

Darley Dale Town Council

Regulation 19 Representations — Derbyshire Dales Local Plan 2024–2042

Draft for Full Council — 19 August 2026

This text is formatted to be transcribed directly into DDDC's Regulation 19 online consultation survey, question by question. It is drafted as THREE separate representations, submitted together: Representation 1 supports the Local Plan's overall development strategy and housing requirement; Representation 2 objects, on soundness grounds only, to Policy PD10 and two related Policy HC2 site allocations; Representation 3 objects, on soundness grounds only, to the adequacy of the evidence base on foul and surface water drainage capacity underpinning four Policy HC2 allocations in the Matlock–Darley Dale corridor. Keeping these separate and clearly labelled ensures DDTC's support for the plan generally is not read as extending to PD10 or to the drainage capacity concern, and that neither objection is read as a challenge to the plan's overall housing numbers.

Representation 1 of 3 — Support for the Development Strategy and Housing Requirement (Policy S7)

Q3. To which part of the Derbyshire Dales Local Plan does your representation relate?

General representation in support of the Local Plan's development strategy (Policy S7) and district-wide housing requirement. This representation expressly excludes Policy PD10 (Matlock to Darley Dale A6 Corridor) and the Policy HC2 site allocations SHLAA1093 and SHLAA1094 (subject of Representation 2, objecting to soundness on landscape/coalescence grounds), and the drainage capacity evidence underpinning SHLAA281, SHLAA955, SHLAA1093 and SHLAA1094 (subject of Representation 3, objecting to soundness on infrastructure-evidence grounds).

Q4(1). Do you consider the Derbyshire Dales Local Plan to be legally compliant?

Yes.

Q4(2). Do you consider the Derbyshire Dales Local Plan to be 'sound'?

Yes, in respect of the development strategy and housing requirement addressed by this representation, and subject to the matters raised in DDTC's separate representations (Representations 2 and 3), which DDTC considers make Policy PD10, the HC2 allocations referenced above, and the drainage capacity evidence supporting them, unsound for the reasons set out there.

Q5. Please give details of why you consider the Local Plan is not legally compliant or is unsound, or, if you support it, your reasons for that support.

Darley Dale Town Council (DDTC) has closely monitored preparation of the draft Local Plan and, having weighed the available evidence, has resolved to support adoption of its development strategy and district-wide housing requirement, for the reasons set out below.

The Call for Sites process did not produce, within the constrained area around Darley Dale, any site free from significant deliverability challenges, whether relating to infrastructure capacity, access, or other constraints. A substantial number of alternative sites were assessed and set aside for the same reasons; DDTC is not able to identify any remaining sites in this area capable of easy development while contributing meaningfully to the housing requirement set by government.

Derbyshire Dales District Council's inability to consistently demonstrate a five-year housing land supply has, for a number of years, exposed the district to development on land outside settlement boundaries under national policy. Under the National Planning Policy Framework published in August 2026, this exposure now operates through policy S5(1)(j), which permits housing to address an evidenced unmet need - including where a five-year supply cannot be demonstrated - on sites that are physically well-related to an existing settlement and of a scale that infrastructure can support. Should the Local Plan fail at examination, DDTC expects the district would remain without an adopted, up-to-date housing requirement for a prolonged period, a period likely to be extended further by the uncertain effect of Local Government Reorganisation on the future local planning authority. Throughout that period, land across the district would remain exposed to this form of development, with a materially greater cumulative risk of unplanned, piecemeal harm than the adoption of a development strategy - even an imperfect one - would present.

DDTC also considers that the process for engaging statutory consultees and residents in this Regulation 19 consultation offers limited opportunity for meaningful input, and that the technical framing of the consultation survey is likely to restrict responses to those able to engage with its procedural language, rather than capturing the fuller range of resident opinion. DDTC records this as a concern regarding process, distinct from its view on the content of the strategy addressed by this representation.

On this basis, Darley Dale Town Council supports the Local Plan's development strategy and district-wide housing requirement, and recommends their adoption.

Q6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound.

No modification is sought within the scope of this representation. This representation is one of support for the development strategy and housing requirement as drafted. (For modifications sought to Policy PD10 and related site allocations, see Representation 2; for modifications sought regarding drainage capacity evidence, see Representation 3.)

Q7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Not applicable to this representation — see Representations 2 and 3.

Representation 2 of 3 — Objection: Policy PD10 and Related Policy HC2 Allocations

Q3. To which part of the Derbyshire Dales Local Plan does your representation relate?

Policy PD10 (Matlock to Darley Dale A6 Corridor), and the Policy HC2 housing site allocations SHLAA1093 (Old Hackney Lane) and SHLAA1094 (South-West of Darley Lodge), each of which is expressly linked in DDDC's own evidence to the coalescence-prevention function of Policy PD10. This representation also addresses the removal of site SHLAA911 (St Elphin's Park) from the final draft allocation list, as evidence relevant to the soundness of Policy PD10, notwithstanding that SHLAA911 is no longer proposed for allocation. This representation does not extend to, and should not be read as objecting to, the Local Plan's overall development strategy (Policy S7) or district-wide housing requirement, which DDTC supports in a separate representation (Representation 1). Foul and surface water drainage capacity concerns affecting SHLAA1093 and SHLAA1094 are addressed separately, on distinct evidential grounds, in Representation 3.

Q4(1). Do you consider the Derbyshire Dales Local Plan to be legally compliant?

Yes. DDTC raises no objection to legal compliance; this representation is confined to soundness.

Q4(2). Do you consider the Derbyshire Dales Local Plan to be 'sound'?

No, in respect of Policy PD10 and the two remaining site allocations named above.

Q5. Please give details of why you consider the Local Plan is not legally compliant or is unsound, or, if you support it, your reasons for that support.

Darley Dale Town Council objects to Policy PD10 as currently drafted and mapped, and to the allocation of SHLAA1093 and SHLAA1094 under Policy HC2, on the grounds that Policy PD10 fails three of the five soundness tests at policy PM15 of the National Planning Policy Framework (August 2026). **DDTC does not seek the deletion of Policy PD10, and this is not an objection to housing delivery in Darley Dale or to the plan's overall housing requirement - DDTC supports both in Representation 1. DDTC seeks a sound, effective replacement that delivers what Policy S7 already commits to: preventing the coalescence of Matlock and Darley Dale.**

For orientation: SHLAA1093 and the neighbouring, appeal-permitted site addressed in Ground 2 (paragraph 8) both lie on the Hackney hillside — the rising ground between Hackney Road to the north and Old Hackney Lane to the south, on the Darley Dale side of the gap with Matlock. Ground 1 (paragraph 4) and Ground 3 (paragraph 10) both refer to this same area of land.

Ground 1: Not 'Appropriate': the policy is not founded on proportionate evidence (PM15(1)(b))

1. Policy S7 explicitly commits to 'avoiding the coalescence of Matlock and Darley Dale (Policy PD10)'. The draft Policy PD10's supporting text at paragraphs 5.62 - 5.63 does not identify coalescence prevention as the policy's primary purpose. A supporting justification that omits its own policy's stated primary purpose is not proportionate evidence for that policy, contrary to NPPF policy PM8(1) (evidence should be relevant, proportionate and reliable).
2. The adopted Policy PD10 has been in force since May 2017. In the nine years since adoption, DDTC understands DDDC has not cited PD10 as a ground of objection to any planning application within its boundary, and at least two developments (Boden Close and Normanhurst Park) have been completed within the mapped PD10 area without challenge under the policy. [DDTC requires DDDC to publish the complete enforcement record for the adopted policy before submission for examination; absent such a record, the plan cannot demonstrate that the instrument it relies on to prevent coalescence has ever been effective.](#)
3. The revised PD10 boundary *methodology* has not been published. It remains unclear whether the landscape sensitivity review was completed before or after the related SHLAA site selections were made, contrary to the sequencing expected of proportionate, reliable evidence under policy PM8. [DDTC requires DDDC to publish the chronological sequence of the boundary review and the SHLAA site selection process, and to confirm which was completed first.](#)
4. This ground is directly connected to a request DDTC made to DDDC on 7 April 2026, asking that the Hackney hillside - the hillside land lying between Hackney Road to the north and Old Hackney Lane to the south, the most prominent landscape feature in views from the River Derwent, and identified as high-sensitivity for visual coalescence and Peak District National Park setting in the August 2015 Derbyshire Dales Strategic Landscape Sensitivity Study - receive explicit protection, having been excluded from the specific mapped PD10 boundary at that time. This is the same hillside on which SHLAA1093 is located - DDDC's own evidence describes the site as 'land between Old Hackney Lane and Hackney Road' - and on which the neighbouring, appeal-permitted Stancliffe Homes site addressed in Ground 2, paragraph 8 sits. DDTC's April letter sought protection for this hillside as a landscape feature in its own right, distinct from the narrower 'wider undeveloped gap' language used in SHLAA1093's own site record (see Ground 2, paragraph 7); the two should not be treated as the same thing. That request has never received a formal response.

Ground 2: Not Effective: the policy cannot deliver its own purpose (PM15(1)(c))

5. The adopted policy is prohibition-based: development 'will not be permitted except for' two narrow categories. The draft policy is criteria-based: development 'will only be permitted where it can be demonstrated' that it meets four tests. This is a structural weakening from a rule to a negotiation, and is less effective at preventing coalescence than the policy it replaces.
6. DDTC is concerned that the shift to a criteria-based test creates a foreseeable risk that the policy's monitoring target - retention of the area identified as strategic gap - could be met in form without being met in substance. If, for example, green space provided within housing schemes were treated as satisfying that target, internal landscaping not visible from the key external viewpoints (eg; the A6, the White Peak Loop cycleway, elevated Peak District National Park positions) would not protect the views, or the physical and visual separation, that the policy exists to secure. [DDTC has not been able to confirm from published material how the monitoring target will be assessed in practice, and requests that DDDC clarify this before the policy is finalised.](#)
7. Two of the sites allocated under Policy HC2 carry explicit acknowledgement, in DDDC's own evidence, of a PD10 coalescence-prevention function: SHLAA1094 (SW of Darley Lodge) 'forms important open space...that assists in preventing complete physical and visual coalescence under Policy PD10'; and, in particular, SHLAA1093 (Old Hackney Lane) 'contributes to an area identified under Policy PD10, forming part of a wider undeveloped gap that assists in maintaining separation between Darley Dale and Matlock'. This is a direct acknowledgement, in DDDC's own site record, of the coalescence harm this representation raises. DDDC's August 2026 policies map has since redrawn the PD10 boundary to include SHLAA1093 within the mapped strategic gap itself (see paragraph 4 above), meaning the Local Plan simultaneously allocates this land for housing under Policy HC2 and designates it, under Policy PD10, as land to be protected from the coalescing development that allocation would deliver. Both

allocations were recommended on 13 May 2026, *before* the revised Policy PD10 was presented to committee on 17 June 2026 and *before* the revised boundary map was published, and both remain allocated in the final draft plan notwithstanding this direct overlap. No planning balance has been published explaining why PD10's coalescence-prevention purpose is outweighed in respect of either site, or why an allocation lying within the redrawn strategic gap has been retained unchanged following the boundary review. [DDTC requires that both allocations be reviewed against the completed PD10 policy and boundary before being confirmed.](#)

