

**APP/H1033/W/24/3339815**

**Land at Dinting Vale, Dinting, Glossop, Derbyshire**

**RE: s106 Sustainable Travel Link Contribution**

STATEMENT OF DERBYSHIRE COUNTY COUNCIL

DATED 31 MAY 2024

Dear Kerr,

Thank you for the opportunity to present the County Council's reasons for requesting the removal of the Sustainable Travel Contribution from the draft s106 agreement relating to the above development.

The County Council's Sustainable Travel team responded to consultation on this matter on **28/11/22 & 03/07/23**. They responded to consultation in the belief that the roads on the development would become adoptable highway, as per the intention of the developer, and therefore there would be the opportunity to provide a useful multi-user link between two public highways.

Throughout the consultation period, and it is apparent from other correspondence involving the County's Highways department, there was an intention for the development's road(s) to be adopted by the Highway Authority.

However, on various occasions between **01/12/22 & 07/09/23**, the County Highways Officer notified the relevant parties that the current designs for the road(s) did not meet required adoptable standards. The designs were not upgraded to meet the County's requirements and so ultimately, the proposed road(s) on the development were to remain private.

As you will appreciate, the fact that the road(s) were to remain private meant that there was no public highway within the proposed development to which the proposed sustainable travel link could connect.

It would be impractical and a risk to the prudent spending of public money to provide a link to a private development which could be closed to the public at any time, by the landowner.

The Highways Officer had already raised concerns over the design of the road(s) and the steep gradient that led down to the main road, and in the absence of a public highway within the development, the only option would be to encourage users of the multi-user route to travel down a

steep gradient, potentially on bikes or horses, to exit onto a busy main road.

The Highways Officer was asked by White Peak Planning (acting on behalf of HPBC), before the planning application was considered at committee, whether the proposed sustainable travel link was deliverable; the developer and HPBC would therefore have been aware that there were issues relating to the travel link before the application was determined.

The Highways Officer emailed White Peak Planning and High Peak Borough Council on **26/10/23 (Appendix 1)**, and in response to their question; "Is the proposed link deliverable?", stated that the proposed travel link was not acceptable due to the internal road remaining private. He noted subsequent concerns regarding provision, future maintenance issues, potential for the route to be closed by residents and the unacceptable gradients involved.

White Peak Planning responded to that email on **26/10/23 (Appendix 1)**, before the official decision date of **27/10/23** where the application was refused.

It is clear from the email dated **26/10/23** that the proposed travel link is undeliverable and is therefore not a material consideration with regard to any appeal.

It is also pertinent to note that the High Peak Borough Council refused the application on other grounds, unrelated to the proposed travel link, specifically:

- The A57 Dinting Vale is **already designated as an Air Quality Management Area (AQMA)** and there is potential for the level of air pollution in the area to be further increased due to increased traffic levels, leading to concerns around the impact on health of people, in particular children, in the area. **Whilst it is acknowledged that the developer proposes Section 106 Contributions towards Air Quality Monitoring in the area and sustainable travel feasibility studies, this will not mitigate the actual impact of the development.** As such the proposal is contrary to Policy EQ10 of the adopted High Peak Local Plan 2016 and the NPPF.
- **The position of the proposed highway access road from the A57**, part of which lies outside the Local Plan allocation, **in close proximity to the school, would result in an unacceptable risk to road safety.** The proposal therefore fails to achieve safe and

suitable access contrary to Policy CF6 of the adopted High Peak Local Plan 2016 and the NPPF.

- **The proposed section 106 package fails to achieve a policy compliant level of affordable housing and fails to fully mitigate for the substantial tree loss and loss of biodiversity on the site.** Whilst the viability issues are noted, in the absence of a policy compliant Section 106 package the residual harm arising from the development is considered to outweigh the benefits of delivering this allocated housing site contrary to Policies DS4, EQ9, EQ5, H3 and H4 of the adopted High Peak Local Plan 2016 and the NPPF.
- There is potential for the public right of way onto Simmondley Lane to be used as a “rat-run” for vehicle access, and the absence of any detailed and workable proposals for preventative measures within the application, which would also allow the access rights for existing residents to be maintained, **the proposal is considered to pose a risk to the safety of users of the right of way and a highway safety risk at the junction with Simmondley Lane** contrary to Policies EQ6 and CF6 of the adopted High Peak Local Plan 2016 and the NPPF.

There is no reference in the decision letter to suggest that the sustainable travel link was a material factor in the decision making.

In an email to White Peak Planning, dated **22/08/23** the Highway Authority recommended refusal of the application on the following grounds:

- Access gradients
- Street trees

See attached email for details. **(Appendix 2)**

Following the Highway Officer’s email of **26/10/24 (Appendix 1)** White Peak Planning emailed the Highways officer stating:

*“In a sense, this is now a non-point, as the application was refused by members on Monday (over-turning officer recommendation).*

*However, in case the applicant appeals and this issue then needs to be bottomed out, could the objections to the travel link be overcome by:*

1. *S106 obligation to ensure open access to the link is maintained throughout the duration of the development (and/or explicitly prohibiting any form of gate/closure); and*

2. *A commuted sum to DCC to cover on-going maintenance?"*

Although the Highways Officer agreed to a meeting, White Peak Planning suggested they would speak with their client first.

