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: Steve Dudhill
Our ref: AVBC/2026/017092/R1
Your ref: AVA/2026/0210
Date: 6 August 2026

Dear Ms Cox,

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

PROPOSAL: **Replacement of existing single storey driving range building with golf academy providing 45 driving range bays, 2 double teaching bays, 1 single teaching bay, 20 double hospitality lounges, 5 single hospitality lounges, relocated pro-shop, kitchen, café, bar area and roof terrace & partial relocation and expansion of the existing parking to provide 10 additional car parking spaces & associated landscaping (May potentially be a Departure from Local Plan and may affect Public Rights of Way)**

LOCATION: **HORSLEY LODGE SMALLEY MILL ROAD HORSLEY DE21 5BL**

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, recommends that determination of this planning application should be deferred pending the submission of additional information.

Background

The highway authority's initial observations on this planning application were issued on 13/5/26. The applicant has submitted a Transport Statement Addendum (TAS; dated 23/7/26).

Key Issues

The key issues addressed in the TAS include highway safety, site access visibility, sustainable travel, public rights of way (PRoW), traffic generation and impact, and car parking demand. The highway authority's observations on the TAS, in relation to each of these topics, are set out below.

Highway Safety

The TAS analyses accident data for the most recent 5-year period on the highway network in the vicinity of the site. The data confirms no accidents at the site access. The analysis also confirms no accident clusters on the local highway network that might be exacerbated by the additional traffic flows generated by the proposed development.

Notwithstanding the above, the absence of accidents at the site access does not confirm that the site access would continue to operate safely under the additional traffic flows associated with the proposed development.

Site Access Visibility

TAS paragraph 4.2.3 confirms that recorded 85th percentile traffic speeds on Smalley Mill Road in the vicinity of the site access were 53mph westbound and 50.5mph eastbound. TAS paragraphs 4.2.5 and 4.2.6 correctly adjust the recorded speeds to dry weather equivalents, given the presence of rain during the survey period, which are 55.5mph westbound and 53mph eastbound.

TAS paragraphs 4.2.4 and 4.2.6 determine major road visibility splay requirements along Smalley Mill Road by reference to the calculation methodology in Manual for Streets (MfS). However, MfS paragraph 10.1.3 confirms that the MFS methodology applies only for 85th percentile traffic speeds of up to 37mph. In this instance, with speeds at or more than 53mph and given the rural nature of Smalley Mill Road, use of the MfS methodology is not appropriate. In such circumstances, the major road visibility splay requirements should be determined using the methodology in Design Manual for Roads and Bridges (DMRB) Design Standards CD109 and CD123.

In accordance with the DMRB the eastbound 85th percentile traffic speed (53mph) indicates a design speed of 85kph, requiring a major road visibility splay distance of 160m. The westbound 85th percentile traffic speed (55.5mph) indicates a design speed of 100kph, requiring a major road visibility splay distance of 215m.

TAS drawing number T25643.001 correctly shows a 2.4m x 160m visibility splay along Smalley Mill Road to the west of the site access. To the east of the access, a 2.4m x 174m splay is shown, which does not satisfy the DMRB requirement.

The land ownership plans presented in TAS Appendix D appear to confirm that the requisite visibility splays can be achieved over land which is owned by the applicant and/or within the highway.

Drawing number T25463.001 includes a note stating that the visibility splay to the west of the site access is provided by means of "regular vegetation trimming to maintain hedge below 0.6m". The highway authority's preference is for vegetation to be cleared from within visibility splay envelopes to ensure that visibility splays are

always clear of obstruction without reliance on the need for future maintenance. New planting should be located no closer than 1m from the visibility splay envelope to allow for future growth.

Having regard to the above, the applicant should submit a revised visibility splay drawing to show appropriate visibility splays with vegetation relocated outside the splay envelopes. The plan should show the splays on suitable survey base mapping to allow the impacts of the splays on site boundary features to be identified.

