

Josie Hobbs

From: Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>
Sent: 09 June 2023 12:17
To: James Grundy; Sam Silcocks
Cc: Josie Hobbs; Martin Andrews
Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

Follow Up Flag: Follow up
Flag Status: Completed

Dear James

Thank you for the clarification on all the points below. The revised position of the Local Planning Authority is noted with regards to transport matters discussed and the withdrawal of the associated reasons for refusal.

The bus stops were not referenced in my previous correspondence as this primarily related to the active travel route. However, they are referred to in correspondence relating to the S106 obligations separately circulating.

To expedite matters, I will circulate an updated response comprehensively setting out a summary of Local Highway Authority recommendations for draft conditions / matters to be planning obligation agreements (S106 / S278).

I am currently reviewing these and will issue the above as soon as possible.

Kind regards

Nigel Atkinson BSc (Hons) MSc DIC CMILT MCIT | Highway Development Control Team Leader (Interim) |
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CONTROLLED

From: James Grundy <James.Grundy@erewash.gov.uk>
Sent: 07 June 2023 17:23
To: Sam Silcocks <sam.silcocks@harrislamb.com>; Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>
Cc: Josie Hobbs <josie.hobbs@harrislamb.com>; Martin Andrews <martin.andrews@mac-ltd.co.uk>
Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

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Good afternoon all

Nigel – Thank you for the further clarification. I note that you have not included provision of bus stops on Ilkeston Road (as proposed by the appellant) in your requirements. Please would you clarify the position on that?

In light of the Highway Authority's responses, we consider that, subject to the matters being adequately covered by condition(s) and a section 106 agreement, reason for refusal 2 is overcome.

For the avoidance of doubt, with reference to Nigel's numbering, items 1, 3, 4 & 5 should be included in the 106. Item 2 should be included as a condition.

In order to achieve that, the landowner should be a signatory to the s106; detailed plans of all elements should be provided for inclusion in the s106; details of the level of financial contribution for 5 should be provided. They can be provided in the forthcoming weeks, as the s106 preparation is undertaken. **Sam/Josie** – I will refer further to this in our separate SoCG correspondence.

Sam – with regard to your specific question about whether the path upgrade would meet the tests, given that the Highway Authority consider it necessary to overcome the reason for refusal, we consider the tests to be met.

Regards

James Grundy

Senior Planning Officer

Resources Directorate, Erewash Borough Council

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From: James Grundy

Sent: Wednesday, June 7, 2023 4:58 PM

To: Sam Silcocks <sam.silcocks@harrislamb.com>; Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>

Cc: Josie Hobbs <josie.hobbs@harrislamb.com>; Martin Andrews <martin.andrews@mac-ltd.co.uk>

Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

Dear all

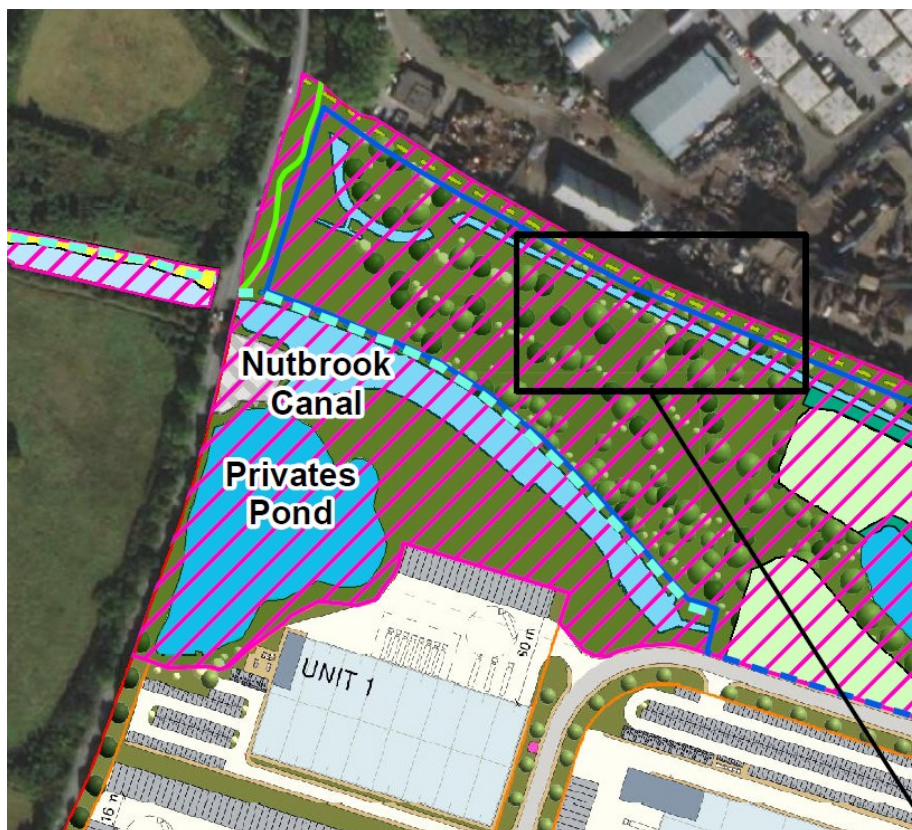
We apologise. We have made errors with regard to the Stanton North site.