The suggested meeting was not followed up by White Peak Planning and so the Sustainable Travel Link has not been discussed any further since the date of the Decision Letter.

The County Council suggests that the sustainable travel link, and the requested contribution should have been removed from the application's bundle due to the fact that it would only have been deliverable had the development's road(s) been designed to an adoptable standard, and should not have been considered on the date of refusal.

Having been informed that the travel link is not deliverable prior to the Decision Letter determining the planning application, and subsequently that the contribution is not needed, it therefore stands that it should not be considered as a material factor in an appeal and should not be included in any s106 agreement.

## **Appendix 1**

**Emails relating to the Sustainable Travel Link not being deliverable and regarding a proposed meeting following refusal of the application.**

**From:** [Glen Donaldson \(Place\)](#)  
**To:** [Pete Shimwell \(Corporate Services and Transformation\)](#); [Sarah Bond \(Corporate Services and Transformation\)](#); [Lindsey Heath \(Corporate Services and Transformation\)](#)  
**Subject:** HPK/2022/0456 - S106 Sustainable Travel link  
**Date:** 30 May 2024 11:32:27  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image012.png](#)  
[image014.png](#)  
[image015.png](#)  
[FW Accident records on A57 Dinting Vale.msg](#)  
[image005.png](#)  
[image006.png](#)  
[image008.png](#)

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Hi all.

This is the chain of correspondence, but no meeting was arranged.

Also see speed camera question (attached email dated 17 April 2024) which I am still waiting for a response.

Regards

**Glen Donaldson** | Project Engineer | Highways Development Control

**Place** | Derbyshire County Council  
County Hall | Matlock | Derbyshire | DE4 3AG

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**E-mail:** [ete.devcontrol@derbyshire.gov.uk](mailto:ete.devcontrol@derbyshire.gov.uk)

We are now charging for our transport pre application advice service, for more details on our pre application advice and other Highway guidance, please see Derbyshire County Council website by following the link below.  
[Transport Development Management Advice](#)



---

**CONTROLLED**

**From:** Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>  
**Sent:** 27 October 2023 10:38  
**To:** Glen Donaldson (Place) <[Glen.Donaldson@derbyshire.gov.uk](mailto:Glen.Donaldson@derbyshire.gov.uk)>; Steven Gunn-Russell <[Stevengr@whitepeakplanning.co.uk](mailto:Stevengr@whitepeakplanning.co.uk)>  
**Cc:** de Bruin, Nicola <[Nicola.deBruin@highpeak.gov.uk](mailto:Nicola.deBruin@highpeak.gov.uk)>; Karen Turnbull (Place) <[Karen.Turnbull@derbyshire.gov.uk](mailto:Karen.Turnbull@derbyshire.gov.uk)>; Gill Millward (Place) <[Gill.Millward@derbyshire.gov.uk](mailto:Gill.Millward@derbyshire.gov.uk)>; Jonathan Tilley (Place) <[Jonathan.Tilley@derbyshire.gov.uk](mailto:Jonathan.Tilley@derbyshire.gov.uk)>; Vicky Killeen (Place) <[Vicky.Killeen@derbyshire.gov.uk](mailto:Vicky.Killeen@derbyshire.gov.uk)>  
**Subject:** RE: HPK/2022/0456 - S106 Sustainable Travel link

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Hi Glen,

Good idea, thanks.

Before we put something in the diary, can I suggest that I try and get a sense from the applicant of where they're at. I doubt for one minute they will just walk away from this site, but this can perhaps provide context for our discussion.

I'm on leave today, so I'll try and get hold of the applicant's agent on Monday.

Have a good weekend all,

Kind regards,  Chris  <b>Christopher Turner</b> <b>Director</b> BA (Hons) DipTP DipSurv MRTPi  E: <a href="mailto:chris@whitepeakplanning.co.uk">chris@whitepeakplanning.co.uk</a> T: 0845 1930519 M: 07966 134 790 W: <a href="http://www.whitepeakplanning.co.uk">www.whitepeakplanning.co.uk</a>	 <b>WHITE PEAK Planning</b>
<b><u>North Wing, Second Floor, Lynnfield House, 249 Church Street, Altrincham WA14 4DZ</u></b>	
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**From:** Glen Donaldson (Place) <[Glen.Donaldson@derbyshire.gov.uk](mailto:Glen.Donaldson@derbyshire.gov.uk)>  
**Sent:** Friday, October 27, 2023 10:27 AM  
**To:** Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>; Steven Gunn-Russell <[Stevengr@whitepeakplanning.co.uk](mailto:Stevengr@whitepeakplanning.co.uk)>  
**Cc:** de Bruin, Nicola <[Nicola.deBruin@highpeak.gov.uk](mailto:Nicola.deBruin@highpeak.gov.uk)>; Karen Turnbull (Place) <[Karen.Turnbull@derbyshire.gov.uk](mailto:Karen.Turnbull@derbyshire.gov.uk)>; Gill Millward (Place) <[Gill.Millward@derbyshire.gov.uk](mailto:Gill.Millward@derbyshire.gov.uk)>; Jonathan Tilley (Place) <[Jonathan.Tilley@derbyshire.gov.uk](mailto:Jonathan.Tilley@derbyshire.gov.uk)>; Vicky Killeen (Place) <[Vicky.Killeen@derbyshire.gov.uk](mailto:Vicky.Killeen@derbyshire.gov.uk)>  
**Subject:** HPK/2022/0456 - S106 Sustainable Travel link

Hello Chris.

