

DARLEY DALE TOWN COUNCIL

# SHLAA1094 — SW of Darcy House - Full Review

Land to the Southwest of Darcy House, Bakewell Road, Darley Dale

PD10 Conflict | EA Flood Zone 2 | Boden Close: Unadopted Road, Unadopted Sewer, Developer in Administration, Active Sewage Flooding | CSO11 Drainage Impact

**Prepared by:** Darley Dale Town Council | **Date:** May 2026 | **For entry into:** DDDC Local Plan Evidence Base

## 1. Purpose and Scope

This document is submitted by Darley Dale Town Council (DDTC) as a formal evidence base analysis of the SHLAA1094 Assessment Review Proforma in Appendix C of the Local Plan Committee Report dated 13 May 2026. It supersedes and replaces DDTC's earlier SHLAA 1094 analysis, incorporating material new information that has come to DDTC's attention regarding the proposed Boden Close access route.

SHLAA1094 — Land to the Southwest of Darcy House, Bakewell Road, Darley Dale — is a 0.77 hectare greenfield site promoted solely for 25 affordable dwellings. DDTC identifies six compounding grounds on which the Developable classification is unsound.

Of these, the Boden Close access issue should be significantly elevated in severity by the following confirmed facts, which appear not to have been before the SHLAA assessors and which fundamentally undermine the access assumption on which the Developable classification rests:

### CRITICAL INFORMATION — BODEN CLOSE

- The Boden Close development is complete and occupied.
- The road at Boden Close has NOT been adopted by Derbyshire County Council as public highway, despite the Section 38 Agreement noted in the proforma.
- The sewer at Boden Close has NOT been adopted by Severn Trent Water. STW have confirmed this directly.
- The developer who built Boden Close is understood to be in administration, as reported to DDTC by residents of Boden Close.
- A resident at No. 48 Boden Close is suffering ongoing internal sewage flooding, caused by the private, unadopted and failed sewer for which no party currently has an effective legal maintenance obligation.

These facts mean that the proforma's access conclusion — 'access should be acceptable in terms of geometry' via Boden Close — is based on a materially false factual premise. The 6–10 year Developable timescale may be entirely consumed by the resolution of the Boden Close road and sewer adoption crisis alone. DDTC formally requires DDDC to withdraw the Developable classification for SHLAA1094 pending a full reassessment of the access position in light of these facts.

The six grounds of objection are set out in full below;

## 2. Site Overview

SHLAA Reference	SHLAA1094 — Land to the Southwest of Darcy House, Bakewell Road, Darley Dale
Site type	Greenfield — two cattle-grazed pasture fields with scattered mature trees
Site area	0.77 ha total; net developable 0.62 ha (80% — based on landowner submission only)
Proposed use	Residential development — affordable housing only
Housing capacity	25 dwellings
Deliverability	Developable — 6 to 10 years (DDTC contests this)
PD10 designation	RED — site explicitly within PD10. Proforma acknowledges site prevents coalescence.
Flood risk (Environment Agency)	RED — SW corner in Flood Zone 2; Sequential Test explicitly required by EA
Flood risk (LLFA)	AMBER — western part Flood Zone 2; low–high surface water risk NE corner; main river 85m SW; 3 internally flooded properties within 80m south; 2 highway flooding reports 134m north
Highway access	AMBER — NO adopted highway frontage; two unresolved options: (1) via care home site; (2) via Boden Close (unadopted road, developer in administration)
Boden Close — actual position	<b>CRITICAL: Road unadopted. Sewer unadopted (STW confirmed). Developer in administration. Internal sewage flooding at No. 48.</b>
Drainage — CSO11 Hooley Town	Explicitly cited as impacted. Multiple further downstream CSOs also cited.
Biodiversity	AMBER — adjacent potential Local Wildlife Site marsh; low to medium impact; indirect Derwent habitat impacts
Contamination	AMBER — possible elevated lead levels and radon gas. Radon not reflected in viability assessment.
Landscape	GREEN — by Planscape Consultants (landowner-instructed, not DCC officer). Only Darley Dale site to receive GREEN landscape rating.
Final conclusion	Developable — subject to Flood Risk Assessment (DDTC contests this on multiple grounds)

