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PUBLIC

To: Members of Regulatory - Planning Committee

Friday, 6 December 2019

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **9.30 am** on **Monday, 16 December 2019** in Committee Room 2, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Following the site visit listed the meeting will reconvene at **11.00am in Committee Room 1**, County Hall, Matlock

A Code of Practice for the determination of planning applications and related matters requires that all Members serving on the Regulatory - Planning Committee shall have received training in planning principles prior to serving on the Committee and only Members who have received training shall act as substitute Members on the Committee.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S Hobbs', written over a horizontal line.

Simon Hobbs
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1 (a) Apologies for Absence

To receive apologies for absence (if any)

1 (b) Declarations of Interest

To receive declarations of interest (if any)

1 (c) Declarations of Significant Lobbying

To receive declarations of significant lobbying (if any)

1 (d) Petitions

To receive petitions (if any)

2. Site visit (as determined by the Executive Director - Economy, Transport and Environment after consultation with the Chairman and/or Vice Chairman in accordance with the Code of Practice):-

(i) Chesterfield

Following the site visit the meeting will reconvene at 11:00am in Committee Room 1, county Hall, Matlock

To consider the non-exempt reports of the Executive Director - Economy, Transport and Environment on:

3 (a) Link Road Extending from the Junction of Hollis Lane and Spa Lane to Terminate at the Southern Extent of the Chesterfield Train Station Car Park, Including a New Shared Cycle/Footpath Adjacent to the Proposed Link Road and Ancillary Development, Chesterfield. Applicant: Derbyshire County Council. Code No: CD2/0819/40 (Pages 1 - 38)

3 (b) Proposed Diversion of Public Footpath No.162 (Part) – Parish of Belper (Pages 39 - 44)

3 (c) Outstanding Application List

(to be circulated at the meeting)

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

16 December 2019

Report of the Executive Director – Economy, Transport and Environment

- 1 LINK ROAD EXTENDING FROM THE JUNCTION OF HOLLIS LANE AND SPA LANE TO TERMINATE AT THE SOUTHERN EXTENT OF THE CHESTERFIELD TRAIN STATION CAR PARK, INCLUDING A NEW SHARED CYCLE/FOOTPATH ADJACENT TO THE PROPOSED LINK ROAD AND ANCILLARY DEVELOPMENT, CHESTERFIELD APPLICANT: DERBYSHIRE COUNTY COUNCIL CODE NO: CD2/0819/40**

2.733.3

Introductory Summary

The proposed development, under this application, would provide the first phase of a two-phased scheme for the construction of a link road (“the Hollis Lane Link Road”) which, in its entirety, would connect Hollis Lane, (at the junction of Spa Lane, east of the Lordsmill roundabout) to Crow Lane (located by the entrance of the Chesterfield railway station) and the Brimington Road/Brewery Street roundabout junction.

The scheme is planned to bring significant economic and public benefit through providing sustainable infrastructure links toward the Chesterfield Waterside Development area and in aspiration for future HS2 development at Chesterfield train station. The development under this application, in itself, would provide a second route towards the train station and would help to alleviate traffic congestion around St Mary’s gate, the town centre and the existing direct access from the highway to the station.

The development includes highways, cycle and footway links and indicative landscaping. Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions. It is considered that the application can be recommended for approval, subject to conditions, on the basis that the value of the benefit of the development is sufficient to outweigh any limited extent of the harm from impacts identified.

- (1) Purpose of Report** To enable the Committee to determine the application.

(2) Information and Analysis

Site and Surroundings

The application site (which also encompasses the site envisaged for a second Phase of development subsequent to the development proposed under this application) is located to the east of Chesterfield town centre, the site lies adjacent to the east of the A61 dual carriageway and to the west of the railway line. The application site area is approximately 7.8ha which is predominantly previously developed land. The site is bordered to the north by the River Rother, to the west by the A61, and to the east by the railway line. Phase 1 of the scheme to which this application relates, extends from the junction of Hollis Lane and Spa Lane in a northerly direction terminating in the train station car park area.

To the east of the proposed link road is an area of Network Rail owned land, beyond which is the railway line. The train station is located within the northern section of the site boundary and the train station car park extends over the northern half of the site (which includes an area of the existing car park which would be occupied by the development proposed under this application). A cycle-path (Chesterfield Station to Queen's Park Link) runs through the site in a north-south direction. A number of commercial buildings and associated grounds lie in the southern half of the site including Jewson's builders' yard, its associated buildings and Leonide Interiors off Spa Lane. The Bridge Inn public house and four terraced properties facing Hollis Lane are also within the site boundary, at the southern end and the now disused former Chesterfield Hotel lies within the northern section of the site boundary.

The site does not contain any national or local ecological designations, or landscape designations. There is one listed building within the site boundary, the grade II listed, Engineers Offices at Goods Yard, British Rail Station. A small section of the north-eastern element of the Town Centre Conservation Area (CA), which includes Corporation Street, falls within the northern end of the application red line site boundary. There are numerous other listed buildings within several hundred metres of the site. The majority of the site lies within flood zone 1, however, there is a small area within the boundary of flood zone 2 in the south-eastern extent of the site, on Hollis Lane, where the four terraced properties are located. There are no waterbodies on site.

The Proposal

Derbyshire County Council (DCC) is seeking planning permission for the first phase of a two-phased scheme for the construction of a link road ("the Hollis Lane Link Road") which, in its entirety, would connect Hollis Lane, (at the junction of Spa Lane, east of the Lordsmill roundabout) to Crow Lane (located by the entrance of the Chesterfield railway station) and the Brimington Road/Brewery Street roundabout junction.

The scheme for the link road is proposed to come forward for consideration in two phases. This application relates only to the proposed works involved within Phase 1. An indicative layout of the Phase 2 element of the scheme has been provided on the site location plan. Whilst the area for works for Phase 2 is included in the 'red edge' application site (being works within the northern half of the site), no detailed design for Phase 2 forms part of this proposal. A subsequent planning application for works relating to Phase 2 would therefore have to be made once detailed design for that element of the link road is complete.

The new road section covered by this application Hollis Lane Link Road, as proposed, would run in a north-south direction from the existing Spa Lane, Hollis Lane junction (which a slip road off the A61 connects with), to provide connectivity with the railway station.

The works involved within the development proposed under the application now under consideration would include:

- Widening of the existing Spa Lane, Hollis Lane junction. This would allow for a new central refuge which would guide pedestrians to use a safe crossing point over the new Hollis Lane Link Road, thereby creating a safe walking environment for pedestrians. The widening of the junction would also allow for the southward carriageway of the proposed link road exiting onto Hollis Lane, to be split into two lanes, one for traffic heading east and one for traffic heading west.
- Provision of an initial stretch of the link road; approximately 270 metres (m) within Phase 1. This would extend the link road past the Jewson's builders' yard. A building relating to the Jewson's operation would be demolished to make way for the route. The proposed link road would comprise a 7.3m carriageway with a 3.5m shared footway/cycleway on the eastern side of the carriageway and on the western side of the carriageway there would be a 2.0m pedestrian pavement. A new access has been incorporated into the design to service the Jewson's builders' yard and the Phase 1 element of the link road would terminate with a new access into the Network Rail car park.
- Realignment of existing pedestrian underpass steps and ramp. The existing steps and ramp would be removed and rebuilt in an alignment that would make better use of the space to the immediate east of the A61 retaining wall. The existing steps lie at a right-angle to the A61 and it is proposed that the new steps would run parallel to the A61, the ramp currently extends approximately 15m out from the A61, the realignment of the proposed new ramp would extend the ramp further parallel to the A61 into the area of the current turning head, before turning east and then south and so would not be required to extend as far out from the A61.
- Network Rail car park entrance. At the northern extent of this phase of the proposed link road, a new access into the Network Rail car park would be

provided. This would enable this first part of the overall scheme to provide a functional connection with the station, independently of the development which is expected to be brought forward at a later date as the second phase (i.e. the remainder of the scheme).

- New stretch of cycleway. The existing station to Queen's Park cycle path link passes through the site. Where this existing cycle path follows the route of the A61 off-slip road, a new section of cycle path has been included within this application which gives users the option of leaving/joining the cycle path at Hollis Lane. The new section of cycle path would be located on the grassed area adjacent to the A61 off-slip road and would require users to cross Hollis Lane.

Site Planning Application History

The County Council approved a non-segregated cycleway/pedestrian path route (CD2/0814/60) along the former railway line, in September 2014.

Other applications recorded within the site boundary relate to the proposed development to the north of the site known as the Chesterfield Waterside Development.