I think it would be beneficial if you arrange a Teams meeting with all those on the email list above as well at Vicky Killeen from the PRoW team (who I have included into this reply) to discuss all the issues relating to this site and any solutions which can be found.

I am available any day over the coming weeks except 31 Oct and 8 to 10 Nov.

Regards

**Glen Donaldson** | Project Engineer | Highways Development Control

**Place** | Derbyshire County Council  
County Hall | Matlock | Derbyshire | DE4 3AG

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CONTROLLED

**From:** Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>

**Sent:** 26 October 2023 18:44

**To:** Glen Donaldson (Place) <[Glen.Donaldson@derbyshire.gov.uk](mailto:Glen.Donaldson@derbyshire.gov.uk)>; Steven Gunn-Russell <[Stevengr@whitepeakplanning.co.uk](mailto:Stevengr@whitepeakplanning.co.uk)>

**Cc:** de Bruin, Nicola <[Nicola.deBruin@highpeak.gov.uk](mailto:Nicola.deBruin@highpeak.gov.uk)>; Karen Turnbull (Place) <[Karen.Turnbull@derbyshire.gov.uk](mailto:Karen.Turnbull@derbyshire.gov.uk)>; Gill Millward (Place) <[Gill.Millward@derbyshire.gov.uk](mailto:Gill.Millward@derbyshire.gov.uk)>; Jonathan Tilley (Place) <[Jonathan.Tilley@derbyshire.gov.uk](mailto:Jonathan.Tilley@derbyshire.gov.uk)>

**Subject:** RE: Dinting Vale HPK/2022/0456 - S106 Sustainable Travel link

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Thank you Glen and Jonathan for your emails.

In a sense, this is now a non-point, as the application was refused by members on Monday (over-turning officer recommendation).

However, in case the applicant appeals and this issue then needs to be bottomed out, could the objections to the travel link be overcome by:

1. S106 obligation to ensure open access to the link is maintained throughout the duration of the development (and/or explicitly prohibiting any form of gate/closure); and
2. A commuted sum to DCC to cover on-going maintenance?

What are your thoughts?

Thanks.

Kind regards,

Chris

**Christopher Turner**

**Director**

BA (Hons) DipTP DipSurv  
MRTPI

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**From:** Glen Donaldson (Place) <[Glen.Donaldson@derbyshire.gov.uk](mailto:Glen.Donaldson@derbyshire.gov.uk)>

**Sent:** Thursday, October 26, 2023 2:46 PM

**To:** Steven Gunn-Russell <[Stevengr@whitepeakplanning.co.uk](mailto:Stevengr@whitepeakplanning.co.uk)>

**Cc:** de Bruin, Nicola <[Nicola.deBruin@highpeak.gov.uk](mailto:Nicola.deBruin@highpeak.gov.uk)>; Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>; Karen Turnbull (Place) <[Karen.Turnbull@derbyshire.gov.uk](mailto:Karen.Turnbull@derbyshire.gov.uk)>; Gill Millward (Place) <[Gill.Millward@derbyshire.gov.uk](mailto:Gill.Millward@derbyshire.gov.uk)>; Jonathan Tilley (Place) <[Jonathan.Tilley@derbyshire.gov.uk](mailto:Jonathan.Tilley@derbyshire.gov.uk)>

**Subject:** RE: Dinting Vale HPK/2022/0456 - S106 Sustainable Travel link

Hi Steven.

For clarity, the response I sent earlier was after a conversation with Karen and Gill from the DCC's Sustainable Trave team, so although Jonathan's comments are helpful, the response sent on 26 October 2023 at 12:38pm still applies.

Regards

**Glen Donaldson** | Project Engineer | Highways Development Control

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**From:** Jonathan Tilley (Place) <[Jonathan.Tilley@derbyshire.gov.uk](mailto:Jonathan.Tilley@derbyshire.gov.uk)>

**Sent:** 26 October 2023 14:07

**To:** Glen Donaldson (Place) <[Glen.Donaldson@derbyshire.gov.uk](mailto:Glen.Donaldson@derbyshire.gov.uk)>; Steven Gunn-Russell <[Stevengr@whitepeakplanning.co.uk](mailto:Stevengr@whitepeakplanning.co.uk)>

**Cc:** de Bruin, Nicola <[Nicola.deBruin@highpeak.gov.uk](mailto:Nicola.deBruin@highpeak.gov.uk)>; Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>; Karen

Turnbull (Place) <[Karen.Turnbull@derbyshire.gov.uk](mailto:Karen.Turnbull@derbyshire.gov.uk)>; Gill Millward (Place) <[Gill.Millward@derbyshire.gov.uk](mailto:Gill.Millward@derbyshire.gov.uk)>

