



Matlock
TOWN COUNCIL

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Appeal reference: APP/P1045/W/24/3353350
Application :18/01242/EIA; 24/00045/INQUIR
Matlock Town Council response to the appeal

I am pleased to submit this response to the planning appeal APP/P1045/W/24/3353350 for the site with the address Land Between Sandy Lane, Bent Lane and Gritstone Road, Matlock, Derbyshire, DE4 3GX.

The appeal document comprises this letter and statement and the following additional documents referred to in the statement and submitted as separate documents as evidence.

Post Development Flooding on Matlock Bank

Document 2 – The Wolds Spring

Document 3 – Culvert (Timeline) and Post Development Flooding on Matlock Bank

Document 4 – Presentation Avenue

Document 5 – Catchment

Document 6 – Fault, Mound, Landslide

The Council would like to apologise for the formatting of some of these documents. They were prepared very rapidly to meet the shortened timescales available for statement submission following late notification by the Planning Inspectorate.

Yours faithfully

Simon Hosmer
Town Clerk

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Matlock Town Council response to the appeal

Matlock Town Council is submitting this statement to the Wolds appeal in conjunction with the town's flood wardens, Cllrs Joanne Linthwaite and Steve Wain who are themselves appointed by the Town Council.

Cllr David Hughes, Leader of the Town Council and Cllr Len Best were the authors of this statement.

This statement draws conclusions which it believes any reasonable person would draw from the information provided by the developer, the statutory consultees and suitably qualified members of the public. Evidence is provided in a set of associated documents referenced in the text and footnotes.

In summary, Matlock Town Council draws the same conclusion as the LPA with regard to the reasons for refusing planning approval. Matlock Town Council requires the Planning Inspector to act reasonably by refusing this appeal.

Matlock Town Council objects to the arbitrary and prejudicial timing that the Planning Inspectorate has adopted for this application

- The appeal was apparently made after the end of the six-month period from the LPA's decision date.
- The LPA was not notified of the appeal in a timely manner.
- The appeal documents were not available until after the appeal process had started.
- Despite the lack of access to documents, interested parties were not given any additional time in which to provide their statements.
- Therefore, interested parties were put at a major disadvantage given the volume of new documents that were provided by the applicant.
- The inference drawn by many is of collusion between the Planning Inspectorate and the applicant.
- The Planning Inspectorate later changed the dates of the hearing. But did not change the date when initial statements were to be provided. This demonstrates that the Planning Inspectorate is flexible when it comes to its own reasons but would not accommodate stakeholders subject to unreasonably curtailed period to develop their statements. Again, many would draw an inference that the Planning Inspectorate was intent on minimising any objections to the appeal raised.

The Planning Inspectorate's Strategic Plan 2021-2025 specifies its values to be: customer-focused, fair, impartial and open.

Matlock Town Council believes that it and other stakeholders are the Planning Inspectorate's customers. The behaviour outlined above is not customer-focused, fair or impartial. The appellant has had six months to input its appeal and failed. Yet the Planning Inspectorate has

allowed it. Other stakeholders have made reasonable requests for the date for submission of statements to be put back given the significant delay in telling the LPA and the applicant's appeal documents being provided. Their requests have been refused. A prospective Rule 6 stakeholder has been given just two days additional time to submit its initial statement.

Therefore, the Planning Inspectorate is not acting in accordance with its stated values, ones that a reasonable person would expect any tribunal to act within.

Matlock Town Council believes that it and other stakeholders should be able to rely on the Planning Inspectorate to act in accordance with its values and it has acted unreasonably in failing to do so.

Summary of the argument for refusing the appeal

Overall, Matlock Town Council believes that the appeal should be refused because the proposals are inconsistent with many of the strategic objectives of the adopted Local Plan and hence with the policies that are designed to address those strategic objectives. Overall, Matlock Town Council believes that the planning balance in favour of development has not been demonstrated.

In particular:

- The development does not meet the local housing need. This is principally a need for affordable housing which the proposal will not provide and will block any future provision of affordable housing on this major site.
- The development does not enable sustainable forms of transport to be used for commuting or access to community facilities because of its location and the housing mix which will be favoured by families with jobs requiring commuting outside Matlock, the District and even the County.
- After six years, the drainage system as specified in the application still does not, in the opinion of two consulting engineers, mitigate identified risks that impact on the safety of built areas of Matlock below the development site. The additional detail provided for the appeal begs further questions.
- The character and appearance of the proposed reserved development is not in keeping with that of Matlock as a Derbyshire Dales market town.
- The required relocation of a Habitat of Principal Importance (HPI) has not been specified.