Whilst the Chesterfield Waterside Development in the main lies adjacent to the site, to the north, a small area of access road within the approved site (application 09/00662/OUT) is within the application site area.

The Hollis Lane Link Road (in its entirety) would connect with the southern access to the Chesterfield Waterside Development and would create an access to the Waterside Development which would avoid the historic town centre.

The outline planning permission considered by Chesterfield Borough Council (CBC) for the Waterside Development granted approval for:

- approximately 1,500 dwellings;
- 30,000m² of office, business and industrial space;
- shops, restaurants and leisure use around a new canal basin on the former Trebor/Bassett factory site;
- a new stretch of canal; and
- the protection and enhancement of the environment of the River Rother and Chesterfield.

CBC has approved numerous reserved matters applications since the original outline planning permission for the Waterside Development scheme.

Consultations

Local Member

Councillor Blank has been consulted.

Chesterfield Borough Council (Planning)

CBC fully supports the proposals and raises no planning objection to the proposals, subject to consideration of the following issues as part of the determination of the application:

- *“The delivery of a programme to secure the approval of the Phase 2 element of the scheme to ensure the full benefits of the completed link road;*
- *Achieving a cycle priority route across the radius crossing points into the development plots alongside the new link road together with provision of a safe, convenient and attractive environment for pedestrians and cyclists across the site in accordance with policies CS18 and CS20 of the Chesterfield Core Strategy;*
- *The imposition of a condition concerning ground conditions as recommended by the Councils Environmental Health Office (EHO);*
- *The need for a condition concerning the hours of working on the site as recommended by the Councils EHO.”*

Chesterfield Borough Council (Pollution Control)

No objections. At the south end of the development site, there are a small number of dwellings fronting Hollis Lane and on this basis the EHO asks that the following condition be added to any approval granted:

“Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.”

No details with regard to ground conditions have been submitted and, as such, the EHO recommends pre-commencement conditions for appropriate ground condition survey/remediation if surveys conclude necessary.

Highway Authority

The County Council, as Highway Authority, has no objections. The proposed link road scheme is being promoted by the County Council, as Highway Authority, with a design brief being given to the consultants submitting the appended details. It has stated that the ‘design check and future operation of the modified junction and surrounding highway network’ would be undertaken by those issuing the brief to ensure all proposed works meet Highway Authority requirements in terms of adoption criteria and safe operation. It has identified that a turning facility needs to be provided for at the northern extent

of the development proposed in this application, which should be of adequate dimension to accommodate use by articulated Heavy Goods Vehicles (HGVs) without need to enter/overhang third party/uncontrolled land.

Lead Local Flood Authority

The County Council, as Lead Local Flood Authority (LLFA), has no objections subject to conditions requiring detailed surface water drainage design, including drainage strategy during construction.

Network Rail

Network Rail confirms that it has been in discussions with the County Council in relation to this scheme and, subject to the continuation of these discussions and the necessary agreements being entered into for the works incorporating Network Rail property, it has no comment to make.

The development would incorporate some railway owned land to the north of Jewson's Yard which forms part of the station car park (owned by Network Rail and leased by East Midlands Railway). It has been pointed out that re-allocation of this car parking has been subject to discussions already, and will have to be subject to agreement with Network Rail as part of the delivery of this development.

Natural England

Has confirmed it wishes to make no comments on the application.

Derbyshire Wildlife Trust

No objections. Overall, the supporting documents provide sufficient information to assess the proposed impacts to biodiversity from the development, but DWT made the following comments in relation to the application as a whole.

Biodiversity Enhancements

Although the enhancement recommendations within the Section 5 of the Preliminary Ecological Appraisal are considered to be enough to compensate and mitigation for the loss of habitats on site, we do not feel that enough of these enhancements have been incorporated into the development design and landscaping proposals. DWT feels the following enhancement recommendations can be easily incorporated into the development and would help provide an overall net gain for biodiversity:

- The proposed hornbeam hedge could provide more biodiversity by instead planting a native species rich hedgerow with at least 7 species in its place. The species richness will provide foraging opportunities for species within the area.
- Provide a better habitat connection across the site by planting a new native species-rich hedgerow, native trees and native shrub planting along

the eastern boundary of the site adjacent to the cycleway/walking route to Queens Park.

- Bird nesting boxes/cups and bat boxes can be placed on existing buildings, retained trees, new trees and provide more opportunities for these species within the area.
- If any lighting is considered necessary along the eastern walking route it is recommended that low level lighting such as bollards with no upward spill are used.

Badgers

DWT is concerned that no further recommendations have been made for badgers as there are direct habitat links via the railway from the application site to more rural areas. A condition for further badger survey on the site and within 30m of the site boundary is recommended prior to commencement of development.

To protect hedgehogs and other species during ground clearance, DWT recommends that a condition requiring a construction environmental management plan (CEMP) be submitted and agreed prior to the commencement of development.

A condition to prohibit clearance of vegetation outside of the bird nesting season is also recommended.

Butterfly Conservation

Consideration should be given to the opportunity to create and manage road side verges and other open spaces suitable for key butterflies as an integral part of this road development.

Chesterfield Cycle Campaign

Object to the proposals on the basis that no details for Phase 2 of the scheme are available as yet. Chesterfield Cycle Campaign (CCC) is disappointed that the shared path/cycleway does not continue across side roads. The route should be a raised table (different road surface) to make it clear to the driver that the shared path is there. CCC is not sure why the Phase 1 road would go so far into the car park boundary, and is concerned that a 'T' junction will create a through route 'by stealth'.

Historic England

No comments received.

Highways England

Confirmed wished to make no comments.

Cadent Gas

No comments received.

Coal Authority

Has no objections. The application site falls within the defined Development High Risk Area, therefore, within the application site and surrounding area, there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is in an area of likely historic un-recorded coal mine workings at shallow depth.

The application is supported by a Coal Mining Risk Assessment, dated May 2019 and prepared by AECOM. This report has been informed by an appropriate range of sources of information.

Having reviewed the available coal mining and geological information, the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. Intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A condition should therefore require prior to the commencement of development:

- the undertaking of an appropriate scheme of intrusive site investigations;
- the submission of a report of findings arising from the intrusive site investigations;
- the submission of a scheme of remedial works for approval; and
- implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Environment Agency

No objection. The Environment Agency confirms that that there are no environmental constraints associated with the site which fall within its remit.

Publicity

The application has been advertised by press notice in the Derbyshire Times, and site notices have been posted around the site.

Two representations have been received at the time of writing from members of the public.

One member of the public made no direct comments but had a number of questions, such as discrepancy in plan numbers submitted/cross reference to

application form (which has been rectified), position of site notices and how the application would affect the CA. The issues identified in the application have been rectified and the resident has raised no direct objection to the scheme in its comments.

Comments received from a second member of public, are in summary:

- Not convinced of the need for the proposed link road.
- More sustainable measures could address the aims of the project.
- The Transport Appraisal/Assessment should begin with all modes of infrastructure, regulation and other ways of influencing behaviour. Findings of the assessment are questioned.
- Phase 2 details have not yet been provided, will lead to pressure for development of Phase 2 regardless of impacts.
- It is necessary to reduce traffic significantly to meet zero carbon targets, which the Council is committed to.
- The aims of the project are supported but could be achieved in a more sustainable, socially inclusive and cost effective way. The scheme could be car free (just for walking/cycling). Consider congestion charging and improved bus services.
- The scheme proposed would increase the amount of traffic and create a worse cycling environment.
- The increase in capacity at one bottleneck is no solution to congestion.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the policies of the Chesterfield Borough Local Plan (CBLP) Core Strategy adopted 2013, and the saved policies of the Replacement Chesterfield Borough Local Plan (RCBLP) (adopted 2006). The emerging Development Plan is a material consideration (although this should not be afforded as much weight as adopted policy) and policies within the Chesterfield Submission Draft Local Plan (CSDLP) (2019) are of some relevance. Other material considerations include national planning policy, as set out in the 2019 NPPF, and associated national Planning Practice Guidance (PPG).

The Development Plan

The following policies are relevant to the development:

Chesterfield Borough Local Plan Policies

CS1: Spatial Strategy.

CS2: Principles for Location of Development.

CS3 Presumption in Favour of Sustainable Development.
CS7-: Managing the Water Cycle.
CS8: Environmental Quality.
CS9: Green Infrastructure and Biodiversity.
CS18: Design.
CS19: Historic Environment.
CS20: Influencing the demand for Travel.
PS1: Town Centre.

