

LET7251

PUBLIC
Form TCP 3

DERBYSHIRE COUNTY COUNCIL

TO: Breedon Trading Ltd.
c/o Jonathan Garbutt
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Breedon Quarry
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Breedon on the Hill
Derby
DE73 8AP

County Hall
Matlock
Derbyshire
DE4 3AG

1.640.24

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Council under the above Act and all related Acts, Orders and Regulations, and with reference to your application Code No CM1/0523/7 received on the 15 May 2023 for permission **for the construction of a permissive footpath with rights to cycle, connecting the High Peak Trail to the south-east, with the village of Sterndale Moor to the north-west, located on land north of Dowlow Quarry, Buxton, Derbyshire, SK17 9QF** in the manner described in the application and shown on the accompanying plan(s) and drawing(s), NOTICE IS HEREBY GIVEN that permission for the proposed development is **GRANTED subject to compliance with the following conditions:**

Form of Development

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

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

- 2) Notice of the proposed date of commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

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

Date 29 August 2023

Signed


Authorised Officer of the Council

- 3) The development shall take place in accordance with the details set out in the application for planning permission registered as valid on 17 May 2023, and the documentation accompanying it, unless otherwise modified or amended by the conditions of this planning permission. For the avoidance of doubt, the accompanying documentation comprises:

- Drawing no. D7_LAN_19 entitled 'Cycle Path Specification'
- Drawing no. D7_LAN_20 entitled 'Fencing & Farm Gates Details'
- Drawing no. D7_LAN_21 entitled 'Cycle Gate'
- Drawing no. D7_LAN_22 entitled 'Cycle Paths - Fences & Gates NE'
- Drawing no. D7_LAN_23 entitled 'Cycle Paths – Fences & Gates NW'
- Drawing no. D7_LAN_24 entitled 'Cycle Paths – Inset C'
- Drawing no. D7_LAN_29 entitled 'Location Plan'
- Drawing no. D7_LAN_30 entitled 'Existing Site Layout NE'
- Drawing no. D7_LAN_31 entitled 'Existing Layout Plan NW'
- Drawing no. D7_LAN_32 entitled 'Proposed Site Layout NE'
- Drawing no. D7_LAN_33 entitled 'Proposed Site Layout NW'
- Drawing no. D7_LAN_34 entitled 'Cycle Paths – Inset A'
- Document entitled 'Planning, Design and Access Statement' dated May 2023
- Document entitled 'Heritage Desk Based Assessment' report no. 2023/17 produced by Archaeological Research Services dated 2023.
- Document entitled 'Preliminary Ecological Appraisal' dated August 2021

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

Ecology

- 4) The proposed works shall be carried out in accordance with the mitigation recommendations detailed in Section 6.1 of the Preliminary Ecological Appraisal (Anderton Associates Ltd. August 2021). This includes seasonal restrictions to safeguard nesting birds and measures to protect and reinstate existing habitats along the route. A short statement of compliance shall be submitted to the county planning authority upon completion of works to discharge this condition.

Reason: To ensure protection and preservation of the natural environment.

Date 29 August 2023

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- 5) Within six months from the date of commencement, a nest box suitable for Little Owl shall be installed along the route to provide a biodiversity enhancement. The specification and location shall be agreed in writing by the County Planning Authority prior to installation. The installation shall be in accordance with the agreed upon details.

Reason: To ensure the protection and preservation of the natural environment.

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The Authority has requested clarification on the application where required, which the applicant has provided.

Footnotes

- 1) Should the applicant wish to divert Hartington Upper Quarter Public Footpath no. 134 an application for its diversion should be submitted to Derbyshire County Council Rights of Way department. The following link provides information and attachments of relevant documents.

[Public Path Orders - Derbyshire County Council](#)

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NOTES

Appeals to the Secretary of State

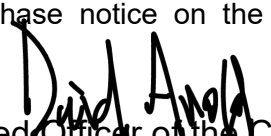
- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice; unless
- this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the County

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Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

The following notes are the further advice of the County Council.

- This permission relates to planning control only. Any other statutory consent necessary to enable the proposed development to commence must be obtained from the appropriate authority or regulator.

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