

DARLEY DALE TOWN COUNCIL

# SHLAA Appendix C — Process Failure, Acknowledged Submissions

## and the Limits of DDDC's Response

Analysis incorporating the Director of Place and Economy's letter of 5 May 2026

**Prepared by:** Darley Dale Town Council | **Date:** May 2026 | **Companion to:** SHLAA Consistency Analysis Summary & Excel Spreadsheet

## 1. Executive Summary

On 5 May 2026, Mr Steve Capes, Director of Place and Economy at Derbyshire Dales District Council, wrote to Cllr David Chapman of Darley Dale Town Council in response to DDTC's formal submissions. That letter is an important document. It acknowledges receipt of DDTC's representations, provides assurances that they are being considered, and sets out a timetable for the Local Plan process. DDTC notes the response with appreciation and records it formally in the evidence base.

However, the letter also reveals several matters of significant concern that require close analysis. Read carefully, the Capes letter: confirms DDTC's representations were received and acknowledged; confirms the Chair of the Local Plan Committee publicly stated at the 8 April meeting that the issues were being considered; confirms a timetable in which key decisions were taken on 13 May before DDTC's PD10 request had been considered by the committee; reveals that DDDC's planning policy team had not received DDTC's Drainage Impact Assessment request; and explicitly declines to engage substantively on procedural grounds, directing DDTC to the legal team for procedural points. This document analyses each of these in turn, and identifies the matters that remain unresolved notwithstanding the Capes letter.

## 2. The Director's Letter of 5 May 2026 — Full Analysis

### 2.1 What the letter confirms — matters in DDTC's favour

The Capes letter of 5 May 2026 confirms the following matters that are in DDTC's favour and which DDTC formally records in the evidence base:

	What the letter confirms
1	DDTC's formal requests on PD10 and Tier 2 settlement hierarchy were submitted to Committee Services on 7th and 8th April 2026, and were subsequently forwarded to planning officers. Receipt is acknowledged, albeit belatedly.
2	Both requests were publicly presented by Cllr Chapman at the 8 April Local Plan Committee meeting (recording 9:11–12:37).
3	The Chair of the Local Plan Committee stated publicly at the 8 April meeting that the issues raised 'are being considered by officers and will be considered by members of the Local Plan Committee' (recording 12:40–13:00). This is a public commitment on record.
4	The Chair's assurance was repeated publicly at the 29 April Local Plan Committee meeting.
5	DDTC's six communications to DDDC are collectively acknowledged. The letter confirms that all were received, even if receipt was not confirmed individually at the time.
6	The Council apologises that written acknowledgement of the 7th and 8th April letters was not made. This is an acknowledgement of the failure DDTC identified in its formal objection letter of 28 April 2026.

- 7 DDTC's submissions 'will be considered' in the work on the revised Local Plan. This is a formal, written assurance from a Director-level officer.

## 2.2 What the letter reveals — matters of continuing concern

Notwithstanding the positive confirmations above, the Capes letter also reveals — whether intentionally or not — a number of matters that raise further questions about the process:

	Concern arising from the letter
1	The letter confirms that the Settlement Hierarchy 'will be presented to the meeting of the Local Plan Committee scheduled for 13th May.' This means the committee voted on site selection and tier allocations on 13 May — including decisions affecting Darley Dale's tier status — without having formally completed its review of DDTC's Tier 2 challenge. The vote preceded the completed consideration of the very representations the Chair had publicly committed to considering.
2	The letter confirms that Policy PD10 review 'is intended to be presented to the meeting of the Local Plan Committee scheduled for 17th June.' Site allocations affecting PD10-designated and PD10-adjacent land in Darley Dale were voted upon on 13 May — before the PD10 review was presented. Decisions were made on site selection before the policy that protects those sites from development had been reviewed in light of DDTC's representations.
3	The Planning Policy team had not received DDTC's Drainage Impact Assessment request. The letter states: 'your messages do suggest that you previously sent a sixth communication requesting a Drainage Impact Assessment. The Planning Policy team have not seen this request previously.' This means DDTC's formal request for a Drainage Impact Assessment — the most critical infrastructure constraint affecting all five Darley Dale recommended sites — was lost within DDDC's internal systems and never reached the team responsible for addressing it.
4	The letter declines to engage substantively on DDTC's procedural objections: 'it is I regret not possible to enter into correspondence about them at this point.' This is DDTC's direct engagement with DDDC being deferred by a Director on the grounds of timetable pressure. DDTC's formal objection to process failures is, in effect, acknowledged but not answered.
5	The letter redirects DDTC to 'legal colleagues' for procedural points. This means the substantive planning authority has declined to answer procedural objections that go to the legal soundness of the process, and has instead directed DDTC to a different team whose response has not been received.
6	The letter describes the 29 April meeting as one at which 'the Committee was making no decisions on 29th April, just noting analysis undertaken to date.' If this is accurate, it contradicts DDTC's understanding of the nature of that meeting. DDTC formally asks DDDC to clarify what decisions, if any, were taken on 29 April, and whether any site selection outcomes from that meeting formed the basis of decisions made on 13 May.

## 3. The Timetable Contradiction — Decisions Before Consideration

The most significant planning concern arising from the Capes letter is the timetable it reveals. Setting out the sequence confirmed by the letter alongside the decisions taken, the following picture emerges:

Date	Event	Significance
7–8 April 2026	DDTC submits formal requests on PD10 and Tier 2 to DDDC. Forwarded to planning officers.	<i>Received by DDDC.</i>

<b>8 April 2026</b>	Chair publicly commits at Local Plan Committee meeting to considering DDTC's representations on PD10 and Tier 2 (recording 12:40–13:00).	<i>Public, recorded commitment. On the evidence base record.</i>
<b>29 April 2026</b>	DDDC presents first view of sites to Local Plan Committee. Chair repeats assurance.	<i>Capes letter describes this as 'noting analysis undertaken to date' — not decisions. But this 'noting' formed the basis for the 13 May decisions.</i>
<b>5 May 2026</b>	Capes letter to Cllr Chapman. Confirms: Settlement Hierarchy (including Tier 2 review) to be presented at 13 May meeting. PD10 review to be presented at 17 June meeting.	<i>The timetable is confirmed in writing. PD10 and Tier 2 are to be considered — but after site selection decisions.</i>
<b>11 May 2026</b>	DDTC submits detailed SHLAA analysis reports to all committee members by email. DDDC acknowledges receipt.	<i>All committee members personally received DDTC's detailed written analysis two days before the vote.</i>
<b>13 May 2026</b>	Local Plan Committee votes on final list of sites and tier allocations. Settlement Hierarchy (Tier 2) presented to committee for the first time.	<i>CRITICAL: Site allocation decisions taken before PD10 review. Tier 2 presented same day as vote — not in advance for member consideration. Note: DDTC has subsequently withdrawn its Tier 2 challenge (see Section 9A) and replaced it with an infrastructure capacity objection — but the timetable failure remains relevant as it prevented proper consideration of DDTC's original representations before the vote.</i>
<b>17 June 2026</b>	PD10 review due to be presented to Local Plan Committee.	<i>Site allocations affecting PD10-designated and PD10-adjacent land in Darley Dale already voted upon. The policy review arrives after the site decisions.</i>

The sequencing revealed by the Capes letter is fundamentally inverted from what sound plan-making requires. Policy PD10 protects the open spaces between Matlock and Darley Dale from development. DDTC submitted detailed evidence in support of widening the PD10 boundary. The Chair publicly committed to considering that evidence. But the committee voted on site allocations in the PD10 corridor on 13 May — more than a month before the PD10 policy review was scheduled to be presented to the committee on 17 June. Sites that may be removed from PD10 protection by the policy review, or may gain protection through an extended boundary, were allocated before the policy review had been completed.