Having re-visited the approved scheme we confirm the following:

The Biodiversity Plan – which forms part of the requirements of condition 18 includes this:

4.7 To maintain connectivity for people using the existing cycle route, Stanton by Dale Footpaths 20 and 24 and the road network, a formal footpath will be established in the west of the BEA, running north-south between the Nutbrook canal and the cycle route. The cycle route itself will be maintained in good condition and facilities such as benches provided. In the east of the BEA, an existing footpath will be formalised, connecting the cycle route and the development with Merlin Way and Crompton Road to the north.

The relevant plan is this:



And the condition states:

- 18 Notwithstanding that landscaping is a Reserved Matter, the Biodiversity Enhancement Areas depicted in figure 1 of the “New Stanton Park – Biodiversity Enhancement Areas – Outline Habitat Management Plan (April 2022)” shall be retained in accordance with that plan, and within 12 months of the completion of ground remediation works on the site, shall be enhanced in accordance with, and thereafter managed in accordance with, that Management Plan.

We are sorry for the confusion, wasted time and delay caused by our errors in this regard.

Having clarified that, we will write separately, shortly, in response to the proposal.

Regards

James Grundy

Senior Planning Officer

Resources Directorate, Erewash Borough Council

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From: Sam Silcocks <sam.silcocks@harrislamb.com>

Sent: Tuesday, June 6, 2023 11:39 PM

To: Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>; James Grundy <James.Grundy@erewash.gov.uk>

Cc: Josie Hobbs <josie.hobbs@harrislamb.com>; Martin Andrews <martin.andrews@mac-ltd.co.uk>

Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

Hi James

I think Nigel has very clearly and succinctly set out that the outline submissions next door identified the provision of this footpath and that whilst they do propose fencing to protect the habitat, this fencing does not include the footpath connection in question.

So it would appear this is something that the adjoining employment site is proposing to deliver as part of their proposal and that this can be secured through the relevant RM application.

We would welcome confirmation that this addresses your question about deliverability of the connection and that the financial contribution would meet the relevant statutory tests?

Kind Regards

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From: Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>

Sent: Tuesday, June 6, 2023 9:59 PM

To: James Grundy <James.Grundy@erewash.gov.uk>; Sam Silcocks <sam.silcocks@harrislamb.com>

Cc: Josie Hobbs <josie.hobbs@harrislamb.com>; Martin Andrews <martin.andrews@mac-ltd.co.uk>

Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

Dear James,

The position of the Local Highway Authority remains as set out in my email of 5 June 2023.

Derbyshire County Council does not require the Appellant to physically deliver off-site works on the land identified. A financial contribution is sought towards future delivery of part of the LCN route in that location by this Authority, together with physical works as summarised below:

1. *Section 278 Works to provide footway widening to Sowbrook Lane enabling provision of a 2.0m wide footway, with some narrowing.*
2. *Planning Obligation Agreement for provision of a pedestrian / cycle link between Sowbrook Lane and Ilkeston Road around the northern periphery of the site (southern side of the canal) and western periphery of*

the site south in line with Derbyshire County Council's transport Plan, to be dedicated as a public right of way.