## 3. Issue One: Highway Access — The Boden Close Crisis

### 3.1 What the proforma says about Boden Close

The Highways Authority assessment for SHLAA1094 identifies two possible access options, rating both AMBER. On Boden Close, the assessment states:

*"Access could potentially be gained from Boden Close, a residential cul-de-sac located to the east of the site. Boden Close is currently unadopted (Section 38 Agreement in place). This is a relatively new development and access should be acceptable in terms of geometry."*

The Conclusion Summary states: 'Landowner has indicated that access would be achieved from adjacent development, off Boden Close. Highways have accepted this in principle, subject to geometry.'

This assessment was made without knowledge of the facts that DDTC has now established. Those facts are set out below and each materially undermines the 'acceptable in principle' conclusion.

### 3.2 The four compounding Boden Close failures

	Confirmed fact	Legal and planning consequence
1	<b>Road at Boden Close has NOT been adopted as public highway by DCC, despite S38 Agreement being in place.</b>	Boden Close remains a private road. DCC has no jurisdiction over it. Its surface, kerbing, drainage and lighting remain private assets — currently presumably controlled by the administrator of the insolvent developer. SHLAA1094 has no right of access over a private road without the consent of the road owner, which in administration rests with the administrator whose duty is to creditors, not to future highway adoption.
2	<b>The developer who built Boden Close is understood to be in administration.</b>	The S38 Agreement cannot progress normally. A bond was required under the S38 Agreement to cover the cost of completing the road works if the developer failed to do so. The administrator now controls the developer's assets including any bond arrangements. The process of calling in the bond, appointing a contractor, completing outstanding adoption works, and securing DCC sign-off is indefinite in timescale. Road adoption may take years. The 6–10 year deliverability window for SHLAA1094 may be entirely consumed.
3	<b>The sewer at Boden Close has NOT been adopted by Severn Trent Water. STW have confirmed this directly to DDTC.</b>	The Boden Close sewer operates under an incomplete Section 104 Agreement (Water Industry Act 1991). It is a private sewer — owned by the developer in administration. STW have no obligation to maintain, repair or clear it. It is not part of the public sewerage network. Any new connection from SHLAA1094 to this private, unadopted sewer would connect to infrastructure that has no public maintenance obligation and whose adoption is uncertain.
4	<b>A resident at No. 48 Boden Close is experiencing ongoing internal sewage flooding.</b>	Internal sewage flooding from a private, unadopted sewer, with the developer in administration and STW having confirmed non-adoption, means there is currently no party with an effective obligation to resolve this. The flooding is direct evidence that the Boden Close sewer is defective or inadequately sized. STW will not adopt a sewer that does not meet adoption standards — and a sewer that is causing internal property flooding manifestly does not meet those standards. Adoption may be refused or deferred indefinitely until costly remedial works are carried out. Those remedial works are the obligation of the insolvent developer, funded from the bond.

### 3.3 What the S38 and S104 processes mean in an insolvency

A Section 38 Agreement under the Highways Act 1980 is a legally binding agreement between a developer and the Highway Authority that the developer will construct the road to an adoptable standard, secured by a bond. When a developer enters administration, the following consequences apply to an uncompleted S38 Agreement:

- The administrator controls the developer's assets including any uncompleted road infrastructure and bond arrangements. The administrator's legal duty is to creditors — not to completing adoption.
- The bond — required to cover the Highway Authority against the possibility of developer insolvency — may be called in by DCC to fund completion of the outstanding adoption works. However, if the bond has been reduced as the development neared completion (standard

practice), the remaining bond value may be insufficient to cover all remedial works, final surfacing, and DCC's adoption inspection costs.

- DCC has no obligation to adopt on any fixed timescale. Adoption will only occur when the road meets the required standard to DCC's satisfaction. If remedial works are needed and the administrator does not fund them, the bond must be called in, a contractor appointed by DCC, works completed, and a final inspection passed. This process routinely takes two to four years even when uncontested.
- Until adoption, the road remains private. Residents of Boden Close have no adopted road. SHLAA1094 has no right of access over it.

