

CONTROLLED

Subject: HPK/2024/0290 New Industrial Storage Unit (B8) on land at Bowden Hey Road including associated earthworks, hardstandings, landscaping and provision of future Phase 2 plot _____

NEW APPLICATION **HPK/2024/0290**

LOCATION **Land Off Bowden Hey Road Chapel-En-Le-Frith**

PROPOSED DEVELOPMENT **New Industrial Storage Unit (B8) on land at Bowden Hey Road including associated earthworks, hardstandings, landscaping and provision of future Phase 2 plot.**

Hello James.

The above application has been forwarded to this Authority for highway considerations and I have the following comments to make :-

Although the site is accessed off a private road, the Highway Authority (HA) note a previous application for this site under reference HPK/2015/0544, where the HA provided a response dated 3 November 2015 (attached) which stated:

I refer also to previous correspondence regarding development at this location (Application Ref HPK/2010/0360) in which I drew to the attention of your Authority that part of the land required by the proposals would appear to also be required by a Section 278/38 Agreement under the Highways Act 1980.

I attach an extract from the Agreement drawing Ref MA2241/10 for your information. I have highlighted the area of concern and as you can see the plot of land on which the applicant is showing parking is required to provide a turning head which would be dedicated as highway on completion of the works. The site location plan also shows the location of this turning head (copy also attached and highlighted pink). The Agreement, which is dated 2 January 2003, is with High Peak Borough Council. This means that your Council would have been the relevant landowner at that time in order to dedicate the land. To my knowledge there has not been any formal amendment to the Agreement despite numerous letters from my Council to yours.

However, the S278/38 Agreement information mentioned above cannot be found on the planning portal, nor can I find it within the County Council internal records, so are you able to assist me by providing the aforementioned drawing (MA2241/100).

The HA also note a Public Right of Way (PRoW) runs through the site (see attached copy of the PRoW, Chapel En le Frith, Footpath No. 75), so I have included the County Council PRoW team into this response should they wish to comment (also see attached submitted location plan for HPK/2024/0290).

The County Council would wish to see the highway issues addressed prior to determination, however, should the LPA be minded to approve the application in its current form we would be grateful if the LPA could reconsult the Highway Authority so that consideration can be given to formulating an appropriate response.

Regards

Glen Donaldson | Project Engineer | Highways Development Control

Place | Derbyshire County Council
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[Transport Development Management Advice](#)

