

Planning Policy Breaches: Forest Holidays, Farley Moor, Matlock.

Application 24/00665/FUL — Proposed 75-Cabin Development

The following table sets out the local and national planning policies that the proposed development is considered by DDTC to breach, together with brief reasons. References are to the Derbyshire Dales Local Plan (2017), the National Planning Policy Framework (December 2024), and the Environment Act 2021. This table is intended to support written objections and verbal representations to the Planning Committee.

Policy Reference	Policy Summary	Why the Application is in Breach
DERBYSHIRE DALES LOCAL PLAN (2017)		
Policy PD3 – Biodiversity and the Natural Environment	Requires development to protect and enhance biodiversity, avoid harm to habitats and species, and deliver measurable net gains. Development causing unacceptable harm to ecological networks must be refused.	The proposal involves felling over 1,300 trees, draining fragile peatland and wetland habitats, and introducing impervious surfaces across approximately 140 acres of biodiverse woodland. The volume and chemical content of hot tub drainage — potentially 7–10.5 million litres of bromine-treated water annually if tubs refreshed after every stay— poses a serious risk to soil ecology, groundwater and wetland species, undermining any credible claim of biodiversity net gain. <i>STW said in April 26 in reply to Cllr Steve Wain’s question regarding the use of bromine: Bromine-based disinfectants, like chlorine, are widely used and are industry-accepted for hot tubs and other recreational water systems. While bromine can be considered hazardous in a pure or concentrated form, it’s typical use for hot tub disinfecting will result in negligible residual bromine levels being discharged. As such, and in this context, the activity is considered to be low risk.</i>
Policy PD5 – Landscape Character	Requires development to respect and enhance the intrinsic character of the local landscape. Development that causes significant harm to landscape character, tranquillity or visual amenity will be refused.	Introducing 75 cabins, central facilities, a 249-space car park, internal roads, lighting and visitor activity across a tranquil public woodland would fundamentally industrialise the site’s character. The scale and density — <i>the highest of any Forest Holidays location</i> — is wholly incompatible with the quiet, natural moorland setting on the edge of the Peak District.
Policy PD6 – Trees, Hedgerows and Woodlands	Requires that development protects trees and woodland of amenity, ecological and landscape value. Development requiring the felling of significant trees or damaging root protection areas will be refused unless exceptional circumstances are demonstrated.	The application proposes felling over 1,300 trees to accommodate cabins, roads and infrastructure. There are no wholly exceptional circumstances to justify this loss in what is a commercial holiday development. Proposed replanting with saplings cannot replace the ecological value of mature trees for decades.
Policy S1 – Sustainable Development	Requires development to achieve sustainable development across economic, social and environmental objectives. Development that conflicts with environmental objectives or causes irreversible harm to natural assets is not considered sustainable.	Draining peat deposits — an irreplaceable carbon store and habitat — to accommodate a commercial development <i>conflicts directly</i> with the environmental dimension of sustainable development. The risk of permanently damaging wetland and peat habitats, and of increasing downstream flood risk in Matlock, cannot be reconciled with sustainable development principles.
Policy EC7 – Tourism Development	Supports tourism development that is of an appropriate scale and type, does not cause unacceptable harm to the environment, and demonstrates a genuine need that cannot be met by existing provision.	Darwin Forest Country Park, approximately one mile away, already provides 137 comparable luxury lodges with hot tubs and superior facilities. No demonstrated need for additional large-scale provision has been established. The proximity creates a clear risk of market saturation, potential harm to an established local employer of over 200 people, and the over-development of a sensitive natural site without justification.