**Subject:** RE: Dinting Vale HPK/2022/0456 - S106 Sustainable Travel link

Dear all,

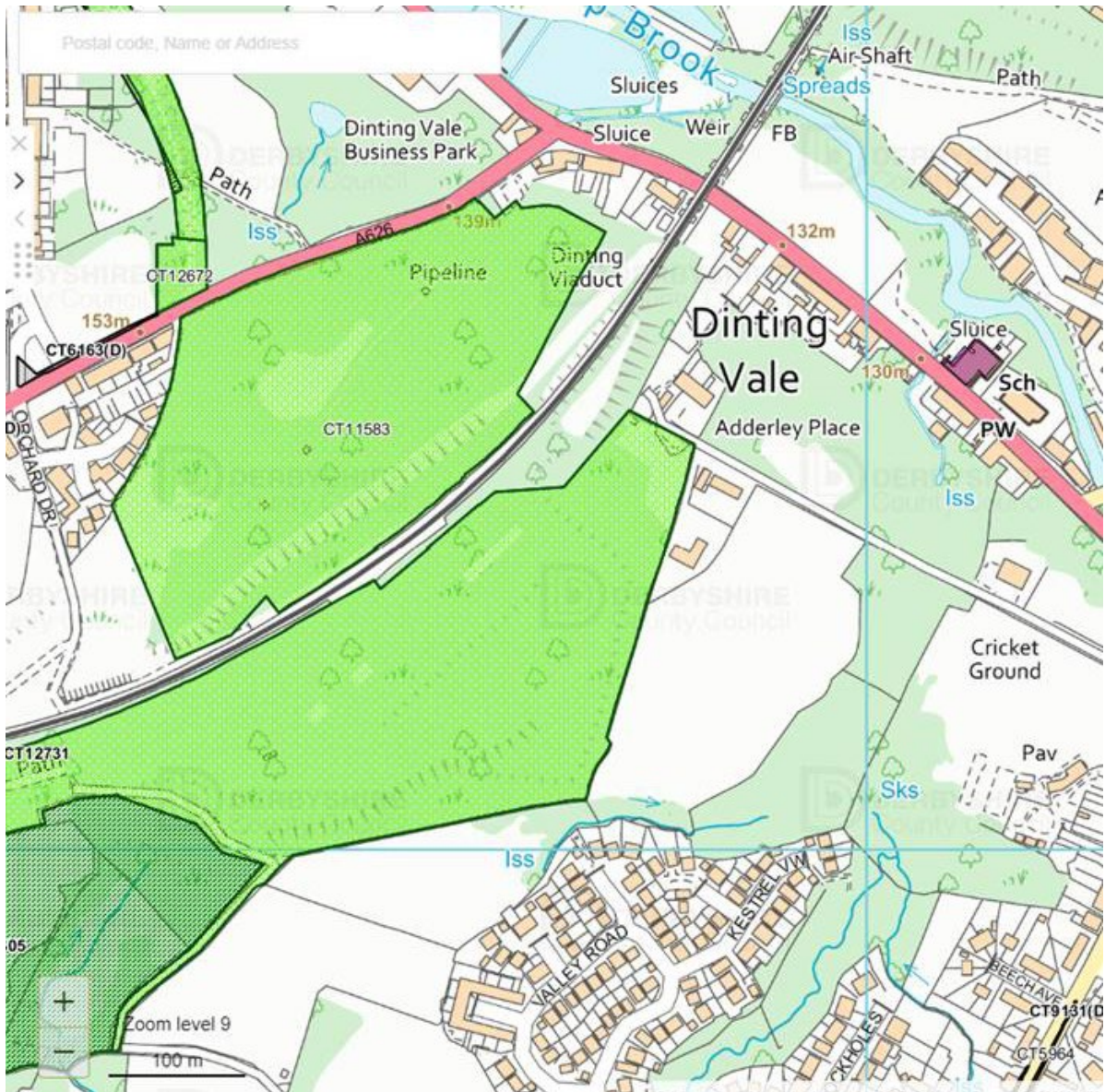
Apologies for the late response. In addition to Glen's response I think the thoughts of DCC's Sustainable Travel team are needed. I believe Karen and Gill whom I've copied in supplied the comments as referenced in the DCC consultation response on 03 / 07 / 23.

*"The south-west corner of the site lies approximately 240m from Gamesley Sidings, with purpose- built paths for horse riders, cyclists and pedestrians linking directly to the long-distance Trans Pennine Trail and once fully developed the Pennine Bridleway, one of seventeen National Trails. We request that the developer might assist the evolving cycle network and contribute towards the delivery of a shared route linking Gamesley Sidings to the proposed development, also shown in red on the map. The length of this missing section of path between the development and the wider network is approximately 240m and it is recommended that a smooth gravel surface should be provided such as 'Ultitrec' at a minimum width of 3 metres to link the two sites. We would welcome discussions with the developer for the delivery of this connection. This could be undertaken by the developer during construction of the site by direct agreement with Derbyshire County Council as landowner, or by S106 agreements. By using a calculation of £258/m for a 3m wide shared use walking and cycling path, the cost estimate would be £61,920."*

The response submitted by DCC's Countryside Service in the DCC consultation response 28 / 11 /22 acknowledged support of the comments by Sustainable Travel.

