

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

10 August 2015

- 1 APPLICATION FOR PLANNING PERMISSION FOR THE LAYING OUT AND CONSTRUCTION OF A PROPOSED MULTI-USER TRAIL (PHASE 4) FROM HARRISON WAY, DARLEY DALE TO ROWSLEY
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD3/0215/142**

3.1723.5

Introduction Summary This application (Phase 4) is for permission for the development of a multi-user trail of 1.3 kilometres long, extending from the western side of Harrison Way, Darley Dale and heading westwards towards Rowsley.

The applicant is also proposing to develop several other multi-user trail sections running from Matlock to Rowsley. Phases 1 and 3 have planning permission and Phase 2 is currently in the early stages of consideration. This proposal is described as “Phase 4” in the series. The applicant is also intending to propose further sections northwards into the National Park up to the Monsall Trail. Therefore these sections, if completed, would eventually, together with the sections from Matlock to Rowsley, form a link for the recreational route known as the White Peak Loop.

I am satisfied this application would not have any adverse impacts on the local amenity. It is recommended for approval, subject to the recommended conditions, on the basis that the development would be in accordance with the development plan policies.

(1) Purpose of Report To enable the Committee to authorise the determination of this application.

(2) Information and Analysis Multi-user trails are a network of largely car-free, off-road routes connecting people to facilities and open spaces in and around towns, cities and to the countryside, that follow both dramatic and gentle countryside that are suitable for walking and cycling. All trails are surfaced and many are built on flat routes for easy access. They provide sustainable and healthy travel routes to schools, work places, shops and local amenities, whilst offering tranquil green routes out of town to local countryside.

This application (Phase 4) is for permission for the development of a multi-user trail of 1.3 kilometres long, extending from the western side of Harrison Way, Darley Dale and heading westwards towards Rowsley. It is one of a series of planning applications for the construction of a multi-user trail section. If each is approved and implemented, a total of 7.5 kilometres of route would then link up the existing ends of the White Peak Loop trail at Matlock and Buxton, through Bakewell. Phases 1 and 3 have planning permission and Phase 2 is currently in the early stages of consideration.

This application proposes a route between the northern side of Harrison Way, and the Derbyshire Dales District Council (DDDC) owned car park at the small industrial estate at Old Station Close, adjacent to the A6 at Rowsley.

The trail would broadly follow the route of the former railway line running adjacent to the river Derwent and Dale Road North (A6).

Under the proposal, the existing car park would also be enlarged to provide 22 additional car parking spaces.

The trail would pass through a Local Wildlife Site (LWS), Rowsley Sidings, where it is proposed to utilise a small section of boardwalk, due to the wet ground conditions, and to minimise impacts on the LWS. The first section from Harrison Way is adjacent to the existing permissive footpath but then swings further to the east, towards the A6, in order to avoid the protected route of the Peak Rail Heritage line. Highway safety measures proposed on Harrison Way would include cycle restraint chicanes, give way signs, dropped kerbs and tactile paving.

The development would provide upgrading of existing permissive footpaths to a standard that would be appropriate for “off-road” use by cyclists, pedestrians, and wheelchair/pushchair users, and boundary fencing and landscaping.

The surface for the proposed development would feature:

- a specified non-bound recycled material to a width of 3.0 metres, which would reduce to 2.5 metres at certain pinch points;
- a boardwalk of 100 to 120m in length, through part of the LWS, due to the ground conditions and ecological considerations.

The route of the trail is located in a high risk flooding area.

Background

The County Council’s Greenway Strategy seeks to develop a network of multi-user trails across the County and the White Peak Loop has been identified as a Strategic Route that will achieve sustainable transport connections between

the key market towns in the White Peak Area and help make accessibility to the wider countryside and Peak District National Park.

The proposal broadly follows the route of an old railway line which once linked Derby and Manchester across the Peak District. The railway was closed to all traffic in the 1970s and has subsequently been developed as a Heritage Railway.

Consultations

Local Member

The late Councillor Longdon was consulted in February 2015 and provided the following response:

“As the member for the Derwent Valley division, I would like to submit the following comments in relation to the planning application referenced CD3/0215/142. While I welcome this development and so support this application I do have two concerns –

(1) Assuming this development will attract regional and possibly national interest once the route is completed it is vital that there is adequate facilities for visitors, particularly designated car parking facilities. This is particularly important in Rowsley where present public car parking facilities are at a premium.

(2) I agree with the concerns raised by Rowsley Parish Council comments with regards to ecological issues arising along the planned route.”

Derbyshire Dales District Council

Derbyshire Dales District Council (DDDC) raises no objections to the proposed development, however, it makes the following comments:

“I must advise you that the District Council considered a planning application in 2011 for the formation of multi-use cycle/pedestrian/equestrian route on this section of the proposed trail (District Council ref: 11/00150/FUL). Whilst this planning application was subsequently withdrawn from consideration, there were nevertheless significant concerns raised by Peak Rail with regard to the alignment of the trail in relation to the protected route of the railway line, and from Derbyshire Wildlife Trust (DWT) with regard to the potential for significant impact on a Local Wildlife Site. As such, I would expect you to be consulting Peak Rail and DWT on this phase of the proposals.”

Comment

Derbyshire Wildlife Trust and Peak Rail have both been consulted on this planning application.

Natural England

Natural England raises no objections but makes the following comments:

“Statutory Nature Conservation Sites – No Objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer’s responsibility) or may be granted.