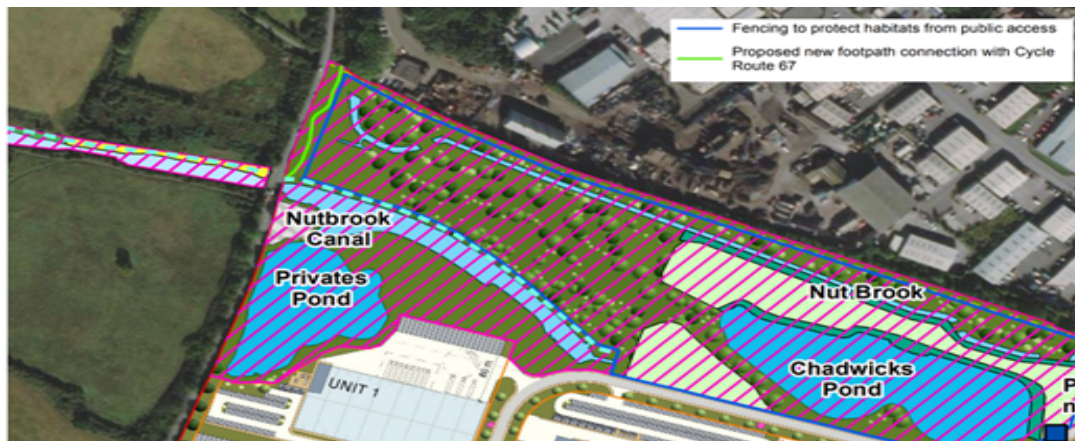
3. *Section 278 Works to provide a footway / cycleway along Ilkeston Road from where the route Sowbrook Lane / Ilkeston Road active travel route exits the site northwards to the canal towpath gate.*
4. *Section 278 Works to provide a crossing point on Ilkeston Road between the eastern and western sections of the canal towpath.*
5. *Planning Obligation Agreement to provide funding towards a surfaced route to an appropriate standard between the Nutbrook Canal and the Nutbrook Trail.*

With regards to the consented hybrid application reference ERE/1221/0002, the land in question does not appear to be identified as contaminated in the site investigation report which seems to place it in the undeveloped Zone 1 Area: "fields and ponds".

In consideration of the Biodiversity Enhancement Area, the "New Stanton Park Biodiversity Enhancement Area Outline Habitat Management Plan" (Final Version) dated March 2022 appears to identify the land in question for a 'proposed new footpath connection with Cycle Route 67'. Page 11, Para 4.1 of the above report states: "To maintain connectivity for people using the existing cycle route, Stanton by Dale Footpaths 20 and 24 and the road network, a formal footpath will be established in the west of the BEA, running north-south between the Nutbrook canal and the cycle route".

An extract from Figure 1, (page 23) of the Biodiversity Enhancement Area report is reproduced below. This shows the route of a proposed formalised footpath highlighted in green, outside of the proposed fenced zone, all of which are within the overall Biodiversity Enhancement Area. The proposed fence to protect habitats from public access is marked in blue, to the east of the active travel link.

The Local Highway Authority requests that this route, which appears to be already established and used by pedestrians, is safeguarded as an active travel route for future enhancement as part of the County Council's Local Cycle Network, as set out in the Outline Habitat Management Plan.



As per my previous email, I will circulate recommended conditions and other S106 / S278 inclusions as soon as possible.

Kind regards
Nigel

Nigel Atkinson BSc (Hons) MSc DIC CMILT MCiHT | Highway Development Control Team Leader (Interim) |
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From: James Grundy <James.Grundy@erewash.gov.uk>

Sent: 06 June 2023 12:35

To: Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>; Sam Silcocks <sam.silcocks@harrislamb.com>

Cc: Josie Hobbs <josie.hobbs@harrislamb.com>; Martin Andrews <martin.andrews@mac-ltd.co.uk>

Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

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Dear Nigel

Thank you for the additional information which is all noted. My question of how the proposal would be delivered remains unanswered. Therefore, as advised in my email to Sam below, it appears that the appellant cannot rely on this land to deliver off site works for the Sowbrook Lane proposals.

We would be grateful for clarification of the Highway Authority's position in light of that.

Regards

James Grundy

Senior Planning Officer

Resources Directorate, Erewash Borough Council

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From: Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>

Sent: Tuesday, June 6, 2023 7:02 AM

To: Sam Silcocks <sam.silcocks@harrislamb.com>; James Grundy <James.Grundy@erewash.gov.uk>

Cc: Josie Hobbs <josie.hobbs@harrislamb.com>; Martin Andrews <martin.andrews@mac-ltd.co.uk>

Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

Dear All

For clarity, there appears to be an existing route indicated in purple on the plan below. It runs north to south through the area of land in question, on the eastern side of Ilkeston Road. I attach photographs.