The table below indicates Matlock Town Council's evaluation against of the application against the strategic objectives of the adopted Local Plan.

Strategic Objective	Comment
Protecting Derbyshire Dales' Character	
SO1: To protect and enhance the Green Infrastructure Network.	The development will require the removal and relocation of rush grassland which is an HPI. It is not clear from the application where the replaced HPI will be located.
SO2: To maintain, enhance and conserve the area's distinct landscape characteristics,	

Strategic Objective	Comment
biodiversity and cultural and historic environment.	
SO3: To ensure that design of new development is of high quality, promotes local distinctiveness and integrates effectively with its setting.	The reserved matters element of the application is anonymous and suburban in character and therefore does not promote local distinctiveness or integrate into its setting.
SO4: To protect and enhance the character, appearance and setting of the District's towns and villages.	The reserved matters element of the application is anonymous and suburban in character and therefore does not enhance Matlock's particular character, appearance and setting.
SO5: To address, mitigate and adapt to the effects of climate change on people, wildlife and places.	The site location, the landscape, the paucity of public transport and the housing mix will require car use and that will impact on the CO2 footprint of its residents. The housing mix in particular does not meet the Derbyshire Dales housing need and therefore will encourage commuting to other centres of employment.
SO6: To protect the setting of the Peak District National Park.	Not applicable
Promoting Healthy and Sustainable Communities	
SO7: To meet the objectively assessed housing needs of the District.	The objectively assessed housing need is dominated by the need for affordable housing. The application does not provide any affordable housing.
SO8: To ensure that there is an adequate mix of housing types, sizes and tenures to meet the needs of all sectors of the community.	The development is one of market priced housing of a type and size suitable for owner occupation. No affordable housing, either rented or for purchase, is to be provided. Therefore, the application does not meet the identified need of a large sector of the Matlock and Derbyshire Dales community.
SO9: To protect and facilitate the necessary infrastructure, connectivity, services and facilities to support the development of the District and connectivity.	The proposed extension of public transport into the development is speculative and inadequate. A Matlock Town Council survey related to this development provides evidence of this.
SO10: To support development that minimises risks to safety and health as a result of crime (or fear of crime), flooding, pollution and climate change.	An engineer contracted to examine this application by the LLFA suggested that the proposals were a risk to life from flooding arising from an escape of up to 18,000 tonnes of water from ponds over 100 m above the centre of Matlock. An engineer contracted by the LPA to examine this application pointed to specific drainage system design issues that would give rise to

Strategic Objective	Comment
	that opinion. The applicant has not fully addressed those issues.
SO11: To encourage development that increases opportunities for healthy lifestyles.	No comment.
SO12: To promote the efficient use of suitably located previously developed land and buildings whilst minimising the use of greenfield land.	Matlock Town Council recognizes that a mix of greenfield and brownfield development is required to satisfy the local housing need.
SO13: To facilitate low carbon development and energy generation from renewable sources of a type and scale appropriate to its location.	This objective can be satisfied through a combination of adherence to building regulations and conditions although the lack of affordable housing will mean that non-sustainable means of transport are more likely to be used.
SO14: To increase the opportunities for travel using sustainable forms of transport by securing improvements to public transport, walking and cycling infrastructure.	The proposed extension of public transport into the development is speculative and inadequate. A Matlock Town Council survey related to this development provides evidence of this.
Supporting the Rural Economy and Enhancing Prosperity	
SO15: To facilitate development that will support the growth of the District's economy, particularly through improving the quality of local employment.	The housing mix is not conducive to the provision of housing for people at an income level consistent with local jobs. Therefore, employees will need to commute and that may give rise to a difficulty in recruitment for local firms.
SO16: To support employment development in locations and of a scale appropriate to the Plan area.	Not applicable.
SO17: To support and develop the District's tourism and cultural offer.	Not applicable.
SO18: To strengthen the vitality and viability of the District's market towns as places for employment, shopping, services, leisure and tourism.	Not applicable.

The remainder of this document comments on DDDC's reasons for refusal and other objections that still stand.