Replacement Chesterfield Borough Local Plan Policies

EMP 3: Land for Employment Development in the A61 Corridor Area of Major Change.
EVR 6: Protection of Habitats.
EVR 8: Protection of Trees.
EVR 10-Development and Flood Risk.
EVR15: Contaminated Land.
EVR 23: Pollution and Other Adverse Environmental Impacts.
EVR 33: Development Affecting the Setting of a Listed Building.
GEN 1: Overall Planning Vision for Chesterfield.
GEN 3: Natural, Historic and Built Environment.
GEN 10: Sustainable Design.
GEN 11: Corridor Area of Major Change.
TRS 12: Provision for Pedestrians and Cyclists.
TRS13: Proposed Greenways and Strategic Walking and Cycling Routes.
TRS 14: Protection of Footpath and Cycle Routes.
TRS 17: Improving Access to the Railway Station.

Chesterfield Submission Draft Local Plan Policies

SS1: Chesterfield Town Centre.
SS7: Chesterfield Railway Station.
LP14: Managing the Water Cycle.
LP15: A Healthy Environment.
LP16: Green Infrastructure.
LP21: Design.
LP22: Historic Environment.
LP23: Influencing the Demand for Travel.
LP24: Major Transport Infrastructure.

Neighbourhood Plan

A Neighbourhood Plan has not been progressed for this area which is unparished.

Other Documents considered to be Material Planning Considerations

Chesterfield Town Centre Masterplan 2015 (published by CBC)
The Chesterfield Growth Strategy 2019-2023 (published by CBC)

The East Midlands HS2 Growth Strategy 2017 (published by East Midlands Councils).

National Planning Policy Framework

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework as a whole contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

Section 2: Achieving sustainable development.

Section 6: Building a strong, competitive economy.

Section 9: Promoting sustainable transport.

Section 12: Achieving well designed spaces.

Section 15: Conserving and enhancing the natural environment.

Section 16: Conserving and enhancing the historic environment.

Environmental Impact Assessment

A Screening Opinion of the County Council, as to whether the proposal would require Environmental Impact Assessment (EIA) was sought by the applicant, prior to submission of the application. The proposal has been screened under Regulation 6 of the EIA Regulations 2017. The proposal is considered to fall within Paragraph 10(f) of Schedule 2 to those Regulations, being an infrastructure project. However, having taken into account the criteria of Schedule 3 to the Regulations, the proposal is not considered to give rise to significant environmental effects in the context and purpose of EIA.

Accordingly, the Screening Opinion adopted by the County Council, on 20 June 2019, was that the proposal would not constitute 'EIA development'. The application is therefore not accompanied by an Environmental Statement.

Principle of the Development

The link road has been an aspiration of CBC since the adoption of the 2006 Local Plan. The link road (phases 1 and 2 combined) would achieve a means to improving access to Chesterfield railway station from the south and east of the town, avoiding a route through the town centre area and thereby helping to reduce congestion and improve the environmental conditions along St Marys Gate in the Spire Neighbourhood area. The link road would also help to unlock future development sites located between the railway line and the A61 which form a key part of wider regeneration ambitions of the Council and support the

implementation of the town centre masterplan. The proposal forms part of the A61 growth strategy which introduces a package of measures which aim to relieve traffic congestion along the A61, provide sustainable transport routes, reduce commuter journey times, and support housing and employment growth along the A61 corridor through Chesterfield and into north-east Derbyshire.

The development of the link road would serve a number of key purposes:

- The link road would open up options for redevelopment of future development sites located between the railway line and the A61 which form a key part of Chesterfield's proposals for the regeneration of the railway station area (which are reflected in the RCBLP saved policies and which can be expected to facilitate the arrival of the HS2 rail services), and would support the implementation for the Town Centre Masterplan.
- The proposal would significantly improve accessibility to the railway station as it would introduce a southern access point to the station. Currently, the only access to the train station is from the north of the town centre, via Brewery Street.
- The new link road would create an alternative route for people travelling from the north to the south (and vice versa) of Chesterfield and would therefore reduce the level of traffic that currently travels through the town centre. This would help reduce current traffic levels that pass along St Mary's Gate around the Historic St Mary's Church.
- The link road would relieve pressure on the currently heavily congested A61, which at peak-times experiences heavy traffic flow and long queues.

The principle of the proposed development is supported by both the saved, adopted and draft Local Plans. The proposed Hollis Lane Link Road has been identified in principle in each document.

With regard to saved policies of the RCBLP, the pre-text to Policy TRS17 states that the creation of an alternative vehicular route to the station from Hollis Lane would improve vehicular access between the station and the primary road network to the south and east of the town. This route would be particularly convenient for buses routed on the A632 and also assist access to the station for walkers and cyclists. It would also help to ease traffic congestion through the town centre on St Mary's Gate. Policy TR17 states that planning permission will not be granted for development which would prejudice the implementation of a new vehicular access to the railway station from Hollis Lane as shown in the proposals map.

Policy TRS13 of the RCBLP identifies a proposed greenway and strategic walking route partially through the site. Whilst an existing route has recently been developed to the immediate east, the scheme proposed offers an alternative walking and cycle route.

Policy EMP3 of the RCBLP identifies land for employment development in the A61 Corridor Area for major change, and a small part of the site to the northern boundary would fall within this policy designation. GEN 11 similarly relates to development in this locality and requires *inter alia* on and off site improvements to transport infrastructure, including footpaths, cycle ways, public transport and the highway network.

Policy GEN 1 of the RCBLP supports new development which has the potential to improve quality of life by contributing to economic and social regeneration; sustainable development patterns; conservation of the natural and built environment and social inclusion. It is considered that the link road would meet the criteria outlined in Policy GEN 1. The proposal accords with Policy GEN1 as the link would assist in facilitation of wider economic aspirations for the area to the north of the railway station, without significant impact upon neighbours or the natural and built environment.

With regard to the CBLP Policy CS1 states that the overall approach to growth will be to concentrate new development within walking and cycling distance of centres, and to focus on areas that need regenerating.

Policy CS2 of the CBLP sets out criteria for the assessment of planning applications for sites and indicates that they will be assessed by such as delivery of the Council's Spatial Strategy (Policy CS1); being favourable toward development on previously developed land that is not of high environmental value; delivery of wider regeneration and sustainability benefits to the area; and by maximising opportunities for walking and cycling and the use of public transport. The proposal is compliant with Policy CS2 being on previously developed land and through providing an improved transport highway link with associated pedestrian footways and cycle ways, that would benefit wider economic aspirations such as a potential alternative link through from the south of the railway station toward the Chesterfield Waterside Development area.

Policy CS2 also states that in assessing the suitability of sites for specific uses, it will be taken into consideration whether the proposed use needs to be in a specific location in order to serve a defined local catchment or need, to access specific resources or facilities (including transport connections) or to make functional links to other, existing uses. The proposal would accord with this policy given that it would provide the functional alternative link from the south, which should relieve traffic from the current single access point to the northern end of the railway station, and is required in this specific location.

Policy CS20 of the CBLP identifies 'Access to Chesterfield Train Station' as a 'Priority Area' for combinations of sustainable transport measures and highways improvements.

Policy PS1 of the CBLP supports the redevelopment of land between the A61 and railway to create a new road and cycle/pedestrian link connecting Hollis Lane and Crow Lane, and enhanced interchange facilities at Chesterfield railway station for buses, cycles and pedestrians.

There is significant support in principle, therefore, for the development of the link road within adopted development plan policies as identified above. The proposal would be in accordance with the policies identified.

The emerging local plan policies of the CSDLP are not yet formally adopted, and whilst they are of limited weight in determination, they remain a material consideration. The following policies indicate their support in principle for the proposal through either promoting accessibility and connectivity in the locality or specific identification and support for a proposed link road off Hollis Lane. Policy SS1 of the CSDLP Chesterfield Town Centre states that planning permission will be granted for development that contributes (*inter-alia*) towards;

“e) Improving accessibility between the centre and surrounding areas, including Chesterfield Railway Station, Waterside, Queen’s Park, Chesterfield College and the Ravenside Retail Park.”

And

“h) Reducing through traffic’.

Policy SS7 Chesterfield Railway Station states that:

‘The council will prepare a development framework for the area between Hollis Lane and Crow Lane to maximise the regeneration benefits of the future HS2 services and conventional rail services utilising the station. Within the area planning permission will be granted for development supporting (inter alia):

- a) Improved access to the railway station by all modes of transport,*
- c) A new link road between Hollis Lane and Crow Lane and related road alignments.”*

Policy LP23 of the CSDLP identifies ‘Access to Chesterfield Train Station’ as a ‘Priority Area’ for combinations of sustainable transport measures and highways improvements (similarly to Policy CS20 of the CBLP).