Similarly, DDTC's formal challenge to Darley Dale's Tier 2 settlement hierarchy designation was submitted in April. The Settlement Hierarchy was presented to the committee on the same day — 13 May — as the vote on final site allocations. The committee was being asked simultaneously to note the Tier 2 position and vote on allocations that flowed from it, without any prior period of member consideration of DDTC's Tier 2 challenge. DDTC has since reviewed the consequences of Tier 2 reclassification against the spatial distribution strategy and has formally withdrawn its Tier 2 challenge, replacing it with a more precisely targeted infrastructure capacity objection. This is documented in Section 9A of this report and in DDTC's separate letter of 20th May 2026 to the Director of Place and Economy. The timetable failure identified here nonetheless remains relevant to the record, as it prevented DDTC's representations from being genuinely considered before the 13 May vote.

### Core Process Concern

DDTC does not challenge DDDC's right to manage its own Local Plan timetable. But DDTC formally submits that a process in which the committee votes on final site allocations (13 May) before the policy review relevant to those allocations is presented (17 June), and on the same day the settlement hierarchy document is first presented, is not consistent with the requirement that the Local Plan be 'justified' and 'effective' under NPPF paragraph 36. Site allocation decisions made before the relevant policy framework has been reviewed cannot properly claim to be based on a complete evidence base.

## 4. The Lost Drainage Impact Assessment Request

Perhaps the most alarming administrative disclosure in the Capes letter is the following passage:

*"However your messages do suggest that you previously sent a sixth communication requesting a Drainage Impact Assessment. The Planning Policy team have not seen this request previously, so it would be of assistance if you would kindly send a copy to the localplan@derbyshiredales.gov.uk email address."*

This confirms that DDTC's formal request for a Drainage Impact Assessment — submitted as a formal written request to DDDC — was received somewhere within DDDC's administration but never reached the Planning Policy team. It was lost in transit between the point of receipt and the team responsible for acting on it.

The consequences of this failure are severe. The Drainage Impact Assessment request is the most operationally critical of DDTC's three formal submissions. Every one of the five recommended Darley Dale SHLAA sites discharges by gravity into the same network. That network serves CSO11 at Hooley Town, which STW's own representative confirmed is operating at or near daily overflow frequency due to a hydraulic capacity constraint. DDTC's request for a Drainage Impact Assessment before sites are allocated was therefore not an optional or aspirational submission — it was a request for evidence that the NPPF, at paragraph 160, requires to be available before infrastructure-dependent allocations can be justified.

Because the Planning Policy team never received this request, no Drainage Impact Assessment was commissioned. The five Darley Dale SHLAA proformas were assessed, RAG ratings were assigned, and sites were recommended as Developable — all without the drainage assessment that DDTC had formally requested and that the EA's own comment on SHLAA281 had explicitly required. The evidence base on which the 13 May vote was taken was incomplete in the most material respect, and the incompleteness was caused by an administrative failure within DDDC's own internal processes.

### Formal Requirement — Drainage Impact Assessment

DDTC has now re-sent the Drainage Impact Assessment request to localplan@derbyshiredales.gov.uk as requested by the Director. DDTC formally requires DDDC to:

1. Commission a Drainage Impact Assessment covering all proposed Darley Dale allocations, assessing cumulative hydraulic loading on CSO11 at Hooley Town in combination with all other recommended sites.
2. Obtain a formal written hydraulic capacity statement from STW confirming whether the network can accommodate the proposed development, and if not, what upgrades are required, at whose cost, and to what committed timetable.
3. Ensure that no Darley Dale site allocation is confirmed in the Regulation 19 plan before this assessment has been completed and its results entered into the evidence base.
4. Acknowledge in writing that the Drainage Impact Assessment request was not processed due to an internal administrative failure, and confirm what steps have been taken to prevent similar failures for other DDTC submissions.

## 5. The 8 April Meeting — Minutes, Recording and What Was Actually Said

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The Capes letter references the recording of DDTC's oral submission at the 8 April meeting: 'Both requests were presented by David Chapman, Darley Dale Town Councillor, at the meeting of the Local Plan Committee on 8th April 2026 (recording 9:11 – 12:37).' This is helpful in one respect — it confirms that a recording exists and provides the precise timecode.