8. DDDC's own evidence base - the *Local Plan Evidence Base Report, Appendix F (SHLAA Appendix D sites)*, site proforma for SHLAA1093 (pp.228–231) - records, under 'Highways Access & Pedestrian Constraints' (rated AMBER): *"The site has no frontage onto the adopted highway. However, there is an extant permission, permitted at appeal and not yet implemented, for a housing scheme on land to the south-west of this site, which bounds this site and through which access might be taken (23/01275/FUL). The internal layout of the permitted site would have to be amended to form a suitable access into this site."* The Conclusion Summary confirms the same point: suitable access 'could be achieved' only 'subject to internal layouts, suitable access arrangements and suitable internal gradient'. In other words, DDDC's own evidence records that SHLAA1093 has no lawful means of vehicular access in its own right, and that its developability depends on an amendment - not secured, agreed, or required by condition - to the internal layout of a separate, privately-controlled planning permission on adjoining land (land to the rear of Oakstone Farm, allowed on appeal 8 October 2025, Ref: APP/P1045/W/25/3361297), which at the date of this evidence had not yet been implemented. DDTC characterises this as a 'ratchet approval' pattern: an allocation rated 'Developable', with 'Overall Suitability: Yes', notwithstanding that DDDC's own evidence records the access on which that conclusion depends as unresolved and outside DDDC's control. Nothing in the neighbouring permission requires the layout amendment DDDC's evidence assumes; should that scheme be implemented without it, SHLAA1093 would have no lawful means of access and would not be deliverable. This goes to both the reliability of the evidence supporting the allocation (PM8(1)) and its effectiveness (PM15(1)(c)), quite apart from the coalescence concerns raised elsewhere in this representation. [DDTC requires DDDC to publish the evidenced basis for treating SHLAA1093 as deliverable independent of the neighbouring scheme, or, if no such basis exists, to demonstrate what legal mechanism secures the assumed access before the allocation is confirmed.](#)
9. A third site, SHLAA911 (St Elphin's Park), carried the same PD10 coalescence-prevention acknowledgement in its proforma ('part of an area of important open space along the A6 corridor that assists in preventing physical and visual coalescence') and has since been removed from the final draft allocation list. DDTC understands the stated reason for its removal was proximity to community and recreational facilities, not Policy PD10 or coalescence. DDTC does not consider this resolves the concern raised in this representation — if anything, it reinforces it: DDDC had direct, evidenced grounds available to justify SHLAA911's removal by reference to PD10, and did not use them, consistent with the absence of any enforcement record for PD10 set out in Ground 1. [DDTC requires DDDC to confirm whether PD10 and its coalescence-prevention function formed any part of the evidenced basis for removing SHLAA911, and if not, to explain why a site with an acknowledged coalescence function was assessed without reference to the policy meant to protect against exactly that harm.](#)

Ground 3: Not consistent with national policy (PM15(1)(d))

10. Policy N4(4) of the National Planning Policy Framework (August 2026) requires development within the setting of Protected Landscapes - not only within them - to be sensitively located and designed to avoid or minimise adverse impacts. This is a new, explicit provision: no equivalent protection for the setting of a National Park existed in the December 2024 Framework. The Derwent Valley between Matlock and Darley Dale lies within the setting of the Peak District National Park, and the 2015 Strategic Landscape Sensitivity Study identifies the Hackney hillside specifically as high-sensitivity on National Park setting grounds. SHLAA1093 sits within this identified sensitivity zone.
11. Policy S5(4) requires that development outside settlement boundaries be permitted only where benefits substantially outweigh harm, *including harm to the character of the countryside*. A policy that has never been enforced in nine years, whose mapped boundary had excluded its most visually prominent landscape feature, and which is being weakened from a prohibition to a criteria-based test, cannot provide the plan-level protection this national decision-making test assumes will already be in place. Nor does it satisfy the Framework's requirements,

at policies N1 and N4, to conserve landscapes and limit the scale and extent of development within and in the setting of Protected Landscapes.

Q6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound.

1. Retain a prohibition-based test in Policy PD10, or provide evidence demonstrating why a criteria-based test would be equally effective at preventing coalescence.
2. State explicitly, in the policy box and in paragraphs 5.62–5.63, that preventing coalescence between Matlock and Darley Dale is the primary purpose of Policy PD10.
3. Clarify how the retention of the area identified as strategic gap will be monitored and assessed, and confirm that internal open space provided within residential development schemes will not, however designated, be treated as satisfying that target; require land within the designated area to remain undeveloped.
4. Redesign the monitoring indicator to measure the physical and visual distance between the built edges of Matlock and Darley Dale along the A6 corridor, rather than the retention of an area within a boundary that can be redrawn.
5. Publish the PD10 boundary map and the methodology by which it was drawn, including confirmation of the chronological relationship between the boundary review and the SHLAA site selection process, and formally respond to DDTC's outstanding request of 7 April 2026 regarding the Hackney hillside.
6. Publish the complete enforcement record for the adopted Policy PD10 since May 2017.
7. Resolve the direct overlap between the redrawn Policy PD10 boundary and the Policy HC2 allocations of SHLAA1093 and SHLAA1094: either remove the affected allocations or publish a reasoned planning balance justifying how both designations can exist on the same land.
8. Demonstrate, or secure by planning obligation or condition, an independent and lawful means of access to SHLAA1093 that does not depend on delivery of the separate Stancliffe Homes scheme (Ref: APP/P1045/W/25/3361297); if no such access can be demonstrated or secured, remove the allocation pending resolution.
9. Publish the evidenced basis for removing SHLAA911 from the allocation list, confirming whether Policy PD10 and its coalescence-prevention function formed any part of that assessment.

Q7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Yes. DDTC requests the opportunity to appear at the examination hearing session on Policy PD10 to present its evidence and respond to questions from the Inspector, and is willing to participate in any Matters, Issues and Questions process. DDTC reserves the right to amend and supplement this representation in light of the PD10 boundary map and methodology when formally published.

Representation 3 of 3 — Objection: Drainage Capacity Evidence for Policy HC2 Allocations SHLAA281, SHLAA955, SHLAA1093 and SHLAA1094

Q3. To which part of the Derbyshire Dales Local Plan does your representation relate?

The evidence base for foul and surface water drainage capacity supporting the Policy HC2 housing site allocations SHLAA281, SHLAA955, SHLAA1093 and SHLAA1094, all of which lie within, or drain toward, the Matlock–Darley Dale corridor served by a combined sewer overflow (or overflows) discharging to the River Derwent. This representation also references SHLAA911, no longer proposed for allocation, as part of the wider evidence picture on drainage capacity in this corridor. This representation is confined to the adequacy of the drainage evidence and does not restate the landscape and coalescence objection to Policy PD10 and the SHLAA1093/1094 allocations set out in Representation 2, save where the drainage evidence also bears on those sites, nor does it extend to the Local Plan's overall development strategy or housing requirement, which DDTC supports in Representation 1.

Q4(1). Do you consider the Derbyshire Dales Local Plan to be legally compliant?

Yes. DDTC raises no objection to legal compliance; this representation is confined to soundness.

Q4(2). Do you consider the Derbyshire Dales Local Plan to be 'sound'?

No, in respect of the four site allocations named above, for want of proportionate and reliable evidence on drainage capacity.

Q5. Please give details of why you consider the Local Plan is not legally compliant or is unsound, or, if you support it, your reasons for that support.

Darley Dale Town Council objects to the allocation of SHLAA281, SHLAA955, SHLAA1093 and SHLAA1094 under Policy HC2, on the grounds that the evidence base for foul and surface water drainage capacity in the Matlock–Darley Dale corridor fails three of the five soundness tests at policy PM15 of the National Planning Policy Framework (August 2026). **DDTC does not seek the deletion of these allocations or object to housing delivery in this area in principle - DDTC supports the plan's overall housing requirement in Representation 1. DDTC seeks confirmation, before these allocations are confirmed, that the sewerage network serving them has, or will have, the capacity to accept the additional flows without exacerbating an already severely constrained system.**

Ground 1: Not 'Appropriate': the evidence is not proportionate or reliable (PM15(1)(b), PM8(1))

1. DDTC's formal request of 17 April 2026 set out Event Duration Monitoring (EDM) data for the combined sewer overflow serving Darley Dale, identified in that letter as 'Darley Dale No.11 CSO' (Severn Trent Water asset reference SVT00740, discharging to the River Derwent). That data recorded 1,216 activations in 2025 - the third-highest activation count of any Severn Trent Water asset - for a combined duration exceeding 803 hours, worsening to a further 148 activations and over 871 hours in January and February 2026 alone, and accounting for approximately 62% of all recorded discharge events on the River Derwent within the district. DDTC is not aware that this evidence, or any equivalent site-specific capacity assessment, has been reflected in the drainage evidence supporting the four allocations named above, contrary to policy PM8(1), which requires evidence to be relevant, proportionate and reliable.
2. DDTC's letter of 20 May 2026 set out a site-by-site drainage impact assessment for SHLAA281, SHLAA911, SHLAA955, SHLAA1093 and SHLAA1094, identifying a combined sewer overflow risk at each. That letter also set out DDTC's concern that the methodology used to rate site drainage suitability in DDTC's evidence measures connectivity - whether a site can physically (mechanically) be connected to the existing sewer network - rather than capacity. That is, whether the network has room to accept the additional flow without increasing the frequency or volume of overflow discharge. A rating that confirms connection but not capacity is not reliable evidence of drainage suitability for the purpose of PM8(1).
3. The Environment Agency's own comment on SHLAA281, provided during plan preparation and referenced in DDTC's 20 May 2026 letter, required confirmation of drainage capacity before that site could soundly be allocated. DDTC is not aware that this requirement has been satisfied, or that SHLAA281's rating in DDTC's evidence has been revisited in light of the Environment Agency's comment.
4. DDTC first raised this evidence gap formally on 17 April 2026, received a response from DDTC's Director indicating the matter would be addressed on 5 May 2026, and, having received no substantive follow-up, restated the concern in full - alongside the withdrawal of a separate, unrelated procedural challenge - on 20 May 2026. As of the date of this representation, neither letter has received a substantive response addressing the capacity evidence requested. Evidence that has been put to the plan-making authority and left unaddressed for over four months cannot be treated as tested, and its absence from the published evidence base is not proportionate to the scale of the risk identified.

Ground 2: Not Effective: the policy framework cannot secure the capacity it assumes (PM15(1)(c))

6. None of the four allocations named above is subject to a policy requirement making its delivery contingent on confirmed drainage capacity. Absent such a mechanism, the plan cannot demonstrate that housing completions on these sites will not exacerbate an already severely constrained sewerage network, contrary to the drainage hierarchy set out in Schedule 3 to the Flood and Water Management Act 2010, which requires proportionate consideration of drainage impact and mitigation ahead of development.
7. A Severn Trent Water representative has, according to DDTC's 20 May 2026 letter, confirmed publicly that the overflow performance issue in this corridor is hydraulic rather than attributable to maintenance - that is, a

capacity deficit in the network itself, not a fault correctable by routine works. A capacity deficit of this kind is unlikely to be resolved on a timescale shorter than the infrastructure investment and delivery cycle, which will typically exceed the lead-in time for allocated housing sites that is without a costed and timetabled improvement programme. DDTC is not aware that DDDC holds, or has published, any such programme from Severn Trent Water for this corridor.