Currently it is rough surfaced, as is the surrounding network of paths in the vicinity, (including the canal towpath). It is not currently fenced, nor is there any signage or physical measures prohibiting public access. This route has been identified to be improved as part of the County Council's Local Cycle Network (LCN).

As the route forms part of a desire line from the site, the Local Highway Authority is seeking a Section 106 contribution towards improving its use for active travel, to be delivered by Derbyshire County Council Public Rights of Way team as part of the County Council's wider LCN proposals.

I will circulate recommended conditions and other S106 inclusions as soon as possible.

Kind regards

Nigel Atkinson BSc (Hons) MSc DIC CMILT MCIT | Highway Development Control Team Leader (Interim)|

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From: Sam Silcocks <sam.silcocks@harrislamb.com>

Sent: 05 June 2023 21:32

To: James Grundy <James.Grundy@erewash.gov.uk>; Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>

Cc: Josie Hobbs <josie.hobbs@harrislamb.com>

Subject: Re: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

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All noted.

Seems strange you wouldn't have explored this in more detail as this was part of the County's proposal with much wider strategic implications for securing sustainable travel around the Borough! Plenty of space to clear a strip, clean it up and provide additional planting elsewhere!

What alternatives did you require of them to provide suitable cycle / pedestrian links?

Best

Sam

Sent from [Outlook for Android](#)

Sam Silcocks BSc (Hons) MA MRTPI
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From: James Grundy <James.Grundy@erewash.gov.uk>
Sent: Monday, June 5, 2023 5:12:51 PM
To: Sam Silcocks <sam.silcocks@harrislamb.com>; Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>
Cc: Josie Hobbs <josie.hobbs@harrislamb.com>
Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

Sam

The area of land in question forms part of the biodiversity offer for the Stanton development. Public access is deliberately excluded from this part of the site because it is heavily contaminated and to render it safe would involve destroying all the biodiversity value it has. So that part of the site was retained through masterplanning and the approved parameter plans for biodiversity enhancement and the public are excluded from that area to keep them safe. The council will not be working with the Stanton developers through Reserved Matters applications to open this area up to the public for those reasons. The contaminated land reports, biodiversity assessments and approved parameter plans are all available on our website for that application.

At present therefore, it appears that you cannot rely on this land to deliver off site works for the Sowbrook Lane proposals.

Regards

James Grundy

Senior Planning Officer

Resources Directorate, Erewash Borough Council

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From: Sam Silcocks <sam.silcocks@harrislamb.com>
Sent: Monday, June 5, 2023 4:47 PM
To: James Grundy <James.Grundy@erewash.gov.uk>; Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>
Cc: Josie Hobbs <josie.hobbs@harrislamb.com>
Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

Hi James

There is still plenty of opportunity for this to be secured through the RM applications and we would normally expect to see Council's take the chance to deliver these things through negotiations on planning applications when proposals come forward.

Can I ask why the opportunity has not been taken to date to secure this part of the proposed LCN through the outline application? If we can understand this, then we can assist with finding a solution for the benefit of everyone. There are measures that can deal with contamination and there are public rights of way currently running along either side of this piece of land. So it cannot be that bad.

Best

Sam Silcocks BSc (Hons) MA MRTPI

Director - Planning

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From: James Grundy <James.Grundy@erewash.gov.uk>

Sent: Monday, June 5, 2023 4:35 PM

To: Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>

Cc: Sam Silcocks <sam.silcocks@harrislamb.com>; Josie Hobbs <josie.hobbs@harrislamb.com>

