

DARLEY DALE TOWN COUNCIL

SHLAA911 St. Elphin's Park - Detailed Review

Land at Audley St Elphin's Park, Dale Road South, Darley Dale

PD10 Policy Conflict, Flood Risk, SuDS Dependency and Drainage Capacity

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 SHLAA911 Assessment Review Proforma contained in Appendix C of the Local Plan Committee Report dated 13 May 2026. It should be read alongside DDTC's SHLAA Darley Dale Assessment Review, the SHLAA955 Analysis, the SHLAA1093 Analysis, and DDTC's formal letter of objection to process failure dated 28 April 2026.

DDTC identifies five compounding issues with the SHLAA911 assessment that individually and together demonstrate the site has been incorrectly classified as Developable, and that the proforma contains a fundamental internal contradiction at its heart:

- Policy PD10: the proforma explicitly records a RED PD10 notation — the site is formally designated under PD10 — yet the final conclusion is Developable. This is the most direct and unambiguous PD10 conflict in any Darley Dale SHLAA site;
- Surface water flood risk: a RED rating from the LLFA covering the entire eastern boundary is acknowledged but inadequately addressed, with no Flood Risk Assessment and no Sequential Test;
- SuDS structural conflict: the existing pond on the site is described as a Sustainable Drainage System serving the adjacent St Elphin's development. Developing the site risks compromising the SuDS it currently hosts, which itself serves as drainage infrastructure for an existing planning permission;
- Biodiversity: orchid species have been recorded on the site and moderate diversity grassland is noted — an AMBER rating that requires further investigation before allocation; and
- Drainage: the site's sewage connection would impact CSO11 at Hooley Town (MATLOCK – BAKEWELL RD), the Combined Sewer Overflow already confirmed by STW as hydraulically constrained and operating near-daily during rain events.

2. Site Overview

SHLAA Reference	SHLAA911 — Land at Audley St Elphin's Park, Dale Road South, Darley Dale, Matlock
Site type	Part greenfield, part brownfield (former school sports pitches)
Site area	1.2 ha
Proposed use	Residential development
Housing capacity	25 dwellings
Deliverability	Developable — 6 to 10 years
Source	Call for Sites
PD10 designation	RED — site explicitly lies within PD10 designation

Flood risk (LLFA)	RED — high surface water risk along entire eastern boundary
Highway access	GREEN — access from A6 acceptable in principle; Transport Statement required
Hooley Town / CSO11	Explicitly cited as impacted — sewage connection identified 150m from site
Biodiversity	AMBER — orchid species previously recorded; moderate diversity grassland; pond buffer required
Final conclusion	Developable

3. Issue One: Policy PD10 — A RED Designation Overridden Without Justification

3.1 The explicit PD10 RED notation

SHLAA911 is unique among the Darley Dale SHLAA proformas in carrying an explicit RED notation under Other Considerations for Policy PD10. The proforma states:

"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 reinforces this:

"The site is currently designated as open space under policy PD10 to protect the intrinsic character and quality of the open space, that assists in helping maintain the character of settlement through the valley and preventing physical and visual coalescence."

Despite these two explicit statements — that the site is designated PD10 land and that PD10 protects exactly the function the site currently performs — the proforma concludes that the site is Developable. No reasoned justification is provided for why PD10 designation should be overridden. The conclusion states only that the developable area could be reduced and the visual prominence limited. That is a design mitigation, not a policy justification.

3.2 The legal weight of PD10 and what override requires

Policy PD10 is a policy of the adopted Derbyshire Dales Local Plan 2017. Under section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan is the starting point for all planning decisions and allocations. A policy designating land as open space for the prevention of coalescence cannot be overridden in the SHLAA process without a reasoned case that demonstrates either:

- The designation is no longer justified by current circumstances and should be removed or modified — in which case the policy itself must be changed through the Local Plan review process; or
- The material considerations in favour of development are so significant that they outweigh the policy — in which case a full planning balance must be set out, evidenced, and published.