However, the existence of the recording makes the failure of the minutes even more difficult to explain. The minutes of the 8 April meeting record only that Cllr Chapman spoke about the Local Plan — with no summary of the substance of what was said. Yet the recording is available and the Capes letter itself summarises the content. If the Director of Place and Economy can accurately summarise the substance of DDTC's oral submission from the recording, so could the minute-taker. The decision not to record the substance was not an inability to do so — it was a choice.

Furthermore, the Capes letter confirms that 'the Chair of the Local Plan Committee stated publicly that the issues raised were being considered by officers and will be considered by members of the Local Plan Committee (recording 12:40–13:00).' This is a material statement of intent by the Chair — a public commitment to action. It also does not appear in the minutes of the 8 April meeting. The minutes omit not only the substance of DDTC's submission but also the Chair's substantive response to it.

DDTC formally requires the minutes of the 8 April meeting to be amended, or supplemented, to record:

- The substance of Cllr Chapman's oral submission (as confirmed by the Capes letter and available from the recording at 9:11–12:37);
- The Chair's public commitment to consider the issues raised (recording 12:40–13:00); and
- Any officer response made at the meeting.

Until these amendments are made, the minutes of the 8 April meeting do not constitute a fair record of the proceedings, contrary to the requirement under section 100C of the Local Government Act 1972 and the common law obligation of accuracy in minute-taking. The existence of a publicly available recording that contradicts the adequacy of the minutes is itself a ground for requiring their amendment.

## 6. The Redirection to Legal Colleagues — A Concern About Process

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The Capes letter states: 'Legal colleagues are able to deal with your procedural points if you wish to pursue those.' This redirection has a number of implications that DDTC draws to the evidence base record.

- DDTC's formal objection letter of 28 April 2026 was addressed simultaneously to the Chief Executive, the Monitoring Officer, the Chair of the Local Plan Committee, and the Director of Planning. The response came from the Director of Place and Economy on planning matters only. There is no indication that the Monitoring Officer has been asked to consider whether any of the failures identified engage their statutory duty under section 5 of the Local Government and Housing Act 1989 — the duty to report where a decision or omission may constitute unlawful conduct.
- By declining to engage on procedural points and directing DDTC to a separate team, the Director has created a separation between DDTC's planning concerns (which he addresses) and DDTC's procedural concerns (which he defers). This separation is artificial. The procedural concerns — failure to record oral submissions, failure to forward a formal request to the responsible team, failure to update the evidence base before a vote — are directly relevant to the soundness of the planning decisions. They cannot be neatly compartmentalised.
- DDTC has not received any response from DDDC's legal colleagues. The procedural objections raised in DDTC's formal letter of 28 April 2026 therefore remain formally outstanding. DDTC formally records that no response to its procedural objections has been received as of the date of this document, and that the failure to respond does not diminish or waive any of those objections.

### Outstanding Matters Requiring Response

DDTC formally confirms that the following matters raised in its letter of 28 April 2026 remain unanswered and require written responses from the appropriate officers before Regulation 19 submission:

5. From the Monitoring Officer: whether any of the failures identified engage the duty under section 5 of the Local Government and Housing Act 1989.
6. From the proper officer: whether the minutes of the 8 April 2026 meeting will be amended or supplemented to accurately record DDTC's oral submission and the Chair's public response.
7. From the Director of Planning: the legal mechanism by which DDTC's representations on PD10 and drainage will be 'considered' — specifically, when, by whom, in what document, and in what form the consideration will be recorded. Note: DDTC has withdrawn its Tier 2 challenge (see Section 9A) and this item no longer applies to the Tier 2 representations.
8. From DDDC legal colleagues: a substantive response to the procedural objections set out in DDTC's letter of 28 April 2026.

## 7. The Blank Proforma Fields

The Capes letter confirms that DDTC's representations have been received and will be considered. It does not change the finding that all 129 Town & Parish Council Comments fields in the SHLAA proformas are blank. Nor does it change the finding that DDTC's detailed written analysis reports — sent directly to every committee member on 11 May 2026 and acknowledged by DDDC on the same day — do not appear in any proforma and there is no evidence they were placed before the committee as a late paper on 13 May.