*"The creation of a path that helps concentrate visitor use in select areas. The Countryside Service supports comments made by colleagues in the council's Sustainable Travel Team and the Trans Pennine Trail office who suggest that it is appropriate that the development facilitates a connection to the council's Key Cycle Network to the west. This suggested route along the southern side of the woodland will help concentrate use as desired. It is not appropriate for the development to merely build a connection to the woodland boundary. Countryside Service will advise on design and delivery but expect the developer to deliver the scheme under agreement with the council".*

The Countryside Service manages the land highlighted below and would be accepting of a connecting link to be built across its land as long as a commuted sum to account for maintenance costs is provided.



Regards  
Jon

Jon Tilley | Assistant Area Manager | Countryside Services  
Place | Derbyshire County Council

Tel: 01629 533020 | 07765 221625

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**From:** Glen Donaldson (Place) <[Glen.Donaldson@derbyshire.gov.uk](mailto:Glen.Donaldson@derbyshire.gov.uk)>

**Sent:** 26 October 2023 12:38

**To:** Steven Gunn-Russell <[Stevengr@whitepeakplanning.co.uk](mailto:Stevengr@whitepeakplanning.co.uk)>

**Cc:** de Bruin, Nicola <[Nicola.deBruin@highpeak.gov.uk](mailto:Nicola.deBruin@highpeak.gov.uk)>; Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>

**Subject:** Dinting Vale HPK/2022/0456 - S106 Sustainable Travel link

Hello Steven.

After an internal meeting with colleagues today, the answer to your questions below is as follows:

Q1:

Is the proposed link deliverable?

A1:

The proposed travel link is not acceptable due to the internal road remaining private, so issues regarding how will it be provided and maintained in perpetuity, could it be gated off if the residents of the private estate wish the route through the site to cease and will the gradient acceptable because the rest of the site gradients may prevent its use.

Q2:

Can it be delivered by DCC?

A2:

Although the land is owned by DCC, it would have been fully funded and maintained by the applicant.

Q3:

It would also be helpful to confirm what is the approximate start/ end point, and proposed length of the route?

A3:

It is within the remit of the applicant to propose a travel link which would have been assessed and comments provided.

Regards

**Glen Donaldson** | Project Engineer | Highways Development Control

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**From:** Steven Gunn-Russell <[Stevengr@whitepeakplanning.co.uk](mailto:Stevengr@whitepeakplanning.co.uk)>

**Sent:** 19 October 2023 14:31

**To:** Glen Donaldson (Place) <[Glen.Donaldson@derbyshire.gov.uk](mailto:Glen.Donaldson@derbyshire.gov.uk)>; Dane Handley Parkin (Place) <[Dane.HandleyParkin@derbyshire.gov.uk](mailto:Dane.HandleyParkin@derbyshire.gov.uk)>

**Cc:** Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>; de Bruin, Nicola <[Nicola.deBruin@highpeak.gov.uk](mailto:Nicola.deBruin@highpeak.gov.uk)>

**Subject:** RE: Dinting Vale HPK/2022/0456 - S106 Sustainable Travel link

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Hi Glen/ Dane,

Any updates on the Sustainable Travel link? To clarify the questions are:

1. Is the proposed link deliverable?
2. Can it be delivered by DCC?
3. It would also be helpful to confirm what is the approximate start/ end point, and proposed length of the

route?

NB: For clarity it is intended that this proposed link will be included as a S106 planning obligation intended to offset the lack of an acceptable pedestrian gradient at the main site entrance. However, I believe we need the answers to the above questions to support Ben at the planning committee.

Kind Regards,  
Steven

**Steven Gunn-Russell**  
**BA (Hons), DipTP, MRTPI**  
**Senior Planning Consultant**

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**From:** Steven Gunn-Russell

**Sent:** Wednesday, October 18, 2023 5:52 PM

**To:** Glen Donaldson (Place) <[Glen.Donaldson@derbyshire.gov.uk](mailto:Glen.Donaldson@derbyshire.gov.uk)>; Dane Handley Parkin (Place) <[Dane.HandleyParkin@derbyshire.gov.uk](mailto:Dane.HandleyParkin@derbyshire.gov.uk)>

**Cc:** Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>; de Bruin, Nicola <[Nicola.deBruin@highpeak.gov.uk](mailto:Nicola.deBruin@highpeak.gov.uk)>

**Subject:** RE: Dinting Vale HPK/2022/0456 - S106 Sustainable Travel link

Hi Glen/ Dane,  
Hi Glen/ Dane,

Just a brief reminder about the Sustainable Travel link. Just had the project meeting. I am working on the Addendum tomorrow morning – would it be possible to get a response by midday?