Local Sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity Enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Derbyshire Wildlife Trust

Derbyshire Wildlife Trust (DWT) was consulted with a request for comments by 12 March 2015. A further consultation request was sent following amended

application details with a request for comments by 20 May 2015. DWT raises no objections but makes the following comments:

“The application is accompanied by an Ecological Impact Assessment. The assessment has been informed by a desktop study and a walkover survey. On the whole these have provided a reasonable basis for assessing the potential impacts of the development. The assessment has determined that the route passes through the Local Wildlife Site DD111 Rowsley Sidings (noted for secondary broad-leaved wet woodland and invertebrate assemblage). The level of survey and the information provided on protected species is considered sufficient with regard to otter, water vole, reptiles, badger and white-clawed crayfish. With regard to bats there are several issues that may require further consideration. Although bat assessments of trees have been undertaken along the route as a whole the results are not presented in any detail in this report. With regard to great crested newt no field surveys have been undertaken and the assessment is purely based on desktop information combined with an overview of the site location... The assessment has not included any data on breeding bird assemblages within Rowsley Sidings and how these may be using different parts of the wood.

Potential Impact of the Development on Protected Species and Features of Nature Conservation Value

The ecological assessment concludes that the potential impact on otter, water vole, white-clawed crayfish, badger and bats is negligible to low and likely to be limited to possible disturbance from noise during the construction period which might affect otter in particular. We would agree that water voles, white-clawed crayfish and badger are unlikely to be affected. With regard to otter, no signs were found and no holts are known from this site. With regard to bats there is some uncertainty about whether any of the trees that will need to be removed or trimmed support potential for bat roosts... The potential impact on great crested newt is unclear and there remains a possibility that newts could have colonised the new mitigation pond at the back of the waste recycling centre.

Habitats/Sites

The proposed route passes through Rowsley Sidings Local Wildlife Site. This site is composed of wet woodland with standing water and marsh present in several areas. The ecological assessment has recognised that there is the potential for a significant impact on these features as the route will pass directly through several sensitive areas... The most sensitive areas are wet woodland with standing water and species rich woodland vegetation adjacent to the existing path. The current route will result in the loss of much of the established field layer (low growing herbs, grasses and ferns) from along the path and as this vegetation is more diverse here than in much of the rest of the wood... some mitigatory measures should be adopted. The impact on the marshy areas of woodland are also not described in any detail, but are broadly

recognised. In conclusion the nature and extent of the impact on the woodland habitats has not been fully clarified and depends to a large degree on exactly how the trail is constructed through these sensitive areas and any subsequent changes to hydrology.

Proposed Measures for Addressing Impacts

The route of the multi-user trail has to some extent been determined by planning constraints (protection of the Peak Rail extension) and physical constraints (the steep embankment up to the A6) as well as having to enter and exit the site between existing built structures. This has regrettably pushed the route further into the wettest part of the site and as a result the impact has increased. However, there has been an effort to try and minimise the impacts by choosing a route that avoids some areas of more sensitive or diverse vegetation and DWT has been involved with this process over the last 3 or 4 years. The ecological assessment has proposed a number of additional possible measures aimed at mitigating for the adverse impacts. In relation to the construction of the multi-user track it is proposed to use a boardwalk to minimise impacts on one of the wetter sections of the route. This would currently be around 100 - 120m in length. Other measures are focused on subsequent management of the site to try and enhance the structural diversity of the habitats including the potential for the creation of glades and woodland edge habitat as well general woodland management.

Conclusion

The proposed multi-user trail (Phase 4) is unlikely to have any significant impacts on protected species provided suitable measures are in place for mitigation and/or avoidance measures as well as carrying out final checks prior to commencement of the development... given the factors outlined above and in the ecological assessment the likelihood of great crested newts being present is low. In addition the impact on birds has not been considered in the report. The loss of some trees and changes to the woodland structure could impact on birds. On balance we think that impacts on birds are likely to be temporary and can be minimised by ensuring that all works take place outside of the bird breeding season. However, the retention of mature trees along the trail should be the default and trees should only be removed within Rowsley Sidings if it is essential. It is also unclear if there will be removal of dead or dying trees within 10m of the trail. This could have a significant additional adverse impact on the ecology of the wood. Similarly tree works have the potential to affect bats and this issue has not been fully addressed within the ecological report. The application does provide some additional details of where the boardwalk will be used and this appears to broadly correspond with the wettest areas of the site. The estimated length of this is 120m. The reconstruction and extension of the retaining wall is likely to result in considerable disturbance to existing vegetation and the impact of this is likely to be fairly significant in the short to medium term. The effect of the proposed development on the hydrology of the Rowsley Sidings has not been

investigated in any detail. It is possible that the reconstruction and extension of the retaining wall will result in unforeseen changes to the hydrology of the site. Furthermore the site is exceptionally wet at certain times of the year and may become impassable – there is no information about this aspect of the development within the ecology assessment which is a limitation. In conclusion the development is likely to have an adverse impact on the site and there could be additional unpredictable impacts resulting from alterations to site levels, retaining walls and embankments.