The Capes letter effectively confirms that DDTC's representations exist and are known to DDDC — but they were considered 'behind the scenes' rather than being entered into the formal evidence base in the proformas before the 13 May vote. For the purposes of the Planning Inspector at Regulation 19 examination, the evidence base as published on 13 May 2026 remains incomplete. The Capes letter confirms that DDDC knows this. The question is whether DDDC will correct it before Regulation 19 submission.

Capes letter positives	Capes letter negatives
<ul style="list-style-type: none"> <li>• Receipt of DDTC's April representations is confirmed and acknowledged.</li> <li>• The Chair's public commitment to consider the issues is confirmed and on the recorded evidence base.</li> <li>• DDTC's assertion that no acknowledgement was sent for the 7/8 April letters is validated — the letter apologises for this.</li> <li>• The Drainage Impact Assessment request was received — it was not ignored, it was lost internally. This changes the characterisation from deliberate non-response to administrative failure.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>All 129 TC/PC comment fields remain blank. DDTC's representations are not in the formal proforma evidence base.</b></li> <li>• <b>DDTC's 11 May detailed analysis reports — sent to all committee members and acknowledged — are not reflected in the proformas or (so far as DDTC can establish) placed formally before the 13 May committee.</b></li> <li>• <b>Site allocations for PD10-designated land were voted on before the PD10 review was completed.</b></li> <li>• <b>No Drainage Impact Assessment has been commissioned. The administrative failure that caused the request to be lost does not un-cause the absence of the assessment.</b></li> <li>• <b>DDTC's procedural objections remain formally unanswered.</b></li> </ul>

- **The BDP conflict of interest issue has not been addressed.**

## 8. DDTC's Written Reports of 11 May 2026 — Sent to All Committee Members

On Monday 11 May 2026 — two days before the 13 May Local Plan Committee meeting — DDTC sent detailed written SHLAA analysis reports directly by email to every member of the Local Plan Committee, with copies to DDDC. DDDC acknowledged receipt on the same day. The reports covered:

- A district-wide analysis of RAG rating inconsistencies across all 129 SHLAA proformas — demonstrating that the same RAG ratings produced different outcomes (Developable vs Undevelopable) at different sites without published justification;
- Individual site analysis reports for all five recommended Darley Dale sites — SHLAA281, SHLAA911, SHLAA955, SHLAA1093 and SHLAA1094 — each identifying specific unresolved constraints, drainage failures, access deficiencies, heritage conflicts and PD10 policy contradictions.

The decision to send directly to committee members — not solely through officers — was deliberate. It ensured every person who voted on 13 May had personally received DDTC's analysis two days in advance and could not subsequently claim unawareness. Every committee member who voted on 13 May had a duty to have regard to that analysis in their deliberations.

DDTC formally asks DDDC to confirm in writing:

- Whether DDTC's 11 May reports were circulated as a supplementary paper to committee members by DDDC officers before or at the 13 May meeting;
- Whether they are referenced in the minutes of the 13 May meeting; and
- Whether and when they will be entered into the Local Plan evidence base.

## 9. BDP Consultants — Site Identifier and Site Assessor

As established in DDTC's analysis of the SHLAA proformas, BDP Consultants — commissioned by DDDC to assess SHLAA sites — also identified 14 sites themselves, appearing as 'BDP Consultants suggestion' in the Source field of those proformas. BDP therefore both identified and assessed 14 sites in the same document.

SHLAA Ref	Settlement	Conclusion
SHLAA906	Ashbourne	Developable
SHLAA908	Brailsford	Undevelopable
SHLAA894	Cromford	Undevelopable
SHLAA909	Doveridge	Undevelopable
SHLAA975	Doveridge	Undevelopable
SHLAA895	Hulland Ward	Undevelopable
SHLAA904	Hulland Ward	Undevelopable
SHLAA903	Matlock	Undevelopable
SHLAA910	Matlock	Undevelopable

<b>SHLAA902</b>	Middleton	<b>Undevelopable</b>
<b>SHLAA896</b>	Northwood	<b>Undevelopable</b>
<b>SHLAA897</b>	Wirksworth	<b>Undevelopable</b>
<b>SHLAA892</b>	Yeldersley	<b>Undevelopable</b>
<b>SHLAA978</b>	Yeldersley	<b>Undevelopable</b>

The Capes letter does not address the BDP conflict of interest, nor is it expected to — the letter responds to DDTC's planning and procedural submissions, not to the SHLAA analysis reports submitted on 11 May.