Kind Regards,  
Steven

**Steven Gunn-Russell**  
**BA (Hons), DipTP, MRTPI**  
**Senior Planning Consultant**

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**From:** Steven Gunn-Russell

**Sent:** Monday, October 16, 2023 3:42 PM

**To:** Glen Donaldson (Place) <[Glen.Donaldson@derbyshire.gov.uk](mailto:Glen.Donaldson@derbyshire.gov.uk)>; Dane Handley Parkin (Place) <[Dane.HandleyParkin@derbyshire.gov.uk](mailto:Dane.HandleyParkin@derbyshire.gov.uk)>

**Cc:** Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>; de Bruin, Nicola <[Nicola.deBruin@highpeak.gov.uk](mailto:Nicola.deBruin@highpeak.gov.uk)>

**Subject:** Dinting Vale HPK/2022/0456 - S106 Sustainable Travel link

Hi Glen /Dane,

I refer to both your consultation responses:

*“the site is in close proximity to a proposed Key Cycle Network (KCN) route which is also part of the Trans Pennine Trail and the Pennine Bridleway. This has clear potential to take trips to the development off the highway and facilitate safe and sustainable trips to local destinations. As a minimum, the link to this route should be safeguarded; wherever possible a developer contribution should be secured to provide the link. “*

*“The south-west corner of the site lies approximately 240m from Gamesley Sidings, with purpose- built paths for horse riders, cyclists and pedestrians linking directly to the long-distance Trans Pennine Trail and once fully developed the Pennine Bridleway, one of seventeen National Trails. We request that the developer might assist the evolving cycle network and contribute towards the delivery of a shared route linking Gamesley Sidings to the proposed development, also shown in red on the map. The length of this missing section of path between the development and the wider network is approximately 240m and it is recommended that a smooth gravel surface should be provided such as ‘Ultitrec’ at a minimum width of 3 metres to link the two sites. We would welcome discussions with the developer for the delivery of this connection. This could be undertaken by the developer during construction of the site by direct agreement with Derbyshire County Council as landowner, or by S106 agreements. By using a calculation of £258/m for a 3m wide shared use walking and cycling path, the cost estimate would be £61,920.”*

We are now in discussions with the applicant regarding S106 planning obligations funding for the proposed Sustainable Travel link for pedestrian/ cycling/ equestrian access.

However, I understand part of the land belongs to DCC, and part of it is 3<sup>rd</sup> party land. I would be grateful if you can confirm:

1. Is the proposed link deliverable?
2. Can it be delivered by DCC?
3. It would also be helpful to confirm what is the approximate start/ end point, and proposed length of the route?

Kind Regards,  
Steven

**Steven Gunn-Russell**  
**BA (Hons), DipTP, MRTPI**  
**Senior Planning Consultant**

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**North Wing, Second Floor, Lynnfield House, 249 Church Street, Altrincham WA14 4DZ**

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**From:** Steven Gunn-Russell  
**Sent:** Wednesday, October 11, 2023 3:15 PM  
**To:** Chris Turner <[chris@whitepeakplanning.co.uk](mailto:chris@whitepeakplanning.co.uk)>  
**Subject:** RE: Dinting S106 question

Chris,

They were proposed by separate consultees but I think we can merge this into one item?

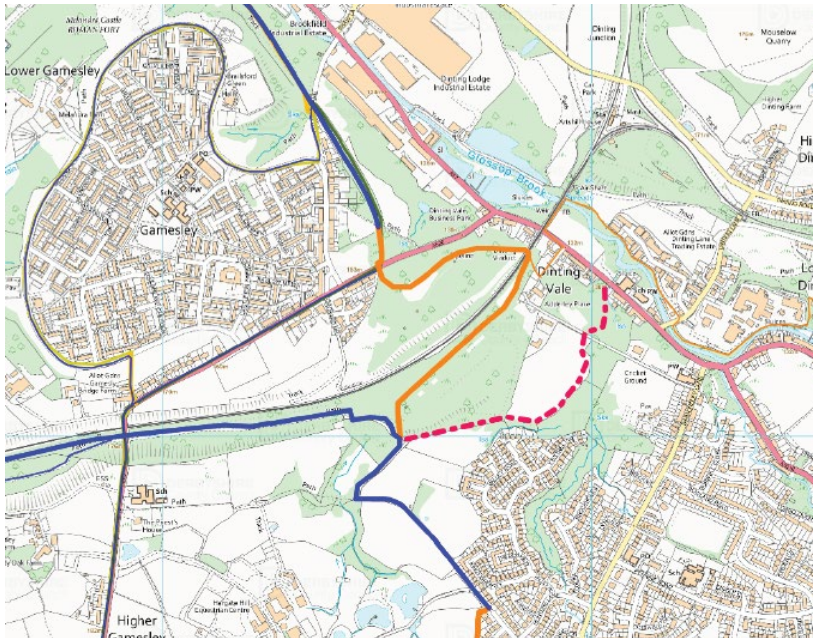
See below...