8. Sections 80 to 84 of the Environment Act 2021 place water and sewerage companies under a statutory duty to progressively reduce the frequency and adverse impact of discharges from storm overflows. A Local Plan that allocates further housing connecting to a sewer network already operating, on DDTC's evidence, at or beyond its hydraulic capacity - without evidence of how the statutory duty to reduce overflow harm will be met alongside additional connections - cannot be relied upon to deliver the effective, deliverable pattern of growth that policy PM15(1)(c) requires.

Ground 3: Not consistent with national policy (PM15(1)(d))

9. Policy W1 of the NPPF (August 2026) requires plan-making authorities to engage early with water and sewerage undertakers and to ensure that the capacity of water and wastewater infrastructure is reflected in decisions about the location and phasing of growth. DDTC's repeated, evidenced and unanswered requests of 17 April, 5 May and 20 May 2026 raise a real question as to whether this engagement has taken place, or whether its outcome has been reflected in the location and phasing of the allocations named above. Without a published response addressing the capacity evidence DDTC has provided, the Local Plan cannot demonstrate conformity with policy W1.

Q6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound.

1. Commission an independent Drainage Impact Assessment for the combined sewer overflow(s) serving the Matlock–Darley Dale corridor, covering SHLAA281, SHLAA911, SHLAA955, SHLAA1093 and SHLAA1094, before any of these allocations is confirmed.
2. Obtain and publish written confirmation from Severn Trent Water of available foul and surface water capacity for each of SHLAA281, SHLAA955, SHLAA1093 and SHLAA1094, including a costed and timetabled capacity improvement programme wherever a deficit is identified.
3. Amend the site drainage-assessment methodology so that a favourable rating reflects confirmed available network and treatment capacity, and not merely the existence of a physical sewer connection.
4. Reclassify SHLAA281 in line with the Environment Agency's own comment requiring capacity confirmation before allocation, and publish the evidence on which any revised classification is based.
5. Insert a policy mechanism making housing completions on the allocations named above contingent on confirmed drainage capacity, consistent with the drainage hierarchy in Schedule 3 to the Flood and Water Management Act 2010 and the duty at sections 80–84 of the Environment Act 2021 to reduce the frequency and impact of storm overflow discharges.
7. Respond substantively to DDTC's outstanding correspondence of 17 April, 5 May and 20 May 2026 before the plan is submitted for examination.

Q7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Yes. DDTC requests the opportunity to appear at the examination hearing session addressing infrastructure and drainage capacity, to present its EDM and correspondence evidence and respond to questions from the Inspector. DDTC reserves the right to amend and supplement this representation in light of any response from DDDC or Severn Trent Water received before examination.

Darley Dale Town Council

Regulation 19 Representation

Supporting Evidence Appendix

Derbyshire Dales Local Plan 2024-2042 - Regulation 19 Consultation

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Appendix B	DDTC formal request for a Drainage Impact Assessment <i>17 April 2026</i>
Appendix C	DDTC Tier 2 withdrawal and infrastructure capacity objection <i>20 May 2026</i>
Appendix D	DDDC SHELAA site proformas for SHLAA1093 and SHLAA1094 (Local Plan Evidence Base Report, Appendix F) <i>pp.228-231, 233-237</i>

These documents are referenced and quoted in DDTC's Regulation 19 representation and are appended here in full so the Inspector can verify their content and context directly.

Appendix A

DDTC formal request to protect the Hackney hillside

7 April 2026

Formal request by Darley Dale Town Council to reassess the drafting of policy PD10 to fully protect the Hackney hillside against development.

Key Issues

The current wording and mapping of Policy PD10 (Matlock to Darley Dale A6 Corridor) in the adopted 2017 Local Plan are inconsistent with the policy's own objectives. The most prominent and defining landscape feature in the Derwent Valley – the open Hackney hillside – lies **outside** the designated PD10 boundary on the Policies Map.

This omission:

- Directly contradicts the 2015 Derbyshire Dales Strategic Landscape Sensitivity Study (high sensitivity for visual coalescence prevention and Peak District National Park setting).
- Undermines the spatial vision (S7) and the commitment to maintain settlement separation along the A6 corridor.
- Fails the tests of soundness under the NPPF (paras 31 and 35 – justified by evidence and effective in delivering plan objectives).

The opportunity to correct this critical gap exists now, ahead of the 8 April 2026 Local Plan Review Committee meeting and Regulation 19. Without explicit protection, the emerging plan risks being found unsound at examination.

Darley Dale Town Council therefore formally requests that the Hackney hillside receives **full and explicit protection** in the revised Local Plan through one or more of the following:

- extension of the PD10 boundary and adding more explicit wording,
- strategic open space designation, or
- identification as a valued landscape under PD5.

What Policy PD10 says and its perceived meaning.

The policy wording in the current 2017 adopted Local Plan is;

PD10 Matlock to Darley Dale A6 Corridor

In order to safeguard the intrinsic character and quality of the open spaces through the Derwent valley between Matlock and Darley Dale and to prevent the further coalescence of the settlements of Matlock and Darley Dale, the District Council will

resist development proposals which threaten the open spaces identified on the policies map unless:

- a) The development is required for the purpose of agriculture, forestry or outdoor recreation, and
- b) The development does not have an adverse impact upon the character of the area including views into and out from the Derwent Valley

Policy map attached.

Supporting paragraphs 5.62–5.63 confirm that this is grounded in the Derbyshire Dales Strategic Landscape Sensitivity Study (August 2015), which identified high-sensitivity land that prevents *visual* coalescence and remains undeveloped (noting that physical coalescence has already occurred in places such as Matlock/Upper Hackney and Darley Dale/Two Dales, but open space and vegetation along the A6 maintain perceived separation). The study also highlights the area’s proximity to the Peak District National Park setting and its visual prominence.

What is wrong with the policy as currently written and mapped?

The current PD10 boundary on the Policies Map (Inset 1 – Darley Dale / Inset 2 – Matlock) is demonstrably inconsistent with the policy’s own stated purposes. The green hillside between Upper and Lower Hackney is the most prominent and defining landscape feature in views from the River Derwent (see attached photo) - a key public recreational and visual asset within the Derwent Valley. Yet this hillside lies outside the designated PD10 open-space boundary. The policy map therefore fails to capture the very element that contributes most directly to the “intrinsic character and quality of the open spaces through the Derwent Valley” and the “views into and out from the Derwent Valley” that PD10 purports to protect. This mismatch is not a minor technicality; it undermines the effectiveness of the policy in delivering its objectives.

Policy S7 (Matlock/Wirksworth/Darley Dale Development Area Strategy) and the overall spatial vision nevertheless require maintenance of the strategic gap and protection of the A6 corridor’s character precisely to preserve the distinct identity of Darley Dale and avoid coalescence with Matlock. Any site allocations or development boundaries in the revised plan must be *justified by evidence* (NPPF para 31) and *effective* in delivering the plan’s *objectives* (NPPF para 35). The current drafting does not ensure this. Extending (or replicating) PD10-style protection to the Hackney hillside is therefore essential for soundness. The classified adjacent land is high sensitivity on visual-coalescence and National Park setting grounds; the same reasoning applies directly to this visually dominant slope.

Views and visual amenity: PD10 itself identifies “views into and out from the Derwent Valley” as a key consideration yet does not specify the most distinctive visual aspect.

The River Derwent is a public vantage point of high value (recreational route, green infrastructure corridor under PD4, and within/adjacent to the Derwent Valley Mills World Heritage Site buffer). Harm to the prominent hillside view would be an adverse impact on the character of the area — directly contrary to both PD10(b) and the wider NPPF requirement for development to be sympathetic to local character and landscape (NPPF paras 135, 174–176).

Coalescence (visual and perceptual): Even if physical merging is constrained by topography, development on the unprotected open hillside would erode the *perceived* separation between Matlock, Upper Hackney and Lower Hackney/Darley Dale. The 2015 Study explicitly recognises that visual coalescence prevention is a high-sensitivity factor. This engages the spatial strategy in S7 and the vision’s commitment to maintaining settlement integrity along the A6 corridor.

Countryside protection (S4) and Green Infrastructure (PD4): Land outside settlement boundaries is subject to strict control. The hillside contributes to the green infrastructure network, biodiversity (PD3), and the setting of the Peak District National Park — all material considerations that would weigh against allocation if fully protected.

Consistency with national policy: The NPPF requires local plans to identify and protect “valued landscapes” (even if not statutorily designated) and to prevent the merging of settlements where this would harm character. A plan, current or revised that ignored the most visible and sensitive part of the very corridor that PD10 was designed to protect would be neither justified nor effective.

What changes are justified and required for effectiveness?

That the Hackney hillside receives explicit protection in the revised Local Plan — whether by extending the PD10 boundary, designating it as a strategic open space, or identifying it as a valued landscape under PD5.

The current policy map boundary is an acknowledged gap that fails to deliver the policy’s intent. Protecting it is not anti-development; it is sound, plan-led planning that respects the landscape evidence base, the adopted development plan, and national policy.

Crucially, we would note that the A6 ‘*corridor*’ is not defined as a rigid physical boundary on the Policies Map but as a visionary and spatial concept rooted in the draft Spatial Vision. The current PD10 boundary on the adopted Policies Map therefore should not/ cannot be treated as the definitive limit of protection; it must be aligned with the broader spatial intent to maintain strategic open spaces and settlement separation.

Has the current policy as written, been effective?

Despite the overwhelming evidence that the views to and from the River Derwent are valued landscapes and the necessity to prevent coalescence essential, Darley Dale Town Council understands that **the policy has never been used**. Three developments, Boden Close, Whitworth Dale and Normanhurst Park that are covered by the policy map, along the A6 corridor and creating visual harm to the landscape views of the green spaces adjacent to the A6, were allowed without a PD10 challenge. All three were post the 2017 Local Plan adoption with PD10 in force.

What is the current situation?

The opportunity to change PD10 to provide clarity and protection of this hillside ahead of Regulation 19 is upon us **now**. A crucial Local Plan Review Committee meeting is scheduled for 8th April at which revisions to policy wording will be approved for use in the emerging plan. Decisions taken at that meeting need to use the updated draft of PD10

As it stands when this document was being written, it is both confusing and of concern to Darley Dale Town Council that the papers released ahead of the 8th April meeting list PD10 as a policy that will be changed, but is the only policy in the entire list that does not have its proposed changes publicised in advance.

Reading between the lines

In its District Council's preparatory work ahead of the Local Plan review 2026, Darley Dale Town Council were concerned over the continued designation as a Tier 2 settlement with population and settlement boundary aligned close to the built up area along the A6, and consequently raised a formal request on 4th April 2026 for a reassessment to be carried out.