In order to ensure adverse impacts are as effectively addressed as possible within this development the following measures should be applied and implemented in full as part of the development:

- *The trail is constructed on a boardwalk through the most sensitive areas of Rowsley Sidings (as indicated on the map).*
- *Tree felling (especially more mature trees) is minimised throughout Rowsley Sidings.*
- *Dead and dying trees are retained wherever possible.*
- *The working area during construction is kept to a minimum of 5m and a minimum of 3m where the boardwalk is to be constructed.*
- *The trail/boardwalk is 2.5m wide through the most sensitive areas of Rowsley Sidings.*
- *We would advise the LA to consult the ecologists (URS) to confirm whether trees that will be removed as part of the construction process have been identified and checked for bat roost potential.*
- *We would advise the LA attach a condition to the effect that no development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.*
- *The CEMP (Biodiversity) should include all or some of the following.*
 - a) *Risk assessment of potentially damaging construction activities.*
 - b) *Identification of “biodiversity protection zones”.*
 - c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction especially around the biodiversity protection zones.*
 - d) *The location and timing of sensitive works to avoid harm to biodiversity features.*
 - e) *The times during construction when specialist ecologists need to be present on site to oversee works.*
 - f) *Responsible persons and lines of communication.*
 - g) *The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person (as required).*
 - h) *Use of protective fences, exclusion barriers and warning signs (as necessary).*

- *The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.... This would address issues relating to protected species and wildlife legislation as well as the wider biodiversity sensitivities of the site.*
- *We would advise the LA to attach a condition requiring that an Ecological Mitigation and Management Plan for Rowsley Sidings is submitted to LA for approval prior to the commencement of any construction through Rowsley Sidings LWS. The plan should include a detailed description of mitigation and enhancement measures including management/creation methods to be used, locations and accompanying maps and how the agreed measures will be implemented. We would advise the LA to ensure that in the event that any trees with potential for bat roosts are to be felled or trimmed the applicant should undertake additional surveys prior to the determination of this application.*
- *We would advise that no site clearance work shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority."*

The Environment Agency

The Environment Agency raises no objection to the proposed development, as submitted, and considers the proposed development to be acceptable if the following planning conditions are included on any planning permission:

- *"No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:*
 - *Sustainable drainage techniques or Sustainable Drainage Systems incorporated into the design.*
 - *Details to show the outflow from the site is limited to the maximum allowable rate.*
- *No development shall take place until the results of a re-survey in the summer prior to construction confirming that otters continue to be absent from the proposed works area is submitted to and approved in writing by the local planning authority. Should the presence of otters be confirmed at that time, a plan detailing the protection and/or mitigation of damage to*

otter, a protected species under the Wildlife and Countryside Act 1981 (as amended) and its associated habitat during construction works and once the development is complete will be required. Any change to operational, including management; responsibilities shall be submitted to and approved in writing by the local planning authority. If required, the otter protection plan shall be carried out in accordance with a timetable for implementation as approved.

Although otter were not recorded at the time of the initial survey, they are a very mobile species and hence changes to their distribution cannot be ruled out. This condition is therefore necessary to protect the otter and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site. As you are aware the discharge of planning conditions rests with the Local Planning Authority. It is, therefore, essential that you are satisfied that the proposed draft conditions meet the requirements of the Planning Practice Guidance 'Use of Planning Conditions'. Please notify us immediately if you are unable to apply our suggested conditions, as we may need to tailor our advice accordingly. Please could you forward a copy of the Decision Notice to the Environment Agency for the purpose of monitoring.

Advice to LPA/applicant Protected Species - Sources of Information and Risk of Offence under Act/Regulations Chapter 3 of the White Peak Pedal Project Ecological Impact Assessment (January 2015; 47071335) prepared by URS provides details of a number of recommendations to assist with mitigating any potential harm/damage to bats, nesting birds, reptiles on and/or adjacent to the site. Failing to follow these Recommendations could result in the applicant being liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended). We would refer the applicant to Natural England Standing advice for protected species which gives detailed species sheets for information on mitigation requirements.

Biodiversity Enhancements The URS report also sets out several recommendations to assist with mitigating any adverse impacts on the Local Wildlife Site. Under the Section 40 of the Natural Environment and Rural Communities Act 2006, all local and regional authorities must have regard to the conservation of biodiversity in England, when carrying out their normal function. As such, we strongly recommend these recommendations are given due consideration. Opportunities to incorporate biodiversity enhancements (e.g. the installation of bat/bird boxes) should be encouraged and is in line with paragraph 109 of the National Planning Policy Framework, which states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and further, we would encourage the applicant to consider opportunities to undertake enhancements on the River Derwent corridor in line with the requirements of the Water Framework Directive, to which all public bodies, have a duty to have regard to.

*For example, the installation of mammal ledges, and/or creation or marginal riparian habitat/backwaters **Survey licence requirements**. Note that a licence may be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. For further information and guidance on European Protected Species and licensing procedures see the Wildlife Management and Licensing Guidance from Natural England."*

Rowsley Parish Council

The Council was consulted with a request for comments by 12 March. A further consultation request was sent following amended application details with a request for comments by 20 May 2015. The Parish Council raised no objections but raised the following points:

***"Traffic:** Rowsley Parish Council... has been very supportive in seeing the development of Peak Rail's Heritage Railway northwards to relieve some of the road traffic as the Peak District does not have an arterial road. This results in traffic chaos on our two major village roads, the A6 and the B6012 towards Chatsworth, not only at weekends, when there are more visitors to the area, but also on many weekdays... One of our concerns is that the traffic chaos in Rowsley is addressed **before** any further developments, such as the multi-user trail, take place as these will further increase the number of visitors to the area. This is particularly relevant since the recently approved greater usage of the Peak Village Retail Complex and the continuing growth of activities at Chatsworth House. Activities at the latter facility are now nearly all year round and the village roads are often at a standstill, creating considerable disruption for residents and severely restricting access for emergency vehicles when required.*

***Car Parking Provision:** During earlier consultations the Parish Council has consistently maintained that the extension of the trail through our village will greatly increase the number of visitors wishing to park close to the route in the village. This is based on experiences of other areas where the very popular Monsal Trail already runs. We believe that both the existing and proposed increased car parking provision (at Old Station Close) in our Parish will be totally inadequate for the likely increased number of trail users wanting to use them. We want the provision of significantly more car parking in the area to be addressed **before** planning approval for this phase is given. The alternative for Parish residents and businesses is likely to be greatly increased roadside parking, potentially the further narrowing of existing minor roads due to parked vehicles and the blocking of driveways and access routes to local businesses.*