A Section 104 Agreement under the Water Industry Act 1991 is the equivalent mechanism for sewer adoption. Where the developer has entered administration before adoption is complete:

- The sewer remains a private sewer. STW have confirmed non-adoption. STW have no obligation to maintain or repair a private sewer, regardless of whether it is causing property flooding.
- A bond of typically 10% of the sewer network construction cost is held by STW under the S104 Agreement. If the sewer is defective, STW can call in the bond to fund remedial works — but only up to the bond value. If the sewage flooding at No.48 Boden Close indicates a systemic sewer design or construction defect, remedial costs may exceed the bond.
- STW will not adopt a sewer that does not meet adoption standards including 'Sewers for Adoption' design criteria and the Code for Adoption (April 2020). A sewer causing internal property flooding does not meet those standards. Adoption is refused or deferred pending remediation. With the developer in administration, the remediation obligation falls to the bond — and the process is managed by STW and the administrator, with no fixed timescale.
- Until adoption, the Boden Close sewer is private. Any foul water connection from SHLAA1094 to this private, unadopted sewer would connect new affordable housing to infrastructure with no maintenance guarantee and no public adoption commitment.

### 3.4 The impact on SHLAA1094's deliverability

The NPPG on Housing and Economic Land Availability Assessments requires that for a site to be classified as 'Developable' there must be a reasonable prospect of it coming forward within the stated timescale — here 6 to 10 years. DDTC submits that there is no reasonable prospect of SHLAA1094 being delivered within 6 to 10 years via Boden Close, because:

- Boden Close road adoption cannot proceed until the administrator either cooperates with the S38 process or DCC calls in the bond, appoints a contractor, completes outstanding works and passes a final inspection — a process of uncertain but potentially multi-year duration;
- Boden Close sewer adoption cannot proceed until the S104 sewer defects causing internal flooding at No. 48 are remedied to STW's satisfaction — a process that first requires diagnosis of the defect, funding from the bond, appointment of a contractor, execution of works, and STW sign-off;
- Until both the road and the sewer are adopted, SHLAA1094 cannot lawfully access Boden Close (no right of access over private road) and cannot connect to it as a drainage route (private, unadopted, defective sewer);
- The care home site access option — the only alternative — requires third-party improvements, extensive A6 visibility works, and a pedestrian crossing at a location where the highway margin is confirmed as insufficient. This option is also unresolved and unsecured.

#### **Formal Objection — Highway Access: Boden Close**

The Boden Close access assumption on which SHLAA1094's Developable classification rests has been materially falsified by events unknown to the SHLAA assessors. The road is unadopted. The sewer is

unadopted and causing internal flooding at No. 48. The developer is in administration. There is no reasonable prospect of these constraints being resolved within the 6–10 year delivery window.

**DDTC formally requires:**

1. DDDC to immediately review the Developable classification of SHLAA1094 in light of the Boden Close facts set out in this section, and to publish an updated assessment.
2. DCC Highways to confirm: the current S38 bond status; the adoption timetable if any; and whether they accept that SHLAA1094 can be classified as Developable via Boden Close in its current state.
3. STW to confirm in writing: the S104 status of the Boden Close sewer; the cause of the internal sewage flooding at No. 48; the steps being taken to remedy the sewer defects; and the expected adoption timetable, if any.
4. The resident of No. 48 Boden Close to be formally supported in making a guaranteed standards complaint to STW and a complaint to Ofwat regarding the failure to adopt and maintain the private sewer. Any formal STW or Ofwat response to be entered into the Local Plan evidence base.