The potential consequences Darley Dale Town Council predict by retaining Tier 2 status with a BUA boundary and reduced population figure are:

1. The hillside is treated as "countryside" rather than an urban extension

- The current settlement boundary is drawn tightly around the existing built-up area of Darley Dale / Lower Hackney. This is the legal/ policy classification of the settlement area for development control purposes.
- The Hackney hillside and Upper Hackney sits **outside** that boundary.
- Under Policy S4 (Development in the Countryside), land outside settlement boundaries is subject to strict control. Development is only allowed in very limited

circumstances (agriculture, forestry, rural exception affordable housing, or where “very special circumstances” are demonstrated).

- By keeping the boundary tight, DDDC can classify the hillside as countryside land. This allows the District Council to argue that releasing it is **not** an ‘urban extension’ or erosion of the settlement limit, but a controlled release of countryside to meet housing need.

2. It avoids stronger urban policy tests

- If the boundary were redrawn to include the hillside, the site would become an **urban extension**. It would then be assessed under normal settlement policies, making it harder to justify large-scale development without triggering full landscape, coalescence, and character assessments inside the settlement.
- With the current tight boundary, DDDC can present the hillside as a **greenfield countryside site** that can be allocated under the spatial strategy or site selection methodology as a “sustainable extension” while still technically complying with countryside policy wording.

3. It weakens coalescence and PD10 arguments

- The draft Spatial Vision and PD10 require “appropriate separation between settlements, in particular between Matlock and Darley Dale along the A6 corridor”.
- By keeping the hillside outside the defined settlement boundary, DDDC can argue that development there does **not** constitute coalescence **within** Darley Dale itself — it is simply development in the countryside between two settlements.
- This makes visual and perceptual coalescence easier to downplay in Sustainability Appraisal and site selection work.

4. It aligns with the lower population figure from the October 2025 Settlement Hierarchy Review

- The reduced population figure makes Darley Dale appear smaller and more “under-provided” for a Tier 2 settlement.
- A tight boundary + lower population figure allows the District Council to say: “We need to release additional land to fulfil Darley Dale’s Tier 2 role” without having to redraw the boundary and admit the current one is out of date.
- This combination makes the hillside look like the “most appropriate” site to meet the elevated housing target (575 dpa district-wide).

5. Practical effect in the Site Selection Methodology (8 April 2026 report)

- Sites are scored more favourably if they are “within or adjacent to existing settlements”.
- A tight boundary makes the hillside technically “adjacent” rather than “within”. This lets it pass sequential tests and score well without forcing a boundary review.

In summary:

The tighter settlement boundary could be interpreted as a deliberate **policy device**. It keeps the Hackney hillside classified as countryside (S4), avoids redrawing the boundary (which would trigger stronger urban policy scrutiny), weakens PD10 coalescence arguments, and gives DDDC the flexibility to allocate the site to help meet the government’s housing numbers while still claiming the plan is consistent with the settlement hierarchy and Spatial Vision. No precedents exist for the use of PD10 in refusing planning applications in green spaces along the A6 corridor – on the contrary, it has never been used.

This is why Darley Dale Town Council believes that it is reasonable to conclude whether the evidence base (population figure, boundary, and PD10 wording) is being shaped to facilitate development on the hillside rather than to reflect genuine planning needs.

What happens next?

Darley Dale Town Council believe that the original concept of a protection of the green spaces along the A6 corridor through Darley Dale, when viewed to or from the River Derwent, and the prevention of coalescence of Matlock into Darley Dale was correctly envisioned but the exclusion of the Hackney hillside from the policy map could prove to be a critical error.

The possible scenario presented in this document could extend to Darley Dale becoming a suburb of Matlock. Statements in the papers ahead of the April 8th Committee meeting show however that these core requirements for the emerging plan appear to remain in place.

Darley Dale Town Council would therefore like raise the following formal request to be responded to and entered into the emerging plan’s evidence base, as follows:

Formal Request from Darley Dale Town Council to Derbyshire Dales District Council to Protect the Hackney Hillside from Development Before Reg 19 in the New Local Plan

Darley Dale Town Council is of the opinion that the Hackney hillside is the most dominant green space when viewed from the River Derwent and provides separation between Matlock and the Hackneys, and between Upper and Lower Hackney.

This visual and spatial separation plays a vital role in the perception of separation between Matlock and Darley Dale when travelling along the A6 corridor and has been recognised as such since the early 2000's and protected by policy accordingly.

As the District Council tries to find sufficient land to achieve the higher housing targets set by the current government, and with land within Darley Dale at a premium, there is a possibility that the Hackney hillside could, albeit as a last resort, be used to help fill the housing quota. Darley Dale Town Council seeks to embed protection(s) against that in the emerging/ new Local Plan, before Regulation 19, and requests;

- 1) Extending or replicating robust protection to the Hackney hillside by
 - a) Revise the wording of PD10 to strengthen the protection it is intended to offer (eg: "The open spaces identified on the Policies Map, including the entire Hackney hillside between Upper and Lower Hackney as shown on [attached plan], shall be protected..." Or a new criterion under PD10(b) that explicitly references "the prominent hillside views from the River Derwent.")
 - b) Revise the PD10 policy map boundary to encompass the entire Hackney hillside
 - c) Give it strategic open space designation
 - d) Give it explicit identification as a valued landscape under PD5
- 2) Giving full weight to preventing both physical and visual/ perceptual coalescence between Matlock and Darley Dale specifically by specifying the Hackney hillside, and protecting the prominent views from the River Derwent.

Without a change, the emerging plan risks being found unsound at examination on the grounds that it is neither justified by the landscape evidence base nor effective in delivering the spatial vision and PD10 objectives (NPPF paragraphs 31 and 35)

Darley Dale Town Council wish to make it clear that whilst they remain committed to working constructively with the District Council to deliver sustainable development that meets genuine local needs, in the interest of both residents and visitors to Darley Dale, it cannot support the possibility of irreversible loss of the distinctive character and landscape setting that define Darley Dale and the Derwent Valley.

Date **7th April 2026**

By: **Cllr D Chapman. Darley Dale Town Council**

Content by Cllr D.Chapman with AI assistance. Output 100% checked

Appendix B

DDTC formal request for a Drainage Impact Assessment

17 April 2026

Local Plan Review Committee Chair

Derbyshire Dales District Council
Town Hall,
Bank Road,
Matlock,
Derbyshire DE4 3NN

FORMAL REQUEST FOR INDEPENDENT DRAINAGE IMPACT ASSESSMENT AND SEWERAGE CAPACITY STUDY

Dear Chair,

Darley Dale Town Council (DDTC) writes in its capacity as the statutory consultee and local ward council for the Darley Dale parish to make a formal request that Derbyshire Dales District Council (DDDC) commissions an independent Drainage Impact Assessment (DIA) and Sewerage Capacity Study from Severn Trent Water (STW) before confirming any housing allocation for Darley Dale in the Local Plan review currently being prepared.

This request is made as a matter of urgency. The grounds for it are set out below and are considered by this Council to constitute a precondition of the proposed housing allocation meeting the soundness tests required by the National Planning Policy Framework (NPPF) paragraph 35.

1. Background

DDDC's emerging Local Plan review could propose to allocate approximately 700 dwellings to Darley Dale parish over the 16-year plan period (c.44 dwellings per annum at the likely 10% Tier 2 allocation). DDTC has engaged constructively throughout the consultation process and does not oppose the principle of housing growth in appropriate locations and at an appropriate scale. However, it is this Council's firm view that any allocation must be robustly evidenced and capable of delivery without causing material harm to existing residents, the natural environment, or existing infrastructure.

A specific and fundamental infrastructure constraint has come to light which, in this Council's assessment, makes the proposed allocation unsound in its current form unless and until remedial action is secured from STW.

2. The EDM Evidence — Darley Dale No.11 CSO

Event Duration Monitoring (EDM) data published by Severn Trent Water under the Environment Act 2021 reveals that the Darley Dale No.11 Combined Sewer Overflow (CSO, Unique ID: SVT00740) recorded 1,216 activation events during the calendar year 2025. This places the Darley Dale No.11 CSO as the third most frequently activating overflow in the entire STW company network.

At 1,216 activations in a single year, the CSO is discharging on average more than three times per day. This is not a system responding to rare or exceptional storm events as it was designed to do — it is operating as part of the routine daily conveyance of foul and surface water. The cumulative discharge duration in 2025 exceeded 803 hours.

The position is worsening. In January and February 2026 alone the same CSO activated a further 148 times, discharging for a cumulative 871 hours in just two months. If this rate is sustained across 2026, annual activation events will substantially exceed the already alarming 2025 total.

The No.11 CSO discharges directly into the River Derwent. The 2025 EDM data records that the Derwent received 1,971 sewage discharge events from 59 STW sites across the year, totalling over 10,811 hours. The Darley Dale No.11 CSO alone accounted for 62% of all discharge events recorded on the Derwent in that year. Full supporting analysis is enclosed as Evidence E1–E3.

3. Planning Policy and Legal Framework

DDTC draws DDDC's attention to the following policy and legal provisions which are directly engaged by the above evidence:

1. NPPF paragraph 20(e) (December 2024) requires local plans to make provision for infrastructure, including water supply and wastewater treatment. Allocating 700 dwellings without first securing adequate wastewater capacity is inconsistent with this requirement. [See Evidence E5]
2. NPPF paragraph 35(c) requires that local plans be “effective” — meaning that the plan must be deliverable over the plan period. A housing allocation is not deliverable if the infrastructure necessary to support it does not exist, is not funded, and there is no committed programme for its delivery.
3. The statutory Drainage Hierarchy set out in Schedule 3 of the Flood and Water Management Act 2010 requires that new development does not exacerbate existing drainage or wastewater problems. Connecting 700 new dwellings to a combined sewer already operating at or beyond capacity would directly conflict with this duty. [See Evidence E6]
4. The Environment Act 2021 (ss.80–84) places a statutory duty on water companies to progressively reduce the adverse impact of discharges from storm overflows. A CSO activating over 1,200 times per year is not functioning as an emergency-only asset. Any new connections that foreseeably increase activation frequency would be in direct tension with that statutory duty. [See Evidence E7]
5. NPPF paragraph 180 requires that planning decisions protect and enhance the natural environment. The River Derwent supports protected habitats and species. Increased sewage overflow frequency consequent on new development would conflict with the Water Framework Directive (retained in domestic law) and the Conservation of Habitats and Species Regulations 2017.

4. Formal Requests

In light of the above, DDTC formally requests that DDDC takes the following steps as a matter of priority, and in any event before the housing allocation for Darley Dale is confirmed in the submission version of the Local Plan:

6. Commission an independent Drainage Impact Assessment (DIA) and Sewerage Capacity Study, to be carried out by a suitably qualified drainage engineer instructed independently of STW, assessing the cumulative impact of the proposed 700-dwelling allocation on the capacity of the combined sewer network serving Darley Dale, including the No.11 CSO and its receiving watercourse, the River Derwent.

