

Holding back occupation until the CSO11 works are complete: the policy basis

Status: Checked against the adopted Local Plan 2017, the draft Local Plan 2026-2042, DDDC's Infrastructure Delivery Plan (July 2026) and the National Planning Policy Framework published 17 August 2026. 12 October 2026.

What DDTC asks DDDC to do on every new housing application draining to CSO11

1. Impose a condition that no home is occupied until WINEP scheme 08ST100729 at CSO11 is complete (due 31 March 2030).
2. Require the site's rainwater to be kept out of the combined sewer unless it is shown this is not practicable.
3. Ask for STW confirmation that the site drains to CSO11 for clarity.

1. The policies that support it

Adopted Derbyshire Dales Local Plan 2017 (the development plan)

Policy S10 - Local Infrastructure Provision (p.49). The main policy:

"New development will only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe. Arrangements for the provision, or improvement of infrastructure directly related to a planning application will be secured by planning obligation or, where appropriate, via conditions attached to a planning permission. This will ensure that the necessary improvements can be completed prior to occupation of development, or the relevant phase of a development."

Policy PD8 (p.68): development supported where there is no deterioration in ecological status "indirectly through ... overloading of the sewerage system". **Policy PD9 (p.70):** development permitted only if adverse effects "individually and cumulatively", including "pollution of watercourses", are mitigated.

Weight today: the 2017 plan is still the development plan. Under the new NPPF (Annex A, para 2), older policies keep their weight unless "materially inconsistent" with the Framework. S10 is consistent with it (see below), so it carries full weight.

National Planning Policy Framework, 17 August 2026

Policy	What it says
DM3.1(e)	Authorities should "consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions".
DM6.1	Conditions must be necessary, relevant, precise and enforceable, and reasonable.
P3	"Development proposals should be appropriate for their location", taking account of "the likely effects (including cumulative effects) of pollution", and avoiding "unacceptable adverse effect on water quality".
F8	Sustainable drainage must "be designed in accordance with the National Standards for Sustainable Drainage Systems". Watercourses should not be enclosed "unless there are compelling reasons".
W1 (plan-making)	Plans must take "drainage and wastewater capacity" into account "in the location and phasing of planned growth".

Planning Practice Guidance (current)

Paragraph	What it says
Water, 34-020-20140306	Where sewer works lag behind development, authorities "will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out."
Conditions, 21a-009-20140306	A negatively worded (Grampian) condition can prohibit "occupation of premises until a specified action has been taken (such as the provision of supporting infrastructure)". It should not be used only "where there are no prospects at all" of the action happening within the life of the permission.

National Standards for Sustainable Drainage Systems (June 2025)

Standard 1 sets the order for where rainwater must go. A combined sewer is **priority 5 - the last resort**. "Higher cost alone shall not be a reason to utilise lower priority final destinations." NPPF F8 makes these standards a requirement.

Draft Local Plan 2026-2042 (weight grows as it progresses - NPPF DM4.1)

Draft S10 keeps the same occupation wording and adds that infrastructure must be *"phased to align with the capacity of existing networks and planned improvements"*, and that proposals must "assess and consider the cumulative ... drainage impacts with other nearby sites". Draft PD8 requires "early engagement with infrastructure providers at the pre application stage".

DDDC Infrastructure Delivery Plan (July 2026)

The District Council's own evidence for the new Local Plan recognises the problem and the answer. Paragraph 7.14 says:

"There is a need to divert development away from combined sewers where there are known capacity issues. The developer's 'right to connect' to the sewage network was highlighted as an issue which can make this more challenging."

Paragraph 7.11 names "Combined Sewer Overflow 11, which serves Darley Dale" as one of the most frequently activating overflows on the Severn Trent network.