## 4. Issue Two: Policy PD10 — Explicit RED Designation Overridden on Subjective Grounds

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### 4.1 The explicit PD10 RED notation and the internal contradiction

SHLAA1094 carries an explicit RED notation under Other Considerations for Policy PD10:

*"RED — Site lies within Policy PD10 designation which seeks to safeguard the intrinsic character and quality of the open spaces through the Derwent Valley between Matlock and Darley Dale, and to prevent further coalescence of the settlements of Matlock and [Darley Dale]."*

The Conclusion Summary contains an unresolved internal contradiction. In one sentence it states:

*"This proposed site forms important open space along the A6 corridor that assists in helping maintain the character of settlement through the valley and preventing complete physical and visual coalescence under Policy PD10 of the Derbyshire Dales Adopted Local Plan."*

And in the very next paragraph concludes:

*"Whilst the area is currently protected from development under Policy PD10, this area of land is obscured from development to the north and east which has recently been developed and it is considered the loss of the open space would not have an adverse impact upon the surrounding area or lead to the visual coalescence of settlements."*

The site cannot simultaneously be acknowledged as important open space preventing coalescence under PD10, and be a site whose loss would not lead to coalescence. This contradiction is not resolved anywhere in the proforma. It cannot form the basis of a sound allocation.

## 4.2 The Planscape Consultants' assessment — four specific failings

The landscape assessment for SHLAA1094 was conducted by Planscape Consultants — instructed by the landowner — and produced a GREEN (minor impact) rating. Every other comparable Darley Dale SHLAA site was assessed by DCC's own landscape officer. Planscape's assessment justifies its GREEN rating on the basis that the site is 'obscured' by adjacent development. DDTC identifies four specific failings in this reasoning:

Failing in the Planscape assessment	
1	PD10 protects the physical gap and settlement separation function — not just visual screening from individual viewpoints. A site can be visually contained by adjacent development and still perform a critical gap function in the settlement pattern between Matlock and Darley Dale.
2	The 'changed baseline' argument — that adjacent development has 'recently been developed' — is the ratchet mechanism DDTC has identified across the Hackney/A6 corridor. Each approval degrades the baseline for the next assessment. Using adjacent development to reduce PD10 protection is exactly what PD10 was designed to prevent.
3	'It is considered the loss of the open space would not lead to visual coalescence' is a subjective conclusion unsupported by any viewpoint analysis, gap measurement, or cumulative assessment. A consultant's opinion is not a lawful planning balance for overriding a development plan policy under section 38(6) of the Planning and Compulsory Purchase Act 2004.
4	The use of a landowner-instructed external consultant rather than DCC's independent landscape officer for the only site in the Darley Dale SHLAA set to receive a GREEN landscape rating and carry a RED PD10 designation is a consistency failure that DDTC formally objects to. DCC's officer must independently assess this site.

### Formal Requirement — PD10

5. DCC's independent landscape officer must review SHLAA1094 and provide their own assessment of the site's PD10 function. The Planscape Consultants assessment must not be the sole landscape evidence.
6. A full reasoned planning balance justifying the PD10 override must be published, subject to public consultation, before the Regulation 19 plan is submitted.
7. A cumulative landscape and coalescence assessment for all PD10 and near-PD10 sites in the Bakewell Road / A6 / Derwent Valley corridor must be conducted before any individual site is allocated.

## 5. Issue Three: Flood Risk — EA RED Rating, Mandatory Sequential Test and Documented Flooding

### 5.1 The Environment Agency RED rating

SHLAA1094 is the only recommended Darley Dale site to receive a RED rating from the Environment Agency:

*"The South West corner of the site falls within flood zone 2. The site should follow the sequential test, and development within Flood Zone 2 & Flood Zone 3 should be avoided where possible. If development is pursued within Flood Zone 2 or Flood Zone 3 appropriate mitigation will need to be provided."*

The LLFA adds: western part of site in Flood Zone 2; low to high surface water risk in north-eastern corner; main river approximately 85m southwest; three unnamed ordinary watercourses within 300m; three internally flooded properties within 80m to the south; and two reports of highway flooding approximately 134m to the north.

These are not modelled risks — they are *documented incidents affecting existing properties* and the highway in the immediate vicinity of the proposed site.

## 5.2 The Sequential Test must precede allocation

The proforma concludes: 'the site is considered developable subject to a Flood Risk Assessment.' The EA's comment requires the Sequential Test — a distinct and prior requirement under NPPF paragraph 167 that must be satisfied before a Flood Risk Assessment is even relevant. The Sequential Test requires DDDC to demonstrate that no lower flood risk alternative sites are available. It cannot be deferred to planning application stage. Classifying a site as Developable without having conducted the Sequential Test is contrary to NPPF.