Environment:** Since the 1967 closure of the railway at Rowsley, the lines and the sidings area has seen the sprouting and maturing of many various trees, mostly deciduous, and these have become favourable night time habitats for several of the 18 UK species of bats. **It is therefore imperative that further

bat surveys are carried out and that no trees from Rowsley to Matlock along the old railway line are cut down. The survey suggests roosting bats are evident in the trees from Rowsley down to Matlock. Given that the cycle route would run through the designated broad leaved wet woodland we request that ALL these trees from Rowsley to Matlock remain in situ.

The survey further informs us that these trees are an important feature of 6 species on the eastern side and on the northern side there are mature beech, sycamore and ash, all with potential to support roosting bats and cover for nesting birds, insects, mammals and "many" species of bats. This disturbance potential also applies to otters, water voles and great crested newts. Your thorough survey also reveals that there are ecological issues to address at the Rowsley Sidings area where there is the potential for a significant impact on the sensitive features if the trail is extended. The proposed route of the trail means that it is NOT POSSIBLE to avoid these sensitive areas. As many of the creatures and features mentioned in the surveys, and listed above, have special designations and habitat protection we really cannot believe that the DCC, DDDC and the PDNPA would ever consider sacrificing and destroying our heritage by simply overriding these protections.

This Council does not agree with ANY tree felling having studied the previous DCC documental surveys which clearly state that the trees from Rowsley to Matlock are the roosting habitats for bats. It is immaterial whether these trees have TPO's on them or not. Isn't the protection of bats sacrosanct?

How is it possible to have a track stating approved construction when no approval exists?

Your documents also reflect, via a green line interspersed with spaces, the route through Haddon Tunnel. This is hypothetical since firstly no permission exists for this usage and secondly it is a planning issue for the PDNPA. This application stops at the PDNPA boundary in Rowsley yet the extension northwards towards Bakewell is projected onto the papers and illustrated in the key information section!

Rowsley Parish Council in June 2013 was given a promise by the previous CEO of the PDNPA that the route would be for ALL users ie rail usage, walkers, horse riders and cyclists. This message has been relayed far and wide and to all 4,000 shareholders of Peak Rail, the Director being in attendance. (When it comes to the next section we were promised 3 bridges to take ALL users as specified above. These bridges are to cross the A6, Church Lane and Park Lane.) This promise was made in front of the press, the PC, Peak Rail Director and Peak Park Watch. We therefore hold you to that promise and nothing less is acceptable given that you put in for the

original government bid ignoring the caveat that ALL problems must be resolved before the bid was placed. You knew the problems then and chose to ignore them at your peril having achieved 60+ pages of letters of support on your website you chose not to inform villages/PCs affected by the proposed development & in fact ignored these affected places, against government advice hoping we wouldn't find out. Rowsley PC must work for the good & safety of its residents and the treasured wildlife both fauna & flora which the authorities/powers that be are dismissing out of hand. This is not what we expect of you.

Harrison Way. It is both ludicrous and dangerous for all users to cross Harrison Way already a very busy thoroughfare with continuous traffic to & from the recycling plant. It's so dangerous that it may be cyclists being recycled. Signage will not dispel the inherent dangers, such dangers will be exacerbated with increased usage to & from Harrison Way including increased traffic to Peak Rail Rowsley South Junction with its continuing successes. So where is the parking at Harrison Way for all these extra users? The last thing we want at Rowsley is for Old Station Close to be snarled up with inappropriate car parking having 60 businesses dependant on this facility. Other users will also being affected? A lack of parking facilities on Harrison Way will exacerbate & impact on the existing car parking problems at Rowsley.

The Cycle trail route must not hinder or deter Peak Rail's expectation of expansion northwards for the Peak District unfortunately does not have an arterial road and an extended train route could help to alleviate the horrendous traffic snarl ups at Rowsley both on the A6 & the Chatsworth Road.

*Document – White Peak Loop Phase 4, Harrison Drive, Northwood to Old Station Close Rowsley – Supplementary Supporting Statement May 2015
AECOM :- (a) p6 para 4.2 this statement is in conflict with the promise made to Rowsley PC June 2013 as explained in point 5. (b) P12 - Rowsley's previous analysis using DCC's OWN documentation re ecological, traffic etc surveys was used to construct our comments yet now by ignoring and sweeping them under the carpet you are in fact trying to dismiss serious issues and have wasted valuable financial resources that could have benefitted the local rate payers & officer's time when in fact this money could have been put towards progressing the steam train northwards for the good of everyone in this tourist area. (c) 4.3.5- this section does NOT address the serious parking problems which are encountered now and will be compounded when the 60 businesses already sited in Rowsley are dependent on a car parking facility for their businesses to survive.*

At the pinch point where the current Heritage Way starts at the bottom of Old Station Close it looks like there will be a 'free for all' between pedestrians on

the existing footpath and cyclists coming across from the White Peak Loop which is very dangerous & has not been thought out properly! The footpath on the plan referred to as 47069970_DWG_PA36C has not been drawn correctly coming out of Old Station Close, so this potential issue has been glossed over!"

The comments above relating to the trail proposal northwards to the Peak District National Park, including Haddon Tunnel, concern other potential phases that are not within the development for which permission is sought under this application.