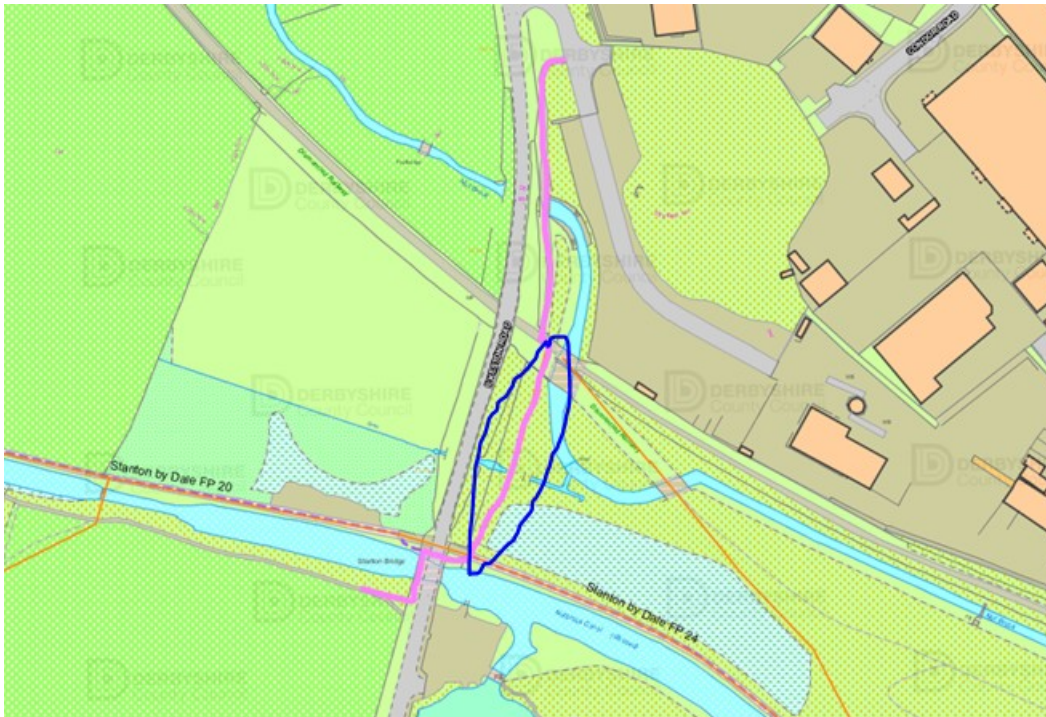
Subject: RE: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

Good afternoon all

Nigel – Thank you for your comments. Please would you advise when we will receive your proposed conditions and s106 inclusions?

Josie/Sam – please see below.

We note the proposal to provide a path parallel to Ilkeston Road, as roughly marked in dark blue below.



We note that this land forms part of the site the subject of approved hybrid application reference ERE/1221/0002. We understand that the land is not in the ownership of the Sowbrook Lane site appellant or the Highway Authority. We note that the land is contaminated and that as part of the approved scheme it will be fenced in, with no public access, and will provide biodiversity enhancements.

All - In light of those factors, please would you advise how your proposal would be delivered?

Regards

James Grundy

Senior Planning Officer

Resources Directorate, Erewash Borough Council

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From: Nigel Atkinson (Place) <Nigel.Atkinson@derbyshire.gov.uk>

Sent: Monday, June 5, 2023 12:12 AM

To: James Grundy <James.Grundy@erewash.gov.uk>

Cc: Planning <planning@erewash.gov.uk>

Subject: APP/N1025/W/23/3319160 / ERE/0722/0038 – Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

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Dear James,

RE: Appeal Reference: APP/N1025/W/23/3319160

Planning Application Reference: ERE/0722/0038

Site Location: Land North West of 1 to 12 Twelve Houses, Sowbrook Lane, Stanton by Dale

Thank you for advising Derbyshire County Council, as Local Highway Authority, of the planning appeal in connection with the above proposals. Whilst I was not involved with assessing the original submissions, I have reviewed all material submitted in connection with the original planning application submissions, reviewed the additional material supplied by the Appellant, undertaken internal discussion with the Derbyshire County Council Rights of Way Team, Active Travel Team and Passenger Transport Authority. I have also visited the site and general location and walked the current route between the site and the edge of Ilkeston and examined the current footway provision

along Sowbrook Lane. On the basis of my assessments, the current position of the Local Highway Authority in connection with the Appeal proposals is as set out below.

Firstly, with regard to the submissions that supported the original planning application, the Local Highway Authority Statutory Consultee response to the planning application was issued by Sue Highley, as set out in the attached email of 23 September 2022. At the time of the Local Highway Authority's response, a Transportation Assessment had been submitted which suggested that the site will generate between up to 150 or so two-way trips during the respective weekday peak hours. The Transportation Assessment included some analysis of the relative accessibility of the site, including access to employment, education, healthcare, food retail and town centres.

