

28 April 2026

Paul Wilson, Chief Executive Derbyshire Dales District Council  
Kerry France, Monitoring Officer Derbyshire Dales District Council  
Peter O'Brien, Chair of the Local Plan Committee Derbyshire Dales District Council  
Chris Dale, Director of Planning Derbyshire Dales District Council

### **Formal Objection to Process Failure by Derbyshire Dales District Council During the Emerging Local Plan Review**

*Note: This document may be shared with any interested stakeholder.*

#### **Background and Overview**

Derbyshire Dales District Council (DDDC) is currently progressing a review of its Local Plan, with Regulation 19 consultation anticipated around August/ September 2026. This is a critical pre-submission stage governed by the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012/767), under which DDDC is legally required to conduct its plan-making process in a procedurally lawful, transparent and inclusive manner. DDDC's current Statement of Community Involvement states '*The link between responses received and the District Council's decision or action will be made transparent*'.

Darley Dale Town Council (DDTC) has engaged constructively throughout this process, submitting three formal written requests concerning: the PD10 policy map boundary (Hackney hillside); Darley Dale's Tier 2 settlement hierarchy status; and the need for a Drainage Impact Assessment given Severn Trent Water's (STW) CSO11 is operating near-daily and STW's own acknowledgement that the sewer drainage network is at capacity. None of these submissions has been acknowledged or responded to by DDDC.

This document will show that three compounding process failures have now occurred: the minutes of the 8 April Local Plan Committee meeting do not fairly record DDTC's oral submission; three formal written requests have been entirely ignored; and legible maps of proposed development sites in Darley Dale were withheld from DDTC until six hours after the deadline expired for written submissions and for booking a speaking slot at the 29 April committee meeting. Taken together, these failures are not merely administrative inconveniences - they constitute a breach of statutory and procedural obligations that goes to the legal integrity of DDDC's plan-making process.

### Major Points

- **Process failure undermines legal compliance.** Local plans are examined against the four tests of soundness - positively prepared, justified, effective and consistent with national policy - but they must also satisfy legal and procedural requirements. Local plans are examined by an independent inspector to assess whether they have been prepared in accordance with the duty to cooperate, legal and procedural requirements, and whether they are sound. DDTC suggests that DDDC's conduct risks legal non-compliance at examination.
- **Parish councils are statutory consultees.** A parish council is a "general consultation body" under the Town and Country Planning (Local Planning) (England) Regulations 2012. In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under regulation 18(1). DDTC believe that DDDC's failure to acknowledge or respond to three formal DDTC submissions is a breach of this duty.
- **Minutes must constitute a fair and coherent record.** Under Schedule 12, paragraph 41 of the Local Government Act 1972, minutes of the proceedings of a meeting of a local authority shall be drawn up and entered in a book kept for that purpose and shall be signed at the same or next suitable meeting. In DDDC's case the 'book' is the DDDC website where agendas and minutes are published. The principle that minutes must be a *fair* record is reinforced by the requirement under section 100C that where they are incomplete, the proper officer shall make a written summary of the proceedings which provides a reasonably fair and coherent record. Recording written submissions in full in the minutes while reducing oral submissions to a single undifferentiated line is inconsistent and procedurally unfair.
- **Withholding legible documents until after the deadline is a denial of effective participation.** Before submitting a draft local plan, the local planning authority must make a copy of each of the proposed submission documents available and must notify general and specific consultation bodies. Providing inadequately zoomed and effectively unidentifiable site maps and only supplying legible versions six hours after the participation deadline, denied DDTC and the residents of Darley Dale a meaningful opportunity to engage. DDTC understands that due to complaints surrounding this, access was reopened on 27<sup>th</sup> April - although no official notification was sent by DDDC to DDTC to that effect.
- **The Franks principles demand openness, fairness and impartiality.** DDTC understands that inspectors will adhere to the Franks principles of openness, fairness and impartiality throughout the examination process. These principles extend to the preparation stage. An Local Planning Authority (LPA) that restricts access to key evidence documents after a submission deadline has expired cannot claim to have conducted an open and fair consultation. This point is directly relevant to the soundness and legal compliance record that the Planning Inspector will scrutinise.

- **Decisions made on 29 April rest on an unsafe evidential and procedural foundation.**  
Before submitting a draft plan, the LPA should only submit it if they consider it to be sound and there will not be delays during the examination because potentially significant changes or further evidence work are required. Before submission, the LPA must do all it can to resolve any substantive concerns about the soundness or legal compliance of the plan. Major decisions on site selection and tier quotas to be taken on 29 April, while formal process objections are unresolved, will be founded on a compromised evidence base and a deficient consultation record.

### **Ground One: Deficient and Inconsistent Meeting Minutes - 8 April 2026 Local Plan Committee Meeting.**

**The legal basis:** Schedule 12, paragraph 41(1) of the Local Government Act 1972 requires that minutes of the proceedings of a local authority meeting shall be drawn up as a record of proceedings. Section 100C of the same Act requires that where minutes are incomplete or omit material, the proper officer must produce a summary that provides "a reasonably fair and coherent record." The obligation of fairness and accuracy in minute-taking is also a common law principle: minutes must record what was materially said and decided, not merely that a person spoke.