With reference to the comments about not informing "*villages/PCs affected by the proposed development*", I am satisfied that the relevant Parish Councils have been duly consulted on this application. The comments above, that are relevant to the purpose of this report are analysed below.

Northwood and Tinkersley Parish Council and Darley Dale Town Council

Any comments were requested by 12 March 2015.

Peak Rail

Peak Rail was consulted with a request for comments by 20 May 2015. Peak Rail raises no objections and makes the following comments:

"This proposal is generally acceptable to Peak Rail PLC. However, for the avoidance of doubt, we would ask that the centre line of your proposed future track extension can be transposed on to drawing 47069970/DWG/PA/23 and 47069970/DWG/PA05 revE, particularly in the vicinity of Old Station Close, Rowsley. This is so that when the trail and car park is constructed, passive provision can be made for our railway, thereby reducing unnecessary additional expense later. In addition, the projected trail alignment should be shown further north where it crosses the A6 as it is currently shown where the railway alignment needs to be, which is virtually central to the former bridge approach embankments."

In accordance with the above comments, the applicant has submitted amended drawings showing the centre line of the proposed future track extension. The supplementary supporting statement of 15 May 2015 from the agents for the applicant has indicated that the Rowsley end of the section of trail under Phase 4 is to be at the car park at Old Station Close. The projected trail alignment northerly from this point is now expected to be addressed under a future application for planning permission for a further phase of the White Peak Loop.

Publicity

The application has been advertised by site notice and in the Matlock Mercury with a request for observations by 13 March 2015. As a result of the publicity, 60 letters in support have been received along the following themes:

- *We need a safe cycling route between Matlock and Bakewell, to link with the Monsal Trail.*
- *The A6 is highly dangerous. This traffic-free route out of Matlock will obviate the need for many cyclists to drive with their bikes to car parks before getting on the Monsal Trail.*
- *A useful route for commuters getting to work, as well as being used by walkers, horse riders, dog-walkers, wheelchairs and other users.*
- *It will encourage tourism in our area and benefit the local economy.*
- *It will reduce the need for car usage.*
- *It will encourage cycling for health, environmental, leisure and financial reasons.*
- *Great for families to ride/walk next to the railway line.*
- *Vital to open up access to the splendour of the Monsal Trail for a wider cross section of the public.*
- *A great visitor attraction.*
- *Fantastic opportunity a wonderful legacy for this generation to leave.*
- *Being an all-weather route it will additionally enhance the opportunity to walk in this area during times when the current paths and tracks are often waterlogged.*
- *Cycle paths are necessary because the majority of motorists have no respect for a bike on the road.*
- *As a Rowsley resident, I welcome this application, which in my view is long overdue.*
- *Safe walking/cycling/horse riding are just what the area needs.*

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the saved policies of the adopted Derbyshire Dales Local Plan (2005). The National Planning Policy Framework (March 2012) is also relevant.

The principal planning policies relevant to this grant of planning permission are:

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) states that local authorities taking decisions on planning applications should consider issues relating to

good design and conserving and enhancing the historic and natural environment. The relevant policies in the NPPF are:

Paragraph 28: Sustainable rural tourism and leisure developments.

Paragraph 29: Reducing the need to travel.

Paragraph 30: Sustainable modes of transport.

Paragraph 35: Priority to pedestrian and cycle movements.

Paragraph 75: Protecting and enhancing public rights of way and access.

Paragraph 118: Conserving and enhancing biodiversity.

Adopted Derbyshire Dales Local Plan

NBE6: Trees and Woodlands.

NBE8: Landscape Character.

NBE10: Flood Risk.

SF4: Development in the Countryside.

SF5: Design and Appearance of Development.

S8: Development to Realise the Potential of the River Derwent.

TR1: Access Requirements.

TR4: Safeguarding the Reinstatement Of Railway Lines

TR6: Pedestrian Provision.

TR7: Cycling Provision.

TR8: Parking Requirements for New Development.

L10: Leisure Routes and Tracks.

The Emerging Local Plan

Although the Derbyshire Dales District Council draft Local Plan was formally withdrawn in 2014 in the light of an inspector's report, it is considered to be of continuing relevance to proposals in the plan area, and in general similar policies to the following are expected to be included in the new draft local plan which will be published in due course:

Strategic Policy 1 - Sustainable Development Principles: seeks to encourage sustainable development through a series of criteria based around promoting development in locations '*which are accessible by foot, cycle or public transport with minimal reliance on the car.*'

Strategic Policy 11 - Accessibility: DDDC will seek to ensure that development is managed in order to minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan (LTP3). This will be achieved by:

- *Promoting the introduction of appropriate facilities for new cycling development, the use of local cycleway and pathway networks to improve choice of travel and ensuring safe access to developments on foot and by bicycle.*

Strategic Policy 12 - Matlock/Wirksworth Sub Area: DDDC will seek to deliver sustainable growth within the Sub Area and meet the needs of the community through (amongst other things):

- *Safeguarding the route of the Peak Rail extension to Rowsley from any form of prejudicial development; and*
- *Implementing the delivery of the Derbyshire Greenway Strategy and the Derwent Valley Cycleway.*

The key planning considerations for this application are:

- Need for the development.
- Landscape and visual impact.
- Flooding.
- Ecology.
- Highways and Rights of Way.

Need for the Development

The application states that the proposed development would deliver a safe multi-user route that would encourage and increase sustainable modes of transport, including walking and cycling, which would reduce the impact on the existing transport network whilst improving health benefits for users.