Neither of these conditions is met in the SHLAA911 proforma. The assessment simply notes the PD10 constraint, proposes design mitigation, and concludes Developable. This is not a lawful

approach to overriding a statutory development plan designation. DDTC submits that a site which carries a RED PD10 notation in its own proforma cannot properly be classified as Developable without a full published planning balance that has been subject to consultation.

3.3 The landscape assessment confirms the PD10 function

The AMBER landscape assessment reinforces rather than moderates the PD10 concern. It states:

"This proposed site forms part of an area of important open space along the A6 corridor that assists in helping maintain the character of settlement through the valley and preventing physical and visual coalescence."

The landscape officer goes further:

"The land is long established open land along the A6 corridor. The site is visually prominent from the A6 and partially visible from Greenaway Lane to the north and north-east."

This is a direct confirmation that the site performs the function PD10 was created to protect. It is visually prominent from the A6, visible from public viewpoints, and forms part of the open space preventing coalescence. The landscape officer suggests mitigation — restricting allocation and reinforcing boundaries — but this is not a substitute for the policy justification required to override PD10. Mitigation of visual impact is not the same as demonstrating that the PD10 designation should be set aside.

Formal Objection — Policy PD10

SHLAA911 carries an explicit RED PD10 designation. The proforma's own text twice confirms that the site performs the coalescence prevention function that PD10 protects. No reasoned justification for overriding PD10 is provided. DDTC formally submits that a site with a RED PD10 notation cannot lawfully be classified as Developable in a HELAA without a full published planning balance demonstrating why the designation should be set aside.

DDTC formally requires DDDC to publish a full reasoned justification for the proposed override of PD10 in respect of SHLAA911, including a planning balance that has been subject to public consultation, before this site is confirmed as an allocation in the Regulation 19 plan.

4. Issue Two: Flood Risk — RED Rating Affecting the Entire Eastern Boundary

4.1 What the LLFA says

The Lead Local Flood Authority (LLFA) assessment produces a RED physical constraints rating:

"High surface water risk along the entire eastern boundary."

The DDDC officer's own observation from online EA maps adds:

"There is a surface water flood risk element at the north of the site, following the north eastern border."

The Conclusion Summary confirms: 'There is high surface water risk along the entire eastern boundary.' The proforma's proposed response is to reduce the developable area to exclude the high-risk eastern zone. No specific net developable area figure is given — the proforma states only 'based on submitted plans' with a value of zero, suggesting no revised capacity has yet been calculated.

4.2 Why the area reduction is inadequate

The surface water flooding along the entire eastern boundary is not a discrete localised risk that can simply be fenced off. The eastern boundary follows the line of an existing watercourse or drainage channel whose catchment extends beyond the site. Developing the western part of the site without a full surface water drainage strategy risks the following:

- Run-off from the developable western area may increase surface water flows along the eastern boundary, worsening the existing flood risk for the eastern portion of the site and potentially for downstream areas;
- The existing pond on the site — described as a SuDS feature serving the St Elphin's development (see Section 5 below) — sits adjacent to the high flood risk eastern boundary. Any alteration of surface water flow paths within the site risks compromising the pond's hydrological function;
- No Flood Risk Assessment has been submitted for the site. Without hydraulic modelling of surface water flows, the extent of the flood risk zone cannot be precisely defined and the adequacy of the proposed area reduction cannot be assessed; and
- No Sequential Test under NPPF paragraph 167 has been conducted. DDDC must demonstrate that no lower flood risk alternative sites are available before allocating a site with a RED surface water flooding constraint.

Formal Requirement — Flood Risk

1. A site-specific Flood Risk Assessment must be commissioned before SHLAA911 is confirmed as an allocation, modelling surface water flows along the eastern boundary and assessing the interaction with the existing SuDS pond.
2. A Sequential Test under NPPF paragraph 167 must be conducted and published demonstrating no lower flood risk alternatives are available.
3. A revised net developable area and housing capacity figure, based on the FRA findings rather than the submitted plans, must be published before any allocation is confirmed.