The applicant should also submit an amended site location plan which shows the necessary visibility splays and planting proposals within the planning application "red line" boundary.

Sustainable Travel

The highway authority's summary on accessibility and sustainable travel, set out in its 13/5/26 observations, is as follows:

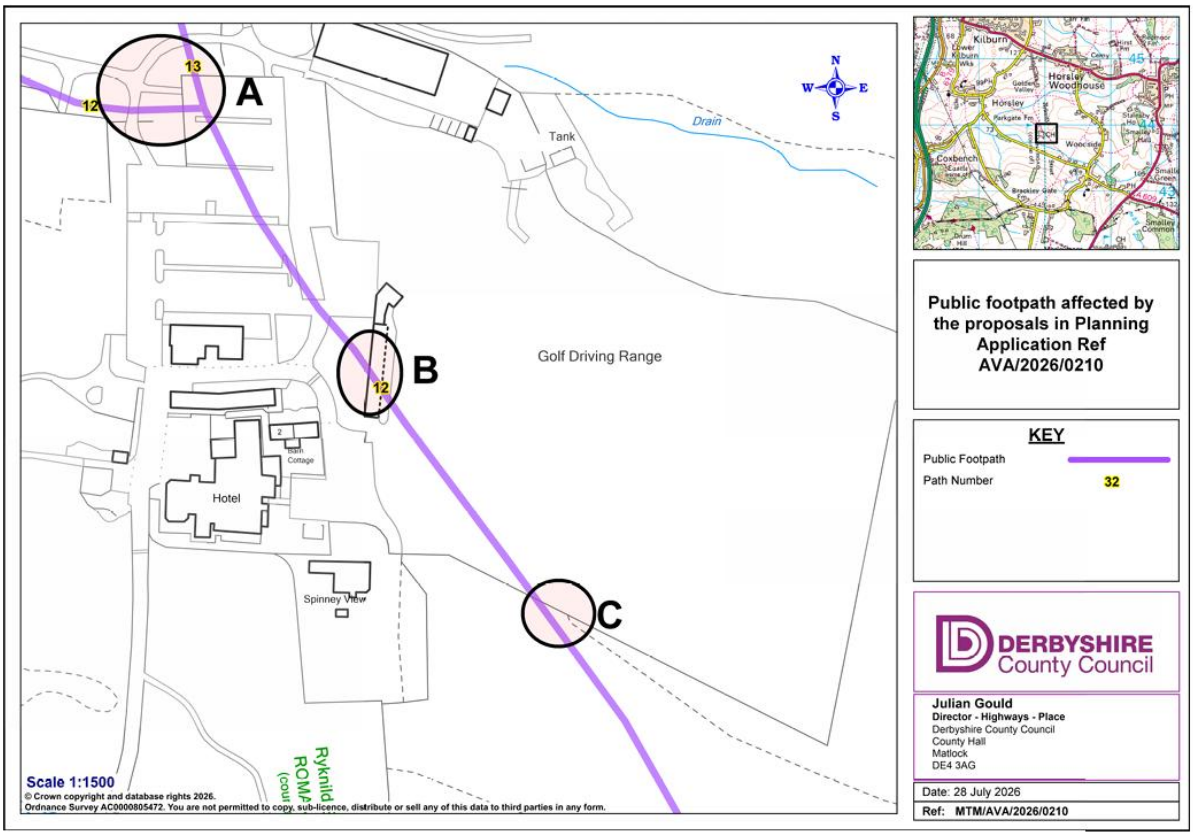
> "The proposed development has limited access to residential catchments and offers significantly restricted opportunities for access on foot, by cycle, and by public transport. As a result, future staff and users would rely heavily on private car travel. The highway authority therefore considers that the proposed development is not sustainably located and that the scheme fails to satisfy the objectives of the NPPF, particularly as set out in NPPF paragraphs 109, 110, 115 and 117."

