

Head of Development Services
High Peak Borough Council
Town Hall, Market Place
BUXTON
Derbyshire
SK17 6EL

Highway Officer: Glen Donaldson
Our ref: HPBC/2025/010682
Your ref: DOC/2024/0124
Date: 23 January 2025

Dear James Stannard

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

**PROPOSAL: Application for Approval of Details Reserved by Condition 19 re
HPK/2022/0456**

**LOCATION: Land At Dinting Vale,
Dinting,
Glossop**

Derbyshire County Council, the Highway Authority (HA) 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, note the previous HA consultation responses to application HPK/2022/0456 raised several issues (the HA responses can be found High Peak Borough Council Public Planning Portal website) in connection with:

1. The access onto Dinting Vale.
2. The internal road layout becoming a Highway Maintainable at Public Expense (HM@PE) under a Section 38 Agreement where to implement the scheme a separate construction approval process with the HA will need to be progressed – this scrutinises construction details and will be necessary in order for the HA to enter into a Section 38 Agreement for any works, and
3. A Public Right of Way (PROW) which runs through the site.

Regarding point 1 above, the following will not form part of this response as an application under reference DOC/204/0122 has been made and an appropriate HA response will be provided.

Regarding point 2, it is well documented that the HA had concerns regarding the gradient of the internal road layout as it was felt that it was not suitable for all highway users or possible adoption by the County Council and the applicant and Local Planning Authority (LPA) will be well aware that future adoption of the estate streets is purely a voluntary act between the developer and the HA and any planning permission granted is for the land and not the land owner, so any internal road/footway layout (if it is to remain private in the future), the HA will still need to ensure the streets are appropriately constructed and maintained to a satisfactory standard to protect future residents and to ensure they have a satisfactory access to their properties. The HA would need to approve an appropriate construction for the private streets and would look for a Management Company to be set up to take on the future maintenance requirements for the private street(s). The developer should also be aware of the requirements of the Advance Payments Code part of the Highways Act 1980 and the obligations to secure the streets financially, where an adoption Agreement is not entered into. Street lighting/highway drainage design will need to be formally approved by the HA as part of any Section 38 Agreement pursued for these works and as it is likely that amendments will be required to the proposals submitted and therefore no formal HA approval is given at this stage for the street lighting/highway drainage proposals. Construction may vary depending on whether the streets will be adopted or not, so again, no formal approval is given at this stage to any information that has been submitted as part of the application.

Having discussed this matter with the County Council Implementation and Flooding and Drainage Teams (both assess the Section 38 Agreement proposals), I have been informed that the applicant has submitted a S38 Application, but the County Council has not assessed it yet and the carriageway/footway construction and surfacing will be assessed during the technical approval process.

The County Council Flooding and Drainage team will not be commenting this application and regarding the submitted S104 drawing, at this stage, it is in accordance with what was approved at full application stage under planning reference HPK/2022/0456, but with some minor alterations.

Regarding point 3 above, the County Council PRow Team confirm that it is good to see the raised table detailed although, there is no sign of the proposed bollards. The PRow team was made to believe that they were going to provide details of the proposed height and materials for the bollards in a reserved matters application later, but I would have expected the location of them to be shown on the current layout plan. The relevant information was provided in the Technical Note (TN) dated April 2024, which the developers and the PRow officer agreed in 2024, so the applicant should

provide this information for assessment as it was agreed as being the best way to try to protect FP 50 from becoming a rat run down to Simmondley Lane.

Finally for reference, the applicant is advised that to fully discharge Condition 19, a Section 38 of the Highways Act 1980 should be agreed in principle or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes should be provided. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the LPA. The street shall thereafter be maintained in accordance with the approved management and maintenance details and the following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought: "The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts the publicly maintainable highway.

Therefore, notwithstanding the information already submitted, further minor modifications could well be required as part of the subsequent construction approval processes with the HA, so it is considered that the only remaining issue is the PRow bollard details to be provided for assessment.

Yours Sincerely

Glen Donaldson
Highways Development Control