5. Issue Three: The SuDS Structural Conflict — Developing the Drainage Infrastructure of an Existing Permission

5.1 What the proforma reveals about the pond

The Conclusion Summary contains a statement of considerable importance that does not appear to have been weighed in the Developable conclusion:

"The site forms part of the amenity land to the north-west of the existing St Elphin's complex comprising a pond used for Sustainable Drainage Systems from the St Elphins development, parkland trees, amenity grassland and footpaths on the former site of sports pitches when St Elphins was a school."

This is unambiguous. The pond on SHLAA911 is not merely a landscape feature — it is an operational Sustainable Drainage System serving the existing St Elphin's residential development. It

is the SuDS for an existing planning permission. This has profound implications for the developability of the site that the proforma entirely fails to address.

5.2 The planning and legal implications of the SuDS dependency

When a SuDS feature — such as a retention pond — is constructed as part of a planning permission to manage surface water run-off from that development, it becomes a permanent component of the drainage system required to make *that* development acceptable. Its removal or impairment is not a matter within the sole control of the SHLAA915 landowner. It raises the following specific concerns:

	Issue	Detail
1	The pond may be protected by planning condition or legal agreement.	If the St Elphin's planning permission required the SuDS pond to be retained and maintained in perpetuity — which is standard practice — any development of SHLAA911 that removes, reduces or alters the pond would be in breach of that condition. DDDC must check the planning history of the St Elphin's permission before this site is allocated.
2	The pond may be within a drainage easement or ownership of a third party.	SuDS ponds are commonly vested in management companies, residents' associations or the original developer under a maintenance agreement. The SHLAA911 landowner may not be the sole owner of the pond. Development may require the consent of third party owners or beneficiaries of the drainage arrangement.
3	Removing or impairing the SuDS pond would affect an existing residential community.	The residents of the St Elphin's development rely on the pond for surface water drainage. Any development of SHLAA911 that alters the pond's capacity or catchment would directly impact the drainage performance of an existing residential scheme, potentially exposing those properties to increased flood risk.
4	The existing SuDS pond sits adjacent to the high flood risk eastern boundary.	The LLFA's RED flood risk finding relates to the entire eastern boundary. The pond is the existing mechanism for managing surface water in this part of the site. Developing the site and potentially altering or reducing the pond directly interacts with the flood risk constraint — a interaction not addressed in the proforma.
5	The biodiversity assessment notes a buffer is required around the pond.	The Derbyshire Wildlife Trust notes: 'Development would also be adjacent to a pond which would need to be buffered and protected.' A development that must buffer the pond, avoid the high flood risk eastern boundary, and comply with PD10 and Tree Preservation Order constraints may have no practically developable area remaining.

Formal Requirement — SuDS Conflict

Before SHLAA911 is confirmed as an allocation, DDDC must investigate and publish its findings on:

4. Whether the St Elphin's planning permission (or any associated legal agreement) contains conditions or obligations that protect the SuDS pond in perpetuity;
5. Who owns the pond and whether the SHLAA911 landowner has sole control over it;
6. Whether development of SHLAA911 could be delivered without impairing the pond's SuDS function; and
7. Whether, having regard to the pond buffer requirement, the PD10 constraint, the TPO trees, and the eastern flood risk boundary, any practically developable area remains on the site.

5. Issue Four: Biodiversity — Orchid Species and Moderate Diversity Grassland

The Derbyshire Wildlife Trust (DWT) assessment produces an AMBER rating:

"Low to medium impact. There are areas of grassland of moderate diversity and orchid species have previously been reported from the site. Development would also be adjacent to a pond which would need to be buffered and protected."

The presence of previously recorded orchid species is a significant biodiversity indicator. Orchid species — particularly those associated with unimproved or semi-improved grassland — are material planning considerations in their own right under the NPPF's biodiversity policies (paragraph 180) and under the Conservation of Habitats and Species Regulations 2017. Their presence on this site has two specific implications:

- A full ecological survey must be conducted before the site is allocated. The DWT statement records previous reports of orchid species. 'Previously reported' is not the same as a current survey-based baseline. A phase 1 habitat survey and, if orchids are confirmed present, a phase 2 botanical survey must be commissioned and its results entered into the evidence base.
- The Biodiversity Net Gain requirement under the Environment Act 2021 may be significantly increased by the presence of moderate diversity grassland and recorded orchid habitat. The 10% BNG requirement mandated by the Act must be calculated from a robust ecological baseline — not from an AMBER rating that records previous species reports without current survey data.