Policy Reference	Policy Summary	Why the Application is in Breach
NATIONAL PLANNING POLICY FRAMEWORK (NPPF, December 2024)		
Paragraph 110 – Sustainable Transport: Safe Access	Requires that applications for development ensure safe and suitable access to the site for all users, including pedestrians, cyclists and those with limited mobility.	Farley Lane is a narrow, unlit, winding minor road with no footpaths, poor camber, a steep gradient and known flooding and icing. With up to 65,000 visitors per year, no meaningful public transport, and hills of 12–25% gradient making cycling dangerous, the development cannot provide safe access for all users. The private on-site shuttle is limited to check-in and check-out days only and does not address day-to-day mobility needs.
Paragraph 116 – Sustainable Transport: Highway Safety	States that development should only be refused on highway grounds where there is an unacceptable impact on highway safety or severe residual cumulative impacts on the road network that cannot be mitigated.	The cumulative impact of hundreds of additional daily vehicle movements on Farley Lane and Sydnope Hill — both narrow, unlit, non-paved rural roads — represents a severe and unacceptable safety risk to existing pedestrians, horse riders, cyclists and residents. <i>Appeal decisions in comparable cases (including Hazelfield Cottage, Darlington, and the Beamish appeal) have dismissed similar schemes on these grounds.</i>
Paragraph 167 – Flood Risk	Requires that development does not increase flood risk elsewhere and that a robust Flood Risk Assessment is submitted for sites where drainage or surface water impacts are a concern.	Farley Moor sits on a steep catchment draining directly into Bentley Brook and the River Derwent in Matlock town centre, a known flood-risk area. Severn Trent Water has already formally rated the Matlock sewer network as Amber for development impact with multiple recorded overflow incidents downstream. The introduction of large impervious surfaces and up to 10.5 million litres of annual hot tub discharge has not been adequately assessed at the drain frequency (if refreshed after each stay) consistent with the applicant's own 90% occupancy claims. <i>Note STW reply on DDDC Planning portal, Consultation Reply to Cllr Steve Wain 26.5.26 advising that a Sewage Capacity Assessment has been carried out and sewage from the cabins from this development 'is not expected to materially impact the existing performance of this (Alfreton Road) CSO'.</i>
Paragraph 174 – Natural Environment: Valued Landscapes	Requires planning decisions to protect and enhance valued landscapes, recognise the intrinsic character and beauty of the countryside, and protect the benefits of trees and woodland.	Farley Moor is a valued, tranquil public woodland on the edge of the Peak District National Landscape. The proposed development — with its scale, density, lighting, noise and visitor volumes — would cause irreversible harm to the intrinsic character and beauty of this setting, contrary to both the spirit and the requirements of this paragraph.
Paragraph 180 – Biodiversity: Net Gain and Minimising Harm	Requires that planning decisions minimise impacts on biodiversity and provide measurable net gains. Developments must apply the mitigation hierarchy (avoid, mitigate, compensate) and deliver verifiable improvements to ecological networks.	Construction on peat-based land with drainage of wetland habitats makes genuine Biodiversity Net Gain impossible to achieve. Hot tub drainage at the true operational frequency— approximately 94 drain cycles per tub per year at 90% occupancy (if refreshed after each stay) — produces a chronic chemical load on the peat and wetland ecosystem that the application's own assessments have not adequately addressed, rendering any claim of a measurable 10% net gain impossible.
Paragraph 182 – Setting of National Landscapes	Requires that development in or near National Parks and National Landscapes avoids and minimises adverse impacts on the designated area, and that great weight is given to conserving landscape and scenic beauty.	Although the site lies outside the Peak District boundary, its elevated position means that lighting, structures and visitor activity would be visible from Peak District viewpoints, harming the scenic setting of the National Landscape. Increased visitor pressure from up to 65,000 annual visitors risks spilling over into the Peak District, exacerbating congestion and disturbance.
Paragraph 186 – Irreplaceable Habitats	States that development resulting in the loss or deterioration of irreplaceable habitats — including ancient woodland and peat — should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.	The peat deposits and wetland habitats on Farley Moor are irreplaceable. This is a commercial holiday development — not a project of national importance — and no wholly exceptional reasons have been advanced. True avoidance (no development) is the only means of preserving peat integrity. Raised platform cabins do not eliminate hydrological risks from access infrastructure and drainage.

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Paragraph 190 – Well-Designed Places	Requires that development contributes to conserving and enhancing valued landscapes and that proposals respond sensitively to local character, including the tranquil character of countryside settings.	The proposal would introduce intensive commercial infrastructure — <i>at the highest lodge density of any Forest Holidays site</i> — into a currently quiet public woodland. This fails to respond sensitively to the tranquil woodland character of the site, <i>mirroring the grounds on which an almost identical Forest Holidays proposal at Fineshade Wood, Northamptonshire, was unanimously refused in 2015. Fineshade had NO peat element.</i>

ENVIRONMENT ACT 2021

Section 98 & Schedule 14 – Mandatory Biodiversity Net Gain (BNG)	Requires all major developments to deliver a minimum 10% measurable net gain in biodiversity, secured for at least 30 years. Net gain must be calculated using the statutory DEFRA biodiversity metric and verified by a competent authority.	<p>The application's BNG assessment is based on drainage frequencies and chemical discharge volumes that are materially inconsistent with Forest Holidays' own operational model of draining and refilling hot tubs between every guest stay.</p> <p>Forest Holidays state on their public website that they follow guidance from the British and Irish Spa and Hot Tub Association (BISHTA). BISHTA guidance for commercial rental hot tubs recommends that water is changed between every guest occupancy for hygiene reasons.</p> <p>Forest Holidays also confirm that bromine is added to hot tubs daily throughout each stay.</p> <p>Peatland drainage — required for construction of roads, parking and infrastructure — inherently prevents the delivery of a genuine 10% net gain on this type of sensitive substrate. Until the BNG metric is recalculated on accurate operational assumptions based on Forest Holidays following of BISHTA guidance, the statutory requirement cannot be considered to have been met.</p>
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Note: This table is based on information available at the date of preparation. Policy references are to the NPPF (December 2024, as amended February 2025). Objectors should supplement these grounds with site-specific survey evidence where available.