Matlock Town Council's comments on DDDC's reasons for refusing permission

1. The application lacks sufficient detail.

"The application lacks sufficient detail in order for the Local Planning Authority to be satisfied that the development can be delivered without resulting in flood risk on site, elsewhere or presenting unacceptable risk to public safety contrary to the requirements of Policies S1 and

PD8 of the Adopted Derbyshire Dales Local Plan (2017) and the objectives of paragraphs 157, 173 and 175 of the National Planning Policy Framework (2023)."

This is a hybrid application comprising reserved matters and matters to be determined in outline. The reserved matters element addresses both the principle of development and all other planning matters. The outline element addresses the principle of development to the proposed scale. Nevertheless, there is an overlap between the two in terms of drainage. The implication is that drainage issues should be considered in full at this time.

Further, the number of unanswered questions suggests that with respect to drainage, the developer has difficulty in demonstrating that the principle of development is feasible. The developer has not been able to provide adequate solutions to drainage issues despite the LPA giving it a six-year period to do so and continues to advocate delay in providing such solutions.

Key issues to be addressed include:

1. The lack of modelling of events other than a 6-hour storm event; notably longer events and multiple events within the time taken for the ponds to empty.
2. The stability of the ground. The advice of the developer's experts and those employed by the LPA seem to be in conflict about the ability of the ground to support the earthworks associated with the ponds.
3. Possibility of seepage. The developer's assurance that excavation will not be into a porous layer does not appear to consider the variation in depth of that layer. Hence, weak spots may be created that will give rise to seepage. The evaluation of the site did not consider ground water flows and performance.
4. The lack of a risk and impact assessment associated with possible failures of the ponds and extreme weather events on the site and the town below. An independent expert employed by the Lead Local Flood Authority (LLFA) expressed her concern that the proposals were a risk to life.
5. The base and untested assumption of 50 l/sec for the Upper Wolds Spring. This assumption has not been justified.
6. The destination of water from the diverting culvert for the Upper Wolds Spring.
7. The organisation responsible for ongoing maintenance of the ponds during their life.

The nature of the land, the quantity of water to be stored and the risk of flows in excess of those for which the ponds have been designed suggests that the safety of the proposed ponds cannot be determined unless a detailed design is available for evaluation.

Matlock Town Council notes the requirement in para 165 of the NPPF (December 2023): *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere"* and para 170(b): *"... the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."*

The nature of the land

The attachment to this response “Document 6 – Fault, Mound, Landslide” describes the complex geology of the site and the surrounding land. This has been prepared by a landscape architect and a geographer with the assistance of a geologist. This analysis suggests that there are stability issues associated with the land where the ponds are to be located, and that the geology causes water courses to change and reform from time to time without notice. The developer needs to understand this changeable landscape in order to develop a satisfactory solution. It doesn’t seem to have done so. It has not provided an assessment of the site hydrology. Laudably, it has acceded to the understanding provided by residents to revise its drainage proposals in 2022. Nevertheless, the ponds it proposes will need to adapt to changing hydrological conditions for the period of their lifetime.

The developer’s solution

The developer has not provided sufficient information about the construction of the ponds and the excavation necessary. Given the serious nature of the unquantified risk to Matlock from potentially over 18,000 tonnes of water held back by earthen ramparts, Matlock Town Council believes that to determine feasibility it would be reasonable for the LPA to insist on a full and thorough design of the ponds accompanied by a risk and impact assessment. The developer has had six years to prepare such designs but has not chosen to do so. Each additional objection to the developer’s drainage scheme has been met by a further clarification leading to further problems. The latest is to include a specification that the ponds will be lined, and that excavation will be limited. While the developer suggests that this excavation will not be into a porous layer, its own surveys show that the porous layer is not at a constant depth. It is therefore not apparent that the developer can excavate in the manner suggested. Further, the developer has no solution to other issues raised including mitigation of the risk from over-topping of the ramparts.

The developer has provided an assumption of runoff from unknown sources of surface water on the development sites. This assumption is untested. The LLFA has reacted to this by suggesting that if new sources are found, the developer should stop work until a mitigation plan has been enacted. Matlock Town Council does not believe this is a safe approach. The developer should provide a thorough assessment of the site and sources of surface water runoff and flows. Over six years, the developer could have surveyed the site under a variety of weather conditions to get a good understanding of flows onto and originating on the site. The lack of such a survey makes the development a hostage to fortune. The sizing of the ponds and their stability from ingress from unknown sources is at risk.