7. Require STW to provide a full technical capacity audit of the Darley Dale sewer network, including trunk sewers, pumping stations, and the No.11 CSO, demonstrating whether there is any residual headroom capacity to accommodate additional connections from new development without increasing CSO activation frequency.
8. Require STW to produce a timetabled and costed Capital Maintenance Programme for the upgrade of the No.11 CSO and associated trunk sewer network, with funding secured or committed before the Local Plan is adopted.
9. Include in the Local Plan a binding infrastructure trigger policy requiring that sewer relief works have been completed to provide demonstrable additional capacity before the first occupation of any new dwelling forming part of the Darley Dale allocation.
10. Draw the Examining Inspector's attention to the EDM data summarised in this letter, and ensure the DIA and Sewerage Capacity Study are included in the Local Plan examination evidence base.

5. Timetable

DDTC requests that DDDC acknowledges receipt of this letter within 14 days and confirms in writing whether it accepts the principle that a DIA and Sewerage Capacity Study should be commissioned before the allocation is confirmed. Should DDDC decline to commission such a study, DDTC reserves the right to submit this evidence directly to the Examining Inspector and to seek third-party technical support for its own representations at examination.

DDTC trusts that DDDC will recognise the seriousness of the drainage capacity position evidenced above and the reputational, legal, and environmental risks that would attach to an allocation that proceeded without first resolving it. This Council remains committed to constructive engagement throughout the Local Plan process and would welcome an early meeting with DDDC's planning policy and infrastructure officers to discuss the way forward.

Yours faithfully,

Cllr D Chapman (sent digitally)

On behalf of Darley Dale Town Council

Date: 17 April 2026

SCHEDULE OF SUPPORTING EVIDENCE

Hyperlinks are provided to each publicly available source. All EDM raw data files (E1, E2) are also enclosed as separate digital attachments.

Ref	Document	Source / Link	Relevance
E1	STW EDM Data 2025 — Full Year (monthly discharge records, all sites)	STW EDM Report 2025 EA EDM Dataset 2025 (environment.data.gov.uk)	Confirms 1,216 activations of Darley Dale No.11 CSO (SVT00740); third highest company-wide; 803+ hours cumulative discharge duration in 2025
E2	STW EDM Data Jan–Feb 2026 (monthly discharge records)	STW EDM Report 2025 page	Confirms 148 further activations in first two months of 2026; 871 hours

Ref	Document	Source / Link	Relevance
		<i>(Jan–Feb 2026 data available on same page; also enclosed as digital attachment)</i>	cumulative discharge; trajectory worsening
E3	River Derwent Discharge Analysis 2025 — derived from E1 (DDTC / Planning Advisory Service, April 2026)	Top of the PooPs: River Derwent — STW 2025 <i>(Independent third-party summary corroborating EA data)</i>	No.11 CSO accounted for 62% of all 1,971 discharge events on the River Derwent in 2025 across 59 STW sites (10,811 hours total)
E4	Darley Dale Planning Advisory Note (Planning Advisory Service, April 2026) — enclosed	Enclosed as separate document (confidential; not for public circulation without DDTC consent)	Technical planning analysis of soundness of proposed 700-dwelling allocation, including full infrastructure capacity assessment and policy analysis
E5	National Planning Policy Framework (December 2024), paras 20(e), 35 and 180	NPPF December 2024 (PDF, GOV.UK) NPPF guidance page (GOV.UK)	Policy basis for infrastructure requirements in local plans (para 20e), soundness tests including effectiveness (para 35c), and protection of the natural environment (para 180)
E6	Flood and Water Management Act 2010, Schedule 3 (Sustainable Drainage)	Schedule 3, FWMA 2010 (legislation.gov.uk) Full Act (legislation.gov.uk)	Statutory Drainage Hierarchy; development must not exacerbate existing drainage and wastewater problems; right to connect surface water to public sewers conditional on drainage approval
E7	Environment Act 2021, Part 5 (ss.80–84) — Storm Overflows	Environment Act 2021, ss.80–84 (legislation.gov.uk) EA press release: 2025 EDM data (GOV.UK)	Statutory duty on water companies to progressively reduce frequency and adverse impact of storm overflow discharges; EDM reporting requirements; EA annual reporting duty

Enc: Evidence documents E1–E7 as listed above. Digital attachments: E1 (STW EDM 2025 full dataset), E2 (STW EDM Jan–Feb 2026), E4 (Planning Advisory Note)

This letter constitutes a formal representation by Darley Dale Town Council under the Local Plan consultation process and should be retained on the examination evidence base. Darley Dale Town Council believe that to the best of its knowledge the information provided in this document is correct and accurate. Content driven by Cllr D Chapman with AI assistance.

Appendix C

DDTC Tier 2 withdrawal and infrastructure capacity objection

20 May 2026

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.

Appendix D

DDDC Local Plan Evidence Base Report, Appendix F (SHELAA Appendix D sites) - site proformas for SHLAA1093 and SHLAA1094

Extracted pages 228-231 and 233-237

Source: DDDC Local Plan Evidence Base Report, Appendix F (SHELAA Appendix D sites)

Assessment Review

SHLAA Reference: SHLAA1093		Brownfield/ Greenfield	
Settlement	Darley Dale	Site Name	Land between Old Hackney Lane and Hackney Road
Proposed Use	Residential development	Site Area (ha)	0.8
Source	call for sites	Deliverability	Developable
Delivery Timescales	6-10 years	Housing Capacity	14
		Employment Area (ha)	

Suitability Assessment

Physical Constraints	AMBER: The Environmental Health Officer has noted that: No objection may be contaminated land in the form of elevated lead levels in the soil, and radon gas. The Lead Local Flood Authority has noted: GREEN - No flood zone, no surface water risk, 1 unnamed ordinary watercourse approx. 3m north of northern boundary, 4 internally flooded properties within approx. 400m of site, 4 reports of highway flooding within approx. 300m of site. GREEN: The Environment Agency has commented the following: - no comments.
Environmental Constraints	AMBER - Derbyshire Wildlife Trust has noted that development will have a low to high impact upon biodiversity. The site includes grassland of unknown type but probably other neutral grassland. However, there is a possibility the grassland could be of grea
Heritage Constraints	GREEN – The County Council Archaeologist has noted: Potential for prehistoric colluvium plus environmental evidence - Derwent Valley slopes. This can adequately be addressed through the planning process., GREEN - Conservation Officer has advised that development of the site is likely to result in minimal or no impact(s) to/on the heritage assets.

Highways Access & Pedestrian Constraints	AMBER: This site has potential for circa 20 dwellings (at 10 dwellings/acre) so would need an adoptable form of access. The site has no frontage onto the adopted highway. However, there is an extant permission, permitted at appeal and not yet implemented, for a housing scheme on land to the south-west of this site, which bounds this site and through which access might be taken (23/01275/FUL). The internal layout of the permitted site would have to be amended to form a suitable access into this site.
Landscape & Visual Impact	AMBER - The existing assessment appropriately identifies the sensitivity of the site, particularly in relation to its topography and role within the wider valley landscape. The site comprises pastoral fields enclosed by characteristic drystone walls, located on rising ground to the north-east of Hackney Lane. This elevated position increases the site's visibility from a range of receptors, including nearby roads, residential areas and longer-distance views across the Derwent Valley. As such, the site is inherently sensitive in landscape and visual terms. The site also contributes to an area identified under Policy PD10, forming part of a wider undeveloped gap that assists in maintaining separation between Darley Dale and Matlock. This function adds to its sensitivity, particularly in terms of settlement pattern and the perception of coalescence along the valley corridor. However, the site does not exist in isolation. The presence of proposed and emerging development in adjacent areas, including other SHLAA sites, alters the baseline context and reduces the degree to which this parcel can be considered as wholly intact or undeveloped. In this respect, the contribution of the site to the wider gap function is influenced by cumulative change. Development of the site would still result in adverse effects, including the erosion of openness. However, when considered alongside the changing context, the magnitude and significance of these effects may be moderated. On this basis, whilst a relatively high level of sensitivity is acknowledged, a more proportionate judgement would be Moderate–Major (Medium-High Sensitivity) judgement on a 5-point scale, rather than a definitive Major impact. Planscape Consultants have considered the conclusion of major impact is partly appropriate. A moderate to major impact would be a better suited judgement on a 5-point scale, rather than a definitive major impact. Development of the site would still result in adverse effects, including the erosion of openness. However, when considered alongside the changing context, the magnitude and significance of these effects may be moderated.
Other Considerations	
Amenity	
Infrastructure Requirements	AMBER - The normal area Infant and Junior schools are currently forecasting some surplus capacity with which to accommodate the total potential growth. However, some contributions to primary education may be

	required, depending on the timing and order of these sites coming forward. Also to be considered are the existing development sites which fall within the normal area and the capacity that those sites will take up. The school sites offer no meaningful scope for expansion so once the total capacity of the housing sites going forward are known this will require careful review. The normal area secondary school is currently over capacity and projected to remain so. Contributions should be anticipated on any and all sites being proposed that are served by Highfields. The site does offer scope for expansion, subject to agreement by all parties. AMBER - The Matlock/Wirksworth/Darley Dale area is identified as a priority in the Local Integrated Care Boards Primary Care Estates Strategy, with practices being fully utilised at the time of the strategy development, further housing developments in this area will be requested to provide a S106 contribution towards health infrastructure. GREEN -Severn Trent has advised: low potential impact on sewerage infrastructure. Development may impact DARLEY DALE - DALE ROAD SOUTH (Combined Sewer Overflow) and MATLOCK - BAKEWELL RD (HOOLEY TOWN) (Sewage Pumping Station and Settled Storm Overflow). There is one pollution point reported immediately downstream and multiple Combined Sewer Overflows located further downstream which may 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: SK28616591) but may require private access. GREEN - low potential impact of surface water sewerage infrastructure. Greenfield Site, assumed that the development will outfall to the small adjacent watercourse. Surface water should be managed through Sustainable Drainage Systems and any excess discharged to the watercourse. GREEN - low potential impact of ground water. Not within Source Protection Zone . Outside of Severn Trent Water Source Protection Zone area, no risk.
Overall Suitability	Yes

Availability Assessment

Landowner Known/ Unknown	Known
Availability Details	Single landowner

Legal or Operational Barriers	
Overall Availability	Yes

Achievability Assessment

Viability	GREEN - The site is economically viable.
Abnormal Costs	AMBER: Abnormal costs may involve substantial retaining works.
Overall Achievability	Yes

Comments

Town & Parish Council Comments	
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Deliverability	Overall RAG Rating: RED/ AMBER/ GREEN	
Net Developable Area	0.48 assume 60% of site developable to account for Biodiversity Net Gain and retaining works on site. based upon developer form.	
Conclusion Summary	This is a greenfield site that consists of agricultural land with significant sloping site rising to the north east off Old Hackney lane. The site lies to the rear of Oakstone Farm and the site abuts site to rear of the farm, allowed on appeal (Appeal Ref: APP/P1045/W/25/3361297) issued by the inspector on 8th October 2025 for 37 dwellings. Public Footpath no.46 in the parish of Darley Dale runs to the south of the site but does not cross it. The Highways Authority advise that the site has potential for circa 20 dwellings (at 10 dwellings/acre) so would need an adoptable form of access. There is an extant permission, permitted at appeal and not yet implemented, for a housing scheme on land to the south-west of this site, which bounds this site and through which access might be taken (23/01275/FUL). subject to internal layouts, suitable access arrangements and suitable internal gradient could be achieved.	

