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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RIPLEY
Derbyshire
DE5 3XE

Highway Officer: Steve Dudhill
Our ref: AVBC/2026/018320
Your ref: AVA/2026/0488
Date: 7 August 2026

Dear Ms Anthony,

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

PROPOSAL: Outline application for a proposed self-build dwelling, with all matters reserved except for means of access (may affect the setting of a listed building)

LOCATION: LAND AT CHESTNUT FARM POTTERS LANE MOORWOOD MOOR ALFRETON

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 planning permission should be refused.

Background

This is an outline planning application, with all matters reserved save for access, which seeks permission for the development of a single dwelling on land off Potters Lane, Moorwood Moor, Alfreton. The site is currently in use as a horse paddock/agricultural field. Potters Lane is an unclassified road, subject to the National speed limit in the vicinity of the site.

A new access is proposed onto Potters Lane, at the location of the existing field gate, the applicant proposing pruning of the hedgerow to achieve appropriate visibility splays.

The indicative plans show that the dwelling would have 3 bedrooms. Three car parking spaces are proposed, with additional space illustrated within the site for a single garage and turning area.

Traffic Impacts

The proposed development is unlikely to give rise to an unacceptable impact on highway safety or severe residual impacts on the road network beyond the site access.

Site Access and On-Site Layout

The applicant shows 2.4m x 45m visibility splays along Potters Hill on both sides of the site access, justifying such splays by reference to 85th percentile traffic speeds of 31mph obtained from the County Council's Road Safety team and based on data obtained from ""Connected" vehicles, those with sat navs, mainly Tom Tom …"

Use of such data is not recognised by the highway authority for determining major road visibility splay distances. This is because, not exclusively, the data may not be complete, may not be representative of traffic speeds obtained in dry weather conditions, and provides no information on heavy goods vehicle proportions which are also used in determining visibility splay distances. Major road visibility splay distances should be determined by reference to bespoke traffic speed surveys undertaken on the approaches to the site access.

Notwithstanding the above, given the generally straight alignments of Potters Hill and Inns Lane, desk top assessment shows that visibility splays commensurate with the National speed limit (i.e. 2.4m x 215m) can be achieved on both sides of the site access with relatively limited removal and relocation of the hedgerow along the Potters Lane site frontage.

Access geometry can comply with relevant requirements as set out in the highway authority's guidance.

The illustrative site layout details confirm that the site can accommodate adequate car and cycle parking facilities with adequate turning space to allow vehicles to enter, turn within, and leave the site in forward gear.

Having regard to the above, the highway authority would have no in principle objection to the proposed development on highway safety grounds. Appropriate access and site layout details and specifications could be secured by planning conditions if planning permission is granted.

Sustainable Travel

Planning application references AVA/2017/0638 and AVA/2018/0072, both for a single dwelling on the application site, were refused for reasons which included lack of sustainability/accessibility given the poor access of the site to economic and social opportunities and services. Chapter 9 of the current National Planning Policy Framework (NPPF) now gives greater emphasis to ensuring that development prioritises sustainable transport modes, gives priority to pedestrian and cycle movement, and facilitates access to high quality public transport.

The site is poorly located in relation to the availability of services and facilities to satisfy everyday residential needs.

There are limited retail or town centre services and facilities within the preferred maximum walking distance of the site for such uses (800m). There are no health, secondary education, or significant employment facilities within preferred maximum walk distance of the site for such uses (2km).

Key facilities in Alfreton and Belper are not accessible on foot or easily accessible by cycle.

Whilst Crich, Wessington, and South Wingfield are geographically close to the site, they have a limited range of facilities, to which access on foot is limited by distance and the lack of street lit footway facilities.

The applicant's Planning Statement refers to the footpath network in the vicinity of the site as providing connections to the above settlements. However, reliance on footpaths for accessibility is inappropriate as they are generally indirect and inconvenient, their use ordinarily being limited to recreational trips. Without lighting and appropriate surfaces, and given local topography, use of footpaths would be unattractive in inclement weather or during darkness hours.

Whilst cycling would be possible for competent and confident cyclists, the same adverse highway conditions for pedestrians also apply to cyclists with the same barriers significantly reducing the likelihood that occupants of the proposed dwelling would choose cycling for everyday travel needs. Accessibility by cycle has the additional issue that cyclists are not legally permitted to use footpaths.

Walk and cycle modes are therefore unlikely to accommodate many development trips.

There are no bus services or stops within reasonable walking distance of the site (800m in rural areas). There is no rail service within walking or cycling distance of the site. Public transport is therefore unlikely to provide an attractive travel mode for most trips associated with the proposed development.

Having regard to the above, the proposed development is not located where it is capable of being accessed in a sustainable manner, is not well-related to public transport infrastructure, does not provide high standards of accessibility, and will not minimise the need to travel. Trips associated with everyday requirements for access to employment, retail, education, health, social, and leisure uses are almost exclusively likely to rely on use of the private car.

Conclusion

Having regard to the above analyses, the highway authority recommends that planning permission should be refused on the following grounds.

> The site is unsustainably located with limited accessibility to services and facilities. The proposed development would have no realistic opportunities to prioritise walking, cycling, or public transport. The development therefore fails to reduce the need to travel, does not provide genuine transport choice, and future occupants would be overly reliant on the private car. The proposal is

therefore contrary to NPPF paragraphs 115 a) and 117 a), which require developments to prioritise pedestrian and cycle movements and facilitate access to high quality public transport. The proposed development would also conflict with the broader objectives of NPPF Chapter 9, which seek to promote sustainable transport and active travel.

Notwithstanding the above, the highway authority recognises that the final decision on the acceptability of the development rests with the Local Planning Authority (LPA), which must undertake the overall planning balance having regard to all relevant material considerations. Should the LPA be minded to grant planning permission, the highway authority recommends that the following planning conditions and informatives should be attached to the decision notice.

Planning Conditions

1. Prior to the first occupation of the development hereby permitted visibility splays of 2.4m x 215m, projected to the nearside carriageway edge, shall be provided along Potters Hill and Inns Lane on both sides of the site access. Vegetation within the splay envelopes shall be removed and replanted no closer than 1m to the splay envelope. Once constructed, such splays shall be maintained free of obstruction above a height of 0.6m above adjacent carriageway channel level and shall be maintained for the life of the development.

   REASON: In the interest of highway safety.

2. The development hereby permitted shall not be occupied until a hard surfaced verge crossing to serve the driveway from Potters Hill has been constructed in accordance with the highway authority's specification and made available for use to the satisfaction of the Local Planning Authority.

   REASON: In the interest of highway safety.

3. The development hereby permitted shall not be occupied until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum length of 5m within the site measured from the highway boundary, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This area of driveway shall be maintained in the bound material for the life of the development.

   REASON: In the interest of highway safety.

4. No part of the development hereby permitted shall commence until details for the provision of secure, covered cycle parking, secure cycle equipment storage, electric vehicle charging, and bin storage facilities have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development hereby permitted and shall be maintained for their designated purpose for the life of the development.

   REASON: In the interest of highway safety and furthering travel by sustainable modes.

5. Prior to the commencement of the development hereby permitted, details of the construction of access/driveway/parking/turning areas, including measures to prevent the unregulated discharge of surface water to the public highway, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and shall be maintained for the life of the development.

   REASON: To ensure the appropriate specification of on-site access, parking, and turning areas and that surface water from the site is not deposited on the public highway causing danger to road users.

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 demolition works, the developer must obtain the highway authority's consent.

The developer must obtain a license under Section 184 of the Highways Act 1980 before commencing any works on the highway.

Details are available at: www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk.

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; 7/8/26.