The proposal supports the objectives of the Local Transport Plan; it will enhance local accessibility and provide healthier travel habits. Derbyshire Dales saved Policy TR7: Cycling Provision, requires the establishment of new leisure routes and trails as a means of encouraging tourism and sustainable development. Finally, Policy NBE7: Features Important in the Landscape, asserts that permission will only be granted if it can be demonstrated that the justification outweighs their importance to the character and appearance of the immediate and wider landscape.

I note the representations above relating to horse riders not being able to use the proposed trail but I am satisfied that the exclusion of horse riding from the proposal is in the interests of safety due to the proximity to the Peak Heritage Railway Line. Furthermore, it would be difficult to provide a path which would be compatible with equestrian use over the LWS area which is proposed to be traversed by a boardwalk. I consider that the proposed development would support national and local plan policies relating to sustainable development, sustainable transport and tourism. I am therefore satisfied that there is a need for the development.

A railway route, generally corresponding to the route of the old railway, is safeguarded by the saved policy TR4 of the Derbyshire Dales Local Plan (2005), which states:

“Planning permission will not be granted for any development on land identified on the Proposals Map, which would be prejudicial to the Peak Rail extension to Rowsley and Wirksworth to Duffield lines.”

Similar protection has been proposed under the emerging draft Local Plan. Peak Rail has confirmed that its current aspirations are to extend its existing rail line. The section of the (current application) proposed Phase 4 of the trail, up to the point south of Old Station Close, does not conflict with the line reserved in DDDC's Local Plan.

There appears to be some potential for conflict between the current application proposal and the protection of the area for a Peak Rail line re-extension to Rowsley under DDDC adopted Local Plan Policy TR4, as regards the alignment of projected trail northwards from “the point south of Old Station Close”, and possibly also the situation of the extended car park under proposal. A practical way of overcoming this issue is understood to have been agreed between the applicant, DDDC as landowner, and Peak Rail, which would involve a lease arrangement whereby land containing part of the trail to be constructed could be surrendered in order to meet the space requirement for the rail line extension whenever it might materialise. As noted above, the Peak Rail consultation response indicates that there would be a need when the trail and car park are constructed for “passive provision” for the railway in the vicinity of Old Station Close; such an arrangement would appear to be able to provide for this. However, to provide planning control to maintain compatibility with the protection of the rail line extension, as currently provided under Local Plan Policy TR4, a draft condition (numbered 19) is proposed within the recommendation below. This condition is designed to limit provisionally the duration of any area of the trail and/or car park under this permission which may become needed for a railway line development to Rowsley under a future planning permission, so as not to prevent such an authorised railway development from taking place.

Landscape and Visual Impact

The main impact to the landscape relates to the loss of trees as it passes through Rowsley Railway Siding LWS. However, I am satisfied this management would enhance the diversity of the habitats, including the potential for the creation of glades and woodland edge habitat, as well general woodland management.

I note that there are no construction details for the proposed boardwalk. The boardwalk is likely to result in the loss of much of the established field layer (low growing herbs, grasses and ferns) along its path which would require some mitigation. I have therefore recommend an appropriate planning condition for a scheme identifying both the design of the boardwalk, as well as an updated landscaping scheme for the marshy areas that currently exist.

I note that although there are some details for a cycle access control at certain points through the route, there are no specific details for the access/exit point junction with the A6. I recommend an appropriate planning condition for a scheme to provide such details, having particular regard to visual impact.

Flooding

Whilst the proposed route passes through a high risk flood zone, I am satisfied that the proposal would not result in any significant additional flooding and, in accordance with the comments from the Environment Agency above, I have recommended a planning condition for a sustainable drainage scheme to be submitted and approved prior to any development taking place.

Ecology

To remove any adverse impact upon the ecology of Rowsley Sidings, I consider that trees should only be removed where essential, and that there should be no removal of dead or dying trees within 10m of the trail. With regard to bats and birds, the proposed tree work throughout the proposed route could affect both species, as well as to the woodland structure, which could affect great crested newts. However, I am satisfied that no further survey work is required for either bats or newts. I note the concerns of the Environment Agency regarding otters and their mobility, and hence the potential changes to their distribution. In order to ensure any adverse impacts are addressed, and in accordance with recommendations of DWT and the Environment Agency, I have recommended numerous appropriate planning conditions for the continued protection of ecology.

Highways and Rights of Way

I note the concerns of Rowsley Parish Council relating to the number of trail users that may enter the trail specifically at the car park in Rowsley, which in their opinion would be seen by many users at the location as the start/finish point. However I consider that whilst some users may choose to do so, there are many other areas along the entire route of the trail where access to the trail could be gained. Furthermore, the proposed extension and improvements to the existing car park at Rowsley, as outlined in the application documentation, would increase car parking in the area. However, although there are various opportunities for parking in the local area, in the absence of any existing local on-street parking restrictions, there is the potential for roadside parking to be a potential highway safety and for traffic congestion issue, especially in close proximity to the access points to the multi-user trail at Harrison Way and Old Station Close. I therefore consider that the parking availability should be monitored by the applicant and if any further measures to restrict roadside parking in the vicinity of the access/egress point should be required, these should be implemented by the applicant in accordance with a scheme to be submitted to and approved by the County Planning Authority.

I further consider that to improve safety at Harrison Way, special paving should be provided across the existing gated access (in the event the access is fully opened up at some future point) to provide a contrasting surface at the crossing points e.g. buff coloured surfacing, to highlight the crossing points and to complement the proposed signage.

With the above highway considerations in mind, I also recommend a number of planning conditions to ensure schemes for highway safety measures and detailed car parking provision are submitted prior to any works commencing, as well as controlling the public opening of the trail.