The lack of a detailed design based on a thorough investigation of the geology and hydrology of the site accompanied by a risk assessment leads to Matlock Town Council to question the developer’s attitude to the safety of the wider community and the risks it may face. The response from the LLFA to the developer’s proposal leads it to a similar conclusion with respect to that organisation.

Good planning practice should put safety first and should not adopt an “alright on the night” approach. We have seen in Matlock what happens when that principle is applied.

In this case, the lack of any mitigation to cover issues such as overtopping of the ramparts around the ponds, scouring and seepage seems to indicate that the developer has not put safety first.

The response from the LLFA that detailed design can be left till later indicates that it has not done so either. This is unacceptable.

Members of the public have the local knowledge and the professional qualifications necessary to comment on the proposed drainage scheme.

Therefore, their opinions should be treated seriously and with respect and not deprecated as is often the case.

The Wolds site is prone to surface water runoff and water courses that are poorly understood. It is only from the work of concerned residents that the Upper Wolds Spring was identified as a threat to development on the Wolds. The mistake regarding the capacity of the Severn Trent Water's system was identified only after the intervention of residents and a local councilor who is also the flood warden.

Indeed, it is local residents that have been able provide evidence to the LPA about flooding risks and informing it and the LLFA of assets that have a significant effect on flooding in the area. These functions are listed in the Flood and Water Management Act 2010 as functions of an LLFA. In the case of the Derbyshire Dales LLFA, it appears that it is unable to carry out those functions.

The LLFA does not have the resources to determine whether the ponds will be safe.

The LLFA has demonstrated that it does not have the resources to determine whether the ponds are safe without the support of consultants and suitably qualified members of the public with knowledge of the water courses in, above and below the Wolds site. Members of the public have informed the LLFA and the developer through the LLFA of particular features of the site and the surrounding area which have led the developer into its series of amendments to its drainage scheme.

The LLFA's lack of first-hand understanding of the site and its environs suggests that for drainage to be conditioned and for designs to be determined privately with the LLFA after the developer has "the comfort of planning approval" is not satisfactory. The LLFA has not demonstrated that it has the expertise to make a decision that will meet the requirements of paras 165 and 170(b) of the NPPF quoted above. Therefore, such decisions should be made in public with the possibility of intervention by members of the public.

On several occasions, Matlock and Tansley have experienced an "all right on the night" approach to development with drainage conditioned and approved post-development. Two recent developments have been followed by flooding downstream of the site, one in Matlock described in more detail below, and one in Tansley. Of course, the developers have denied responsibility in both cases and it is difficult to prove that the development were the cause of the downstream flooding.

Matlock Town Council raises these cases because the LLFA failed to ensure that the drainage designs for the sites, in Matlock Town Council's opinion, met the requirements of paras 165 and 170(b) of the NPPF. Matlock Town Council wants to be confident that the developer's proposals satisfy them in the case of the Wolds development. Therefore, Matlock Town Council requires that the detailed designs of the drainage system is subject to public scrutiny. **Therefore, the appeal should be refused so that the developer can submit a detailed drainage plan fully supported by a survey of the ground, a survey of the water courses and a risk assessment for the plan in a new planning application available for public scrutiny.**

The developer has not specified how the ponds will be maintained for the duration of their life to ensure that Matlock is not at risk of their failure.

The consultant employed by the LPA noted that the ponds will need to be maintained to ensure that the built area of Matlock below the ponds remains safe. This obligation is essentially open ended because once built they will become permanent structures. A life of at least 100 years can be expected yet the developer has not provided any detail about the maintenance organisation, its ownership, its decision making processes, its third party liability insurance cover, the expertise required, the processes to be used in monitoring the ponds, the claim handling processes to be followed in conjunction with the insurance provider, the actions to be taken as the requirements arising from global warming become more stringent, and any funding provided for settling claims in the future. **The lack of such information, or indeed any information about the maintenance organisation for the ponds, is not consistent with paras 165 and 170(b) of the NPPF.**

The water flowing via the proposed culvert from the Upper Wolds Spring enters a drainage system that is not sufficiently understood to determine what flooding risks are present.