### **Sustainable Travel contribution**

This was requested in the response from: 2023-07-03 – DCC Planning Policy (Place) - Dane Handley-Parkin

*"We request that the developer might assist the evolving cycle network and contribute towards the delivery of a shared route linking Gamesley Sidings to the proposed development, ... We would therefore wish to request a contribution from the developer to meet these costs to link the two sites to promote green travel."*

### **Proposed link (dashed red line route)**



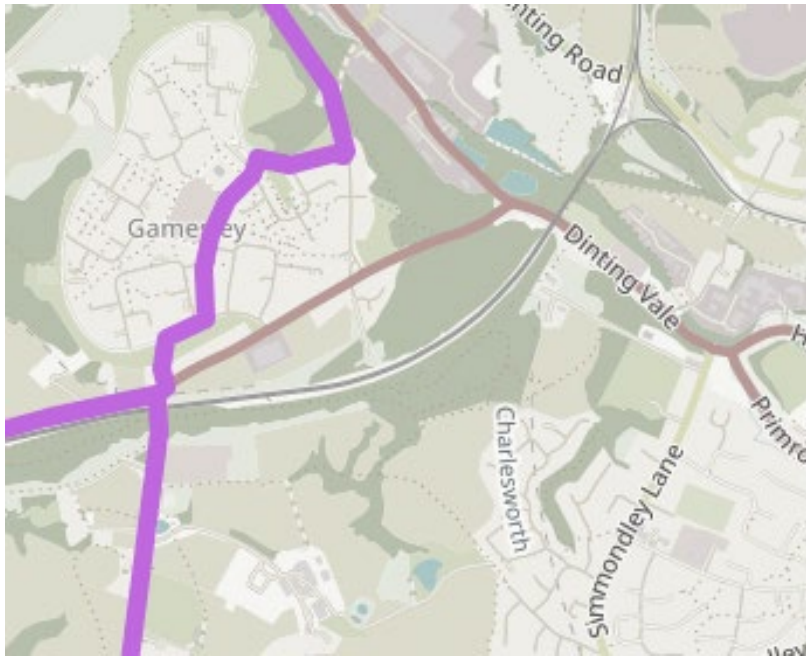
### **Countryside Services contribution**

This was requested in the response from: 2023-07-06 – CR Highways (Place) - Glen Donaldson

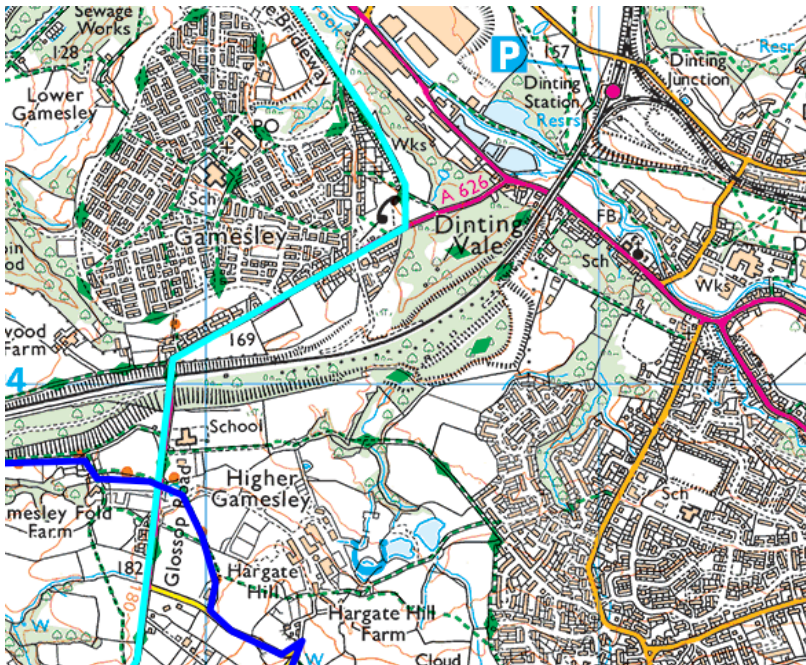
*"It should be pointed out that the site is in close proximity to a proposed Key Cycle Network (KCN) route which is also part of the Trans Pennine Trail and the Pennine Bridleway. This has clear potential to take trips to the development off the highway and facilitate safe and sustainable trips to local destinations. As a minimum, the link*

to this route should be safeguarded; wherever possible a developer contribution should be secured to provide the link. “

**Trans Pennine Trail (purple route)**



**Pennine Bridleway (light blue route)**



Kind Regards,  
Steven

**Steven Gunn-Russell**  
**BA (Hons), DipTP, MRTPI**  
**Senior Planning Consultant**



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## **Appendix 2**

**Email dated 22 August 2023 from the Highway Authority recommending refusal of the application.**

**From:** [Glen Donaldson \(Place\)](#)  
**To:** [Steven Gunn-Russell](#)  
**Subject:** HPK/2022/0456 - Dinting Vale  
**Date:** 22 August 2023 12:30:00  
**Attachments:** [245. 2023-08-10 Updated Annex 1.pdf](#)  
[246. 2023-08-10 LPA.pdf](#)  
[285. Highways Technical Note 210087 - 09 August 2023..pdf](#)  
[247. Adoptable Highways Plan WH\\_DV\\_AHP\\_01\\_rev J.pdf](#)  
[252. Cycle Storage Plan WH\\_DV\\_CS\\_01\\_rev H.pdf](#)  
[253. Cycle Store Details WH\\_DV\\_CS02.pdf](#)  
[255. Electric Vehicle Charging Plan WH\\_DVEVC01\\_rev J.pdf](#)  
[image007.png](#)

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Hello Steven

Please see below the response to the attached updated information relating to planning application HPK/2022/0456:

You will be aware of the Highway Authority's previous consultation responses raised a number of issues in connection with the Public right of Way (PRoW) which runs through the site, the internal layout and access gradients and in the intervening period a number of discussions have taken place to try and resolve the highway issues, which has culminated in the recently submitted revised drawings/information (attached), but from a highways perspective, the information/drawings are not considered acceptable.