The applicant is aware of the local concerns about potential problems related to car parking that might be associated with trail use. The Council as highway authority has indicated that, if planning permission is granted, it would monitor on-street parking in the vicinity of access/egress points for an 18 month period following the opening of the route. If any associated parking problems related to the development are highlighted, mitigation measures could be suggested to the Council as the local highway authority and traffic authority. A condition to this effect is included in the recommended conditions. The applicant has stated that funding of such mitigation measures as the Council might authorise would be made available from the budget for the development.

Conclusion

The potential exists that additional localised roadside parking problems may be generated from use of the trail but this can only be assessed once the trail is open. In this respect, the highway situation will be monitored for a period of 18 months, following the development being taken into use.

I am satisfied that, subject to the imposition of the recommended planning conditions, the proposal would not have an adverse impact on the continued use of the existing Peak Heritage Railway, ecology, landscape or local amenity.

Although the proposed land is not currently under the control of the applicant, this does not render the proposal unfeasible.

The local and strategic benefits of this proposal are multi-faceted. Improving access to the countryside, via a sustainable transport opportunity, is a long standing aim of the Local Transport Plan. Promoting increased physical activity is also a key benefit and the multi-user trail network is a recognised way of delivering this.

I am satisfied that the proposal would be appropriate in this location and the recommended planning conditions would enable the proposal to accord with national and local planning policies, and it is recommended for approval.

(3) **Financial Considerations** The correct fee of £1,690 has been received.

(4) **Legal Considerations** This is an application under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Background Papers** File No 3.1723.5
Application form and all the supporting documents received from the Director of Property dated 9 February 2015 including:

- Consultation response from Derbyshire County Council's Highways dated 8 April, 14 May and 28 May 2015.
- Rowsley Parish Council dated 27 February and 20 May 2015.
- Consultation response from Derbyshire Dales District Council dated 23 March 2015.
- Consultation response from Derbyshire Wildlife Trust dated 23 March 2015.
- Consultation response from Natural England dated 3 March 2015.
- Consultation response from Environment Agency 30 April 2015.
- Consultation response from Derbyshire County Council's Public Rights of Way dated 3 March 2015.
- Consultation response from Derbyshire County Council's Landscape dated 10 March 2015.
- Consultation response from Derbyshire County Council's Flood Team dated 18 March 2015.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to a set of conditions substantially similar to the following:

- 1) The development shall be begun before the expiration of three years from the date of this planning permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) The development shall be carried in accordance with the application details dated 6 February 2015 except as otherwise required by other conditions of this planning permission.

Reason: To clarify the details approved.

- 3) The date the development is begun shall be notified in writing to the County Planning Authority no later than seven days after that date.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 4) The opening of the multi-user trail under this permission to cycle use shall not take place until the works associated with extended car parking provision in the part of the application site adjacent to Old Station Close which are shown on the application drawing number 4769970/DWG/23 (or equivalent works in the under a substitute plan in the event of such a substitute plan being submitted to and approved by the County Planning Authority) have been completed, so as to provide at least 22 additional car parking places on this part of the application site.

The date of the opening of the multi-user trail under this permission to cycle use shall be notified in writing to the County Planning Authority no less than 3 months in advance of that date.

Reason: in the interests of highway safety and amenity.

- 5) Construction work on the development, including the movement of mobile and fixed plant/machinery, shall only be carried out between the hours of:

0730 hours to 1800 hours Monday to Friday;
0900 hours to 1700 hours Saturdays.

There shall be no construction work on Sundays, Bank Holidays or other Public Holidays.

Reason: To restrict the hours of construction as required in the interest of local amenity.

- 6) No development shall be commenced until a scheme of design details for the proposed boardwalk which shall include exact dimensions has

been submitted to and approved in writing by the County Planning Authority. The boardwalk shall be constructed in accordance with the scheme as approved.

Reason: For the protection of ecological features of Rowsley Sidings Local Wildlife Site (relating to protected species as well as the wider biodiversity sensitivities of the site) and to ensure the provision of appropriate accessibility.

- 7) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted. The CEMP (Biodiversity) should include:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, especially around the biodiversity protection zones.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as required).
 - h) Use of protective fences, exclusion barriers and warning signs (as necessary).

The approved CEMP shall be adhered to and implemented throughout the construction period, strictly in accordance with the approved details, unless otherwise agreed in writing by the County Planning Authority.

Reason: To ensure that ecological features (relating to protected species as well as the wider biodiversity sensitivities of the site) are properly maintained and managed.

- 8) No trees shall be felled or trimmed unless a competent qualified ecologist has undertaken a full check for bat presence. In the event that bats are found to be present, the felling shall cease until the applicant has undertaken additional surveys and submitted a scheme of mitigation measures proposed by a competent qualified ecologist to avoid long term harm to all bat populations identified in the surveys, for approval by the County Planning Authority. No felling or construction shall be undertaken until the scheme as approved by the County

Planning Authority is approved and that scheme shall be implemented in full.

Reason: In the interests of the protection of bats.

- 9) No site clearance work shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the County Planning Authority.

Reason: In the interests of the protection of nesting birds.

- 10) No development shall take place until the results of a re-survey in the summer prior to construction, confirming that otters continue to be absent from the proposed works area, is submitted to and approved in writing by the County Planning Authority. Should the presence of otters be confirmed at that time, an otter protection plan detailing the protection and/or mitigation of damage to otter shall be submitted to and approved in writing by the local planning authority. The otter protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: To protect the otter and its habitat within and adjacent to the development site.