Assessment Review

SHLAA Reference: SHLAA1094		Brownfield/ Greenfield	Greenfield
Settlement	Darley Dale	Site Name	Land to the Southwest of Darley Lodge, Bakewell Road, Darley Dale
Proposed Use	Residential development - affordable housing	Site Area (ha)	0.77
Source	Call for sites	Deliverability	Developable
Delivery Timescales	6-10 years	Housing Capacity	25
		Employment Area (ha)	

Suitability Assessment

Physical Constraints	AMBER - The Environmental Health Officer has noted that: No objection may be contaminated land in the form of elevated lead levels in the soil, and radon gas. AMBER: The Lead Local Flood Authority has noted: Western part of site in flood zone 2, low to high surface water risk in north-eastern corner of site, Main river approx. 85m southwest of site, 3 unnamed ordinary watercourses within 300m of site. 3 internally flooded properties within 80m south of site, 2 reports of highway flooding approx. 134m north of site. RED: The Environment Agency has commented the following: the South West corner of the site falls within flood zone 2. The site should follow the sequential test, and development within Flood Zone 2 & Flood Zone 3 should be avoided where possible. If development is pursued within Flood Zone 2 or Flood Zone 3 appropriate mitigation will need to be provided.
Environmental Constraints	AMBER - The Derbyshire Wildlife Trust Officer has advised that development of the site would have a low to medium impact upon development. The site is cattle-grazed pasture with some scattered mature trees. The grassland is not known to be of high value

Heritage Constraints	GREEN: The Archeology Officer at Derbyshire County Council has noted that: Potential for prehistoric colluvium plus environmental evidence - Derwent Valley slopes. This can adequately be addressed through the planning process., GREEN - The Conservation Officer has advised that all designated and non-designated heritage assets lie outside of the site boundary, and it is therefore probable that no direct impact will result from development of the site. It is possible that the cast iron Midland Railway marker (MDR10143) could be impacted by access design/arrangements and potential impact on this asset will need to be considered in any future plans.
Highways Access & Pedestrian Constraints	AMBER - The Highways Authority has advised that the site has no frontage onto the adopted highway. Bakewell Road (A6) is the closest adopted road located circa 70m north-east of the site. Access could potentially be gained via the care home site. However, this would require improvements. The A6 fronting this access has no footway provision. An appropriate pedestrian crossing would be required, along with acceptable visibility which would require extensive frontage due to a lack of a highway margin at this point. Access could potentially be gained from Boden Close, a residential cul-de-sac located to the east of the site. Boden Close is currently unadopted (Section 38 Agreement in place). This is a relatively new development and access should be acceptable in terms of geometry. A footpath runs along the opposite side of Bakewell Road from the proposed site. Public Footpath no.23 in the Parish of Darley Dale runs along the north-western boundary of the site.
Landscape & Visual Impact	GREEN: Planscape Consultants consider this site to have a minor impact on the landscape. The site comprises a single pastoral field enclosed by drystone walls with mature boundary trees, consistent with the surrounding landscape character. However, its sensitivity is moderated by its immediate context, particularly the presence of existing built development on adjacent land to the north. This relationship with surrounding development provides a degree of visual containment and reduces the perception of the site as part of an open or undeveloped rural landscape. In views from the south-west and west, any development would be experienced in conjunction with existing built form, limiting the extent to which it would appear as a new or isolated development in the countryside. Overall, although the site retains some local landscape character, its capacity to accommodate change is increased by its relationship with existing development.
Other Considerations	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
Amenity	

Infrastructure Requirements	AMBER - The normal area primary school is operating close to capacity and is projected to be overcapacity in 5 years. It can therefore be expected that a contribution to primary education is very likely to be sought on any or all sites falling in this normal area. The school is on a large site and any contributions would be used to increase provision, subject to the agreement of all relevant parties. The normal area secondary school is currently over capacity. Contributions should be anticipated on any and all sites being proposed that are served by Highfields. The site does offer scope for expansion, subject to agreement by all parties. AMBER - The Matlock/Wirksworth/Darley Dale area is identified as a priority in the Local Integrated Care Boards Primary Care Estates Strategy, with practices being fully utilised at the time of the strategy development, further housing developments in this area will be requested to provide a S106 contribution towards health infrastructure. GREEN – Severn Trent has advised that the potential impact on sewerage infrastructure is low. Development may impact MATLOCK - BAKEWELL RD(HOOLEY TOWN) (Sewage Pumping Station and Settled Storm Overflow). There are no Historic Flood Risk Register or pollution points immediately downstream of this location but there are multiple Combined Sewer Overflows further 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 system within the site boundary via gravity (Connection MH Ref: SK28613691). GREEN – Severn Trent has advised that the potential impact on surface water sewerage is low. Greenfield Site, there is a surface water system adjacent to the site boundary which may be possible to connect to (Connection MH Ref: SK28612652). GREEN - low potential impact of ground water. Not within Source Protection Zone. Outside of Severn Trent Water Source Protection Zone area, no risk.
Overall Suitability	Yes

Availability Assessment

Landowner Known/ Unknown	Known
Availability Details	single landowner
Legal or Operational Barriers	

Overall Availability	Yes
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Achievability Assessment

Viability	GREEN - Site is economically viable.
Abnormal Costs	GREEN - No abnormal costs known.
Overall Achievability	Yes

Comments

Town & Parish Council Comments	
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Deliverability	Overall RAG Rating: RED/ AMBER/ GREEN	
Net Developable Area	0.62 Based upon site submission from landowner.	
Conclusion Summary	This is a greenfield site that comprises two grassland fields beyond existing residential development to the south of Bakewell Road, Darley Dale. The site lies adjacent to Darley Lodge care home a three story high development, that lies to the north and north east and residential development off Boden Close to southeast. To the northwest lies vegetation Public Right of Way and the southwest is screened by vegetation. The site lies mostly within flood zone 1. There is a very small area of the site that overlaps with flood zone 2. There is a high surface flood risk, a small part of the site to the west fall within flood zone 2, low to high surface water risk in north-eastern corner of site, Main river approx. 85m southwest of site and there have been flooding incident to nearby properties. An sequential test will be required. Landowner has indicated that access would be achieved from adjacent development, off Boden Close. Highways have accepted this in principle, subject to geometry. Development of the site will have a minor impact upon landscape. This proposed site forms important open space along the A6 corridor that assists in helping maintain the character of settlement through the valley and preventing complete physical and visual coalescence under Policy PD10 of the Derbyshire Dales Adopted Local Plan. However Planscape Consultants have	

	reviewed the site and consider that although the site retains some local landscape character, its capacity to accommodate change is increased by its relationship with existing development. Development should have due regard to the significance and setting of the heritage assets, preserving extant historic railway features such as MDR10143. Development of the site would have a low to medium impact upon biodiversity due to the indirect impacts upon the habitat in the Derwent River valley which is significant locally due to its scarcity. Any development would need to protect, enhance and buffer the marsh within the potential Local Wildlife Site (to the west) which is characterised by tall herbs and rushes. The site is promoted for 25 affordable dwellings to be incorporated alongside the existing residential development to the southeast. Overall the site is considered developable subject to an Flood Risk Assessment. Whilst the area is currently protected from development under Policy PD10, this area of land is obscured from development to the north and east which has recently been developed and it is considered the loss of the open space would not have an adverse impact upon the surrounding area or lead to the visual coalescence of settlements. It is considered that 60% of the site is developable.	
Final Conclusion	Developable	

Darley Dale Town Council

Regulation 19 Representation

This text is formatted to be transcribed directly into DDDC's official Regulation 19 consultation survey, question by question. This is a separate, additional representation to DDTC's general representation of support for the draft Local Plan.

Respondent

Darley Dale Town Council, statutory consultee.

Ref: Two Dales Settlement Development Boundary - Land east of Wheatley Road

Q3. To which part of the Derbyshire Dales Local Plan does your representation relate?

Appendix 4: Policies/Proposals Map, Inset 2 - Darley Dale. Specifically, the Two Dales settlement development boundary shown adjacent to Wheatley Road.

Q4(1). Do you consider the Derbyshire Dales Local Plan to be legally compliant?

Yes.

Q4(2). Do you consider the Derbyshire Dales Local Plan to be 'sound'?

No.

Q5. Please give details of why you consider the Local Plan is not legally compliant or is unsound.

The draft Local Plan proposes to extend the Two Dales settlement development boundary, as shown in Appendix 4 (Policies/Proposals Map, Inset 2 - Darley Dale), to include land to the east of Wheatley Road. Under the adopted Local Plan, the boundary runs along Wheatley Road itself, excluding this land. This change is not referenced, explained or evidenced anywhere in the written text of the draft Plan; it appears only as a mapped alteration.

This is not a hypothetical parcel of land. It has been the subject of three separate appeals to the Planning Inspectorate since 2023, all concerning outline proposals for residential development on the same site:

Appeal reference	Outcome	Summary
APP/P1045/W/22/3313855 (19 June 2023)	Dismissed	Up to 3 dwellings. Significant harm to character found; conflict with Policies S4 and PD5.
APP/P1045/W/24/3353459 (18 March 2025)	Dismissed	Up to 2 dwellings. Significant harm to character found; conflict with Policies S1, S4, PD5 and NP6.
APP/P1045/W/25/3372260 (2 April 2026)	Allowed	1 dwelling. Moderate harm to character found, but outweighed by the Council's then acute Five-Year Housing Land Supply shortfall (1.36 years).

The two dismissed appeals both found that residential development of this land would cause significant harm to the character and appearance of the area, eroding what one Inspector described as the site's "open and rural nature" and lessening "the clear distinction between the built-up part of Two Dales and the open countryside" (Appeal Ref APP/P1045/W/24/3353459, paragraph 13), in conflict with Policies S1, S4 and PD5 of the adopted Local Plan and Policy NP6 of the Darley Dale Neighbourhood Plan.

DDTC notes, in the interest of full transparency, that a third and more recent appeal on this land, Appeal Ref APP/P1045/W/25/3372260, was allowed on 2 April 2026, granting permission for a single dwelling. It is important to record what did, and did not, change between that decision and the two before it. The Inspector did not depart from the previous findings on landscape value: she again found that Wheatley Road "provides a clear boundary between the settlement and the open countryside", and she again found

that development would cause harm to character and appearance, albeit assessed as moderate rather than significant. The decisive factor was not a reassessment of the site's merits, but the Council's worsening Five-Year Housing Land Supply position, by then described in the decision as an acute shortfall of 1.36 years, which engaged the tilted balance at NPPF paragraph 11(d) so decisively that the acknowledged harm no longer significantly and demonstrably outweighed the benefits.