DDTC formally requires DDDC to confirm whether BDP's dual role was subject to a conflict of interest declaration and whether the 14 BDP-identified sites were independently peer-reviewed.

## 9A. Withdrawal of the Tier 2 Challenge and Substituted Infrastructure Capacity Objection

Following the committee report of 13 May 2026, DDTC reviewed the spatial distribution strategy set out at paragraph 2.11 of that report. That review revealed that Darley Dale is the sole Tier 2 settlement in the entire district — there is no other settlement in Tier 2. All 271 Tier 2 dwellings, and all 104 Tier 2 new candidate site dwellings, are allocated to Darley Dale alone. By contrast, Tier 3 distributes 1,035 dwellings across 11 settlements.

Having considered these consequences, DDTC has formally withdrawn its Tier 2 settlement hierarchy challenge in a separate letter to the Director of Place and Economy dated 20th May 2026. The reason for withdrawal is not that DDTC has concluded the Tier 2 designation is necessarily correct. Rather, it is that reclassification to Tier 3 — where Darley Dale, as the largest and best-served of the Tier 3 settlements, could attract a disproportionately high share of 1,035 Tier 3 dwellings — would risk a significantly larger housing allocation in a settlement whose infrastructure is already demonstrably constrained.

### 9A.1 The substituted objection — infrastructure capacity as the binding constraint

In place of the Tier 2 challenge, DDTC formally submits that the housing allocation for Darley Dale in the Regulation 19 Local Plan must be capped at the level that the drainage infrastructure can demonstrably support — as established by the Drainage Impact Assessment required under Section 4 of this document and confirmed in writing by Severn Trent Water. DDTC submits that this infrastructure capacity limit, not the tier designation, must be the binding constraint on Darley Dale's housing allocation.

DDTC additionally draws attention to an internal inconsistency in the spatial strategy as applied to Darley Dale. The committee report proposes retaining SHLAA281 (Stancliffe Quarry, 80 dwellings) as an existing Local Plan allocation being carried forward. This 80-dwelling figure is the source of the Tier 2 'existing allocated candidate sites' entry in paragraph 2.11. However, as DDTC's detailed SHLAA281 analysis demonstrates, that site carries two RED ratings (sewage infrastructure and biodiversity), a RED heritage rating, a court injunction preventing access, an extant minerals permission to 2042, and unquantified cliff stabilisation costs. SHLAA281 has been allocated since 2017 and has not been built. DDTC submits that SHLAA281 must be reclassified as Undevelopable, at which point the 80-dwelling existing allocation disappears from the Tier 2 distribution figures. A spatial strategy that relies on an undeliverable site to underpin its housing trajectory is not soundly based.

*The full analysis of the Tier 2 withdrawal, the spatial distribution data, and the infrastructure capacity objection is set out in DDTC's separate formal letter of 20th May 2026 addressed to the Director of Place and Economy, which forms part of the DDTC evidence base suite.*

## 10. DDTC's Formal Requirements — Consolidated

Taking together the matters confirmed by the Capes letter and the matters that remain outstanding, DDTC formally requires the following before the Regulation 19 Local Plan is submitted to the Planning Inspectorate in December 2026:

Req.	Requirement
1	<b>MINUTES</b> — The minutes of the 8 April 2026 Local Plan Committee meeting must be amended or supplemented to record: (a) the substance of Cllr Chapman's oral submission at recording 9:11–12:37; and (b) the Chair's public commitment to consider the issues raised at recording 12:40–13:00. The recording is available and the Capes letter itself confirms both matters. There is no impediment to the minutes being corrected.
2	<b>DRAINAGE IMPACT ASSESSMENT</b> — A Drainage Impact Assessment must be commissioned for all proposed Darley Dale sites, addressing cumulative hydraulic loading on CSO11 at Hooley Town. STW must provide a formal written hydraulic capacity statement. No Darley Dale site allocation must be confirmed in the Regulation 19 plan before this assessment is complete and its results are in the evidence base. DDTC has re-sent the formal request to <a href="mailto:localplan@derbyshiredales.gov.uk">localplan@derbyshiredales.gov.uk</a> as required by the Capes letter.
3	<b>PD10 SEQUENCING</b> — The June 2026 PD10 review must be completed before any site allocation affecting PD10-designated or PD10-adjacent land in Darley Dale is confirmed in the Regulation 19 plan. If the 13 May decisions included any such allocations, those specific decisions must be held open pending the June PD10 review.
4	<b>TIER 2 WITHDRAWAL AND INFRASTRUCTURE CAPACITY OBJECTION</b> — DDTC has formally withdrawn its Tier 2 settlement hierarchy challenge. Having reviewed the spatial distribution strategy (paragraph 2.11 of the 13 May committee report), DDTC established that Darley Dale is the sole Tier 2 settlement, and that reclassification to Tier 3 — where 1,035 dwellings are shared across 11 settlements — risks a disproportionate increase in Darley Dale's housing allocation given the settlement's acknowledged infrastructure constraints. DDTC's withdrawal is documented in a separate formal letter to the Director of Place and Economy dated 20 May 2026. In place of the Tier 2 challenge, DDTC formally submits that the housing allocation for Darley Dale in the Regulation 19 plan must be capped at the level the drainage infrastructure can demonstrably support — as established by the Drainage Impact Assessment required under Requirement 2 above and confirmed in writing by Severn Trent Water. This infrastructure capacity limit, not the tier designation, must be the binding constraint on Darley Dale's allocation. Additionally, SHLAA281 (Stancliffe Quarry, 80 dwellings) — which underlies the Tier 2 existing allocation figure in paragraph 2.11 — must be reclassified as Undevelopable given its two RED ratings, court injunction on access, extant minerals permission to 2042, and unquantified cliff stabilisation costs.
5	<b>11 MAY REPORTS</b> — DDTC's written reports of 11 May 2026 must be entered into the Local Plan evidence base in full. DDDC must confirm whether they were placed before the 13 May committee in any form and whether they are referenced in the 13 May minutes. If not, the 13 May minutes must be supplemented accordingly.
6	<b>PROCEDURAL OBJECTIONS</b> — The Monitoring Officer must be asked to consider the matters raised in DDTC's letter of 28 April 2026. DDTC has not received a response from DDDC's legal colleagues despite being directed to them. A substantive written response to DDTC's procedural objections is required within ten working days.
7	<b>BDP CONFLICT OF INTEREST</b> — DDDC must confirm whether BDP Consultants' dual role as site identifier and assessor was subject to a conflict of interest declaration; whether the 14 BDP-identified sites were independently peer-reviewed; and if not, why not.
8	<b>EVIDENCE BASE</b> — All DDTC submissions — the formal letters of April 2026, the detailed analysis reports of 11 May 2026, and this document — must be entered into the Local Plan evidence base and included in the Regulation 22(1)(c) statement as representations made during plan preparation.

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

*This document should be read alongside: the SHLAA Full Consistency Analysis Excel spreadsheet; the SHLAA Consistency Analysis Summary Word document; the individual SHLAA site analysis reports (SHLAA281, SHLAA911, SHLAA955, SHLAA1093, SHLAA1094); DDTC's formal objection letter of 28 April 2026; the Director of Place and Economy's response of 5 May 2026; and DDTC's formal letter withdrawing the Tier 2 challenge and substituting the infrastructure capacity objection, dated 20 May 2026. All documents should be entered into the DDDC Local Plan evidence base. DDTC reserves all rights to rely upon them at Regulation 19 consultation and at examination before the Planning Inspector.*