

DARLEY DALE TOWN COUNCIL

# SHLAA955 — Olympian Way - Detailed Review

Land on the West Side of Darley Road North, Darley Dale

Access Dependency, Flood Risk, Drainage Capacity and Policy PD10

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 SHLAA955 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 of May 2026 and DDTC's formal letter of objection to process failure dated 28 April 2026.

DDTC identifies four compounding issues with the SHLAA955 assessment that individually and together demonstrate the site has been incorrectly classified as Developable:

- Highway access: the only proposed access route is a private, unadopted road over which the Highway Authority has no jurisdiction and over which the site's landowner has no demonstrated right of access;
- Flood risk: the site carries a RED rating from the Lead Local Flood Authority (LLFA) for surface water flooding affecting the west half of the site, but no Flood Risk Assessment, no Sequential Test and no drainage strategy has been conducted;
- Drainage: development will impact two downstream CSOs and one active pollution point, and must be assessed in the context of DDTC's existing formal request for a Drainage Impact Assessment across all Darley Dale allocations; and
- Policy PD10: the site fulfils a PD10 function in maintaining separation along the A6 corridor but lies outside the current designation boundary — DDTC's formal request to widen PD10 to include this land has not been answered.

## 2. Site Overview

SHLAA Reference	SHLAA955 — Land on the West Side of Darley Road North, Darley Dale, Matlock
Site area	3.55 ha
Net developable area	1.42 ha (40% of total — reduced to mitigate flood risk)
Proposed use	Residential development (greenfield)
Housing capacity	40 dwellings
Deliverability	Developable — 6 to 10 years
Source	Call for Sites 2024
Overall suitability	Yes
Highway access	AMBER — access from A6 unachievable; Olympian Way (private unadopted road) assumed, no jurisdiction

<b>Flood risk (LLFA)</b>	RED — west half at high surface water flooding risk
<b>Final conclusion</b>	Developable, subject to obtaining access over third party land

### 3. Issue One: Highway Access — The Olympian Way Problem

#### 3.1 What the Highways Authority actually says

The Derbyshire County Council Highways Department assessment should have been rated RED. Its language is unambiguous and identifies two separate fatal access problems:

*"Although the site has frontage adjacent Dale Road North, there is a level difference to the highway so access is unachievable through this route in addition to the narrow highway margin there is also visibility issues. It is assumed that access could be taken from Olympian Way, although this is a private unadopted road. So the Highway Authority has no jurisdiction over this. A Transport Assessment is necessary should access via Olympian Way be pursued."*

Access Route	DCC Assessment	Detail
A6 / Dale Road North (public highway)	<b>RED</b>	Access unachievable — level difference between site and highway, narrow highway margin, visibility issues. Direct access from the public road is physically impossible.
Olympian Way (private unadopted road)	<b>AMBER</b>	<b>Assumed possible — but Highways Authority expressly states it has no jurisdiction. No Transport Assessment conducted. No right of access confirmed. Not an adopted highway.</b>

#### 3.2 What 'private unadopted road' means in law

The legal status of Olympian Way as a private unadopted road creates a series of critical questions that the proforma fails entirely to address. An unadopted road may be a highway over which all people have a right to pass, or a private street over which access rights arise only from ownership, agreement, grant or long usage. An owner of land adjacent to a private road does not have an automatic right of access to it.

Olympian Way is a small cul-de-sac. Land Registry data shows only three property sales since 1995, confirming it serves a very small number of existing dwellings. The ownership of the road surface is most likely vested in the frontagers — the owners of the existing properties along it — each up to the midway point of the carriageway. This means the following questions are unresolved and must be answered before any developable classification can be sustained:

	Question	Why it matters
1	<b>Who owns Olympian Way?</b>	If ownership is vested in existing frontagers, every one of them must consent to road upgrades, increased traffic and adoption procedures. This has not been established.
2	<b>Does the SHLAA955 landowner have a legal right of access over Olympian Way?</b>	Adjacency to a private road confers no right of access. A legal right — by express grant, easement or long usage — must be established and evidenced. It is not referenced anywhere in the proforma.

3	<b>Has a Transport Assessment been conducted?</b>	The Highways Authority explicitly requires one. None has been submitted. Without it, DCC cannot confirm whether Olympian Way can be upgraded to serve 40 additional dwellings.
4	<b>Can Olympian Way be brought to adoptable standard?</b>	To serve 40 new dwellings, the road would need kerbing, carriageway width, drainage, footways and visibility splays to Section 38 adoption standard. Whether the existing road layout can physically accommodate this is unassessed.
5	<b>Would existing Olympian Way residents consent?</b>	Heavy construction traffic and permanent increase in residential traffic through a small existing cul-de-sac serving a handful of homes is a material amenity impact. Consent is not guaranteed and has not been sought.