**The specific failure:** The minutes of the 8 April 2026 Local Plan Committee meeting record that Cllr D Chapman of Darley Dale Town Council spoke about the Local Plan but provided no summary whatsoever of the substantive content of his submission, including the specific issues of: Policy PD10 the policy map boundary relative to the Hackney hillside, coalescence fears and harm to landscape character. Yet, DDTC understands that written representations to the same meeting were minuted in full, including any officer replies. This is a direct inconsistency of treatment between oral and written submissions. There is no legal or procedural justification for this asymmetry. It produces a record that, in relation to DDTC's representations, is neither fair, complete nor coherent.

**DDTC Formal Request:** DDTC formally requests that the minutes be amended before they are signed/ entered/ uploaded to the DDDC website as the official record, or that the proper officer issue/ raise a supplementary written summary under section 100C of the Local Government Act 1972, accurately recording the substance of what was said on 8 April 2026. DDTC attach to this formal letter, sent by email and hand delivered to the DDDC offices in Matlock, a written summary of Cllr Chapman's oral submission so there is no ambiguity about what was said and what needs to be recorded. It can also be confirmed by video evidence. This supplementary summary should be entered into the evidence base.

**The wider significance:** An incomplete and inconsistent minute record of a consultation meeting is directly relevant to legal compliance in Local Plan examination. If DDDC's own internal meeting records do not accurately capture what consultees said, this undermines the reliability of the summary of representations that will be submitted to the Planning Inspector.

## **Ground Two: Failure to Acknowledge or Respond to Three Formal Written Requests from DDTC**

**The legal basis:** As a parish council, DDTC is a "general consultation body" under the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012/767), regulation 2. In preparing the local plan, the local planning authority must take into account any representation made to them in response to consultations. The duty to "take into account" necessarily implies that representations must be received, acknowledged, and demonstrably considered. A representation that goes entirely unacknowledged and unanswered cannot meaningfully be said to have been taken into account.

**The specific failure:** DDTC submitted three formal requests: (i) widening the PD10 policy map boundary to include the Hackney hillside; (ii) a review of Darley Dale's Tier 2 settlement hierarchy designation; and (iii) a Drainage Impact Assessment in view of the acknowledged capacity failure of STW's sewer network (CSO11 operating beyond capacity). None has received an acknowledgement or a substantive response.

**DDTC Formal Request:** This letter requires DDDC to acknowledge each of the three formal requests by name, confirm the date of their receipt, and provide a substantive and considered written response to each. The letter should state that, until these responses are received, DDDC cannot properly demonstrate that DDTC's representations have been "taken into account" as required by the 2012 Regulations. This failure must be entered in the evidence base and will be drawn to the attention of the Planning Inspector at examination if not resolved.

**The drainage issue specifically:** DDTC believes that the drainage matter warrants particular weight. The National Planning Policy Framework (NPPF) (December 2024), paragraph 160, makes clear that planning authorities should ensure that infrastructure, including drainage and water supply, can be adequately provided for new development. A Drainage Impact Assessment, in the context of a known, Severn Trent Water acknowledged capacity failure affecting existing residents, is not an optional extra — it is a material evidence requirement before development allocations in Darley Dale can be justified. An allocation proceeding without this evidence risks being found unsound at examination on the grounds of being neither "justified" nor "effective" under NPPF paragraph 36.

## **Ground Three: Withholding Legible Site Maps Until After the Participation Deadline**

**The legal basis:** The duty to give meaningful notice extends to ensuring that consultation bodies can participate effectively before deadlines expire. The Planning Inspectorate's Procedure Guide confirms that timescales for making documents available and giving notice to hearing participants will be based on established good practice, and that all parties should follow the general principles of openness, fairness and impartiality — the Franks principles.

Providing legible versions of key site maps only six hours after the deadline for written submissions and speaker booking slots had expired is a straightforward denial of effective participation. It is particularly aggravating that DDTC raised the problem by email on 23 April 2026, giving DDDC approximately 17 hours to act before the noon deadline on 24 April 2026, and that DDDC failed to act in time.

**The specific failure:** Pre-meeting papers were circulated with site maps zoomed to a level that made individual site identification impractical or impossible. DDTC emailed DDDC on 23 April requesting legible maps, noted the 24 April noon deadline, and flagged urgency. Despite multiple telephone calls, legible maps were not received until 18:00 on 24 April — six hours after the deadline. At the time of submitting this objection a legible plan is still not available for public viewing online.

**DDTC Requests:** DDTC requests that future issues of proposed development sites are provided as normal scale plans with proposed site boundaries marked in red so that the proposed sites are fully and clearly identifiable.

Footnote: DDTC learned from a third-party source that access to the submission of written submissions and booking speaking slots was reopened some time on Monday 27<sup>th</sup> April 2026, but no official notification was issued by DDDC to DDTC.