In combination with the pond buffer requirement also noted by DWT, the biodiversity constraints further reduce the practically developable area of the site and must be assessed against the PD10, TPO and flood risk constraints before any housing capacity figure can be confirmed.

6. Issue Five: Drainage — CSO11 at Hooley Town Explicitly Cited as Impacted

The STW sewage infrastructure assessment records:

"Development may impact MATLOCK - BAKEWELL RD (HOOLEY TOWN) (Sewage Pumping Station and Settled Storm Overflow) but is unlikely to impact Matlock Lea Severn Trent Water. There are no Historic Flood Risk Register or pollution points downstream of this location 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 via gravity (Connection MH Ref: SK27628393) 150m from the development."

DDTC makes the following submissions on the drainage assessment for SHLAA911:

- CSO11 at Hooley Town (MATLOCK – BAKEWELL RD) is explicitly cited as the downstream infrastructure point that will be impacted by this development. This is the same CSO11 that DDTC has confirmed — from a verbal statement by a Severn Trent Water representative at a recent public engagement event in Matlock — is operating near-daily during rainfall events and is subject to a hydraulic capacity constraint, not a maintenance issue. A site that directly impacts a hydraulically constrained, near-daily overflowing CSO cannot properly receive a GREEN sewage infrastructure rating.
- The GREEN rating is based solely on the achievability of a gravity connection 150m from the site. It does not assess whether CSO11 has hydraulic capacity to accept the additional load. As confirmed by STW's own representative, the constraint is hydraulic, not physical. The gravity

connection is achievable — but the network it connects to does not have the capacity to carry the additional flow without increasing the frequency and volume of CSO11 overflows.

- The absence of Historic Flood Risk Register points or pollution points immediately downstream of the connection point is not a reassurance. CSO11 itself — very close to the site — is the overflow mechanism. STW's comment that Hooley Town 'may be impacted' is the relevant concern, and it has been rated GREEN despite that explicit citation.
- SHLAA911 must be included in DDTC's formally requested Drainage Impact Assessment covering all proposed Darley Dale allocations, and specifically in the hydraulic capacity assessment of CSO11 that DDTC has requested STW to provide in writing.

On surface water drainage, STW advises that the greenfield site 'is assumed to outfall to the adjacent Sustainable Drainage Systems feature' — which, as established in Section 5 of this document, is the SuDS pond that serves the existing St Elphin's development. The surface water drainage strategy for SHLAA911 therefore assumes use of an existing SuDS feature that the site does not own, that serves another development, and that may be protected by planning condition. The existing SuDS system will not have had excess capacity built into it in anticipation of further inflows. This is a material conflict between the drainage strategy and the SuDS ownership issue identified in Section 5 that has not been addressed anywhere in the proforma.

7. Is There Any Practically Developable Area? The Cumulative Constraint Stack

When all of the constraints on SHLAA911 are considered together — as they must be in a properly conducted assessment — the question arises whether any practically developable area remains at all. The site is subject to a cumulative stack of constraints, each of which individually reduces the developable envelope:

Constraint	Rating	Effect on developable area
PD10 designation (entire site)	RED	Entire site is within PD10. Development in principle requires policy override — not just design mitigation.
High surface water flood risk (eastern boundary)	RED	Entire eastern part of site excluded from development. Extent not precisely defined without FRA.
SuDS pond (existing drainage for St Elphin's)	AMBER	Buffer zone required around pond. Pond must not be impaired. Reduces developable area adjacent to eastern boundary.
Orchid species / moderate diversity grassland	AMBER	Phase 2 botanical survey required. Presence of protected or notable species may further restrict developable area.
Tree Preservation Orders (southern boundary)	AMBER	Protected trees along southern boundary must be retained with root protection areas — restricts layout options near southern edge.
Visual prominence (A6 and Greenaway Lane)	AMBER	Development must be restricted in height and massing to limit visual impact. Constrains layout and density.
Possible high lead levels in soil	AMBER	Contamination investigation required. May affect ground conditions and foundation design across parts of site.