The CSDLP safeguards the route of the proposed Hollis Lane Link Road between Hollis Lane and Crow Lane through Policy LP24 Major Transport Infrastructure. The plan identifies that the road would significantly improve accessibility to the railway station from the south and reduce the level of traffic currently travelling through the town centre past the Historic St Mary’s Church.

The CSDLP seeks to regenerate the Chesterfield station area in line with the HS2 masterplan. The proposed link road is crucial to the realisation of the

regeneration of the area. The link road would support the redevelopment of the surrounding area.

The proposed link road is also identified in the Chesterfield Town Centre Masterplan, 2015 which states:

“The development of a link road between Hollis Lane and the Railway station would provide many benefits to the town centre and a fundamental vehicular access to the train station. An important part of the design will be that the link road integrates with the station forecourt to ensure the pedestrian crossing point is attractive, efficient and safe. The creation of the link road has many benefits including, without limitation:

- *the link road will open up other development land along its length (railway terrace);*
- *Potential benefits to Markham Road if congestion is reduced as traffic is not backed-up on St. Mary’s Gate;*
- *The reduction in traffic on St. Mary’s Gate creates capacity for development of sites within the Spire Neighbourhood;*
- *The reduction in traffic on Holywell Street and Saltergate facilitates access to and development of the Northern Quarter;*
- *St. Mary’s Gate could be landscaped as a shared surface to maximise the setting of the Church;*
- *Environmental benefits including improved air quality and less noise in the town centre from less through traffic; and*
- *The environmental benefits of less traffic of St Mary’s Gate would reduce the degradation this is currently having on the church stone masonry.”*

Some of the potential benefits of the link road as indicated in the Masterplan above, would support the principle of the development.

The Chesterfield Growth Strategy and East Midlands HS2 Growth Strategy set out a strategic vision for economic development and include preparation for future HS2 service at Chesterfield Station. The latter identifies infrastructure works to improve access to the station with the aim to take traffic out of the historic core of Chesterfield town centre. The link road as proposed would assist in facilitation of this.

The proposal is considered to accord with the broad overarching aims of the NPPF in providing infrastructure which would assist in economic, social and environmental objectives and which is considered to constitute sustainable development through provision of an alternative highway route, which would also provide alternative travel options through new cycle and footways, and potential bus route, to the train station which in itself as a sustainable method of transport, which requires appropriate and updated surrounding infrastructure to operate efficiently.

The principle of the development of the proposed link road is clearly supported by the development plan, emerging development plan, and other material considerations. The phasing approach pursued to bring forward the proposed link road allows the southern portion of the scheme to be considered, making use of grant funding to realise the development. Further design work to progress the Phase 2 element of the overall link road scheme is planned to be brought forward as an application package at a later date. This “Phase 1” now under consideration could operate independently as a through route to the station, subject to requirement of approval of detailed design to demonstrate this. Therefore, it is considered reasonable and necessary for a condition to be applied to ensure that either such a detailed design is submitted and approved or a planning permission for Phase 2 of the overall link road scheme is obtained prior to commencement of the development.

There are significant economic benefits in providing infrastructure which would contribute towards improving transport links for the Chesterfield Waterside Development area and Chesterfield railway station. This infrastructure would accord with aspirations of the East Midlands HS2 Growth Strategy.

The acceptability of the scheme in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Design and Landscaping
- Highways and Sustainable Transportation
- Heritage
- Archaeology
- Ground Conditions
- Ecology
- Flood Risk and Drainage
- Amenity (Air and Noise Issues)

Design and Landscaping

Good design principles are required by policies GEN10 of the RCBLP, CS18 of the CBLP, LP21 of the CSDLP and at national level in Section 12 of the NPPF: *Achieving Well Designed Spaces*. These policies require development to make a positive contribution to the quality of the built environment, and to respect the character of the locality. Policy LP16 of the CSDLP requires that landscape character is protected and enhanced.

The proposed location for the link road is currently part of a very poor urban environment dominated by the A61 on embankment to the west and various small industrial/retail outlets to the east. To the south is the existing Hollis Lane junction with the A632 and to the north the main car park to the railway station. There is very little in the way of existing landscape/townscape value other than a few trees associated with the construction of the A61 some time

ago. As confirmed by the arboricultural assessment submitted with the application, this existing vegetation is of very little amenity value. The opportunity therefore exists to view this proposed link road as a positive addition to this area that could deliver some significant environmental benefit.

The arboricultural assessment indicates that the proposed development would require the removal of one Category C group of buddleja (G46) adjacent to the A61 slip road and the partial removal of a Category C group of willow and sycamore trees (G3) behind the Jewson's building. Category C trees are of limited life and/or limited amenity value.

A landscape strategy has been prepared in support of this application which seeks to address the minor tree loss through the planting of replacement trees and other landscape enhancement. The landscape strategy plan identifies that new trees, hedging and low level planting are proposed where space allows.

The western side of the route adjacent to the retaining wall of the A61 is constrained in terms of space, however, the strategy indicates that there is an intention for the planting of trees to the north and southern section and for low level planting along the eastern side of the route. There is more room for tree planting to the eastern side of the route and this is indicated in the strategy submitted. Replacement trees are also proposed for some tree loss adjacent to the A61 slip road.

The landscape strategy illustrates how the link road would incorporate provision for cyclists and pedestrians to the east, and pedestrians to the west of the new spine road. The strategy also illustrates the potential scope for enhancing the public realm at the junction of Hollis Lane/Spa Lane to include, for example, seating, public art, boundary wall to the public house car park, etc, to create a gateway. This public realm design would be subject to the detailed design process and landowner discussion and is not a part of the application now under consideration, but rather an illustration of the potential on the site.

The landscape strategy plan anticipates the production of a detailed survey. , With the imposition of a planning condition to secure final detailed landscaping works, I am satisfied that appropriate landscaping can be achieved on the site. I am also satisfied that, subject to final settlement of these details, the proposal would make a positive contribution to the quality of the built environment, and would respect the character of the locality.

The proposal is therefore considered to be in accordance with the planning policies identified with regard to design and landscape issues.

Highways and Sustainable Transportation

Planning policy promotes the use of sustainable and alternative methods of transport whilst recognising that improvements to the existing highway network may also be needed.

Policy CS20 of the CBLP, and Policy LP23 of the CSDLP give priority to cycling, walking and the use of public transport. However, they recognise that any remaining traffic growth may need to be facilitated through physical improvements to the highway network. Both policies identify 'Access to Chesterfield Train Station' as a 'Priority Area' for combinations of sustainable transport measures and highways improvements.

Policies TRS12, TRS13 and TRS14 of the RCBLP seek the provision of new, and the protection of existing, pedestrian and cycle routes. Paragraphs 108 to 111 of the NPPF set out the Government's development planning policies with respect to transport. These paragraphs focus on, and emphasise, the promotion of sustainable transport.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The link road would provide improved access to the Chesterfield train station from the south of Chesterfield and would assist in alleviating traffic pressure on the A61 and in Chesterfield's historic town centre. A Transport Assessment (TA) has been prepared to support the submission of the current application now under consideration (i.e. for the Phase 1 element of the overall scheme) and this details the operation of the new road proposed under it, as well as helping to identify the way forward in terms of transport assessment for the remainder of the overall scheme. The TA presents junction usage calculations which illustrate that the proposed junction layout would be able to operate safely and within capacity once the extra (re-routed) traffic is accounted for. The County Council, as Highway Authority, has no objections to the findings of the TA.

The proposed link road would also provide a safe and convenient environment for pedestrians and cyclists. The existing cycle and pedestrian route non-segregated cycleway/pedestrian path route (approved under CD2/0814/60), along the former railway line, would also remain, however, as an alternative route into the station and north to south in the locality.

It is evident from the County Council's comments as Highway Authority, that the proposed link road scheme, which is being promoted by the County Highway, would require a checking exercise to be undertaken to ensure all proposed works would meet Highway Authority requirements in terms of

adoption criteria and safe operation. A condition is advised to require an adopted turning facility at the northern extent of Phase 1 to be of adequate dimension to accommodate use by articulated HGVs without need to enter/overhang third party/uncontrolled land.

CBC has commented that it will be necessary to consider how cycle priority can be achieved along the new road, especially where new site accesses are provided into the sites along its eastern edge and it is considered reasonable to request a scheme by condition to agree these details.