It was noted that the active travel strategy for the site concentrated on amenities in Kirk Hallam, although it is likely that residents would be attracted to the more comprehensive facilities in Ilkeston. There are currently no footways on Ilkeston Road for a considerable distance north of the site resulting in the need for pedestrians to walk in the carriageway of Ilkeston Road. No footway provision was proposed as part of the original submissions, nor alternative mitigation suggested at the time of the original submissions.

The transport assessment considered several offsite junctions. These were assessed based on classified turning counts undertaken Thursday 21 October 2021, prior to New Stanton Park (ERE/1221/0002) receiving planning consent. In response to this, the Local Highway Authority requested that a cumulative assessment was undertaken with New Stanton Park included as committed development, together with some modifications to the vehicular access arrangements and provision of improved means of pedestrian access. As an alternative to undertaking further work, based on what had been submitted to support the original application, the Highway Authority recommended refusal on the following two grounds:

1. *The applicant has not satisfactorily demonstrated that approval of the proposed development would not have a significant impact on the operational capacity or condition of safety on the existing transportation network. For the avoidance of doubt, any further consideration of this development by the Highway Authority would require a cumulative impact assessment to be undertaken on behalf of the developer to understand the impacts of this development along with the approved New Stanton Park development, amended and additional drawings.*
2. *Approval of the proposal would result in the introduction of a significant number of pedestrian movements at a location where no footways provision exists requiring pedestrians and other vulnerable users to use the carriageway, increasing the potential for conflict with vehicles contrary to the best interests of highway safety.*

The Application was subsequently REFUSED (refusal notice dated 13 October 2022) and, the following reasons for refusal included on the basis of the Local Highway Authority's recommendations in relation to the originally submitted scheme:

- " 2. The proposal would result in the introduction of a significant number of pedestrian movements at a location where no footways provision exists requiring pedestrians and other vulnerable users to use the carriageway, resulting in conflict with vehicles contrary to the best interests of highway safety. As such, the proposal is contrary to the requirements of the NPPF.*
- 3. The applicant has not satisfactorily demonstrated that approval of the proposed development would not have a significant impact on the operational capacity or condition of safety on the existing transportation network. As such, the proposal is contrary to the requirements of the NPPF".*

In addition to the Reasons for Refusal recommended by the Local Highway Authority, an additional transport and accessibility reason for refusal, (Reason for Refusal Number One) was also been included on the Decision Notice. This states.

“ 1. The site is unsustainably located, remote from services, with poor options for walking and cycling to services further afield. As such, the proposal is contrary to the requirements of the NPPF, the National Design Guide, Core Strategy Policy 10: Design and Enhancing Local Identity and Core Strategy Policy 14: Managing Travel Demand”.

Whilst the latter Reason for Refusal is transport related, it was not recommended by the Local Highway Authority in its statutory consultee response. It is noted that the site is adjacent to the New Stanton Park employment site that a range of facilities are within reasonable walking distance (up to 2km). Furthermore, the Appellant has agreed to fund an extension to the existing bus service which operates during the middle of the day so that it operates Monday to Saturday 0700-1900 every hour, for a period of 5 years post development. The Passenger Transport Authority has been consulted on this and has confirmed that the proposals would be acceptable. This would offer a benefit to the wider area served by the route. Additionally a development wide Travel Plan would operate on the site.

For clarity on the above matter, the Local Highway Authority's position is that whilst local facilities could be considered to be within reasonable distance from the site (and would be improved further by extending the bus service), the quality of the route to local facilities by active travel modes is currently poor, as set out in Reason for Refusal Number Two.