### 3.3 The inconsistency with SHLAA791

The treatment of SHLAA955's highway access in this proforma is directly inconsistent with the treatment of SHLAA791 (Land South of Hackney Road) in the same Appendix C document. For SHLAA791, the Highways Authority found that vehicle access was 'unachievable due to level differences of land to highway, required gradients impractical plus highway margin narrow leading to unsafe driver's visibility.' That assessment produced an Undevelopable Constrained conclusion.

For SHLAA955, the Highways Authority uses almost identical language — 'level difference to the highway so access is unachievable through this route in addition to the narrow highway margin there is also visibility issues' — but the conclusion is Developable, on the basis of an unadopted private road over which the Authority has no jurisdiction. The only material difference is the existence of Olympian Way. Yet the proforma does not establish that Olympian Way provides a legally available, technically achievable or adoptable access route. The inconsistency in treatment is a methodology failure that DDTC formally objects to.

#### Formal Objection — Highway Access

DDTC formally submits that the highway access position for SHLAA955 cannot support a Developable classification. The public highway is inaccessible. The only proposed alternative is a private unadopted road over which the Highway Authority has no jurisdiction, over which the landowner has not demonstrated any legal right of access, and for which no Transport Assessment has been conducted.

DDTC requires DDDC to answer all five questions set out in section 3.2 above before SHLAA955's classification is confirmed. In the absence of satisfactory answers, SHLAA955 should be reclassified as Undevelopable Constrained on access grounds, consistently with the treatment of SHLAA791.

## 4. Issue Two: Flood Risk — A RED Rating Without Adequate Assessment

### 4.1 What the LLFA says

The Lead Local Flood Authority's assessment produces the most serious single constraint finding in the proforma. It is rated RED under physical constraints:

*"West half of the site is at high surface water flooding risk. There is a large, low-high risk surface water flooding element along the west border and covering around a quarter of the site, with the majority of the surface water flood risk being at a high risk."*

The DDDC officer's own observation from online Environment Agency maps reinforces this:

*"There is a large, low-high risk surface water flooding element along the west border and covering around a quarter of the site, with the majority of the surface water flood risk being at a high risk."*

The proforma responds to this RED finding by reducing the net developable area arithmetically to 40% of the site (1.42ha) and recording: 'Capacity submitted by landowner of the site and reduced to 40% net developable area to mitigate impacts against flood risk and settlement pattern.' This arithmetic reduction is not an adequate response to a RED flood risk finding. DDTC identifies four specific deficiencies.

## 4.2 Four deficiencies in the flood risk assessment

	Deficiency	Explanation
1	<b>No Flood Risk Assessment has been conducted.</b>	A site where the LLFA has rated the majority of the flood risk as HIGH requires a site-specific Flood Risk Assessment (FRA) before any allocation can be confirmed. An FRA must model surface water flows across the site under design storm events and demonstrate that the developable area will not be affected by flows from the high-risk western half. No FRA exists.
2	<b>The Environment Agency's 'no comments' does not mean no flood risk.</b>	The EA's remit covers fluvial (river) flooding. Its silence means it has no river flooding concerns. It does not moderate or cancel the LLFA's RED surface water rating. The proforma records an EA GREEN alongside the LLFA RED as if the two balance out. They do not — they measure different things.
3	<b>No Sequential Test has been applied under NPPF paragraph 167.</b>	The NPPF requires that development should not be allocated in areas at risk of flooding if there are reasonably available sites in areas with a lower probability of flooding. A site where 60% carries high surface water flood risk fails the Sequential Test on its face. No sequential analysis is presented in the proforma. DDTC must demonstrate no lower-risk alternatives exist before this site can be allocated.
4	<b>The 40% reduction is asserted, not demonstrated.</b>	Reducing the developable area to the east does not prevent the high-risk western half from acting as a surface water catchment whose run-off flows east towards the developable area. The site lies in the flat valley floor between the A6 and the railway embankment. The railway embankment to the west can impound surface water. This interaction is not modelled or addressed.

## 4.3 Resident experience of flooding — material evidence

DDTC operates a formal flooding reporting mechanism. DDTC's own published advice to residents states: 'Reporting surface water flooding that you experience as you journey through Darley Dale greatly assists the Town Council when it comes to objections to planning applications for housing in areas that are known to be susceptible to flooding. The more reports of surface water flooding that an incident receives, the more weight to flooding risk is given by the District Council when reviewing planning applications.'