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#### **The Status and Effect of This Formal Objection at Examination**

If DDDC proceeds at the Local Plan Committee meeting on 29 April 2026 to make major decisions on site selection and tier quotas without having resolved or even addressed DDTC's formal process objection, and earlier unanswered formal requests, those decisions will have been made on a foundation that DDTC has formally disputed. When the Regulation 19 plan is submitted to the Planning Inspectorate and an independent Inspector is appointed, DDTC will be entitled to - and reserve the right to - submit a representation that raises the entire sequence of process failures and unanswered formal requests as matters affecting legal compliance and the soundness of the plan under section 20 of the Planning and Compulsory Purchase Act 2004. Where the Inspector concludes that other basic procedural requirements have not been met, or there are fundamental issues regarding the soundness of the plan, it could be recommended that the submitted plan is not adopted.

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#### **Policy Note:**

*Darley Dale Town Council formally objects to the process failures identified above as matters going to the legal compliance and procedural integrity of DDDC's Local Plan review process, pursuant to;*

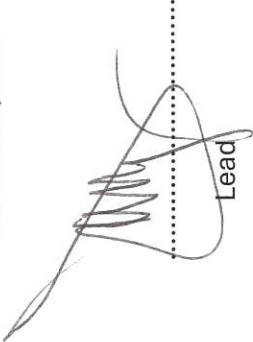

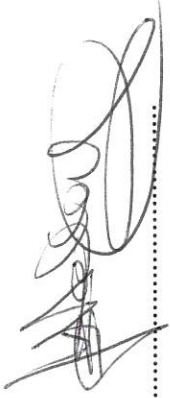
*The Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012/767),*

*The Planning and Compulsory Purchase Act 2004, the Local Government Act 1972 Schedule 12 paragraph 41 and section 100C, and*

The National Planning Policy Framework (December 2024) paragraphs 36 and 160.

DDTC requires a written response within ten working days. **This letter is to be entered into DDCC's Local Plan evidence base in its entirety.** DDTC reserves its rights to raise these matters before the Planning Inspector at examination.

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Document raised by:	Document Approved by:	Document Issued by:
Cllr D. Chapman  Lead	Cllr J. Farmer  Chair	J. Hedley  Town Clerk
Local Plan Review DDTC	Darley Dale Town Council	Darley Dale Town Council

Issued by email with hard copies circulated to relevant stakeholders. 28<sup>th</sup> April 2026.

Good evening Chair, and thank you for the opportunity to speak on these two **linked and critical items**.

I am Cllr D Chapman, speaking on behalf of Darley Dale Town Council.

We fully support the District's need to plan for housing and believe that we have always tried to work constructively with you. However, **we cannot support** any plan that could **irreversibly damage** the distinctive character and landscape setting that define Darley Dale and the Derwent Valley.

First, Policy PD10 – Matlock to Darley Dale A6 Corridor.

The policy wording is clear and strong: it exists to **safeguard the intrinsic character** and quality of the open spaces through the Derwent Valley and to prevent **further coalescence** between Matlock and Darley Dale. It is explicitly based on the 2015 Strategic Landscape Sensitivity Study, which identified land of high sensitivity for **preventing visual coalescence** and protecting the Peak District National Park setting.

Yet the Policies Map leaves out the **most prominent** and defining feature in the entire corridor – the open green hillside between Upper and Lower Hackney. From the River Derwent floodplain – a key recreational route – this hillside forms the **dominant feature that maintains perceived separation**. The photograph we are showing on screen emphasises the point clearly.

This gap in the protection of the hillside green space means **the policy cannot deliver** its own objectives. It **fails** the NPPF tests of being justified by evidence and effective in delivering the spatial vision.

Without change, the emerging plan risks being found unsound at examination.

We therefore ask the Committee tonight to extend the PD10 boundary to **fully cover the entire** Hackney hillside – or designate it as strategic open space, or identify it as a valued landscape under PD5. As the proposed changes to the wording of PD10 was the **only absentee** in the papers released for this evenings committee meeting, our timing in respect of this change could be timely.

We have supplied in our **formal request** of today in respect of this policy change, suggested wording to **make the protection explicit**, including the prominent views from the River Derwent.

The second issue is our formal request, submitted on 4 April, for a reassessment of Darley Dale's Tier 2 status, population figure and settlement boundary.

We are concerned that the current tight boundary, drawn hard against the existing built-up area along the A6, **combined** with the reduced population figure from the October 2025 Settlement Hierarchy Review, is **shaping the evidence base** to make the Hackney hillside look like the “**most appropriate**” development site. This approach **risks** downplaying coalescence and PD10 protections.

These two issues are **directly linked**.

The Hackney hillside is the **last significant open gap** preventing Darley Dale from becoming a suburb of Matlock.

We urge the Committee to approve **robust** protection for the Hackney hillside in PD10 **and** agree to a **full reassessment** of our settlement tier and boundary **before** the plan moves forward.

Without it, we repeat that the emerging plan risks being found **unsound** at examination.

This proposal **is sound**, plan-led planning that **respects the evidence**.

We **must** protect the special character of the Derwent Valley that residents, visitors and **every assessment of the hillside**, has valued so highly.

Thank you.