- 11) Within six months of the date of this permission a landscaping scheme shall be submitted to the County Planning Authority for its approval in writing. The landscaping scheme shall then be implemented as approved. The scheme shall include:
- i) landscaping details for the marshy area/boardwalk;
 - ii) design details of the cycle access control for the junction with the A6; and
 - iii) landscaping five year aftercare management plan details.

Reason: In the interests of local amenity.

- 12) Other than those identified in the application details, no trees, hedgerows, gritstone squeeze stiles, gritstone walls/gateposts shall be cut/taken down, damaged, destroyed or removed during the development without the prior written approval of the County Planning Authority.

Reason: To ensure that these features are properly maintained and managed for the duration of the development in the interest of visual amenity and local landscape character.

- 13) A BS5837 Tree Survey, Implications Assessment and Arboriculture Method Statement shall be submitted to and approved in writing by the County Planning Authority prior to the commencement of the development, and this Method Statement, as approved, shall be complied with during the development. This Method Statement should include the working zone, the stacking areas of construction materials and site cabins. The aim should be to minimise the impact on any existing trees and identify any necessary mitigation measures, such as tree protection zones, root barriers and crown lifting.

Reason: To ensure that these Arboriculture features are properly maintained and managed for the duration of the development in the interest of visual amenity and local landscape character.

- 14) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- Sustainable drainage techniques or Sustainable Drainage Systems incorporated into the design.
- Details to show the outflow from the site is limited to the maximum allowable rate.

The scheme shall then be implemented as approved and maintained throughout the period of construction.

Reason: To prevent the increased risk of flooding and to improve and protect water quality.

- 15) No development shall take place until amended details for highway safety features at Harrison Way have been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
- tactile paving across the existing gated access (in the event the access is fully opened up at some future point).

- Provision of a contrasting surface at the crossing points, e.g. buff coloured surfacing, to highlight the crossing points and to complement the proposed signage.

The scheme shall then be implemented as approved and maintained throughout the period of construction.

Reason: In the interests of pedestrian and highway safety

- 16) No development shall be commenced until a scheme for highway safety during construction has been submitted to and approved in writing by the County Planning Authority. The scheme shall include the following details:
- a. A program of construction works identifying:
 - proposed working areas;
 - access points/routes; and
 - construction timetable.
 - b. Space provided within the site curtilage for:
 - the storage of plant and materials;
 - site accommodation;
 - loading and unloading of goods vehicles; and
 - parking and manoeuvring of site operatives and visitors vehicles.
 - c. Temporary access arrangements for construction purposes, laid out, constructed and provided with appropriate visibility splays in either direction, the area in advance of the sightlines being cleared of all obstructions greater than 1m in height (0.6m in the case of vegetation), free from any impediment to its designated use. The temporary access arrangements being completely removed and the highway reinstated as may be agreed with the Planning Authority prior to any permanent accesses being taken into use.
 - d. Vehicle wheel cleaning facilities provided and retained within the site.
 - e. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

The scheme shall then be implemented as approved and maintained throughout the period of construction.

Reason: In the interests of highway and public safety.

- 17) No gates, including any part of their opening arc, shall be permitted to open outwards over an adjoining public highway.

Reason: In the interests of highway and public safety.

- 18) A scheme of monitoring shall take place in the vicinity of the access/egress points at Harrison Way and Old Station Close, to ascertain any hazardous on-street parking problems as a consequence of the development over the 18 month period from the date of opening of the route to the public. If the County Planning Authority notifies the applicant that the monitoring has revealed associated parking problems, the applicant shall, within 6 months from that notification, submit a scheme of proposals for measures for diminishing such problems that the Council as Highway Authority and Traffic Authority might consider taking.

Reason: In the interests of highway safety and public amenity.

- 19) In the event of a planning permission being granted at any time in respect of a proposal for a railway line which coincides with any areas of the land has been developed or is being developed or might be developed to provide the multi-user trail and/or extended car park under the permission hereby granted, the Applicant shall no later than six months from being notified by the Council Planning Authority that such a railway line permission has been granted submit in writing for approval by the Council Planning Authority: a scheme for vacation from those areas of the relevant parts of the of multi-user trail and/or extended car park to enable development under the railway line permission to proceed.

Any scheme required under this Condition shall include details of a progressive and full vacation of the relevant areas such as may be required to enable their vacation to be effected by no later than either 12 months after the date of the above notification, or (if later than that date) by no later 6 months from the date when the last of all authorisations required for the commencement of the development under railway line permission (including consent to all schemes requiring prior approval under that permission is granted), or (if a later than that date) any date at which a stage in the development under railway line permission that would require occupation of those areas might be programmed to commence under the terms of that permission or a scheme approved under that permission.

Any scheme approved under this condition shall be implemented as provided for in detail by the scheme

Reason: In the interests of avoiding the development under this permission resulting in any prejudice to any rail line development which may be granted planning permission, having regard to Policy TR4 of the adopted Derbyshire Dales local plan (2005) and draft policy SP 12 from the emerging local plan.

Footnotes

- 1) This permission, granted under Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc).
- 3) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 4) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway [new estate street] measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- 5) Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street works Act 1991, prior notification shall be given to the Department of Economy, Transport and Environment at County Hall, Matlock regarding access works within the highway. Information and relevant application forms, regarding the undertaking of access works within the highway limits are available via the County Council's website:
www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp or email:
ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
- 6) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email:
es.devconprocess@derbyshire.gov.uk. The applicant is advised to allow

approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

- 7) No works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
- 8) The application site may affect existing Public Rights of Way. These routes must remain unobstructed and on their legal alignment at all times, and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- 9) Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Traffic Management, telephone 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Council's website. Relevant forms are available via the following link:
www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

Mike Ashworth
Strategic Director – Economy, Transport and Environment