The SHLAA955 site occupies the flat valley floor between Dale Road North (A6) and the railway line — a zone that sits at lower elevation than the residential land to the north along Church Road and Olympian Way, and into which surface water from higher surrounding land naturally drains. The railway embankment to the west acts as a physical barrier that can impound surface water before it overtops and flows eastward across the site.

Any resident reports of surface water flooding in the vicinity of Olympian Way, Church Road, Dale Road North and the adjacent fields are directly relevant material evidence for the Sequential Test. DDTC formally requests that all such reports held on its flooding register are compiled, dated and submitted to DDTC as a material evidence document for entry into the Local Plan evidence base without delay.

### Formal Objection — Flood Risk

1. A site-specific Flood Risk Assessment must be commissioned and its results entered into the Local Plan evidence base before SHLAA955 can be confirmed as an allocation. The 40% area reduction is not a substitute for a proper FRA.
2. A Sequential Test under NPPF paragraph 167 must be conducted and published before SHLAA955 is allocated. DDDC must demonstrate that no lower surface water flood risk alternative sites are reasonably available.
3. DDTC's flooding reports register, covering surface water incidents in the Olympian Way / Church Road / Dale Road North corridor, must be submitted to DDDC as a material evidence document and entered into the evidence base.

## 5. Issue Three: Drainage — Downstream Pollution Points and No Cumulative Assessment

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The sewage infrastructure assessment for SHLAA955 receives a GREEN rating from Severn Trent Water. The proforma records:

*"Development may impact DARLEY DALE - CHURCH ROAD (Combined Sewer Overflow) and DARLEY DALE - FOUR LANE ENDS (Sewage Pumping Stations) but is unlikely to impact Matlock Lea Severn Trent Water. There is one Historic Flood Risk Register point and one pollution point reported 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 sewerage infrastructure on the site via gravity."*

As with all Darley Dale SHLAA sites, this GREEN rating is based solely on the physical achievability of a gravity connection to the existing network. It does not assess whether the receiving network has the capacity to accept additional foul water loading. DDTC makes three specific submissions on drainage:

- One Historic Flood Risk Register point and one active pollution point are recorded downstream of the proposed connection. These are objective indicators of existing network stress — not future risks to be managed. Allocating further development upstream of documented pollution and flooding records without a Drainage Impact Assessment is not a sound approach.
- STW has confirmed directly to DDTC that the Darley Dale drainage network is at capacity. The SHLAA955 proforma does not reference this confirmation. The assessment is therefore conducted on incomplete information.
- DDTC submitted a formal request to DDDC for a Drainage Impact Assessment covering all proposed Darley Dale allocations. This request has not been acknowledged. SHLAA955 must be included in that assessment when it is conducted.

Specifically on surface water drainage: the STW assessment notes a surface water system nearby to the site boundary 'which may be possible to connect to', and that 'surface water should be managed through Sustainable Drainage Systems and any excess discharged to the surface water system.' Given that the site's western half is already at high surface water flooding risk, discharging additional surface water run-off to a system that already receives high-risk flows is a design and capacity concern that the GREEN rating does not address.

## 6. Issue Four: Policy PD10 — The Site Fulfils a PD10 Function Outside the Current Boundary

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The landscape assessment for SHLAA955 states that the site:

*"forms 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"*

and that it is:

*"visually prominent from the A6 to the east and the White Peak Loop cycle way to the west and would be visible in the wider landscape to the west including elevated land in the Peak District National Park."*

This is precisely the landscape function that Policy PD10 of the adopted Derbyshire Dales Local Plan (2017) was created to protect. PD10 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.'

SHLAA955 lies in the Derwent Valley floor along the A6 corridor — the core geographic area that PD10 protects. Immediately to the north along the same A6 corridor, SHLAA252 (Rotherwood Fields) is explicitly flagged as lying within the PD10 designation and receives a RED PD10 notation in its proforma. SHLAA955, which the proforma itself describes as performing the same landscape and coalescence function, receives no PD10 notation at all.

DDTC's formal request — submitted to DDDC and unanswered — included a request to widen the PD10 policy map boundary to include sites on the Hackney hillside and along the A6 corridor that fulfil a PD10 function but currently lie outside it. SHLAA955 is precisely the type of site that request was designed to protect. The fact that DDTC's PD10 request has not been answered, combined with the fact that a site performing a clear PD10 function is being assessed for development without a PD10 designation to protect it, is a direct consequence of DDDC's failure to engage with DDTC's formal submissions.

### Formal Requirement — PD10

DDTC formally requires DDDC to assess whether SHLAA955 should be brought within the PD10 designation in the emerging Local Plan, given that the site's own landscape assessment demonstrates it performs the coalescence prevention function that PD10 exists to protect.

