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/2026/018392
Your ref: AVA/2026/0493
Date: 10 September 2026

Dear Ms Anthony,

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

PROPOSAL: Erection of a detached dwelling

LOCATION: Land to Rear of Barncroft School Lane Heage Belper

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 further information.

Background

This planning application proposes the erection of a detached 2-bedroom dwelling.

The site has outline planning permission under planning reference AVA/2023/0740, for the demolition of outbuildings and erection of a dwelling (all matters were reserved except access and scale).

Site Access

Access to site is proposed via the existing vehicular access to School Lane and is as permitted under the outline planning permission.

Visibility along School Lane from the existing access is not ideal. However, considering that the application is for one dwelling, that the access is existing and

already accommodates traffic flows associated with site, and given the fallback position established by the outline planning permission, the highway authority would be unable to sustain an objection on highway safety grounds to this planning application.

Internal Layout

Car parking and turning provision within the site accords with the highway authority's Parking Guidance for New Developments (PGND) and is therefore acceptable.

Details of secure, covered cycle parking, electric vehicle charging, and bin storage/collection facilities can be secured by planning condition.

Sustainable Travel

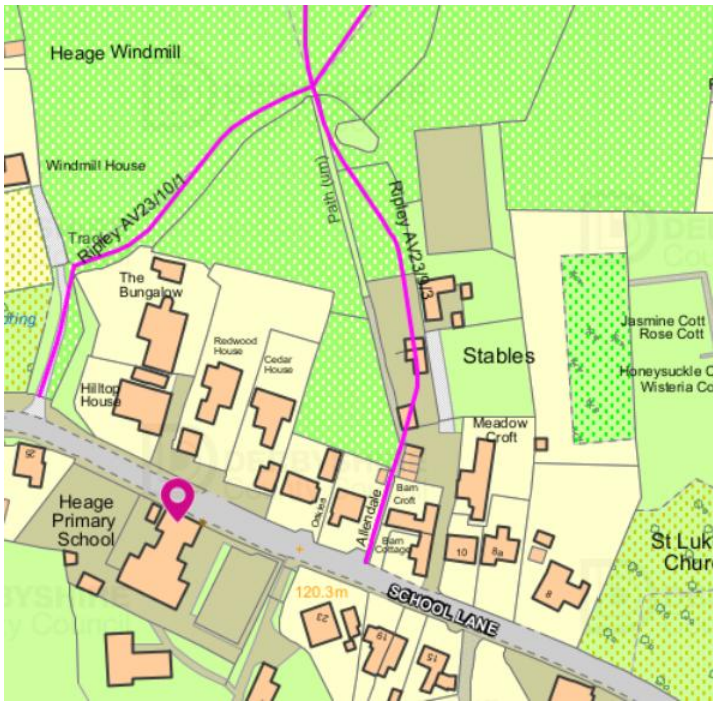
The site is located within reasonable walking distance of a range of day-to-day services and facilities including bus stops, Heage Primary School, and public houses.

Pedestrian access to these destinations is available via the existing footway network and opportunities for cycling are also present within the surrounding highway network. Public transport is available from nearby bus stops on School Lane, providing infrequent connections to Matlock and Ripley.