Additionally, the Conclusion Summary contains a significant inconsistency on flood risk. It states: 'The site lies mostly within flood zone 1. There is a very small area of the site that overlaps with flood zone 2.' This materially understates the LLFA's assessment which records the entire western part — not a small overlap — as being within Flood Zone 2, with separate low to high surface water risk in the north-eastern corner. This discrepancy between the Conclusion Summary and the underlying assessment must be corrected.

The three internally flooded properties within 80m to the south assume additional significance in light of the Boden Close sewer situation. It is possible that one or more of those properties is located at or near Boden Close, whose unadopted sewer is already causing internal flooding at No. 48.

DDTC formally asks DDDC to establish whether the three flooded properties cited by the LLFA include any properties on Boden Close, and if so, to assess the relationship between the private sewer failure and the LLFA's flooding records.

### Formal Requirements — Flood Risk

8. A Sequential Test under NPPF paragraph 167 must be conducted and published before SHLAA1094 is confirmed as an allocation. This is a mandatory EA requirement and cannot be deferred.
9. A site-specific Flood Risk Assessment must model all flood risk types including Flood Zone 2 (west and SW), surface water (NE corner), and fluvial (main river 85m). It must assess impact on the three internally flooded properties within 80m.
10. DDDC must confirm whether the three internally flooded properties within 80m include any properties on Boden Close, and whether the Boden Close sewer failure contributes to those records.
11. The Conclusion Summary's misstatement of the Flood Zone 2 extent must be corrected before the assessment is relied upon.

## 6. Issue Four: Drainage — CSO11, Multiple Downstream CSOs and the Boden Close Sewer Dimension

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The STW sewage infrastructure assessment rates drainage GREEN and states:

*"Development may impact MATLOCK - BAKEWELL RD (HOOLEY TOWN) (Sewage Pumping Station and Settled Storm Overflow). There are no Historic Flood Risk Register or pollution points immediately downstream of this location but there are multiple Combined Sewer Overflows further downstream which would be impacted by this development. Based on a review of topography, it is anticipated a connection can be made into the existing system within the site boundary via gravity (Connection MH Ref: SK28613691)."*

DDTC makes three submissions on drainage:

- CSO11 at Hooley Town (MATLOCK – BAKEWELL RD) is explicitly cited as impacted. A STW representative confirmed at a public engagement event in Matlock that the Darley Dale drainage network problems are caused by a hydraulic capacity constraint — not a blockage or maintenance issue. The GREEN rating measures gravity connection achievability only. *It does not assess hydraulic capacity.* The rating is therefore not an accurate assessment of network capacity to serve additional development.
- Multiple further Combined Sewer Overflows downstream are cited but not named. The cumulative impact of SHLAA1094 — in combination with all other proposed Darley Dale allocations — on the entire downstream CSO sequence has not been assessed. SHLAA1094 must be included in DDTC's formally requested Drainage Impact Assessment for all Darley Dale sites.
- The surface water connection note states there is 'a surface water system adjacent to the site boundary which may be possible to connect to.' Given the site's proximity to a main river (85m), the Flood Zone 2 constraint, and the high surface water risk in the north-eastern corner, the surface water drainage strategy cannot be left as a 'may be possible' assumption. It must be confirmed and modelled before allocation.

There is a further dimension introduced by the Boden Close sewer position. The proposed SHLAA1094 access route runs through Boden Close. The proposed drainage connection point (Connection MH Ref: SK28613691) lies within the site boundary — but any foul water must ultimately discharge into the wider network, potentially routing through or past Boden Close.

The unadopted, defective Boden Close sewer must not form any part of the drainage route for SHLAA1094, and the drainage strategy must be independently assessed to confirm this.