TAS paragraph 4.3.3 confirms that "there are limited opportunities for sustainable transport use given the rural nature of the site." TAS paragraph 5.1.6 confirms that the car is the most likely method of travel for a site having the characteristics of the proposed development. The highway authority's conclusion therefore remains as stated, for consideration by the Local Planning Authority (LPA) when determining this planning application.

Notwithstanding the above, the measures referred to in TAS paragraph 4.3.5 and proposed in TAS paragraph 4.3.6 could be secured by planning conditions or obligations should the LPA be minded to grant planning permission.

Public Rights of Way (PRoW)

A copy extract from the definitive map, showing the legal lines of Horsley public footpaths 12 and 13, is presented below.



The definitive map provides conclusive legal proof of the existence of footpaths 12 and 13 where they cross the site. People have a legal right to pass along those paths on foot.

TAS paragraph 4.4.3 states that “we do not agree that the footpath is already “obstructed” and do not agree that the proposed development would limit the use of the PRoW further”. This statement confuses the availability of the ways on the ground with the legal right of the public to pass on foot along the legal definitive lines of the footpaths, as shown the above map extract. The TAS is not therefore legally correct. Nor is it factually correct, as the proposed development would further obstruct the footpaths.

The paths are currently obstructed by the car parking areas to the north of the hotel and driving range, the existing driving range, and the fence which bounds the driving range field (the applicant’s Design and Access Statement (DAS) confirms that the “… existing driving range field is … enclosed by a high perimeter boundary fence …”). Safe passage for pedestrians across that length of footpath 12 which crosses the driving range field could not be assured even if it were physically passable.

The proposed development substantially increases the “footprint” of the driving range facility, when compared to the existing facility. The applicant also proposes landscape planting to the north of the pedestrian access to the proposed driving range. Both features would increase the extent to which the line of footpath 12 is obstructed.

The definitive legal lines of the paths must be available and unobstructed and, to accommodate the proposed development and avoid the risk of enforcement action

by the County Council, the applicant must come forward with an appropriate proposal for the safe and convenient diversion of both footpaths 12 and 13, which can be delivered by means of an application for a footpath diversion order under Section 257 of the Town and Country Planning Act 1991. Without such a diversion, the County Council would object to the proposed development.

Any footpath diversion must take account of where the path is currently informally diverted, so that the diversion rectifies the path lines between the points where they deviate from the definitive lines, approximately within areas A and C on the above definitive map extract. It must also take account of the impacts of the proposed development.

TAS Figure 3 makes some initial proposals for the diversion of the footpaths, upon which TAS paragraph 4.4.8 invites the highway authority's comments. The scheme shown on TAS Figure 3 is not acceptable for the following reasons:

1. The diversion does not tie-in to the definitive lines of footpaths 12 and 13 to the north and north-west of the car parking areas (area A on the earlier definitive map extract).

2. The scheme locates the footpaths where free and safe passage of pedestrians would be obstructed i.e. by parked cars and car movements within car parks 3 and 4.

3. The scheme routes pedestrians along access roads between the hotel and proposed driving range.

4. The scheme routes pedestrians along the aisle of car park 1 to the south of the proposed driving range.

5. The scheme does not have regard to the layout of the proposed development where it affects car park 1 to the east of the hotel buildings.

6. The scheme may not consider any obstruction by the fence and/or woodland along the southern side of the driving range field.

7. The diversion does not tie-in to the definitive line of footpath 12 to the south of the driving range field (area C on the earlier definitive map extract).

A more appropriate footpath diversion could adopt the following routes: from footpaths 12 and 13 where they enter the northern part of the site (area A), along a route to the north of car park 4; along the grass areas to the east of car park 4 and between car parks 3/4 and 2; along the western face of the proposed driving range, with the landscaping and pedestrian/vehicular access arrangements amended to suit; along the eastern side of the access to car park 1, with the access to car park 1 modified to suit; between car park 1 and the existing route of footpath 12 where it enters the site to the south of the driving range (area C), with the existing fence and/or woodland modified to suit.