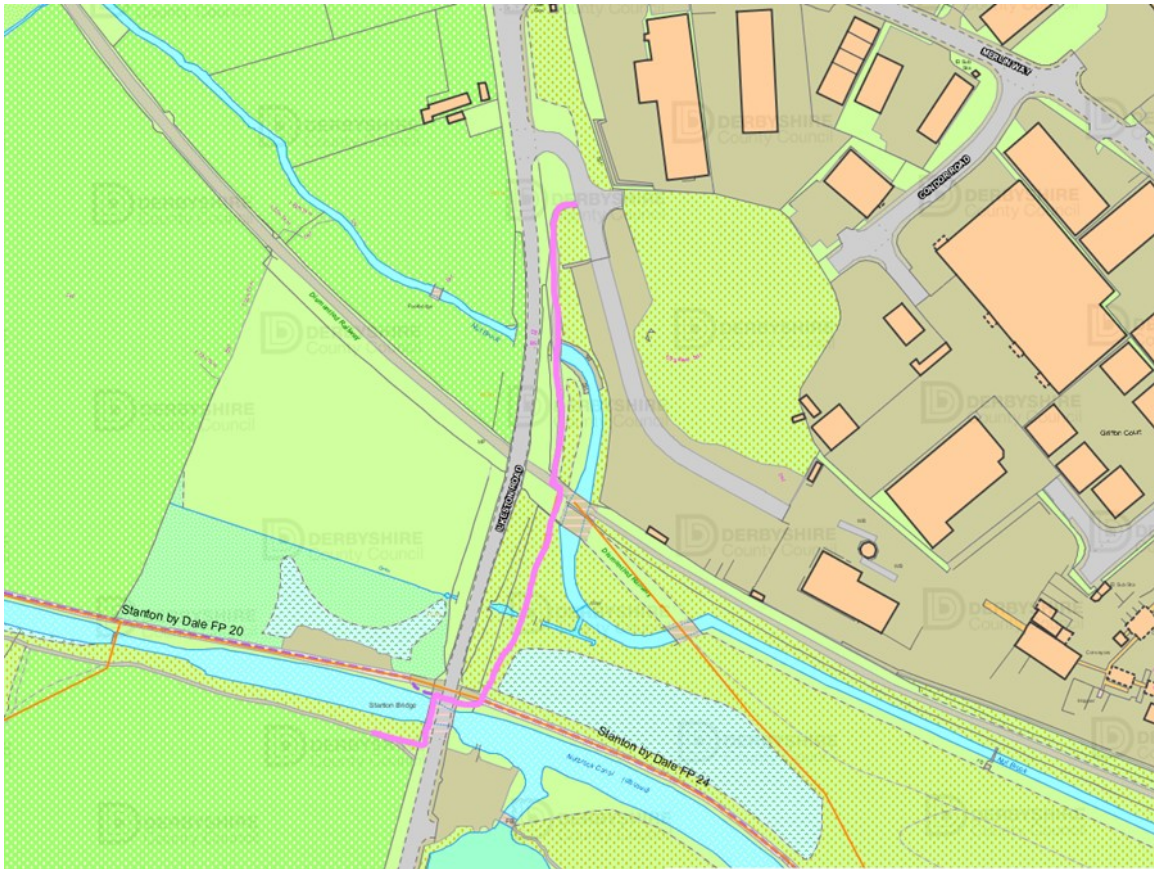
Pursuant to the above and in line with the Planning Inspectorates guidances which encourages all parties to engage in pre-inquiry discussions, an Addendum Transport Assessment was submitted on behalf of the Appellant on the 31 March 2023 (attached for ease of reference), which sought to address the Highway Authority's comments. The Local Highway Authority has reviewed matters set out in the Addendum Transport Assessments and offers the following additional comments on the Appeal proposals.

With regard to the first highways recommendation for refusal (reason for Refusal Number 3), it has been noted that the Appellant has now undertaken a cumulative assessment of the local junctions previously identified and as previously requested by the Local Highway Authority. This indicates that the impact of the development on the Local Highway Network is not considered to be considered significant when assessed cumulatively with New Stanton Park and mitigation measures already secured in relation to the latter development, together with highway improvements to be delivered as part of this development by way of Agreement under Section 278 of the Highways Act.

In consideration of the additional material submitted in connection with the above, the Local Highway Authority considers that its first recommendation for refusal has now been addressed by the Appellant. It may be covered by condition and appropriate legal agreement. The Highway Authority Recommendation for refusal (set out in Reason for Refusal number 3), is therefore withdrawn.

With regard to the second highways recommendation for refusal (Reason for Refusal Number 2), this relates to current the lack of a section of footway along Ilkeston Road (to the north) and below standard sections of existing footway along Sowbrook Lane. The Appellant has engaged in pre-Inquiry dialogue with the Local Highway Authority and Derbyshire County Council Rights of Way team concerning provision of active travel routes in the vicinity of the site in connection with this matter.