Flooding below Treetops, Asker Lane

The Matlock flood wardens and a resident, David Ball, have provided documents¹ describing the current state of the drain that used to carry water from the Upper Wolds Spring to spas at various locations in Matlock. The watercourse across the proposed development site to Bentley Close from the Upper Wolds Spring and this drain were re-discovered in 2022 by residents who then notified the LLFA.²

A thorough description of the Upper Wolds Spring and how it drains through Matlock is given in "Document 2 – The Wolds Spring" which supports the analysis in the document entitled Post Development Flooding on Matlock Bank and other documents mentioned here. The drain takes water from the Bentley Close culvert and branches to feed what were various Matlock spas. No flooding had occurred before the recent Treetops development. Since then, flooding problems

¹ See attachments: Document 2 – The Wolds Spring, Document 3 – Culvert (Timeline) and Post Development Flooding on Matlock Bank

² See attachment: Document 5 – Catchment p64, email from Chris Rogers (LLFA) to Ian Hilton (Tetra Tech), 7th July 2022

have arisen along the course of this drain. It appears that new watercourses have established themselves with the drain itself reportedly running dry in one place.

Several houses in Mettesford, Matlock have been flooded since that development. One house that now floods has been occupied by a single family for 70 years and had not been flooded until after the development. Residents and the Matlock flood wardens speculate that this flooding has been caused by disruption of the Upper Wolds Spring drain by the developer. Flooding incidents on the Lilybank branch of the Upper Wolds Spring drain now also occur. Such flooding had not happened in the previous 52 years that the resident's family had lived there. They have builders in now safeguarding their house from the flooding that accompanying documents show.

Other changes in water flows occurred after that development. A ladder taking water from Matlock Bank down the west side of Lumsdale into Bentley Brook ran when it rained before development occurred now runs dry. A fountain in the Presentation Sisters Convent reputedly fed by the Upper Wolds Spring now doesn't perform.

It is apparent from correspondence and dye tests that have been carried out by residents that the LLFA does not understand the drain into which it is proposed that the Upper Wolds Spring is to be drained after culverting across the site. Therefore, the LLFA is not in a position to say that the developer's proposal for the Upper Wolds Spring is satisfactory. The LLFA has a responsibility associated with surface water flooding. It has not and is not fulfilling its duty in this respect.

The Planning Inspector must consider all the evidence including that of residents presented by Matlock Town Council and by the residents themselves to determine the impact of the development in relation to NPPF paras 165 and 170(b).

Riparian responsibilities

The developer may argue that the state of the drain is not its responsibility provided that it does not increase the flow into it. However, Matlock Town Council's understanding of the law is that if any changes are made to a water course, a riparian owner is required to consult with other riparian owners of that water course. Matlock Town Council believes the developer is wrong in attempting to unilaterally passing on responsibility for any change in water flows in any water course to downstream riparian owners. The developer has a responsibility regarding water quality and flow and a duty to consult other riparian owners before making changes.

The developer may argue that it has met its obligation in this matter by informing the LPA or LLFA. However, and here is the real problem, the LLFA's lack of understanding of the drains to be used to carry the water from the spring means that they are not able to inform the riparian owners. They don't know who they are because they don't know where it goes! This means that the riparian owners have no opportunity to input into this planning appeal.

Danger to health from overflowing sewers

Overflowing sewers are a regular occurrence in Matlock. However, the sewer to be used to carry foul water from the Wolds development will pass the Presentation Sisters Convent, attached care home and adjacent school. The Preservation Sisters Convent boiler room and the

school playground suffer from surcharging from the sewer during periods of rainfall. The Flood Wardens brought this issue to the attention of the LLFA³ and it was reported in the local press.⁴ According to STW, the sewer is in good condition and therefore it is likely that excess water is entering the system above Presentation Avenue.⁵