The proforma proposes 25 dwellings on a 1.2ha site, with 'net developable area based on submitted plans'. No revised net developable area figure has been calculated taking into account the PD10 designation, the eastern flood risk exclusion zone, the SuDS pond buffer, the TPO root protection areas, and the visual prominence constraints acting simultaneously. DDTC submits that once all

constraints are properly mapped and applied in combination, the residual developable area may be insufficient to deliver any viable residential scheme, let alone 25 dwellings.

8. Summary: SHLAA911 Assessment Findings and DDTC Objections

Issue	Rating	DDTC finding and objection
PD10 designation	RED	Site explicitly designated PD10. Site performs the function PD10 protects. No planning balance published to justify override. Cannot lawfully be Developable without full reasoned justification.
Surface water flood risk (east boundary)	RED	No FRA. No Sequential Test. Interaction with SuDS pond unmodelled. Residual developable area not calculated.
SuDS pond — existing St Elphin's drainage	AMBER	Pond serves existing planning permission as operational SuDS. May be protected by condition. Third party ownership not investigated. Surface water drainage for SHLAA911 assumes use of this pond without establishing right to do so.
Biodiversity — orchids / moderate grassland	AMBER	Phase 2 botanical survey not conducted. BNG requirement unquantified. Pond buffer requirement further reduces developable area.
Drainage — CSO11 Hooley Town	GREEN*	*GREEN rating based on gravity connection achievability only. CSO11 explicitly cited as impacted. STW representative confirmed hydraulic capacity constraint at Darley Dale. GREEN rating does not reflect network capacity position.
Practical developable area	Not calculated	Seven overlapping constraints not assessed in combination. 25-dwelling capacity based on submitted plans, not on properly constrained net developable area.

9. DDTC's Formal Requirements in Respect of SHLAA911

DDTC formally requires the following before SHLAA911 is confirmed as an allocation in the Regulation 19 Local Plan:

Req.	Requirement
1	DDDC must publish a full reasoned planning balance justifying the proposed override of the PD10 designation in respect of SHLAA911. This must include a specific assessment of whether PD10 should be removed from this site in the emerging Local Plan, and why the coalescence prevention function the site currently performs is adequately addressed by the proposed allocation. This planning balance must be subject to public consultation before the Regulation 19 plan is submitted.
2	A site-specific Flood Risk Assessment must be commissioned, modelling surface water flows along and beyond the eastern boundary and assessing the interaction between the flood risk zone, the SuDS pond, and any proposed development layout. The FRA must be entered into the evidence base.
3	A Sequential Test under NPPF paragraph 167 must be conducted demonstrating no lower flood risk alternative sites are available in the Darley Dale area.

4	DDDC must investigate and publish its findings on the planning status of the SuDS pond — specifically whether it is protected by a condition on the St Elphin's permission, who owns it, and whether SHLAA911's development could be delivered without impairing its function. If the pond is protected by condition or third-party ownership, SHLAA911 cannot be developed without a material amendment to existing permissions or consents.
5	A phase 2 botanical survey must be commissioned to establish whether orchid species and moderate diversity grassland are present on the site as part of the current ecological baseline. The BNG requirement must be calculated from this survey before any housing capacity figure is confirmed.
6	SHLAA911 must be included in DDTC's formally requested Drainage Impact Assessment for all Darley Dale allocations, with specific assessment of its impact on CSO11 at Hooley Town, having regard to STW's confirmed hydraulic capacity constraint.
7	A revised net developable area figure must be calculated taking all constraints in combination — PD10, eastern flood risk zone, pond buffer, TPO root protection areas, and visual prominence mitigation — and the housing capacity of 25 dwellings must be reconsidered in light of that calculation.
8	DDTC reserves all rights to raise each of the matters in this document before the appointed Planning Inspector at Regulation 19 examination, including the unlawful override of PD10, the absence of an FRA and Sequential Test, the unresolved SuDS conflict, and the inadequate drainage capacity assessment.

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

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