The Phase 1 scheme would provide a sustainable multi-user and safe alternative access for to the train station car park area. The intent is clearly that this would be extended under Phase 2 to the train station terminal area, however, it is considered that the Phase 1 scheme could operate safely in isolation.

With regard to highways issues within the remit of planning control, (highway safety and promotion of sustainable alternative methods of travel), that the application is considered to be in general accordance with the planning policies identified above.

Heritage

Section 16 of the NPPF, Policy GEN 3 of the RCBLP, Policy CS19 of the CBLP and Policy LP22 of the CSDLP relate to the protection of the historic environment and heritage assets and seek to enhance them wherever possible.

Paragraph 190 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

A Heritage Impact Assessment (HIA) has been submitted with the application. The HIA considered heritage assets within a 300m boundary of the site.

A small section of the north-eastern element of the Town Centre CA, which includes Corporation Street, falls within the northern end of the application red line site boundary. Two other CAs are identified within the 300m of the site. These are the Chesterfield Town Centre CA, and the Abercrombie Street CA. However, all CAs fall outside of the area of the proposed Phase 1 development. The Town Centre Historic Core is also located immediately to the west of the application red line boundary.

There is one grade II listed building within the site boundary, listed as an Engineers Office and which is located on Corporation Street at the entrance to the train station. There are no listed buildings, however, in the immediate locality or setting of the Phase 1 development.

A total of 36 listed buildings are identified within the 300m application site. The majority of these are grade II listed and represent building types common in an urban environment. These include residential and retail/commercial properties, as well as a former school, gate piers and a gate to the cemeteries and churchyards, and a war memorial. The listed buildings also include one grade I listed building, and four grade II* listed buildings. The former is the Church of St Mary, with its iconic crooked spire, while the latter include a Unitarian Chapel, and three houses

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of this application, '*special regard*' is had to '*the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.*'

It is considered that none of the listed buildings identified, including the grade II Engineers Office would be within the setting of the Phase 1 development proposed. Any harm identified as a result of the Phase 2 development upon listed buildings would be assessed under consideration of a separate application for that element of the development. Whilst having special regard to listed buildings in accordance with Section 66, for the development under consideration for this application, I am satisfied that there is no material harmful effect on any listed building or its setting, given the considerable distance of the Engineers Office and that the building and its setting would be preserved.

Paragraph 192 of the NPPF expects planning authorities to take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

As the NPPF indicates, in considering a development proposal, what has to be assessed with regard to the setting is the effect that any change to the setting from the development would have on the heritage significance of the asset concerned. Paragraph 193 states: "*When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be, irrespective of whether any*

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its [the asset's] optimum use.

These NPPF paragraphs therefore recognise that to reach a decision to grant permission in a case of 'less than substantial' harm need not involve so much public benefit to weigh against the harm as would be needed in a case of 'substantial' harm.

The three CA's identified are positioned to the west of the A61, raised from the Phase 1 development area, in the historic core of the Town Centre. It is not considered that the Phase 1 element of the scheme would therefore result in 'substantial harm' upon the setting of the CAs.

The HIA concludes that neither the listed buildings, nor the CA would be significantly affected by the proposal.

It is my opinion that that the impact of the proposed scheme on the setting of the CAs and listed buildings identified in the HIA would be very limited.

Any potential harm that would be caused is considered to be 'less than substantial' to the setting of the heritage assets. In mitigation against the harm, additional landscaping is proposed along the corridor of the route.

According to paragraphs 193 and 194 of the NPPF, where there would be harm to the heritage asset (including through potential effects on the setting of the heritage asset), there should be a clear and convincing justification for the development to take place at the location and, if this is demonstrated, the harm weighed against the public benefits of the proposal.

Whilst special consideration must be given to any impacts on the heritage assets which would be associated with this development, the potential for harm to heritage assets is, in this case, very limited., The public benefits from the development, as addressed elsewhere in this report, provide considerable weight in favour of the application, so as to justify a positive recommendation for the application. I consider that with regard to consideration of impact upon heritage assets that the proposal is in accordance with the relevant planning policies identified.

Archaeology

Paragraph 199 of the NPPF states that local authorities should require developers to record and advance understanding of the significance of any

heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Policies GEN3 of the RCBLP, CS19 of the CBLP and LP22 of the CSDLP relate to the protection of the historic environment including archaeology.

The HIA identifies that the site fell outside of main settlement of Chesterfield until the 19th Century when the railway line was constructed, followed by a tannery. Any potential for previously unrecorded archaeology remains to survive within the Phase 1 area is low because of the lack of activity in the past, as well as the disturbance caused by extensive development since the mid-19th century onwards including the railway, tannery and the A61 by-pass. The assessment does suggest, however, that standing and buried remains of the former tannery that occupied the site may be present and therefore, as a mitigation measure, should demolition occur in all or part of the builder's merchants, the buildings should be subject to a Level 1 Building Recording (as identified in Historic England 2016), to determine whether any standing remains of the former tannery site are present.

In consultation with the County Archaeologist, it is apparent that a condition requiring a Written Scheme of Investigation for archaeological work and built heritage recording prior to commencement of development, is necessary to secure recording of any remains.

I am satisfied that the application in regard to archaeology is in accordance with the policies identified, subject to the recommended condition.

Ground Conditions

Policies EVR15 of the RCBLP, CS8 of the CBCLP and LP15 of the CSDLP are concerned with ensuring safe development of unstable or contaminated land.

The application has been supported by a Coal Mining Risk Assessment (CMRA).

The site falls within the defined Development High Risk Area. The Coal Authority has confirmed that the site is in an area of likely historic unrecorded coal mine workings at shallow depth and that there is a potential risk posed to the development by past coal mining activity. The CMRA recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The CA therefore recommends a condition for site investigation work and for remediation if identified as necessary through such investigation.

With regard to potential ground contamination issues, no information has been supplied with the application regarding the assessment of the land with regard to previous uses of the site. The EHO has therefore advised pre-commencement conditions for appropriate ground condition survey and remediation should surveys conclude that remediation is necessary.

Subject to such conditions being applied, the proposal is considered to be in accordance with the policies identified above.

Ecology

Section 15 of the NPPF and policies EVR 6 of the RCBLP, CS9 of the CBLP and LP16 of the CSDLP are the appropriate policies which seek to conserve and enhance biodiversity and the natural environment.

The application site is not within any sensitive area of ecological designation, such as a Site of Nature Conservation Importance (SNCI), a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) or Special Area of Conservation (SAC).

A preliminary ecological assessment (PEA) has been prepared in support of this application to identify whether there are any known or potential ecological receptors that may constrain or influence the design and implementation of the proposed development. The PEA provides an appraisal of the ecological risks and opportunities associated with the proposed development.

Given the highly urbanised nature of the locality, the PEA confirmed that the habitats present within the site are of low ecological importance with no notable habitats recorded. Some suitable potential habitat for notable fauna was recorded, including roosting bats, hedgehog and nesting birds. The majority of which can be managed through the use of a Construction Environment Management Plan (CEMP) which could be required by condition. On the recommendations of the PEA, further bat roost surveys were undertaken at two buildings, a network rail shed and two storey building in Jewson's yard.

No bats were observed emerging or re-entering either building during the surveys and consequently, it is concluded that bat roosts are absent from these two buildings identified for further survey in the PEA. No further recommendations were therefore made.

DWT has advised various biodiversity enhancements through variation in planting suggested in the landscape masterplan. These details can be agreed through a condition for final details of landscaping species to be agreed.

Bird nesting and bat boxes are also recommended to be placed on the site and again details of this could be agreed by condition.

Whilst the DWT has recommended further badger survey, the PEA submitted indicates that no setts were present within the site. Whilst badgers are a wide-ranging species, there are few records of badgers in adjoining land and no records within 1km of the site. It is considered that badgers do not rely upon the habitats within the site for foraging and dispersal. The site is generally of no value for sett creation and any foraging habitat is very small and isolated. Contrary to the recommendation of DWT, therefore, it is not considered necessary or reasonable to request further survey for badgers prior to the commencement of development. Should badgers or setts be identified during works, it is the responsibility of the developer to obtain any necessary license(s) for works and or provision of appropriate mitigation, and it is considered that a footnote to the applicant in the decision would be adequate in this regard on this occasion.

I am confident that the impact of the proposals on species and habitats, would be limited and can be protected through the requirement of a CEMP.

Opportunities for the enhancement of biodiversity may be achieved as an integral part of the proposed green infrastructure.

Natural England made no comments on the application and provided its note of standard advice in the consultation response.

The proposal is considered to be in general accordance with the policies identified above with regard to the protection of the natural environment. Further enhancement may occur overtime through additional highways verge/peripheral planting required under the final landscaping scheme to be agreed by condition.