DDTC considers this sequence of three appeals directly relevant to this representation, in two respects:

1. The landscape and settlement-boundary function of this land has been consistently recognised by three different Inspectors, including in the appeal that was allowed. The draft Plan's proposed extension of the settlement boundary to include this land is not supported by any equivalent assessment in the Plan's own evidence base, and appears to conflict with this established Inspectorate position without explanation.
2. The change in outcome between the 2025 and 2026 appeals is a live, dated illustration of a risk DDTC has identified elsewhere in its representations on this Local Plan: that a worsening Five-Year Housing Land Supply exposes valued, previously-protected land to development that would otherwise be resisted, through the tilted balance, irrespective of the Council's own settlement strategy. This is not a hypothetical concern; it has already happened on this site.

This risk has become significantly more acute since this representation was first drafted. On 17th August 2026, the Government published a wholly reworked National Planning Policy Framework, replacing the previous Framework in full. The former paragraph 11(d) tilted balance, which governed all three appeals discussed above, has been abolished and replaced by Policies S3, S4 and S5.

Under the new Framework, location now determines the applicable test. Policy S4 governs development within a settlement boundary: such development should be approved unless the benefits would be substantially outweighed by adverse effects, and this test applies irrespective of the Council's housing land supply position. Policy S5 governs development outside a settlement boundary: only specified categories of development qualify, one of which, at S5(1)(j), is development addressing evidenced unmet need, which may be demonstrated by a shortfall against the Five-Year Housing Land Supply or a poor Housing Delivery Test result. Where a site straddles a settlement boundary, Policy S3(2) requires Policies S4 and S5 to be applied separately to each part.

This materially changes what is at stake in the proposed boundary extension. Were the boundary to remain along Wheatley Road, any future proposal on this land would fall to be considered under Policy S5, and would depend on a specific, evidenced gateway such as S5(1)(j) continuing to apply; that gateway would close if the Council's housing land supply position improves, restoring the protection that succeeded at appeal in both 2023 and 2025. Were the boundary instead extended to include this land, as currently drafted, any future proposal would fall to be considered under Policy S4, a standing and unconditional presumption in favour that would continue to apply regardless of whether the Council's housing land supply improves. The proposed boundary change would therefore not simply reflect the permission already granted in 2026; it would permanently alter the policy test applicable to the whole of this land, detaching its development prospects from the housing land supply position entirely.

DDTC is concerned that amending the settlement boundary to formalise inclusion of this land, without published evidence or reasoning, risks being read as endorsing development that three Inspectors have found harmful, on the strength of a single decision reached only because of the Council's own housing land supply shortfall, and would do so on a permanent basis that the new National Planning Policy Framework makes materially more significant than when that decision was made. DDTC does not consider this a sound basis for a permanent change to the development plan.

Q6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound.

DDTC requests that DDDC either:

- a. publish the evidence and reasoning underpinning the proposed extension of the Two Dales settlement boundary shown in Appendix 4, Inset 2, having full regard to the findings in Appeal Refs APP/P1045/W/22/3313855, APP/P1045/W/24/3353459 and APP/P1045/W/25/3372260, and to the changed policy consequence of that extension under Policies S3 to S5 of the National Planning Policy Framework (August 2026); or
- b. revert the boundary to its extent under the adopted Local Plan, pending such evidence being published and consulted upon.

Q7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Yes. DDTC requests the opportunity to appear at the examination hearing session to present its evidence and respond to questions from the Inspector, and is willing to participate in any Matters, Issues and Questions process.

Content driven by Cllr D. Chapman assisted by AI, output checked before issue.

Darley Dale Town Council

Regulation 19 Representation

This text is formatted to be transcribed directly into DDDC's official Regulation 19 consultation survey, question by question. This is a separate, additional representation, distinct from DDTC's general representation of support and its representation on the Two Dales settlement boundary.

Respondent

Darley Dale Town Council, statutory consultee.

Ref: Policy S7 - Inconsistent Location Notation for Halldale Quarry

Q3. To which part of the Derbyshire Dales Local Plan does your representation relate?

Policy S7 (Matlock / Wirksworth / Middleton by Wirksworth / Darley Dale / Tansley Development Strategy), criteria (b) and (c), page 45. Also relevant: supporting paragraph 4.54, page 44.

Q4(1). Do you consider the Derbyshire Dales Local Plan to be legally compliant?

Yes.

Q4(2). Do you consider the Derbyshire Dales Local Plan to be 'sound'?

No.

Q5. Please give details of why you consider the Local Plan is not legally compliant or is unsound.

Policy S7 refers repeatedly to a set of industrial legacy sites proposed for mixed redevelopment, but does not apply consistent locational notation to them. This creates a real risk of misidentification, because a site named "Halldale Quarry" exists in both Matlock and Darley Dale.

The relevant text reads as follows:

Reference	Text
Para 4.54 (p.44)	"...opportunities at Halldale Quarry, Cawdor Quarry, Matlock and Middleton Road, Wirksworth..." - no location given for Halldale Quarry.
Policy S7(b) (p.45)	"...new housing within the mixed redevelopment of industrial legacy sites including Cawdor Quarry, Halldale Quarry, Middle Peak Quarry and Middleton Road." - no locations given for any site.
Policy S7(c) (p.45)	"...provision of employment within mixed redevelopment of the industrial legacy sites including Cawdor Quarry (Matlock), Halldale Quarry (Matlock) and Middleton Road (Wirksworth)." - each site is explicitly located.

DDTC understands the Halldale Quarry referred to in Policy S7 to be the site in Matlock, consistent with the notation used in Policy S7(c). However, because Policy S7(b) - the criterion that supports new housing, rather than employment, on these sites - carries no locational notation at all, it is capable of being read, in isolation, as extending to the differently-located site of the same name in Darley Dale. Paragraph 4.54 contains the same gap.

This is not a matter of policy substance; it is a drafting inconsistency within a single policy, where one sub-criterion (S7(c)) demonstrates that the Council is both aware of the ambiguity and has already adopted a straightforward means of resolving it, while the parallel sub-criterion (S7(b)) does not apply the same fix. Left uncorrected, this creates a genuine risk of confusion for residents, landowners and decision-makers as to where new housing redevelopment is intended to be supported in principle,

particularly given that Darley Dale is separately the subject of housing allocation and boundary discussion elsewhere in this Plan.

Q6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound.

DDTC requests that DDDC:

- a. amend Policy S7(b) to apply the same locational notation used in Policy S7(c) to every site listed, so that it reads consistently: "...industrial legacy sites including Cawdor Quarry (Matlock), Halldale Quarry (Matlock), Middle Peak Quarry (Wirksworth) and Middleton Road (Wirksworth)."; and
- b. amend supporting paragraph 4.54 to apply the same consistent notation.

Q7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, DDTC does not wish to participate in hearing sessions on this representation. This is a straightforward drafting correction rather than a substantive or contested matter, and DDTC considers it capable of resolution through written correspondence.

Content driven by Cllr D. Chapman assisted by AI, output checked before issue.

Darley Dale Town Council

Regulation 19 Representation

Derbyshire Dales Local Plan 2024–2042 - Regulation 19 Consultation

This text is formatted to be transcribed directly into DDDC's official Regulation 19 consultation survey, question by question. This is a separate, additional representation, distinct from DDTC's Representation 1 (support for the development strategy), Representation 2 (objection to Policy PD10 and the Policy HC2 allocations SHLAA1093 and SHLAA1094), Representation 3 (drainage capacity evidence), DDTC's representation on the Two Dales Settlement Development Boundary (land east of Wheatley Road), and DDTC's representation on Policy S7 drafting notation (Halldale Quarry).

Respondent

Darley Dale Town Council, statutory consultee.

Ref:

Darley Dale Settlement Development Boundary - Land at Upper Hackney, above Old Hackney Lane

Q3. To which part of the Derbyshire Dales Local Plan does your representation relate?

Appendix 4: Policies/Proposals Map, Inset 2 - Darley Dale (published as "Inset 2 V4"). Specifically, the Darley Dale Settlement Development Boundary shown at Upper Hackney, above Old Hackney Lane, adjoining the land the subject of DDTC's Representation 2 (Policy PD10 and the Policy HC2 allocations SHLAA1093 and SHLAA1094).

Q4(1). Do you consider the Derbyshire Dales Local Plan to be legally compliant?

Yes.

Q4(2). Do you consider the Derbyshire Dales Local Plan to be 'sound'?

No.

Q5. Please give details of why you consider the Local Plan is not legally compliant or is unsound.

This representation should be read alongside DDTC's Representation 2, which sets out in detail why Policy PD10, as drafted, fails soundness tests PM15(1)(b) to (d) in respect of Policy HC2 allocations SHLAA1093 and SHLAA1094. This representation does not repeat that case. It raises a related but distinct point, concerning the extent of the Settlement Development Boundary itself, which Representation 2 does not address, and which arises independently of whatever view the Inspector takes on Policy PD10's wording.

The published Policies Map, Inset 2, confirms this directly. Along most of its length between Darley Dale and Matlock, the Settlement Development Boundary sits tight against the built form, as would be expected of a boundary whose purpose is to distinguish the settlement from open countryside. At Upper Hackney, above Old Hackney Lane, it does not. Here the boundary steps away from the built-up edge and extends into open, undeveloped land shown on the same map as falling within the PD10 Separation Zone, before rejoining the tight boundary line further south.

DDTC accepts that some extension of the boundary at this point is explained by the presence of the site with the benefit of planning permission 23/01275/FUL (Stancliffe Homes, 37 dwellings, allowed at appeal reference APP/P1045/W/25/3361297 on 8 October 2025); a boundary that excluded a site already permitted and under construction would be an anomaly in itself. DDTC's objection is not to that. DDTC's objection is that the boundary, as drawn, extends materially beyond what including that one site requires. Comparison of the Policies Map confirms that the boundary at this location encloses: the extant permission site itself; the whole of the separate, not-yet-implemented Policy HC2 allocation SHLAA1093 (HC2(mm)); the whole of the separate, not-yet-implemented Policy HC2 allocation SHLAA1094 (HC2(nn)); and, in

addition, a further area of open hillside lying between the two allocations, in the vicinity of Upper Hackney itself, which is not the subject of any named allocation, site assessment, or published evidence at all.

No part of that additional land is needed to accommodate the development already permitted at 23/01275/FUL. DDTC submits that a boundary drawn to bring in an extant permission should be drawn no more generously than that permission requires; drawing it around two further, separately-allocated sites and the open land between them, without explanation, is a materially different act from accommodating a fait accompli, and one for which DDTC is not aware of any published justification.

This matters independently of Policy PD10's own soundness because of where the land sits relative to the settlement boundary, not only what protective policy covers it. The National Planning Policy Framework, republished in full on 17 August 2026, replaced the former paragraph 11(d) tilted balance with Policies S3 to S6. Policy S4 governs development within a settlement boundary: such development should be approved unless the benefits would be substantially outweighed by adverse effects, and this test applies regardless of the Council's housing land supply position. Policy S5 governs development outside a settlement boundary, where only specified categories of development are supported in principle. Where a site straddles a settlement boundary, Policy S3(2) requires Policies S4 and S5 to be applied separately to each part.

