

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

Highway Officer: Adrian Martin
Our ref: HPBC/2025/011905
Your ref: HPK/2023/0192
Date: 30 April 2025

Dear Rachel Simpkin

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

PROPOSAL: Construction of 99 dwellings with associated landscaping and engineering works

LOCATION: Land at Hoghaw, Fairfield, Buxton

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 **has no objection subject to conditions and financial obligations.**

Background

Previous LHA comments were provided on 27th August 2024 to this application which raised a number of issues. A revised layout has since been submitted (General Arrangement Plan UG_1795_LAN_GA_DRW_01_Rev P13); however, the general layout appears to be the same as the previous submission. I refer you to those previous comments.

The previous LHA comments raised an issue with the gradient of road 1 which is, for most of its length, 1 in 10. As previously commented, gradients of 1 in 10 do not accord with national guidance or DCC's own guidance (DCC has recently introduced a revised highway design guide titled Planning Streets and Places which replaces Delivering

Streets and Places; however, the recommended gradients in the latest design guide are the same as those in the former guidance document).

The proposed road gradient on road 1 is not acceptable for road 1 to be adopted as publicly maintainable highway. This would then mean that the remainder of the development site would also not be adopted.

It is noted that DCC's Public Rights of Way team have not objected to the proposed multi user path which runs through the southern boundary of the site; however, details have been requested on the details of the crossing point on road 1 as well as surface treatments. It is considered that the submission and agreement of these details can be conditioned accordingly.

The PRoW team comments also raise the requirement for diversion orders to be approved where existing footpaths and bridleways are to be diverted as part of the development.

The submitted TA remains the same as that commented in previous LHA comments (27/08/2024). Whilst there remains some concerns with some of the analysis undertaken in the TA, it is accepted that the application site is an allocated site for a larger number of dwellings than those proposed.

When the LHA's advice to Local Planning Authorities is that there is no objection to the granting of planning permission this should not be construed or interpreted that the impact of the development is regarded as having no effect on the adjacent public highway. The Authority must, however, be mindful that in the event of an appeal against a refusal of planning permission the reasons must be defensible with regard to the NPPF paragraph 116, noting that the specific paragraph and wording has changed in the latest revised edition of the NPPF in December 2024.

Conclusion

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

The development hereby approved shall not commence until details of the crossing points of the multi user trail and estate roads have been submitted to and approved in writing by the Local Planning Authority; and the dwellings shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the highway.

The development hereby approved shall not commence until details of the surface treatment of the multi user trail have been submitted to and approved in writing by the Local Planning Authority; and the dwellings shall not be occupied until those works have been constructed in accordance with the approved details.

Reason: To provide safe and suitable access for all users.

The Residential Travel Plan hereby approved, shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Informatives

There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department at www.derbyshire.gov.uk/leisure/countryside/access/rights-of-way/faqs/frequently-asked-questions-faqs.aspx to arrange a temporary closure of the right of way for the duration of any works.

We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.

The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

Planning Obligations

A financial contribution of £1,320 pa x five years (total £6,600) will be required for the Travel Monitoring fee and should be secured in a S106 agreement.

Yours sincerely,

Adrian Martin

Transport Development Management