Drainage and Flood Risk

Section 14 of the NPPF and policies EVR 10 of the RCBLP, CS7 of the CBLP and LP14 of the CSDLP are the appropriate policies concerned with effective drainage, flood risk management and maintenance of water quality.

The majority of the site lies within flood zone 1 apart from two small parcels which fall within flood zone 2. A site-specific Flood Risk Assessment (FRA) has been produced to determine the flood risk and to inform the drainage strategy.

The FRA identifies that there is no planned land raising in the flood zone 2 areas and that the overall fluvial flood risk to the site and the impact from the proposed development is considered to be low. Likewise the risk from groundwater, surface water, sewer flooding and artificial sources is also

considered to be low. An outline drainage strategy has been developed and modelled which demonstrates that there is insufficient space for infiltration measures or above ground storage. However, it is possible to safely and sustainably manage surface water from the site through on-line attenuation using oversized pipes which are likely to be constructed within the link road construction.

The LLFA raises no concerns with the findings of the FRA outline drainage strategy. The LLFA recommends conditions requiring detailed surface water drainage design and details to show measures to prevent additional surface water run-off during construction phase.

Subject to these conditions, I am satisfied that the proposal is in accordance with the policies identified relating to drainage and flood risk.

Amenity (Air and Noise Impacts)

Policies GEN10 of the RCBLP, CS8 of the CBLP and LP15 of the CSDLP are the appropriate policies concerned with environmental quality. With regard to air quality, national Planning Policy Guidance states that the planning system should consider the potential effect of new developments on air quality where relevant limits have been exceeded or are near the limit.

There are no Air Quality Management Areas within the site boundary for this application, however, the Borough Council is currently monitoring air quality within the vicinity of Hollis Lane.

In consideration of this, an air quality assessment has been prepared to inform the planning submission and to demonstrate that the air quality objective is not breached by the proposed development. The air quality assessment considered two scenarios; the current baseline, which represents conditions for the current road layout and traffic model outputs for the year 2019, and the future with-development scenario, which represents conditions for the proposed scheme road layout with development traffic model outputs for the year 2019. The air quality assessment concludes that, the predicted effect on local air quality, as a result of the proposed development during the construction phase, is not considered to be significant with good practice mitigation measures in place to minimise the generation of emissions of particulate matter (dust) at source. No additional site-specific measures are considered appropriate. With the proposed scheme in operation, the predicted change in air pollutant concentrations at sensitive receptor locations are small or imperceptible relative to baseline conditions. The small increase in pollutant concentrations are mainly due to increased traffic accessing the Chesterfield train station car park from the new southern entrance on Spa Lane, rather than the existing northern entrance. The significance assessment of these changes has led to a conclusion that they are not significant.

Given that the scheme is not likely to affect any Air Quality Management Areas, or significantly increase congestion (indeed, it is designed to reduce it), the proposal is considered to be in accordance with the PPG and the local planning policies identified above.

With regard to potential noise impacts, the proposal would affect few residents relative to the scale of the project given that the site is relatively distant from significant concentrations of residential properties. At the south end of the development site, however, there are a small number of dwellings fronting Hollis Lane and, on this basis, the EHO has requested a condition to restrict the hours of construction operations be added to any planning permission to between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday.

Noise levels are unlikely to increase significantly to residential receptors as a result of the development given the proximity to the A61 and current noise levels generated from this route.

It is considered that with the imposition of conditions relating to amenity issues specified above, that the proposal would be in accordance with the local planning policies identified above and the PPG.

Conclusions

The development would bring significant economic and public benefit through providing sustainable infrastructure links towards the Chesterfield Waterside Development area and in aspiration for and in anticipation of future improvements to rail infrastructure and HS2 linkages at the Chesterfield railway station. The proposal would provide a second route towards the station and would help to alleviate traffic congestion around St Mary's gate, the town centre and the northern access.

Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions. I consider that any heritage, highways, ecological, drainage, archaeological, amenity or other impacts in their assessment are of limited weight in the 'planning balance' and, where necessary, could be mitigated by way of condition and would not outweigh the public benefits of the proposal. The proposal is considered to be acceptable being in line with development plan policies identified the NPPF and other policy documents identified which are material considerations.

The application is therefore recommended for approval subject to the conditions listed below (or conditions to substantially similar effect) I.

(3) Financial Considerations The correct fee of £2,028 has been received.

- (4) **Legal Considerations** This is an application submitted under the Town and Country Planning General Regulations 1992 for development which the County Council itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

- (5) **Environmental and Health Considerations** As considered in the body of this report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

- (6) **Background Papers** File No. 2.733.3.
All Application documents from the Director of Property. All consultation correspondence received with regard to the planning application.

- (7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantially similar to the following draft 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.

- 3) The development shall take place in accordance with the details set out in the application for planning permission registered as valid on 6 September 2019, 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 HLL-AEC-P1-XX-DR-PN-00001 entitled 'Site Red Line Boundary'
- Drawing no HLL-AEC-P1-XX-DR-PN Rev P2 entitled 'General Arrangement'
- Drawing no HLL-AEC-P1-XX-DR-LN-00001 Rev P1 entitled 'Landscape Strategy Plan'
- Drawing no HLL-AEC-P1-XX-DR-PN-00000 entitled 'Cross Sections Sheet 1 of 2'
- Drawing no HLL-AEC-P1-XX-DR-PN-00000 entitled 'Cross Sections Sheet 2 of 2'
- Drawing no HLL-AEC-P1-XX-DR-PN-00003 entitled 'Long Section'
- Drawing no HLL-AEC-P1-XX-DR-CE-13001 Rev P02 entitled 'Proposed Lighting Layout Sheet 1 of 3'
- Drawing no HLL-AEC-P1-XX-DR-CE-13002 Rev P02 entitled 'Proposed Lighting Layout Sheet 2 of 3'
- Drawing no HLL-AEC-P1-XX-DR-CE-13002 Rev P02 entitled 'Proposed Lighting Layout Sheet 2 of 3'
- Drawing no HLL-AEC-P1-XX-DR-CE-13003 Rev P02 entitled 'Proposed Lighting Layout Sheet 3 of 3'
- Drawing no HLL-AEC-P1-XX-DR-SE-17001 Rev P01 entitled 'Ramp and Stairs Sheet 1 of 2'
- Drawing no HLL-AEC-P1-XX-DR-SE-17002 Rev P01 entitled 'Ramp and Stairs Sheet 2 of 2'
- Drawing no HLL-AEC-P1-XX-DR-PN-00006 entitled 'Typical Cross Sections'
- Document entitled Air Quality Assessment dated 30 July 2019
- Document entitled Arboricultural Impact Assessment Report dated July 2019
- Document entitled Coal Mining Risk Assessment dated May 2019
- Document entitled Heritage Assessment dated July 2019 (Updated November 2019)
- Document entitled Preliminary Ecological Assessment dated June 2019
- Document entitled Bat Survey Report dated 5 September 2019
- Document entitled Flood Risk Assessment and Outline Drainage Strategy Report dated 10 July 2019
- Document Entitled Preliminary Ecological Assessment dated November 2017
- Document entitled Planning Application Supporting Statement dated July 2019
- Document entitled Hollis Lane Link Road Phase 1 Transport Assessment dated 2019

Reason: To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

Highways

- 4) The development granted by this permission ("Phase 1") , shall not be commenced until:
- a) a planning permission for the second phase of the Hollis Lane Link Road proposal ("Phase 2") has been obtained; or until
 - b) detailed highways design to demonstrate appropriate design of Phase 1 to operate in isolation from Phase 2 which includes a turning facility at the northern extent of Phase 1 of adequate dimension to accommodate use by articulated HGVs without need to enter/overhang third party/uncontrolled land and which is acceptable for adoption as new highway, has been submitted to and approved in writing by the County Planning Authority. Phase 1 shall then be implemented in accordance with either (a) or (b) as approved in writing by the County Planning Authority.

Reason: In the interests of highway safety and to demonstrate detailed design of Phase 1 in isolation from Phase 2. The condition is required pre-commencement of development given that no detailed design of the Phase 2 element of the proposal form part of this permission, and in order to agree detailed design of Phase 1 should it be developed in isolation from Phase 2. (In particular, termination of the route at Phase 1).

- 5) Prior to the development coming into use a plan shall be submitted to and approved in writing by the County Planning Authority to identify how cycle priority can be achieved along the new road, in particular, where new site accesses are provided into the sites along its eastern edge.

Reason: In the interests of highway safety.