The Highway Authority (HA) is mindful that for planning permission to be refused the scheme must conflict with the National Planning Policy Framework (NPPF) and local authority's planning policies and whilst recognising that the site has been allocated to provide 130 residential dwellings within the adopted Local Plan dated April 2016 (Policy H2 (G32) and Policy DS4), the HA recommends refusal for the following reasons:

1. Access gradients.

The applicant was provided with the following information:

The Highway Design Guide is being updated and although in draft form at this time, it has not departed from the present Highway Design Guide which requires 1:20 for all streets. You should also be aware of the requirements of the 'Inclusive Mobility' DfT 2022 which States: *'Generally, pedestrian environments should be level, which means that there should be no gradient in excess of 1 in 60. Effort should be made to ensure that the route is smooth, since even small dips or gaps in paving points might present a hazard such as to people who use a stick or a crutch. If a level route is not feasible, then gradients should not exceed 1 in 20. (A slope steeper than this is generally defined as a 'ramp'). Even if a pedestrian route has no slopes in excess of 1 in 20, it is important that there are level sections, or 'landings', at regular intervals. This is to provide people with an opportunity to rest; where possible accessible seating should be provided on such landings. A level landing should be provided for every 500mm that the route rises. The length of each landing should be equal to at least the width of the ramp. LTN/120 states: '5.9.7 Unlike motor traffic, human physiology means that people can cycle steep gradients that are fairly short but are not capable of maintaining high levels of effort for longer distances. Cycle routes should therefore, where possible, be designed in such a way that the steepness and maximum length of longitudinal gradients meets the requirements of Table 5-8' with Table 5-8 having a maximum gradient of 5% (1:20) and maximum length of 30m.*

It is within the remit of the Local Planning Authority (LPA) as well as the HA to ensure application sites are accessible for all and to consider government guidance on Active Travel initiatives when assessing development proposals. The following information and research was also provided to the applicant and should enable you to fully understand the direction the County Council is heading in terms of Active Travel:

- [The second cycling and walking investment strategy GOV.UK \(www.gov.uk\)](#),
- [ciht shared streets](#)
- [cycle-infrastructure-design-ltn-1-20](#)
- [working Together to Promote Active Travel A briefing for local authorities.](#)
- [inclusive mobility a guide to best practice on access to pedestrian and transport infrastructure.](#)
- [inclusive-transport-strategy.](#)
- [Building Car Dependency 2022.](#)
- CLoS and JAT assessment.

However, the attached Technical Note (TN) dated August 2023 still shows that there are significant issues with this amended design with the gradient being the main issue (the road is 1 in 10 for 150m and the shared cycleway/footway is steeper than 1 in 12 for 150m) and although discussions took place regarding the separation of the carriageway from the active (pedestrian/cycleway) travel corridor to allow gradient differences, it is still in excess of the requirements of LTN 1/20 and is too steep to be acceptable which see above, states a maximum of 1:20. The submitted TN dated May 2023 stated: *'The main reason why a gradient of 1:10 is necessary for a portion of Road 1 is that it must tie-in to the existing private access road serving the current dwellings and also the level must remain the same as there is a gas main running adjacent to this access. This gradient also reduces any excessive cut requirement.'*, so although the requirements for the removal of additional trees to allow for an acceptable gradient as described as an 'excessive cut' may be contrary to High Peak Local Plan policy EQ9, the compromise of removing additional trees should be preferred to the compromise on inclusivity and highway safety.

## 2. Street Trees.

The lack of street trees is also an issue and contravenes NPPF 131 which states:

*'131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'*

Although some trees have been shown on the proposed footway being put forward for adoption, no information has been provided regarding tree type, root ball, canopy or pit sizes etc to enable

the HA to assess if the trees affect the remaining footway width.

Summary:

The proposal would create a barrier for all highway users, included those with protected characteristics, plus measures have not been taken to ensure all the new streets are tree lined. Therefore, it is considered that the proposal conflicts with the relevant High Peak Local Plan Policies relating to new residential developments and is contrary to High Peak Local Plan policies S1 and EQ6 and paragraphs 110 (b) and 112 (a), (b) and (c) and 131 of the NPPF.

Should the LPA be minded to approve the application in its current form the HA would be grateful if the LPA could reconsult the HA so that further design considerations can be discussed and the HA given time to formulating an appropriate response. The applicant should be made aware that as proposed, the development site will not be suitable for adoption as publicly maintainable highway, but issues regarding the pedestrian/cycle/vehicle access off Dinting Vale, the relocation of a Bus Stop at the proposed access point off Dinting Vale and the affect on PRoW footpath 50 which runs through the site must be discussed and agreed with the LPA and HA prior to any approval being granted.

Regards

**Glen Donaldson** | Project Engineer | Highways Development Control

**Place** | Derbyshire County Council  
County Hall | Matlock | Derbyshire | DE4 3AG

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