DDTC's unanswered formal request to widen the PD10 boundary must be substantively responded to before the Regulation 19 plan is submitted. The absence of a PD10 assessment for SHLAA955 is a direct consequence of that failure to respond.

## 7. Summary: SHLAA955 Assessment Inconsistencies and Omissions

Issue	Proforma rating	DDTC's finding
Highway access from A6	<b>AMBER</b>	Should be RED. Access unachievable — identical language to SHLAA791 which was rated Undevelopable. Inconsistent treatment.
Olympian Way access	<b>(AMBER)</b>	Private unadopted road. Highway Authority has no jurisdiction. No right of access demonstrated. No Transport Assessment. No adoption mechanism identified. Five unresolved questions.
Surface water flooding (LLFA)	<b>RED</b>	Correctly rated RED but inadequately addressed. No Flood Risk Assessment. No Sequential Test. 40% area reduction is asserted not demonstrated. Railway embankment interaction unmodelled.
Environment Agency	<b>GREEN</b>	EA measures river flooding only. Does not cancel LLFA RED surface water rating. Proforma conflates two different flood risk types.
Resident flooding reports	<b>Not referenced</b>	DDTC has a live flooding reporting mechanism. Resident reports of surface water flooding in this corridor are material evidence for the Sequential Test. Must be compiled and submitted.
Sewage drainage	<b>GREEN</b>	Gravity connection achievable — but one Historic Flood Risk Register point and one active pollution point downstream. Network at capacity (STW confirmed to DDTC). No Drainage Impact Assessment.
Landscape / coalescence	<b>AMBER</b>	Site described as maintaining settlement separation and open space along A6 corridor — identical to PD10 function. No PD10 designation applied. SHLAA252 immediately to north receives PD10 RED notation. Inconsistent treatment.
PD10 boundary	<b>Not assessed</b>	DDTC's formal unanswered request to widen PD10 directly covers this site. Site performs PD10 function but lies outside current boundary.

## 8. DDTC's Formal Requirements in Respect of SHLAA955

DDTC formally requires the following before SHLAA955 is confirmed as a development allocation in the Regulation 19 Local Plan:

Req.	Requirement
1	DDDC must answer all five highway access questions set out in Section 3.2: confirm who owns Olympian Way; confirm whether the SHLAA955 landowner has a legal right of access over it; confirm whether a Transport Assessment has been conducted and what its findings are; confirm whether DCC Highways has agreed in principle that access via Olympian Way is achievable; and confirm what legal mechanism would secure the access. In the absence of satisfactory answers to all five, SHLAA955 must be reclassified as Undevelopable Constrained on access grounds.
2	A site-specific Flood Risk Assessment must be commissioned for SHLAA955, modelling surface water flows across the entire site including the interaction between the high-risk western half and the proposed developable eastern half, and the effect of the railway embankment on surface water impoundment. The FRA must be entered into the evidence base.
3	A Sequential Test under NPPF paragraph 167 must be conducted and published, demonstrating that no lower surface water flood risk alternative sites are reasonably available in the Darley Dale area.
4	DDTC's flooding reports register, covering resident-reported surface water incidents in the Olympian Way, Church Road and Dale Road North corridor, must be formally submitted to DDDC as a material evidence document and entered into the Local Plan evidence base.
5	SHLAA955 must be included in DDTC's formally requested Drainage Impact Assessment covering all Darley Dale proposed allocations. The DIA must assess the cumulative impact of all allocations on the DARLEY DALE – CHURCH ROAD CSO and DARLEY DALE – FOUR LANE ENDS pumping station, and on the wider network downstream.
6	DDDC must formally assess whether SHLAA955 should be brought within the PD10 policy map boundary in the emerging Local Plan, given that its own landscape assessment confirms the site performs the coalescence prevention function that PD10 protects. DDTC's unanswered formal request to widen the PD10 boundary must be acknowledged and answered.
7	DDTC reserves all rights to raise each of the matters in this document before the appointed Planning Inspector at Regulation 19 examination, including the access inconsistency with SHLAA791, the absence of a Flood Risk Assessment and Sequential Test, the absence of a Drainage Impact Assessment, and the failure to extend PD10 to include sites performing a PD10 function.

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

*This document is submitted by DDTC as a formal evidence base document for entry into the DDDC Local Plan evidence base. It should be read alongside DDTC's formal letter of objection to process failure (28 April 2026), and DDTC's SHLAA1093 Stancliffe Homes Strategic Interest Analysis. DDTC reserves all rights to rely upon this analysis at Regulation 19 consultation and at examination before the Planning Inspector.*