

RE: DARLEY DALE SETTLEMENT HIERARCHY — FORMAL WITHDRAWAL OF TIER 2 CHALLENGE AND SUBSTITUTION OF AN INFRASTRUCTURE CAPACITY OBJECTION

FOR ENTRY INTO THE LOCAL PLAN EVIDENCE BASE

1. Purpose of This Formal Submission

Darley Dale Town Council (DDTC) writes formally to: (a) withdraw its earlier request for a review of Darley Dale's Tier 2 settlement hierarchy designation; and (b) to substitute in its place a more precisely targeted objection concerning the internal consistency of the spatial strategy as applied to Darley Dale, and the infrastructure capacity constraints that must be resolved before any housing allocation for Darley Dale can be confirmed in the Regulation 19 Local Plan.

This letter should be read alongside DDTC's formal objection letter of 28 April 2026, the Director of Place and Economy's response of 5 May 2026, and the suite of SHLAA analysis documents submitted to all Local Plan Committee members on 11 May 2026. All documents should be entered into the Local Plan evidence base in full.

2. Withdrawal of the Tier 2 Challenge

DDTC formally withdraws its request for a review of Darley Dale's Tier 2 settlement hierarchy designation. DDTC wishes to be transparent about its reasons for doing so, as this letter forms part of the Local Plan evidence base.

DDTC's original Tier 2 challenge was submitted in good faith, based on the view that material changes since Darley Dale's original designation may mean that the Tier 2 classification no longer accurately reflects the settlement's characteristics. That analysis remains valid in planning terms.

However, having reviewed the spatial distribution strategy presented to the Local Plan Committee on 13 May 2026 (paragraph 2.11 of the committee report), DDTC has established the following:

Tier	New candidate sites (dwellings)	Existing allocated candidate sites	Commitments (to 1/4/25)	Total	% of district total
Tier 1	677	1,618	1,007	3,302	58%
Tier 2 (Darley Dale only)	104	80	87	271	5%
Tier 3 (11 settlements)	676	46	313	1,035	18%
Tier 4	0	0	51	51	1%
Tier 5	10	0	19	29	1%
Other (new settlement)	1,000	0	35	1,035	18%
TOTAL	2,467	1,744	1,512	5,723	100%

Source: Local Plan Committee Report, 13 May 2026, paragraph 2.11

Two features of this distribution table are critical to DDTC's decision to withdraw the Tier 2 challenge:

- 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 in Darley Dale.
- Tier 3 is shared across 11 settlements (Cromford, Rowsley, Matlock Bath, Tansley, Brailsford, Sudbury, Northwood, Clifton, Middleton by Wirksworth, Doveridge, Darley Bridge, and Hulland Ward). If Darley Dale were reclassified to Tier 3, it would join those 11 settlements sharing 1,035 dwellings at 18% of the district total. Darley Dale, as the largest and best-served of those settlements, could attract a disproportionately high share of the Tier 3 allocation — potentially significantly exceeding its current Tier 2 quota of 104 new candidate dwellings.

DDTC therefore formally withdraws the Tier 2 challenge.

The reason for withdrawal is not that DDTC has concluded the designation is necessarily correct — the evidence DDTC gathered in support of its challenge may yet be relevant at a future plan review.

The reason for withdrawal is that, in the context of the current spatial strategy, the consequences of reclassification for Darley Dale's housing allocation would likely be disproportionate and, given the infrastructure constraints documented in DDTC's evidence base, potentially damaging to the community. It is therefore withdrawn solely in the interests of Darley Dale residents.

DDTC confirms that this withdrawal does not affect any of its other formal submissions, all of which are maintained in full.

3. The Infrastructure Capacity Objection — The Binding Constraint

3.1 The drainage position

Whatever tier designation Darley Dale holds — and DDTC has now withdrawn its challenge to the Tier 2 designation — the allocation of housing to Darley Dale must be limited to what the settlement's infrastructure can demonstrably support. DDTC submits that this infrastructure capacity limit, not the tier designation, should be the binding constraint on Darley Dale's housing allocation in the Regulation 19 plan.