Ecology

- 6) No development, including preparatory works, shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall include the following:
- (a) a risk assessment of potentially damaging construction activities;
 - (b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);
 - (c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);

- (d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);
- (e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);
- (f) responsible persons and lines of communication; and
- (g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).
- (h) use of protective fence, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period, strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently agreed by the County Planning Authority.

Reason: In order to safeguard protected species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts, and in order to secure an overall biodiversity gain. The condition is pre-commencement of development given that any mitigation proposed in the CEMP should be in place before works start on site in the interest of ecological preservation.

- 7) No removal of hedgerows, trees, shrubs or other vegetation shall take place between 1 March and 31 August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the county planning authority and then implemented as approved.

Reason: In the interest of preservation of nesting bird habitat.

- 8) A scheme for the introduction of bird nesting and bats boxes within the site shall be submitted to, and approved in writing by, the County Planning Authority prior to the commencement of development. The development shall then be carried out in accordance with the agreed details.

Reason: In the interest of promoting bird and bat habitat and biodiversity gain. The condition is pre-commencement to development given that the scheme proposed is required to be agreed before works start on site in the interests of ecological preservation.

Contamination

- 9) Development shall not commence until details, as specified in this condition, have been submitted to the County Planning Authority for consideration and those details, or any amendments to those details as

may be required, have received the written approval of the County Planning Authority.

- I. A desktop study/Phase 1 report documenting the previous land use history of the site.
- II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the County Planning Authority.
- III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

Reason: To ensure appropriate remediation if contamination is identified. The condition is pre-commencement to development given that any remediation which may be required would need to be in place before works start on site.

- 10) If, during remediation works, any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the County Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

Reason: To ensure appropriate remediation if contamination is identified

- 11) The development hereby approved shall not come into use until a written Validation Report (pursuant to Condition 9 II and III only) has been submitted to and approved in writing by the County Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: To ensure appropriate remediation if contamination is identified.

Landscaping

- 12) Prior to the commencement of development, a detailed landscaping plan shall be submitted to and approved in writing by the County Planning Authority. The scheme, as approved, shall be implemented in full.

Reason: In the interests of visual amenity. The condition is pre-commencement to development to allow a detailed design strategy which is deliverable, to be agreed before works start on site.

- 13) Any tree or plant, provided by the landscaping scheme implementation in accordance with Condition 12 or any replacement of such a tree or plant, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

Reason: To minimise the visual impact of the development.

- 14) All trees and hedgerows to be retained shall have root protection barriers afforded during construction works in accordance with British Standard BS5837 Trees in relation to design, demolition and construction.

Reason: In the interests of retaining landscape characteristics which contribute to the biodiversity, and visual amenity of the area.

Drainage

- 15) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Flood Risk Assessment and Outline Strategy Report Hollis Lane Link Road, Chesterfield, By AECOM, Document Reference: HLL-AEC-XX-XX-RP-DR-0001 FRA & Outline DS Report, Dated 10 July 2019 including any subsequent amendments or updates to those documents as approved by the County Planning Authority; and
 - b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the County Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are

incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the County Planning Authority. The condition is pre-commencement to development in the absence of detailed drainage design being submitted with the planning application.

- 16) No development shall take place until a detailed assessment has been submitted to and approved in writing by the County Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in Paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system; and
- IV. to a combined sewer.

The condition is required pre-commencement of development given the absence of detailed drainage design being submitted with the planning application.

- 17) Prior to commencement of the development, the applicant shall submit, for approval to the County Planning Authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the County Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development. The condition is required pre-commencement of development given the absence of such details being submitted with the planning application.

Archaeology

- 18) a) No development shall take place until a Written Scheme of Investigation for archaeological work and built heritage recording has been submitted to and approved by the County Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority.

The scheme shall include an assessment of significance and research questions and

- i. the programme and methodology of site investigation and recording;
- ii. the programme for post investigation assessment;
- iii. provision to be made for analysis of the site investigation and recording;
- iv. provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v. provision to be made for archive deposition of the analysis and records of the site investigation; and
- vi. nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under Condition (19a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under Condition (19a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of recording any archaeological features of the site. The condition is required pre-commencement of development in order that appropriate mitigation/recording of archaeological features can be undertaken before works start on site.

Noise

- 19) Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "construction work" also applies to the operation of plant, machinery and equipment.

Reason: To protect the amenities of nearby residents/other occupiers.

Mining Legacy

- 20) A scheme of intrusive site investigations shall be undertaken to identify mining legacy of the site. A report of findings arising from the intrusive site investigations, a scheme of any remedial works considered necessary and programme for implementation of any identified remedial works shall be submitted to the County Planning Authority for its approval in writing, prior to the commencement of the development hereby approved. The development shall be carried out in full accordance with the scheme and programme which is approved.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

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

The Council, as County Planning Authority (the “Authority”), worked with the Council as applicant (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 applicant has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

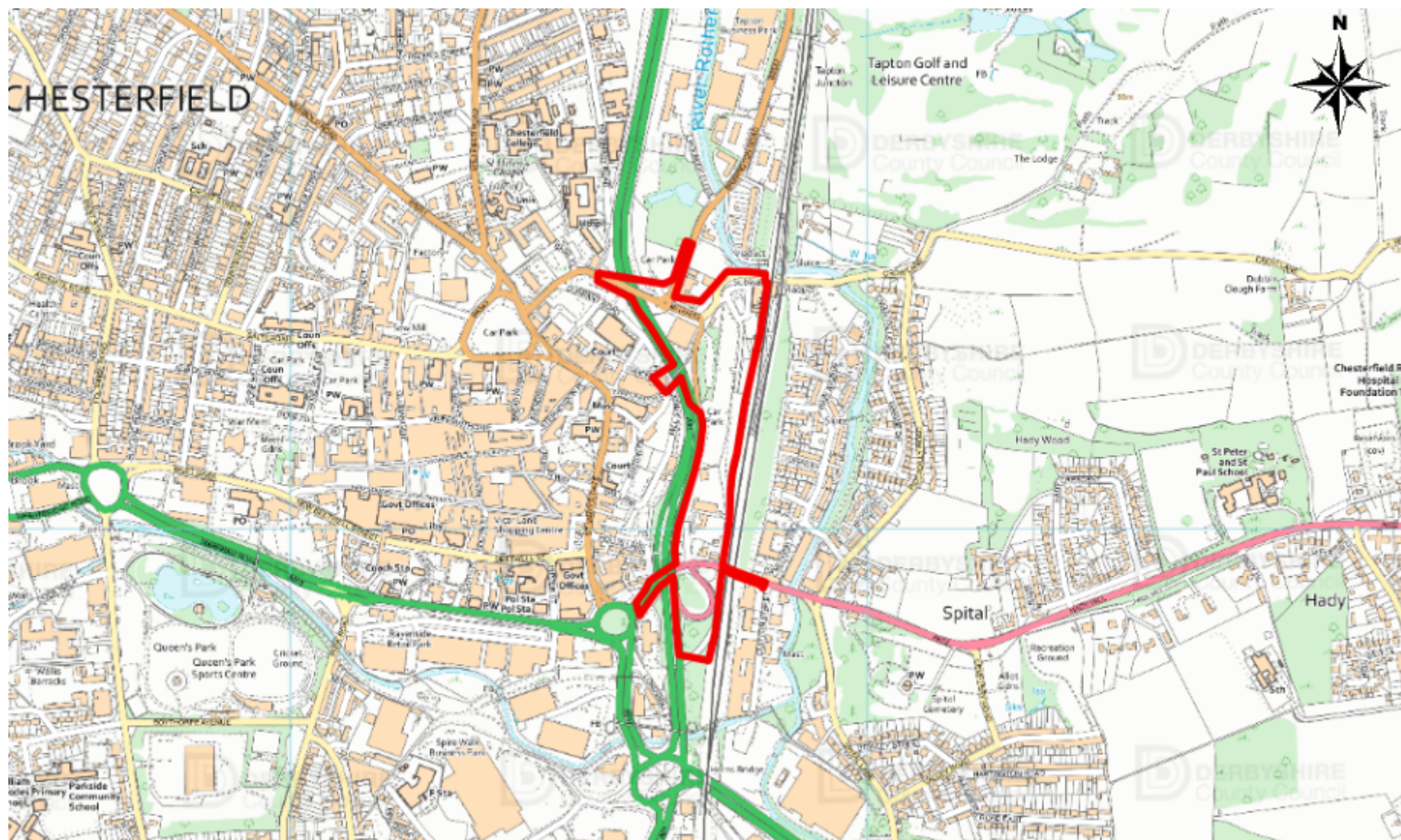
In accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 (‘the Regulations’), the applicant was provided with a draft schedule of conditions attached which included pre-commencement conditions, requiring the submission of detailed schemes. The applicant provided a substantive response to the effect that it agreed with the imposition of those pre-commencement conditions.