The foul water from phase 1 of the Wolds development will end up in this sewer. Nevertheless, the LLFA has not chosen to put a temporary hold on any future development that uses that sewer despite this evidence that the sewer is overloaded. While we understand that the LPA cannot unilaterally put a hold on development because it believes that the sewer is incapable of taking the additional load, we understand that the LLFA can do that despite the assurances of the water company. The Flood and Water Management Act 2010 specifies that the term “flood” *“does not include ... a flood from any part of a sewerage system, unless wholly or partly caused by an increase in the volume of rainwater (including snow and other precipitation) entering or otherwise affecting the system ...”*⁶. Therefore, by exception, it does include a flood from any part of a sewerage system that is wholly or partly caused by an increase in the volume of rainwater etc. As the flooding from this sewer occurred during or after a period of rain, and the sewer is a combined sewer, it is reasonable to conclude that the sewer discharges partly or wholly because of an increase in the volume of rainwater. The harmful consequences of risks that this flood caused, to human health, the social and economic welfare of communities, infrastructure and the environment are all specified in the Act. While the LLFA’s risk management is restricted to ordinary watercourses, the exception in Para 1 of the Act indicates that it has powers in relation to combined sewers that are flooding from excess rainwater etc. As such, it is required to maintain a risk register and include them in its risk management strategy. The LLFA did, in the absence of any comment from STW, in relation to this application, put a temporary hold on the application when it suspected that STW could not accommodate a larger flow into this combined sewer. The LLFA has not done so in relation to the smaller volumes now proposed, despite the evidence that it knows about, of flooding caused by excessive rainfall in the sewer to be used.

Matlock Town Council believes that the Planning Inspectorate should refuse the application because of the risk to human health, the social and economic welfare of Matlock, Matlock’s infrastructure and the environment caused by this overflowing sewer.

2. There is a potentially unacceptable loss of biodiversity.

Without any understanding of the final design and construction of the surface water attenuation features proposed to accommodate habitat of very high distinctiveness / principal importance to be translocated, the Local Planning Authority cannot be satisfied that the development would not result in an unacceptable loss of biodiversity. The development is therefore contrary to the

³ Post Development Flooding on Matlock Bank

⁴ Document 4 – Presentation Avenue

⁵ Post Development Flooding on Matlock Bank

⁶ Flood and Water Management Act 2010 para 1 Flood and Coastal Erosion

requirements of Policies S1, PD3 of the Adopted Derbyshire Dales Local Plan (2017) and paragraph 180 of the National Planning Policy Framework (2023).

Matlock Town Council is concerned about the destruction of the rush pasture that is a Habitat of Principal Importance listed under Section 41 of the Natural Environment and Rural Communities Act 2006. Matlock Town Council understands that the developer has proposed at least two options for accommodating the requirement for biodiversity net gain, and in particular for reproducing the rush pasture: replanting on the sides of the ponds and reproducing the pasture on another yet to be specified site. Matlock Town Council is concerned that no specific plans for such reproduction have been provided. Para 186(a) of the NPPF (December 2023) states that: *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.*

Therefore, the Planning Inspector needs to ensure that relocating the HPI and achieving biodiversity net increase will take place.

3. Lack of affordable housing

The developer is offering no affordable housing contrary to Adopted Local Plan policies and is therefore failing to meet the documented needs of Derbyshire Dales

The application does not consider or include a mechanism to secure the level of affordable housing across the different phases of the development that can potentially be viably made and the applicant is not willing to include review mechanisms and clawback provisions in any legal agreement. The development therefore fails to maximise the delivery of affordable housing on this strategically important site and across the plan area contrary to the requirements of Policies S10 and HC4 of the Adopted Derbyshire Dales Local Plan (2017).

This site represents two years' housing supply under the adopted Local Plan. The Local Plan has set a criterion of 30% affordable housing that has been agreed with the Planning Inspectorate. The consequence of the lack of affordable housing on such a large development are that an opportunity to provide required affordable housing to meet a local need of Derbyshire Dales is lost in favour of market priced housing that may satisfy a need elsewhere in the country.

The Local Plan specifies several strategic objectives to promote healthy and sustainable communities Two of these are related to housing need:

- *“SO7: To meet the objectively assessed housing needs of the District.”*
- *“SO8: To ensure that there is an adequate mix of housing types, sizes and tenures to meet the needs of all sectors of the community.”*

The proposed development fails to satisfy either of these strategic objectives.

Policy HC4 states that the *“District Council will seek to maximise the delivery of affordable housing across the Plan area ...”* and that *“all residential developments of 11 dwellings or more or with a combined floorspace of more than 1000 square metres should provide 30% of the net*

dwelling proposed as affordable housing". The Local Plan suggests that affordable housing should be in the form of 80% social and affordable rented accommodation, although that is subject to changes in government policy.