It has been noted as part of the Addendum Transport Assessment that there is an existing Key Cycle Network (KCN) Sustrans route (the Nutbrook Trail) running approximately northwest to south-east a short distance to the north of the site. Within its current Transport Plan, Derbyshire County Council has proposals for a Local Cycle Network (LCN) to link to this southwards to the Nutbrook Canal, with a crossing facility on Ilkeston Road and then a pedestrian / cycle link through the appeal site to Sowbrook Lane. The above is set out on Derbyshire County Council's website: <https://www.derbyshire.gov.uk/transport-roads/transport-plans/sustainable-travel/cycling-walking-plans/cycling-and-walking-plans.aspx>. The intended route of Local Cycle Network is indicated purple on the plan below. It should be noted that it *is routed through the Appeal site*:



Having visited and walked the route of the LCN on Thursday 1 June 2023, it was observed that:

- The Key Cycle Network (KCN) is in place and forms part of a longer distance Sustrans route to the wider area. It is surfaced to a high standard.
- The northern section of proposed LCN (to the north of the Nutbrook Trail linking to Ilkeston Road) is already in place and surfaced to a high standard. There is no requirement for any provision or improvement of this section of the route northwards from the Nutbrook Trail to Ilkeston Road.
- The section of LCN between the Nutbrook Trail and the Nutbrook Canal is in place and although unlit, appears to have significant use by pedestrians, but on an informal basis that would require further surfacing and formalisation to facilitate cycle use.
- There is currently no crossing point on Ilkeston Road from the canal footpath. The section through the site does not currently exist, although the Derbyshire County Council's plan shows its future provision.

Following subsequent discussion with view to setting out matters in Angreed Position Statement, the applicant has indicated that they would provide the following Active Travel improvements in the vicinity of the site to address the original concerns raised by the Local Highway Authority:

1. *Section 278 Works to provide footway widening to Sowbrook Lane enabling provision of a 2.0m wide footway with some narrowing. This addresses issues concerning pedestrian access eastwards from the site to Kirk Hallam and is considered acceptable by the Local Highway Authority.*
2. *Planning Obligation Agreement for provision of a pedestrian / cycle link between Sowbrook Lane and Ilkeston Road around the northern periphery of the site (southern side of the canal) and western periphery of the site south in line with Derbyshire County Council's transport Plan, to be dedicated as a public right of way. This is considered to be acceptable to the Local Highway Authority and in line with its current Travel Plan as published on the Derbyshire County Council website.*

3. *Section 278 Works to provide a footway / cycleway along Ilkeston Road from where the route Sowbrook Lane / Ilkeston Road active travel route exits the site northwards to the canal towpath gate. This is considered to be acceptable to the Local Highway Authority and in line with its current Travel Plan as published on the Derbyshire County Council website.*
4. *Section 278 Works to provide a crossing point on Ilkeston Road between the eastern and western sections of the canal towpath. This is considered to be acceptable to the Local Highway Authority and in line with its current Travel Plan as published on the Derbyshire County Council website.*
5. *Planning Obligation Agreement to provide funding towards a surfaced route to an appropriate standard between the Nutbrook Canal and the Nutbrook Trail, specification to be agreed with the Derbyshire County Council Rights of Way Team. This is considered to be acceptable to the Local Highway Authority and in line with its current Travel Plan as published on the Derbyshire County Council website.*

The provision of the above works would enable off-carriageway walking and cycling trips through the site between Sowbrook Lane and Ilkeston Road, improve pedestrian access to Kirk Hallam and provide for pedestrian trips northwards into Ilkeston off-carriageway, where there is currently no footway on the existing former railway bridge over the Nutbrook Trail. The proposed active travel measures are considered to be acceptable by the Local Highway Authority as they are in line with its own Transport Plan aspirations and would overcome its concerns in relation to pedestrian and cycle movements to the north along Ilkeston Road.

In relation to the above, the Local Highway Authority considers that the second recommendation for refusal, (Reason for Refusal Number 2), would be addressed by the measures set out above being delivered. The Appellant has indicated that they would agree to do so. Having reviewed all the above, the Local Highway Authority considers that any outstanding matters may be covered by planning conditions and appropriate legal agreement which the Appellant has expressed a willingness to enter into. On the above basis, the Local Highway Authority's previously recommended objection to the proposals is withdrawn.

It is noted that a list of suggested Section 106 Obligations has already been circulated by Erewash Borough Council. This needs to be revised to include the active travel measures set out above. We will provide, by separate cover, a list of recommended conditions and planning obligation agreement measures that we request are included on any permission granted.

I trust this clarifies the Local Highway Authority's position with regard to this Appeal. Please do not hesitate to contact me should you wish to discuss further.

Kind regards

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