Footnote

- 1) Standard Footnotes of the Lead Local Flood Authority relating to drainage matters would be forwarded to the applicant should the application be approved.
- 2) Should badgers or setts be identified during works, it is the responsibility of the developer to obtain any necessary license(s) for works and/or provision of appropriate mitigation.

- 3) Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

Mike Ashworth
Executive Director – Economy, Transport and Environment



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Agenda Item No. 3.2

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

16 December 2019

Report of the Executive Director – Economy, Transport and Environment

**2 PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.162 (PART) –
PARISH OF BELPER**

(1) **Purpose of Report** To seek authority for the Director of Legal Services to make a Public Path Diversion Order for the permanent diversion of part of Public Footpath No.162 in the Parish of Belper, in the interests of the landowner.

(2) **Information and Analysis** The Belper Rugby Club is seeking a permanent diversion of the above public footpath. The Rugby Club has a long term lease of land, through which the footpath runs, from the Council. The Club is growing and now finds it has a shortfall in capacity for changing facilities, so it intends to renovate an old pavilion near the footpath. It has concerns about the security of this building and the wider premises, particularly with regard to safeguarding the large numbers of young people who frequent the site. There has been a history of vandalism, theft and dog fouling on the Club's wider premises which led to the Club installing security fencing with locked gates across the footpath. The Club has found that these security measures have been effective in reducing such crime on the site. However, the fencing and gates obstruct the footpath. They were installed before the footpath was officially recorded in 2018 by the confirmation of a Definitive Map Modification Order which added Public Footpath No.162 to the Definitive Map and Statement. To ensure that the Club can maintain the security of the site, it is proposed to divert the public footpath.

The proposed diversion would take the path from Point **A** on the attached plan, just south of the Coppice Brook eastward then southward around the back of the pavilion to re-join the existing footpath at Point **B**. This would allow security to fencing to be installed between the part of the footpath as diverted from points **A** and **C**, and the back of the old pavillion. The footpath lies within the Derwent Valley Mills World Heritage Site, along with much of the river corridor between Cromford and Derby. It contributes to the value of the World Heritage Site as its route formed part of the access drive to Bridgehill House, a former Strutt residence, now demolished. The proposed diversion would take the footpath off this line for a short distance before re-joining it.

If the proposed diversion takes effect, it will divert approximately 58 metres of the existing footpath, which is shown as a bold solid line between points **A** and **B** on the attached plan. The proposed alternative, shown as the bold broken line between points **A**, **C**, **D** and **B**, is approximately 73 metres long. The alternative route would have a surface of rolled stone and a recorded width of 2 metres, except at Point **D** where it narrows to 1.5 metres.

Informal consultations were carried out between 29 October 2019 and 26 November 2019. Consultees included the Local Member, Councillor Chris Short, Belper Town Council and Amber Valley Borough Council, who offered no objections to the proposal. However, two members of the public objected. The first said they had walked the path at least once a week for 60 years, their children and grandchildren had learned to ride bikes on it and it now comes out into a supermarket car park. They said the Club had not listened to the public or offered a compromise and they wanted the footpath back on its original route which is an ancient walkway.

To address these points, the length of time a route of a footpath has been used is not, of itself, a persuasive reason for refusing to divert it. However, it may impact on the consideration of the use and enjoyment of the route through the sense of history engendered by features on an historic route. As mentioned above, the route is of historic value as it was part of the driveway to Bridgehill House, a Strutt residence. However, the diversion would deviate from the footpath's historic alignment for only a short distance. The Club has also agreed that, if the footpath is diverted, it will allow access along this section for guided walks and maintain it to an acceptable standard. The deviation from the historic line is therefore arguably not such a significant issue.

The second individual objector commented that it should be possible to retain the route between points **A** and **B** whilst retaining security for the Club by fencing alongside and having an access gate opposite the pavilion, with security at the pavilion by modern alarm systems and locks. The Club, however, has indicated that fencing the existing path with a gate to access the old pavilion would be impractical for it, as this would isolate that building from the rest of its premises, and cause other access and security problems for it.

The Angling Club alleges that the fencing currently obstructs its private right of access. Whilst the Angling Club does hold private rights, it is not clear whether these run along the current alignment of the footpath. Negotiations over this issue are ongoing and it is understood the diversion will be opposed until this is resolved. The private right of access is a separate matter to the diversion of the public footpath.

(3) **Financial Considerations** The Director of Property will defray all of the costs in respect of making and advertising the Public Path Diversion Order and bringing the new route into a suitable condition for public use. The cost of

making the Order is estimated to be in the region of £2,000. The cost of the construction works will be a matter for the Director of Property Services and be dealt with under his specific delegation.

(4) **Legal Considerations** Section 119(1) of the Highways Act 1980 states:

“Where it appears to a council as respects a footpath or bridleway in their area that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,—

(a) create, as from such date as may be specified in the order, any such new footpath or bridleway as appears to the council requisite for effecting the diversion, and

(b) extinguish, as from such date as may be specified in the order the public right of way over so much of the path or way as appears to the council requisite as aforesaid.”

Subsection (2) of Section 119 states:

“A public path diversion order shall not alter a point of termination of the path or way—

(a) if that point is not on a highway, or

(b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.”

Subsection (6) of Section 119 states:

“The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—

(a) the diversion would have on public enjoyment of the path or way as a whole,

(b) the coming into operation of the order would have as respects other land served by the existing public right of way, and

(c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.”

It is considered, having regard to the above factors, that it is expedient to make a Diversion Order as proposed, as explained below:

Whether it is in the interests of the owner of the land or of the public that the footpath should be diverted

The diversion would enable the premises to be lawfully made secure to prevent crime and unauthorised access. This is in the interests of the lease holder which, for these purposes, is classed as the land owner.

Whether the diverted footpath will (or will not) be substantially less convenient to the public

The length of the existing footpath that is proposed to be diverted is approximately 58 metres, compared to the alternative route at approximately 73 metres, an increase of approximately 15 metres. This is not significant. The alternative route would also have a similar surface and gradient to the existing one.

The effect the diversion would have on the public enjoyment of the footpath as a whole

The route is of historic value and contributes to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. It formed part of the access drive to Bridgehill House, a former Strutt residence, now demolished. The current route is most probably of historic construction. However, the effect of the footpath diversion will be to prevent unlimited access over the historic route over only a relatively short part of its surviving length, as referred to above. The historic construction and appearance of the route will not need to be altered. The alternative route is less direct but, as it is only some 15 metres longer, this appears insignificant. It is considered that the proposed diversion would not be substantially less convenient to the public and would not have an adverse effect on the public's enjoyment of the route as a whole or adversely affect the land over which the diversion would run or land served by the existing right of way.

The effect which the coming into operation of the Order would have as respects other land served by the existing public rights of way

The footpath has been used by members of the Belper and District Angling Club to gain access to the adjacent land and the River Derwent. Since the erection of the fencing, Club members have reported being denied access to the River Derwent, however, this would relate to the current obstruction, rather than the proposed diversion. If successful, the diversion would increase the length of passage by approximately 15 metres, which is not considered to have a significant impact on any land served by the footpath. The alleged private right of the Angling Club to use a route that is coincident with the public right of way is a separate matter and not considered to be a matter that directly affects the Council's consideration of the diversion of this path. Other than this, there are no known issues regarding other land served by the existing footpath.

The effect which the new public right of way created by the Order would have as respects the land over which the right is so created and any land held with it

The diversion would benefit the lease holder and is accepted by the Council, as the freehold land owner, so any effects on the land will be acceptable to them. Consultations have not revealed any other land issues.

(5) **Environmental and Health Considerations** Consideration has been given to the County Council's Rights of Way Improvement Plan in considering this application and preparing this report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations

(6) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details - David McCabe, extension 39770.

(7) **OFFICER'S RECOMMENDATIONS** That:

- 7.1 The Director of Legal Services be authorised to make an order under Section 119 of the Highways Act 1980 for the permanent diversion of part of Public Footpath No. 162 in the Parish of Belper in the interests of the landowner, as outlined in this report.
- 7.2 Should objections be received to the making of the Order that cannot be resolved then the matter be forwarded to the Secretary of State for determination.

Mike Ashworth
Executive Director – Economy, Transport and Environment