DDTC submits that whether this hillside land sits inside or outside the Settlement Development Boundary is therefore one of the most consequential decisions the Plan makes about it — more consequential, in practical effect, than the precise wording of Policy PD10, because Policy S4's presumption applies to land within the boundary irrespective of PD10's protective purpose, save to the extent PD10 can be shown to displace it. Bringing land within the boundary that is not the subject of any specific, evidenced allocation removes the protection that Policy S5's more restrictive test would otherwise provide, without that land having been through the site selection and assessment process applied to SHLAA1093 and SHLAA1094 themselves.

This concern is not new to DDTC, and DDDC's own committee record confirms the Council was alerted to the underlying risk before the Publication Draft boundary was fixed. DDTC's written question to the Local Plan Committee of 13 May 2026, referring to the SHLAA1093 assessment, stated:

“DDTC sees this therefore not as isolated development but as a cumulative and connected expansion where each approval becomes the justification and infrastructure platform for the next encroachment into the strategic gap... cumulative coalescence is then not accidental, it is being designed, and planned in.”

The Council's minuted response was:

“SHLAA1093 is not covered by the existing policy PD10. Notwithstanding this, the Council has reviewed the PD10 Policy area and that has informed consideration of the sites and a revised policy. The Council is of the view that the purpose of Policy PD10 is still valid. The Council wishes to retain the policy and ensure it is robust and effective.”

DDTC does not suggest this response was inadequate at the time it was given; the National Planning Policy Framework discussed above was not published until three months later, and its effect on the relationship between a settlement boundary and an underlying protective policy could not have been anticipated in May. DDTC raises the exchange to demonstrate that the Council had already been alerted, before the boundary was fixed, to the risk that access-enabled, incremental expansion up this hillside would proceed regardless of PD10's stated purpose - and that the Publication Draft boundary, read together with the current National Planning Policy Framework, now gives that risk a specific and more direct mechanism than existed when the question was asked.

Q6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound.

DDTC requests that DDDC:

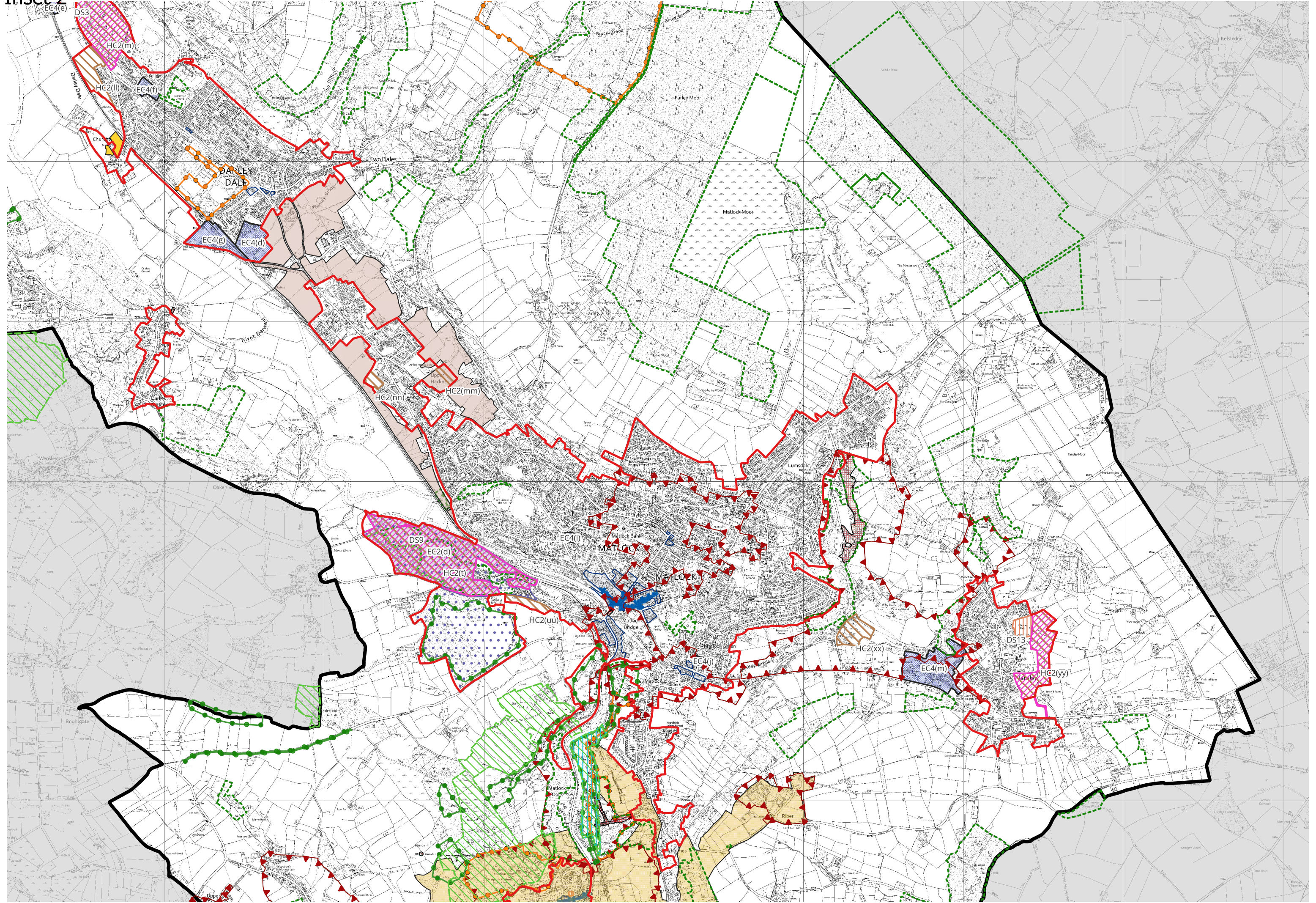
- redraw the Darley Dale Settlement Development Boundary at Upper Hackney so that it extends no further than is necessary to include the site benefiting from planning permission 23/01275/FUL, and no further; whether the Policy HC2 allocations SHLAA1093 (HC2(mm)) and SHLAA1094 (HC2(nn)) should separately be confirmed, and on what basis, is a matter for DDTC's Representation 2 and is not affected by this request; or, in the alternative,
- publish the evidence and reasoning for the extent of the boundary as currently drawn, including confirmation of why it extends beyond what accommodating the extant permission requires, to also enclose the two HC2 allocations and the open land between them.

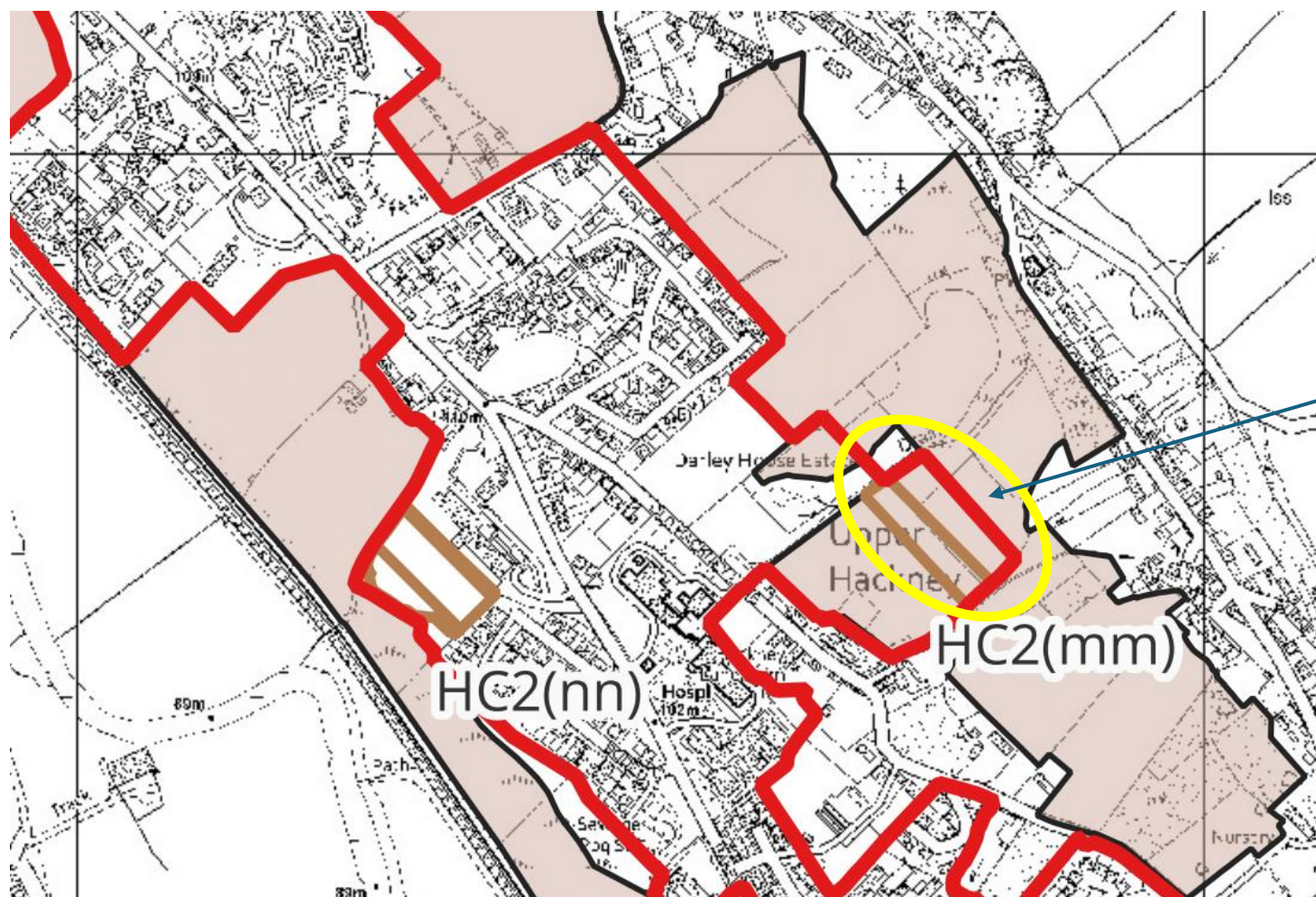
This request is additional to, and should be read alongside, the modifications DDTC has requested in Representation 2 in respect of Policy PD10 itself. The two are complementary, not alternatives: strengthening Policy PD10 does not resolve the separate consequence of this land sitting within the settlement boundary, and correcting the boundary does not, on its own, address the concerns Representation 2 raises about Policy PD10's drafting and evidence base.

Q7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Yes. DDTC requests the opportunity to appear at the examination hearing session to present its evidence and respond to questions from the Inspector, and asks that this representation be considered alongside Representation 2 at the same hearing session, given the shared subject matter and evidence base.

Content driven by Cllr D. Chapman, assisted by AI, output checked before issue.





Red settlement boundary extended beyond the area required to complete the approved development in the brown box