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/2026/018574/R2
Your ref: AVA/2026/0414
Date: 16 November 2026

Dear Mrs Grant,

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

PROPOSAL: New site entrance to the existing property

LOCATION: Christmas Cottage Church Lane Kirk Langley Ashbourne Derbyshire DE6 4NG

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

The highway authority issued formal observations on this planning application on 31/8/26. The highway authority's response to queries from the applicant's agent was issued on 23/9/26. The applicant's agent, by email dated 27/10/26, has responded by issuing further queries.

The applicant has not submitted details which address the highway authority's previous observations.

Assessment

The highway authority has the following observations on the issues raised in the agent's email dated 27/10/26.

1. **Access Alignment** – the highway authority would be prepared to consider a non-90-degree driveway alignment if the applicant satisfactorily addresses the site access visibility and on-site turning space issues. The driveway should be aligned as close to 90-degrees to the highway as possible for the reasons expressed in the highway authority's 23/9/26 observations.

2. **Verge Crossing** – the agent's acceptance of the requirement for access by means of a verge crossing to highway authority specification, to be secured by planning condition and implemented through a Section 184 licence, is noted.

3. **Vehicle Manoeuvring** – the need for the applicant to demonstrate adequate on-site turning space is independent of the driveway alignment and visibility splay issues and does not relate to the scale of development. The highway authority notes the agent's willingness to provide swept path analyses. Such information should be provided in support of an amended site layout plan to demonstrate that vehicles can enter, turn within, and leave the site in forward gear.

4. **Access Width** – the highway authority maintains its view that provision of an over-wide driveway could encourage parking on the access between the gate and the carriageway, e.g. by visitors and delivery vehicles, and that such parking would obstruct the highway and visibility from the access along Church Lane, adversely affecting highway safety. The applicant should not rely on use of the highway to accommodate parking or turning movements which should take place within the site. Submission of an amended layout, supported by appropriate swept path analyses, would inform the appropriate driveway access width.

5. **Visibility Splay Geometry** – the highway authority notes the agent's intention to amend the submitted drawings once the appropriate site access visibility requirements have been established.

6. **Site Access Visibility Splays** – the minor road visibility setback distance of 2.4m is a requirement of paragraph 4.8.2 of the highway authority's Planning, Streets, and Places (PSP) guidance, which states that "Proposals for new accesses with less than a 2.4m X distance will be resisted." The applicant's agent does not appear to take issue with the use of a 2.4m minor road visibility setback distance.

The major road visibility splay distances for any new access should relate to the 85th percentile dry weather traffic speeds on the approaches to that access. They do not relate to the nature and scale of development or the status or classification of the major road.

The 43m major road visibility splay distance cited by the agent relates to an 85th percentile traffic speed of circa 28mph. The applicant has provided no information to confirm whether actual traffic speeds on the Church Lane approaches to the site fall at or below that level. It is not therefore possible, in the absence of technical information to support such splays, for the highway authority to confirm whether such splay distances would be acceptable.

It is not always the case that 85th percentile traffic speeds comply with the posted speed limit, particularly on roads such as Church Lane which, despite the posted speed limit, has the characteristics of a rural road. It is noted that the agent accepts that "the posted speed limit does not guarantee actual vehicle speeds." It is not sufficient, in such circumstances, to rely on the posted speed limit to determine the

necessary major road visibility splay distances. In fact, Manual for Streets 2, paragraph 10.1.4, states that the 85th percentile speed should be used to determine the major road visibility distance. The requirement for traffic speed surveys is a normal requirement when determining major road visibility splay requirements in situations where there is limited confidence in major road traffic speeds.

The only available local evidence relates to the 2.4m x 83m visibility splays specified for the single dwelling to the east of the site as permitted under reference AVA/2024/0730. An 83m visibility splay distance, almost twice that advocated by the applicant's agent, suggests approach traffic speeds of circa 60kph, i.e. higher than the speed limit. The applicant's agent, who was the agent on application AVA/2026/0414, has not provided information to show how the 83m visibility splays were determined. Nor has the agent shown that such splays were inappropriate.

Notwithstanding the above, the following sketch indicates that 2.4m x 83m visibility splays should be available along Church Lane on both sides of the site access, within the highway and/or within land owned/controlled by the applicant.



The highway authority would be prepared to accept an amended access scheme plan accurately confirming the availability of the above visibility splays.

However, if the applicant seeks to promote shorter major road visibility splays, it is for the applicant, not the highway authority, to justify the necessary visibility splays and to demonstrate that such splays are, or can be made, available over land within the highway and/or under the applicant's control. In such circumstances, the appropriate technical assessment must be informed by traffic speed survey data to determine the 85th percentile dry weather traffic speeds on the Church Lane approaches to the site. Such data would then be used to determine the necessary major road visibility splay distances. The applicant should then provide a plan to show how such splays can be provided.

If the necessary technical information is not submitted by the applicant, this could result in a recommendation to refuse planning permission based on insufficient information having been provided to demonstrate that safe and suitable access would be available.

7. **Vegetation Within Splays** – the highway authority notes the agent's acceptance that vegetation should not obstruct visibility splays. Appropriate details, which accord with the advice in the highway authority's 31/8/26 observations, should be shown on an amended site layout plan.

Conclusion

The highway authority recommends that this planning application should not be determined until the applicant has submitted further details which satisfactorily address the above issues.

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

SD; DCC TDM; 16/11/26.