The introduction to Local Plan Policy HC4 states that: *"the Assessment of Housing and Economic Development Needs (September 2015) reiterated previous research that Affordable Housing is a key issue that needs to be addressed in Derbyshire Dales as a result of the high cost of houses, and the relatively low incomes of local employees"*. It identifies that approximately 100 affordable homes are required each year to meet the anticipated future needs of the District's population. A subsequent needs assessment carried out for the revision of the approved Local Plan resulted in a similar conclusion. The Derbyshire Dales Housing Needs Assessment Final Report⁷ carried out by Icen in 2021 and available from the DDDC website shows a total affordable housing need of 191 dwellings per annum comprising 77 social and affordable rented dwellings and 114 affordable-owned dwellings per annum against a total housing need using the current standard methodology of 230 dwellings per annum. Therefore, the critical need for affordable housing has not diminished.

While HC4 does allow a developer to justify a lower level of affordable housing through financial appraisal, the lack of any affordable housing, particularly on a greenfield site demonstrates that the developer has failed to address one of the most important policies in the approved Local Plan. Matlock Town Council believes that this failure by itself is sufficient to justify refusal of this application.

The failure to provide affordable housing to meet the documented needs of Derbyshire Dales leads to a failure to meet the requirement under Policy HC19 to minimise the need to travel by unsustainable modes of transport.

The failure to provide affordable housing impacts on other policies. Because there are not enough high-paid jobs necessary to purchase the proposed dwellings in Matlock, many of the residents will work outside the district in Chesterfield or the Derby area, and potentially outside the county in Sheffield or even Nottingham. Despite a working from home culture in some sectors, most of these residents will be commuting three or more days a week.

This lack of affordable housing necessary to meet local need and the consequential requirement for residents to commute tens of miles is contrary to Local Plan Policy HC19 concerning Accessibility and Transport. This states that: *"The District Council will seek to ensure that development can be safely accessed in a sustainable manner. **Proposals should minimise the need to travel, particularly by unsustainable modes of transport.**"* It is the failure to provide affordable housing that is the issue here. If the housing provided was suitable for those working in Matlock, travel and particularly travel by car would be minimised. The Planning Inspector should note that while the bus service to Chesterfield and Sheffield is regular, its

⁷ <https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/local-plan/local-plan-review-2022#h1>

frequency would not allow commuting. Cycling to Chesterfield might be possible but only by the very fit given the multiple steep hills in both directions.

Approval of the proposed development with no affordable housing would be a failure to act in accordance with the NPPF's statement that the "*purpose of the planning system is to contribute to the achievement of sustainable development*".

Matlock Town Council believes that approval of the application with its lack of affordable housing leads to a failure of the planning system to act in accordance with the NPPF's statement that the "*purpose of the planning system is to contribute to the achievement of sustainable development*".⁸ In particular, it fails the social objective of "*ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations*".⁹ The developer has proposed a development that is inappropriate in its range of homes to the needs of Matlock and Derbyshire Dales. Therefore, the number of homes proposed is immaterial.

Overall, Matlock Town Council believes that the failure to provide affordable housing for use by Derbyshire Dales residents and instead provide housing much of which will be of no benefit to residents means that the harm done to Derbyshire Dales and its residents outweighs any benefit that may occur elsewhere in the country from this development.

Other objections

The application continues to ignore the effects such a development would have in worsening an already serious issue of road congestion.

The notion that residents of the development would be encouraged to walk, cycle and use buses for transportation is completely unrealistic. Previous surveys carried out by the Town Council demonstrate clearly that, due to Matlock's especially hilly nature, the vast majority of local residents feel unable to walk or cycle (especially when carrying shopping, goods etc), whilst the local bus services are also considered inadequate and/or unreliable. Note that the proposed site is at a considerably greater altitude than surrounding housing.

The exit from Gritstone Road onto Chesterfield Road leads to concerns for the safety of children walking to Highfields School and crossing Chesterfield Road.

It is not clear to Matlock Town Council where a pelican crossing is to be located to assist children in crossing Chesterfield Road to and from bus stops or as part of their pedestrian routes to and from school. Several options have been considered and none has been shown to be satisfactory. The volume of cars exiting the site may require the junction to be remodelled, and this may take space that needed for a footway on the other side of the road from the junction. Matlock Town Council does not believe it is sufficient to condition any changes to the junction and pedestrian routes and facilities. They must be included in the scheme.