Public safety must always be paramount. The path width should be 2m as standard, to allow for safe passing, and should be clearly demarcated. Fencing of the diverted path should be considered where appropriate. A green corridor should be provided for the diverted path in accordance with guidance in the Rights of way circular (1/09)

- GOV.UK. Paragraph 7.8 of the circular is particularly important, as follows: “7.8 In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.”

Measures such as those suggested in TAS paragraph 4.4.5 could be secured by means of a planning condition but would need to be reviewed once an appropriate footpath diversion route has been identified.

The applicant should come forward with a detailed plan which shows appropriate footpath diversion proposals, which have regard to the above issues, for further consideration by the highway authority prior to the applicant making an application for the necessary footpath diversion order.

The footpath diversion would likely fall over land which is outside the current planning application “red line” boundary shown on the submitted site location plan. It is also likely to affect the details shown on the current proposed site layout plan, which will require amendment of that plan. Once an appropriate footpath diversion scheme has been identified, it will be necessary for the applicant to submit amended site location and site layout plans to reflect the diversion scheme proposals.

Only following the above can the highway authority consider recommending planning conditions to require a footpath diversion scheme and associated signage/marking proposals to be brought forward for approval prior to development commencement.

Traffic Generation and Impact

The TAS presents a further assessment of development traffic impacts, based on a review of TRICS Database data, which shows similar midweek trip rates and slightly higher weekend trip rates compared to those presented in the previously submitted assessment.

The weekday and weekend peak development traffic flows presented in TAS Table 3 represent gross figures, with no allowance for linked trips between the proposed driving range and the established uses on the site and no “netting off” of traffic flows associated with the existing driving range. Notwithstanding this, the gross weekday peak development traffic flows do not occur in the normal weekday morning and evening peak periods and do not give rise to the need for detailed assessment of traffic impacts in off-site locations. Likewise, the weekend peak development traffic flows do not occur in highway peak periods and, although higher than on weekdays, when allowances for linked trips, netting-off, and directional distribution of traffic flows on the local highway network are considered, also do not give rise to the need for detailed assessment of traffic impacts in off-site locations.

The proposed development is likely to give rise to a material increase in traffic flows at the site access, reinforcing the need to ensure that the site access has appropriate visibility splays to accommodate and mitigate such impacts.

Car Parking Demand

The applicant has undertaken surveys of traffic flows on the site access on days which are likely to represent peak levels of activity over the whole site (i.e. existing hotel (with events), restaurant, golf course, and driving range), as summarised in TAS paragraph 5.2.4. Car parking accumulations have been estimated using the resulting traffic flow data in conjunction with the traffic generation estimates for the proposed driving range. The maximum estimated car parking demand was 216 cars on a Saturday.

The proposed development includes an increase in car parking provision to 220 spaces. The TAS therefore indicates that the proposed development is likely to have sufficient car parking provision to accommodate likely peak demands.

Given the above, and the distance between the on-site car parks and Smalley Mill Road, the highway authority accepts that the proposed development would be unlikely to give rise to any overspill of car parking demands into on-street locations. The highway authority is therefore satisfied that the car parking demands associated with the proposed development will not give rise to an unacceptable impact on highway safety.

Notwithstanding the above, the increased traffic flows and car parking demands associated with the proposed development, particularly the likelihood of more frequent use of car park 4 and the proposal to increase car parking provision in car park 2, will have adverse impacts on pedestrian use of footpaths 12 and 13. This emphasises the need for the applicant to come forward with appropriate proposals for the safe and convenient diversion of footpaths 12 and 13, as discussed earlier in these observations.

Conclusion

Having regard to the above, the highway authority recommends that this planning application should not be determined until the applicant has submitted further information which satisfactorily resolves the above issues.

The highway authority will comment again following receipt of further information.

SD; DCC TDM; 6/8/26.