The evidence establishing this constraint is detailed in DDTC's SHLAA analysis documents and is summarised here. All five proposed Darley Dale housing sites discharge foul water by gravity into the same combined sewer network. That network serves Combined Sewer Overflow CSO11 at Matlock – Bakewell Road (Hooley Town). A Severn Trent Water representative confirmed at a public engagement event in Matlock that the drainage network problems affecting Darley Dale are caused by a hydraulic capacity constraint — not a blockage or maintenance issue. CSO11 is operating at or near daily overflow frequency during rainfall events.

The EA's own comment on SHLAA281 states explicitly that developers and the local planning authority 'should confirm available capacity with Severn Trent Water before allocating sites.' This confirmation has not been obtained for any of the five Darley Dale proposed sites. DDTC has re-submitted its formal Drainage Impact Assessment request to localplan@derbyshiredales.gov.uk as directed by the Director of Place and Economy's letter of 5 May 2026, following the disclosure that the original request had not reached the planning policy team.

3.2 The cumulative drainage loading from all five proposed sites

SHLAA Ref	Site	Dwellings	Drainage impact on CSO11 / Hooley Town
SHLAA281	Stancliffe Quarry	80	RED STW rating — HIGH impact confirmed. Two Category 3 & 4 pollution points immediately downstream. STW: 'significant impact on sewage infrastructure.'

SHLAA911	St Elphin's Park	25	GREEN STW rating — but CSO11 at Hooley Town explicitly cited as impacted. 150m gravity connection.
SHLAA955	Darley Road North	40	GREEN STW rating — impacts DARLEY DALE – CHURCH ROAD (CSO) and FOUR LANE ENDS. One pollution point downstream.
SHLAA1093	Old Hackney Lane	14	GREEN STW rating — CSO11 Hooley Town AND DALE ROAD SOUTH (CSO) explicitly cited. Multiple CSOs further downstream. One pollution point immediately downstream.
SHLAA1094	SW of Darley Lodge	25	GREEN STW rating — CSO11 Hooley Town explicitly cited. Multiple further downstream CSOs. Three internally flooded properties within 80m.
TOTAL	All five proposed sites	184	All five draining by gravity to a network STW's own representative confirmed is hydraulically constrained. No Drainage Impact Assessment has been conducted.

DDTC formally submits that the infrastructure capacity of the Darley Dale drainage network — not the tier designation and not the spatial strategy's tier quota — is the binding constraint on the number of dwellings that can be allocated to Darley Dale in the Regulation 19 plan. The number of dwellings that the network can hydraulically support, as established by a Drainage Impact Assessment and confirmed in writing by Severn Trent Water, must set the ceiling for Darley Dale's allocation.

3.3 Why SHLAA281's undeliverability compounds the infrastructure argument

If SHLAA281 (80 dwellings) is correctly reclassified as Undevelopable — as DDTC's analysis supports — the drainage loading on the network from the remaining four sites falls to 104 dwellings. This is a significant reduction, but DDTC's position is that even 104 dwellings cannot be confirmed as appropriate until a Drainage Impact Assessment has assessed the cumulative hydraulic loading on CSO11 from all proposed connections, and STW has provided a formal written capacity confirmation.

DDTC notes that the Green sewage ratings assigned to SHLAA911, SHLAA955, SHLAA1093 and SHLAA1094 are *based solely on the physical achievability of gravity connections* — not on network hydraulic capacity.

The STW methodology used in the SHLAA assessments *does not measure capacity*: it measures connectivity. The STW representative's confirmation that the Darley Dale network problems are hydraulic, not maintenance-related, directly contradicts the adequacy of the Green rating methodology as applied to these four sites.

