority therefore objects to the applicant's proposal to vary planning condition 12.

The highway authority recommends that the applicant should come forward with an alternative proposal for variation of planning condition 12 which has regard to the development phasing, will provide for early availability of the pedestrian route, and will maximise the utility of the pedestrian route in highway safety and sustainable travel terms.

SD; DCC TDM; 3/5/26.