## 7. Issue Five: Biodiversity — Derwent Valley Marsh and Phase 2 Survey Required

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The Derbyshire Wildlife Trust assessment rates the site AMBER and the Conclusion Summary notes:

*"Development of the site would have a low to medium impact upon biodiversity due to the indirect impacts upon the habitat in the Derwent River valley which is significant locally due to its scarcity. Any development would need to protect, enhance and buffer the marsh within the potential Local Wildlife Site (to the west) which is characterised by tall herbs and rushes."*

The marsh to the west is within a potential Local Wildlife Site and comprises wetland habitat associated with the Derwent Valley floor — a nationally scarce habitat type that serves both biodiversity and natural flood management functions. The site itself is cattle-grazed pasture described as 'not known to be of high value' — but this is not a survey-based assessment. A Phase 2 habitat survey is required to:

- Establish the current ecological baseline for the site and the adjacent marsh LWS as part of the mandatory Biodiversity Net Gain (BNG) assessment under the Environment Act 2021;
- Assess whether the hydrology of the site — its drainage patterns, surface water flows and soil moisture regime — contributes to the wetland conditions of the adjacent marsh. Development that alters the site's hydrology could have indirect hydrological impacts on the marsh LWS that the AMBER rating does not capture; and
- Quantify the BNG requirement at the mandatory 10% minimum from a robust ecological baseline. 'Not known to be of high value' is not a baseline — it is an absence of survey data.

## 8. Issue Six: Radon Gas and Viability — An Internal Inconsistency

The Environmental Health Officer notes: 'may be contaminated land in the form of elevated lead levels in the soil, and radon gas.' This is the only Darley Dale SHLAA site where radon gas is specifically noted. Radon is a naturally occurring radioactive gas that requires protective construction measures in residential development within UKHSA Affected Areas. These measures — specialist sub-floor ventilation, sealing, monitoring provisions — represent an abnormal construction cost.

The Achievability Assessment records 'No abnormal costs known.' This is directly inconsistent with the EHO's note of possible radon gas, which — if confirmed by a radon risk assessment — would require protective construction measures with associated cost. DDTC submits that either the EHO's note is incorrect (in which case it should be formally withdrawn) or the viability assessment is incomplete (in which case it should be revised once a radon risk assessment has been conducted). The current state — noting the risk but not reflecting it in viability — is internally inconsistent and cannot support the GREEN Achievability rating.

## 9. Summary: All Issues and Their Status

Issue	Proforma rating	DDTC finding
PD10 designation	<b>RED</b>	Explicit RED PD10. Site acknowledged to prevent coalescence then conclusion says loss has no adverse impact — a direct internal contradiction. No lawful planning balance published. Landowner-instructed consultant produced only GREEN landscape rating in Darley Dale SHLAA.
EA flood risk — Flood Zone 2	<b>RED</b>	EA explicitly requires Sequential Test. Test not conducted. Cannot be deferred. Conclusion Summary materially understates extent of Flood Zone 2 exposure.
LLFA — surface water and flooding	<b>AMBER</b>	3 internally flooded properties within 80m. Main river 85m away. Highway flooding 134m north. Actual flooding evidence in immediate vicinity not addressed. Possible overlap with Boden Close sewer failure.
Boden Close — highway access	<b>AMBER (was)</b>	FAILED. Road unadopted. Developer in administration. S38 bond process stalled. Adoption indefinitely delayed. No right of access for SHLAA1094. 6–10 year window may be consumed by adoption process alone.
Boden Close — sewer	<b>Not assessed</b>	CRITICAL. Sewer unadopted (STW confirmed). Developer in administration. Internal sewage flooding at No. 48. Sewer defective — STW will not adopt until remedied. No party has effective maintenance obligation. SHLAA1094 cannot connect to this infrastructure.
Care home access — second option	<b>AMBER</b>	No improvement agreement with care home operator. A6 has no footway at that point. Extensive visibility splay required in insufficient

		highway margin. Third-party consents and major highway works required. Unresolved.
Drainage — CSO11 Hooley Town	<b>GREEN*</b>	*GREEN = gravity connection only. CSO11 explicitly cited as impacted. Multiple downstream CSOs unnamed. STW confirmed hydraulic capacity constraint. No cumulative DIA. Boden Close sewer conflict unresolved.
Biodiversity — Derwent marsh LWS	<b>AMBER</b>	Adjacent LWS marsh. Phase 2 habitat survey not done. BNG unquantified. Hydrological dependency on site drainage unassessed.
Radon gas vs. viability	<b>AMBER/GREEN</b>	Radon noted by EHO but 'no abnormal costs' recorded in viability. Direct internal inconsistency. Viability assessment must be revised once radon risk assessment completed.
Conclusion Summary accuracy	<b>—</b>	Flood Zone 2 extent materially understated. Internal contradiction on PD10 and coalescence unresolved. Access assumption based on factually false premise.