⁸ National Planning Policy Framework p5 para 7, Department for levelling up, housing and communities, December 2023

⁹ National Planning Policy Framework p5 para 8(b), Department for levelling up, housing and communities, December 2023

Alternative access to the site along Cavendish Road is too narrow to support additional traffic.

The width of Cavendish Road near its junction with Wellington Street is very narrow, leading to conflict between parked cars, traffic and pedestrians. The footway is too narrow for pushchairs or people to walk side by side and cars already park on it. This route is used by children walking to several schools.

The layout and anonymous suburban style of the reserved matters element of the application damages Matlock's distinctiveness and integration with its setting and does not protect or enhance Matlock's appearance and setting as required by the Local Plan.

Matlock has been subjected to extensive developments in recent years, notably along the northbound A6 and the A632. In addition to the consequences of increased incidence of flooding, these developments are having a profound effect on the appearance, and character of the town. Indeed, a development of 400+ houses in an anonymous suburban style and layout is out of character with Matlock with its dense terraced housing nearly all in natural stone. The reserved matters element of that is a harbinger for the whole development. As such, the reserved matters element does not protect the Dales character. It does not meet the requirements of the Local Plan Strategic Objective SO3 *"to ensure that design of new development is of high quality, promotes local distinctiveness and integrates effectively with its setting"*, and SO4 *"to protect and enhance the character, appearance and setting of the District's towns and villages"*. The anonymity of the style and layout in the reserved matters element does not satisfy either SO3 or SO4. It does not meet the requirement of policy PD1 concerning layout and design. In particular, it does not *"[respect] the character, identity and context"* of the Matlock townscape¹⁰. When visiting the site, the planning inspector needs to view the damage done already to Matlock's distinctiveness and setting by recent developments on Chesterfield Road. This development will, if approved, further harm the edge of settlement landscape in conflict with the PD1 requirement *"that development on the edge of settlements enhances and/or restores landscape character"*.¹¹

Conclusions

1. There is no balance in favour of development. The lack of affordable housing means that the development will not satisfy the most important local need and the use of the site for market priced housing will stop that need being met in the future by taking space for 400+ houses.
2. The LLFA has demonstrated that it does not have the resources to assess drainage issues in the Matlock area. It has allowed previous developments to go ahead with an "all right on the night" approach that gives a developer the "comfort of planning permission" before evaluating proposals for accommodating surface water or before assessing whether excavation and landscaping of a site will affect watercourses. The

¹⁰ Adopted Local Plan Policy PD1

¹¹ *ibid*

result has been that areas of Matlock below such sites have been flooded during rainstorms.

3. Residents have demonstrated their superior understanding of the geology, hydrology and drainage of the area concerned. They have identified new features and demonstrated why particular drainage problems have occurred. They are therefore in a position to advise on the proposed development. Indeed, the LLFA has used residents' research in coming to its own conclusions. The Planning Inspector needs to do the same.
4. The safety of the proposed ponds needs to be considered with care by the Planning Inspector. The developer has not been able to demonstrate that they will be safe in extreme weather conditions and that they will not be subject to seepage, unanticipated inflows from undetected and new watercourses above or below ground, overtopping of the ramparts and/or scouring.
5. The absence of any details about how the ponds will be maintained during their lifetime leads to concerns that the NPPF requirements for enduring safety will not be met.
6. Downstream areas of Matlock are at risk of additional flooding from a combined sewer that will take the foul water from the development. This combined sewer is already overflowing into buildings and spaces. The LLFA has a duty in relation to it as it is during or after rainstorms that the overflowing takes place. Therefore, a holding objection should have been put on the development.
7. Downstream areas of Matlock are at risk of additional flooding from the Upper Wolds Spring which is to be culverted into a traditional drain that appears to be damaged with the result that flooding occurs in several places during and after rainstorms,
8. The developer does not appear to have responded to the issue of loss of rush pasture and biodiversity net gain in a satisfactory manner.
9. The lack of affordable housing means that sustainable methods of travel are very unlikely to be used since most commuting will be to locations outside Matlock.
10. The reserved matters proposal are not in keeping with Matlock as a Derbyshire Dales market town since they are suburban and anonymous in style and layout and continue the degradation of the town's character started by recent developments along Chesterfield Road.
11. The safety of school children has not been guaranteed. There seem to be no definitive proposals for the junction between Gritstone Road and Chesterfield Road. The alternative access via Cavendish Road is too narrow to support additional traffic and pedestrians.