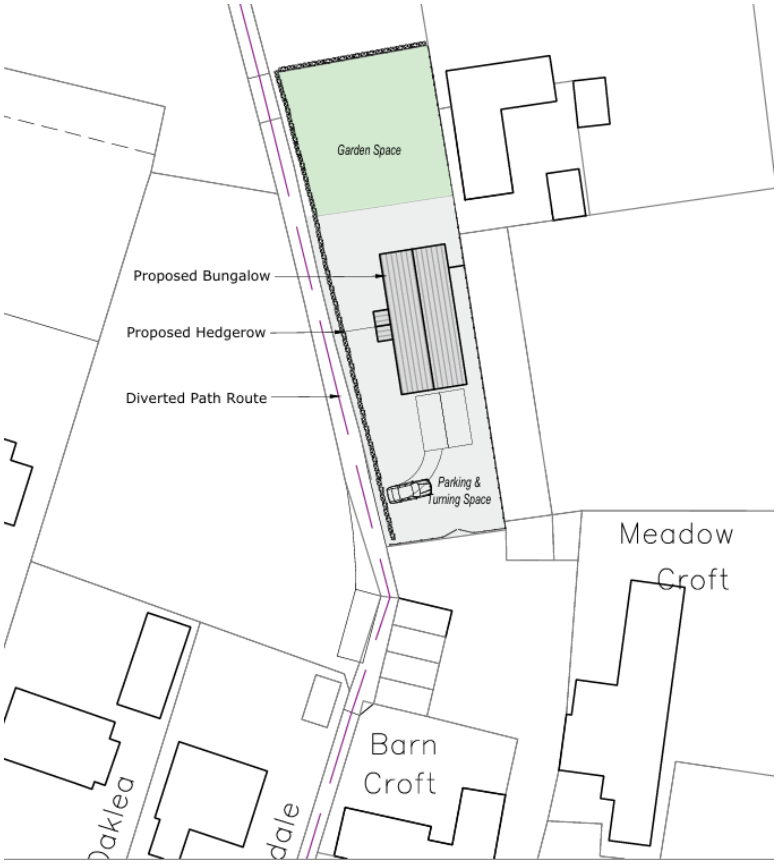
Having regard to these factors, the LHA considers the site to have reasonable accessibility to local services and public transport, and that future occupants would have opportunities to undertake some trips by sustainable travel modes

Public Right of Way (PRoW)

Ripley Footpath No. 9 runs through the site. The definitive line of the footpath is shown on the following extract from the highway authority's records.



When outline planning application AVA/2023/0740 was being determined, the intention was to divert the footpath by means of an application for a footpath diversion order under Section 257 of the Town and Country Planning Act 1991 (TCPA). A diverted path was illustrated along the western site boundary on drawing number 3824-003 Rev C, submitted in support of planning application AVA/2023/0740 – see copy extract below.



Notwithstanding the above, the highway authority's records continue to show the definitive line of the footpath on the alignment shown earlier in these observations. The highway authority has no records which show whether a footpath diversion order was confirmed.

Any diversion order should have been processed by the Local Planning Authority (LPA) and it is possible that the highway authority was not provided with relevant documentation. Clarification is therefore requested from the LPA and/or the applicant on whether a footpath diversion order was confirmed in connection with planning permission AVA/2023/0740. Relevant documents should be provided, if available, following which the highway authority could amend its records.

If no such order has been confirmed, the dwelling proposed under the current planning application would obstruct the legal line of the footpath and an application for a diversion order will be required. If no diversion order was confirmed, and if the diversion is neglected through the current planning application process, the proposed development would give rise to an unlawful informal footpath diversion,

and obstruction of the definitive footpath line by the proposed development would risk enforcement action by the County Council.

It is necessary to determine the precise position relating to the line of the footpath before the highway authority can provide further observations on this planning application. This will include the need for the LPA and/or the applicant to provide the information specified above.

If the footpath diversion order has not previously been confirmed, the applicant should submit a revised site layout plan which clearly shows the intention to divert the footpath onto a line which falls between the points where the footpath enters the applicant's land (i.e. within the current planning application "blue line" boundary).

The LPA should consider whether an amended planning application "red line" site location plan should be submitted to enclose the land over which the footpath would be diverted.

If the footpath diversion order has not been previously confirmed, the applicant must apply for a diversion order to enable the proposed development. Such an application should be made to the LPA. Early application is advised, once the alignment has been confirmed as acceptable by the County Council. A temporary closure of the footpath may then be granted by the County Council if the order is confirmed.

The applicant should also note the following general footpath guidance that would apply in the absence of a footpath diversion order:

- The footpath 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 PRoW team.
- 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 footpath during construction may be permitted on application to the County Council where the footpath 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 PRoW team.

The applicant should also have regard to the need to comply with the requirements set out in policy TR8 of the National Planning Policy Framework.

Conclusion

Having regard to the above, the highway authority recommends that this planning application should not be determined until further details have been submitted which satisfactorily address the above issues.

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

SD; DCC TDM; 10/9/26.