## 10. DDTC's Formal Requirements

DDTC formally requires the following before SHLAA1094 is confirmed as an allocation in the Regulation 19 Local Plan:

Req.	Requirement
1	DDBC must immediately withdraw or suspend the Developable classification of SHLAA1094 pending a full reassessment of the Boden Close access position. The access assumption on which the classification rests has been materially falsified by events apparently not known to the assessors: unadopted road, unadopted sewer, developer in administration, and active sewage flooding at No. 48.
2	DCC Highways must be formally asked to confirm: the current S38 bond status for Boden Close; whether the developer is in administration; the current adoption timetable if any; and whether DCC considers SHLAA1094 can be classified as Developable via Boden Close in its current state. DCC's written response must be entered into the Local Plan evidence base.
3	STW must be formally asked to confirm in writing: the S104 adoption status of the Boden Close sewer; the cause of internal sewage flooding at No. 48 Boden Close; steps being taken to remediate the sewer defects; the expected adoption timetable; and whether SHLAA1094 can connect to the current Boden Close drainage infrastructure. STW's written response must be entered into the evidence base.
4	DDTC will support the resident of No. 48 Boden Close in making a formal guaranteed standards complaint to STW and a complaint to Ofwat. Any formal response from STW or Ofwat must be entered into the Local Plan evidence base.
5	DCC's independent landscape officer must assess SHLAA1094 and provide their own landscape and PD10 impact assessment. The Planscape Consultants' assessment must not be the sole landscape evidence. A full reasoned planning balance justifying the PD10 override must be published and consulted upon.
6	A Sequential Test under NPPF paragraph 167 must be conducted and published before SHLAA1094 is confirmed as an allocation. The Conclusion Summary's misstatement of the Flood Zone 2 extent must be corrected.

7	A site-specific Flood Risk Assessment must be commissioned, modelling all flood risk types and assessing risk to the three internally flooded properties within 80m, including any relationship to the Boden Close sewer failure.
8	SHLAA1094 must be included in DDTC's formally requested Drainage Impact Assessment for all Darley Dale allocations, specifically addressing CSO11 hydraulic capacity, all named downstream CSOs, surface water connection strategy, and independence from the Boden Close private sewer network.
9	A Phase 2 habitat survey must be commissioned for the site and the adjacent Derwent Valley marsh LWS. The BNG requirement must be calculated from this survey. Hydrological dependency of the marsh on the site's current land use must be assessed.
10	The radon risk assessment must be completed and the viability assessment revised accordingly before the 'no abnormal costs' finding is confirmed.
11	DDTC reserves all rights to raise each of the matters in this document before the appointed Planning Inspector at Regulation 19 examination, and to draw the Inspector's attention to the Boden Close crisis as evidence that a proposed access route for an allocation was unsound at the time of classification and was demonstrably so on facts available to DDDC prior to Regulation 19 submission.

**Darley Dale Town Council | Formal Evidence Base Submission | May 2026**

*This document supersedes DDTC's earlier SHLAA1094 analysis and is submitted as a formal evidence base document for entry in full into the DDDC Local Plan evidence base. It should be read alongside DDTC's formal letter of objection to process failure (28 April 2026), DDTC's SHLAA Darley Dale Assessment Review, and DDTC's individual analyses of SHLAA911, SHLAA955, SHLAA1093, and the SHLAA1093 Stancliffe Homes Strategic Interest report. DDTC reserves all rights to rely upon this analysis in full at Regulation 19 consultation and before the Planning Inspector at examination.*