2. The evidence that makes the condition "necessary"

A condition only survives (especially on appeal) if it is shown to be necessary. Each application needs four things on the file:

What must be shown	Evidence
The site drains to CSO11	Severn Trent's written confirmation. DDTC should ask DDDC to put this specific question to Severn Trent on every application.
There is no spare capacity	EA annual returns: about 90 spills a year since 2019, against a target of 10. Severn Trent's own recorded cause every year: "hydraulic capacity".
A fix exists, with a date	WINEP action 08ST100729, statutory (Environment Act), decision "Proceed" 1 July 2024, due 31 March 2030. This meets the PPG "prospect" test.
The cumulative effect	The IDP's 222 homes plus known applications (for example the expected 60 affordable homes notified to DDTC on 12/10/26).

3. Suggested condition wording

Occupation:

"No dwelling hereby permitted shall be occupied until the Local Planning Authority has confirmed in writing, following consultation with Severn Trent Water, either that the improvement works at the Darley Dale No 11 Combined Sewer Overflow (Environment Agency permit EPR/KB3593RU; WINEP action 08ST100729) have been completed and are operational, or that sufficient capacity otherwise exists in the receiving sewerage network to accommodate flows from the development without increasing discharges from that overflow."

Reason: to ensure necessary wastewater infrastructure is in place before occupation, in accordance with Policies S10, PD8 and PD9 of the Derbyshire Dales Local Plan 2017, NPPF policy P3 and Planning Practice Guidance paragraph 34-020-20140306."

Rainwater:

"No surface water from the development shall be discharged to the public combined sewer unless it has been demonstrated to the Local Planning Authority's written satisfaction that higher-priority destinations under Standard 1 of the National Standards for Sustainable Drainage Systems are not practicable."

The "or that sufficient capacity otherwise exists" wording matters: it gives the developer a way out if capacity is proved, which helps the condition pass the "reasonable" test.

4. The limits

- **New permissions only.** Conditions cannot be added to permissions already granted.
 - **Connection cannot be refused.** The condition controls occupation, not the right to connect (Water Industry Act 1991, s106).
 - **"Severn Trent did not object."** This is the most likely counter-argument. Severn Trent cannot object on capacity because of the right to connect, its 'no objection' is not evidence that capacity exists.
 - **Housing supply.** DDDC's shortfall weighs in favour of approval. A phasing condition still grants permission, so it fits within that balance.
 - **Case by case.** DDDC must judge each application on its evidence, and an Inspector can remove a condition on appeal if the evidence is thin.
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5. A gap in the draft Local Plan – a fix to seek at examination

Six draft housing allocations elsewhere require developers to "Ensure sewerage capacity in the receiving network" (or near-identical wording): HC2(b), HC2(ee) and HC2(ff) in Ashbourne, HC2(n) Doveridge, HC2(uu) Snitterton Road, Matlock, and HC2(xx) Tansley Wood Mills.

In Darley Dale, Policy DS3 (Stancliffe Quarry, HC2(m), about 80 homes) requires development to "have regard to the need to ensure sufficient capacity in the local sewage network".

The other three Darley Dale allocations have no such requirement:

- **HC2(II)** west of Darley Road North (40 homes) - "Drainage Impact Assessment" only.
- **HC2(mm)** north of Old Hackney Lane (14 homes) - no drainage requirement at all.
- **HC2(nn)** south of Darley Lodge (25 homes) - "Drainage Impact Assessment" only.

The fix to seek at examination: add the sewerage capacity requirement to all three, and link their occupation to completion of WINEP 08ST100729.

Sources

- [Derbyshire Dales Adopted Local Plan 2017](#)
- [Draft Derbyshire Dales Local Plan 2026-2042](#)
- [DDDC Infrastructure Delivery Plan, July 2026 \(paragraphs 7.11 and 7.14\)](#)
- [NPPF \(17 August 2026\)](#)
- [PPG - Water supply, wastewater and water quality](#)
- [PPG - Use of planning conditions](#)
- [National Standards for Sustainable Drainage Systems](#)
- [EA PR24 WINEP dataset \(action 08ST100729\)](#)
- [EA storm overflow annual returns](#)

Driven by Cllr Chapman using AI. Output checked.