4. DDTC's Formal Position — What Is Required Before Regulation 19 Submission

DDTC formally requires the following actions to be completed before the Regulation 19 Local Plan is submitted to the Planning Inspectorate:

Req.	Requirement
1	WITHDRAWAL NOTED: DDTC's withdrawal of its Tier 2 settlement hierarchy challenge must be noted in the Local Plan evidence base and in the Regulation 22(1)(c) representations statement. DDTC's reasons for withdrawal — as set out in this letter — must be recorded in full.
2	SHLAA281 RECLASSIFICATION: SHLAA281 (Stancliffe Quarry, 80 dwellings) must be reviewed in light of DDTC's detailed analysis. DDTC submits that SHLAA281 cannot properly be retained as a Developable existing allocation while it carries two RED ratings (sewage

	infrastructure and biodiversity), one RED heritage rating, an unresolved court injunction on access, an extant minerals permission to 2042, and unquantified cliff stabilisation costs. If SHLAA281 is reclassified, the 80-dwelling existing allocation must be removed from the Tier 2 distribution figures in paragraph 2.11.
3	DRAINAGE IMPACT ASSESSMENT: A Drainage Impact Assessment must be commissioned for all five proposed Darley Dale sites in combination, assessing the cumulative hydraulic loading on CSO11 at Hooley Town. DDTC has re-submitted this formal request to localplan@derbyshiredales.gov.uk as directed by the Director's letter of 5 May 2026.
4	STW CAPACITY CONFIRMATION: Severn Trent Water must provide a formal written statement confirming whether the Darley Dale combined sewer network has hydraulic capacity to serve the proposed allocations, what network upgrades are required if not, at whose cost, and to what committed timetable. This confirmation must be entered into the evidence base before any Darley Dale site is confirmed in the Regulation 19 plan.
5	INFRASTRUCTURE AS THE BINDING CONSTRAINT: The housing allocation for Darley Dale in the Regulation 19 plan must be capped at the level that the drainage infrastructure can demonstrably support, as established by the Drainage Impact Assessment and STW's capacity confirmation. DDTC submits that the tier designation is secondary to this infrastructure constraint, and formally requests that DDDC confirm in writing that it accepts this principle.
6	EVIDENCE BASE: This letter and all documents referenced herein must be entered into the Local Plan evidence base. DDTC reserves all rights to rely upon this submission before the Planning Inspector at Regulation 19 examination.

5. Conclusion

DDTC has engaged fully and constructively throughout the Local Plan review process. It has submitted formal written requests, attended committee meetings, provided oral evidence, submitted written analysis to all committee members, and now provides this further formal submission. Throughout, DDTC's objective has been the same: to ensure that the planning decisions affecting Darley Dale are based on accurate evidence, applied consistently, and capped at what the settlement's infrastructure can support.

The withdrawal of the Tier 2 challenge is an act of good faith. DDTC could pursue the challenge — the evidence supports it. DDTC has chosen not to, because the potential consequences of reclassification under the current spatial strategy would not serve the community. DDTC asks DDDC to receive this withdrawal in the spirit in which it is offered, and to respond substantively to the infrastructure capacity objection that replaces it.

That objection is not about what tier Darley Dale sits in. It is about whether there is capacity in the ground to serve the houses that are being proposed.

The answer to that question requires a Drainage Impact Assessment. DDTC has now formally requested one *for the third time*. The evidence from STW's own representative — that the problem is hydraulic, not maintenance — makes the case unanswerable.

DDTC formally asks DDDC to commission that assessment without further delay.

Darley Dale Town Council | Formal Submission | May 2026

This letter is submitted for entry into the DDDC Local Plan evidence base in full. It should be read alongside all documents listed in the SHLAA analysis suite submitted by DDTC. DDTC reserves all rights to rely upon this letter and all referenced documents at Regulation 19 consultation and at examination before the Planning Inspector.