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/2026/018392/R1
Your ref: AVA/2026/0493
Date: 6 October 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

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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 recommended planning conditions and informatives being attached to the decision notice if planning permission is granted.

Background

The highway authority's initial observations on this planning application were issued on 10/9/26. The applicant has submitted a site, block, and location plan (drawing number 134.101 Rev B) which now indicates the proposed line of the diversion of Ripley public footpath 9, which currently passes through the main body of the site beneath the location of the proposed dwelling.

The Local Planning Authority has confirmed that the footpath was not subject to a diversion order in connection with outline planning permission reference AVA/2023/0740.

Assessment

The proposed development requires the diversion of Ripley footpath 9 under Section 257 of the Town and Country Planning Act 1990 given that the proposed dwelling would otherwise obstruct the definitive legal line of the footpath.

The submitted plan shows the footpath being diverted along a line which would lie to the west of the western planning application site boundary, within land which falls within the applicant's control as indicated by the "blue line" boundary shown on the site location plan. Only the footpath line is shown, with no details of width, surface, or boundary treatments.

The above requirements can be secured by means of a planning condition.

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.

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.

As confirmed in the highway authority's 10/9/26 observations, the proposed on-site layout is generally acceptable and details of secure, covered cycle parking, electric vehicle charging, and bin storage/collection facilities can be secured by planning condition.

Conclusion

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 planning permission is granted.

Planning Conditions

1. The development hereby permitted shall not be occupied until the on-site access and driveway, parking, and turning areas are provided in accordance with the scheme illustrated on drawing number 134.101 Rev B. The driveway, parking, and turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles and shall remain free of obstruction for the life of the development.

Reason: In the interest of highway safety.

2. The development hereby permitted shall not 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.

3. The development hereby permitted shall not commence until a Public Path Diversion Order has been formally made and confirmed by the Local Planning Authority under Section 257 of the Town and Country Planning Act 1990 (or any subsequent amending legislation), and the diverted route has been fully constructed and opened for public use in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the existing public right of way is legally and safely diverted prior to the disruption of the route, maintaining public access and protecting the safety and amenity of pedestrians

Informatives

Ripley Footpath No. 9 runs through the site. The applicant should 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. • There should be no encroachment of the path, and no fencing should be installed without consulting the County Council's PRoW team.

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; 6/10/26.