Planning Inspectorate

Appeal Decision

Inquiry held on 11 – 14 March, 18 March, 4 and 15 July 2025

Site visit made on 14 March 2025

by Joanna Gilbert MA(Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2025

Appeal Ref: APP/P1045/W/24/3353350
Land at Gritstone Road, Matlock DE4 3GD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission for a hybrid application for full and outline planning permission.
- The appeal is made by William Davis Limited against the decision of Derbyshire Dales District Council.
- The application Ref is 18/01242/EIA.
- The development proposed is Hybrid Planning Application, accompanied by an Environmental Statement comprising of an Outline Planning Application with approval being sought for site access for up to 345 Residential Units, Class E 'Commercial' uses including Retail and a Restaurant / Cafe, a Hot Food Takeaway (Sui Generis) Unit and Open Space including a Countryside Park and Play Area and associated landscaping and surface water attenuation and a Full Planning Application for 78 residential units with associated access, open space, landscaping and surface water attenuation.

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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in hybrid form with full planning permission sought for Phase 1 and outline planning permission sought for Phases 2 - 4 with all matters reserved except access. I have had regard to the submitted plans. For Phases 2 – 4, I have treated all elements as indicative with the exception of access.

3. The description of development in the banner heading is taken from the appeal form as the description of development and the number of dwellings proposed were amended following the planning application's submission.

4. The appellant proposed a reduction to the site on the site's southern boundary close to Amberdene. This resulted in amended plans being submitted with the appeal. The amendments were subject to further public consultation prior to the inquiry and I have dealt with the appeal on the basis of the amended proposal.

5. The application was determined when the National Planning Policy Framework (December 2023) (NPPF) was in place. However, the participants in the inquiry have had regard to the December 2024 NPPF in providing their evidence and I have considered the appeal on this basis. All relevant paragraph references within this decision are to the 2024 NPPF.

6. On submission of the main parties' proofs of evidence on 14 February 2025, the Rule 6(6) party, the Wolds Action Group (WAG) raised concerns about the absence of a sequential test in relation to all sources of flooding. Although the appellant considered that a sequential test was not required, the appellant produced the Land Between Sandy Lane, Bent Lane and Gritstone Road, Matlock Flood Risk Sequential Test. This document was provided to the inquiry on 16 March 2025.

7. I asked questions of the appellant about the sequential test on 17 March 2025. The appellant responded in writing on 7 April 2025. The Council and WAG were afforded the opportunity to respond to the appellant's sequential test and their response to this and my questions was provided on 2 May 2025. The appellant had the final right of reply on 2 June 2025. I have had regard to all of these documents in reaching my decision. The last two sitting days of the inquiry took place virtually in July 2025 in respect of the sequential test and planning evidence.

8. I undertook a familiarisation site visit to wider viewpoints in and outside Matlock and to streets surrounding the site on 18 February 2025. On 10 March 2025, I visited the site's vicinity to view highway conditions at the end of the school day. On 14 March 2025, I viewed the highway conditions at the beginning of the school day, prior to visiting the site and surrounding area accompanied by the main parties.

9. I have had regard to a signed and executed legal agreement under section 106 of the Town and Country Planning Act 1990 submitted and dated 1 August 2025.

Main Issues

10. The appeal was made following the Council's refusal of the planning application with four reasons for refusal pertaining to flood risk, biodiversity, character and appearance, and affordable housing.

11. Prior to the inquiry, the Council confirmed that the first, second and third reasons for refusal were capable of being overcome by conditions. The Council also confirmed that the fourth reason for refusal on affordable housing was capable of being addressed by a legal agreement, though there remains dispute between the Council and the appellant regarding the appropriateness of including a viability review mechanism in the legal agreement with regard to affordable housing.

12. Notwithstanding the Council's stance on the four reasons for refusal, WAG raised concerns about matters pertaining to the four reasons for refusal and the effect of the proposed development on highway and pedestrian safety and on community and infrastructure needs.

13. Therefore, the main issues in this appeal are:

    a) the effect of the proposed development on flood risk;

    b) the effect of the proposed development on biodiversity;

    c) the effect of the proposed development on the character and appearance of the area;

    d) the effect of the proposed development on highway and pedestrian safety;

    e) whether the proposed development would make an appropriate contribution towards affordable housing need; and

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f) whether the proposed development would make an appropriate contribution towards community and infrastructure needs.

Reasons

a) Flood risk

Policy Background

14. Policy S1 of the Derbyshire Dales Local Plan 2013 – 2033 (Adopted 2017) (DDLP) addresses sustainable development principles. One of the policy's criteria relates to following a sequential approach to flood risk that seeks to direct development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Another Policy S1 criterion gives priority to the use of sustainable drainage systems to limit surface water runoff, provide local amenity value, and improve and protect water quality and groundwater resources. DDLP Policy PD7 seeks to promote the use of sustainable design and construction techniques, including flood resistance and resilience measures.

15. DDLP Policy PD8 supports development proposals that avoid areas of current or future flood risk and which do not increase risk of flooding elsewhere. It refers to the need for a sequential test within areas at risk from flooding and the exception test to demonstrate that development can be accommodated safely. The policy confirms that development will not cause or worsen flooding on site or elsewhere, and will reduce flood risk elsewhere where possible. New developments shall incorporate appropriate sustainable drainage systems. For developments in areas with known surface water flooding issues, appropriate mitigation and construction methods will be required. It encourages proposals which relate specifically to reducing risk of flooding (e.g. defence / alleviation work, retrofitting existing development, off site detention /retention basins for catchment wide interventions).

16. Site-specific DDLP Policy DS4 addresses the allocation for residential development at Land off Gritstone Road/Pinewood Road, Matlock. Amongst other things, the policy requires a site-specific flood risk assessment in accordance with the findings of the Derbyshire Dales Strategic Flood Risk Assessment and focuses on other sources of flooding (including surface water and groundwater). The policy requires preparation of a comprehensive masterplan which provides for no built development (except essential flood risk and highway infrastructure) on the upper northern slopes beyond the extent of the protected Derwent Valley Aqueduct.

17. NPPF paragraph 161 requires the planning system to take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. NPPF paragraph 170 states that 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. Further to this, NPPF paragraph 172 advocates that all plans should apply a sequential risk-based approach to the location of development.

18. Additionally, NPPF paragraph 174 clarifies that the sequential test's aim is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available

sites appropriate for the proposed development in areas with a lower flood risk. The strategic flood risk assessment provides the basis for applying this test.

19. NPPF paragraph 180 outlines that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

20. When determining planning applications, NPPF paragraph 181 confirms that flood risk should not be increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment, and the sequential and exception tests, as applicable, it can be demonstrated that the most vulnerable development on site is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location. It also requires development to be appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment. It should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. Any residual risk should be safely managed, and safe access and egress routes should be included, where appropriate.

21. NPPF paragraph 182 states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should take account of advice from the Lead Local Flood Authority (LLFA), have appropriate proposed minimum operational standards; and have maintenance arrangements in place to ensure an acceptable standard of operation for the development's lifetime.

22. The Planning Practice Guidance (PPG)[1] sets out the aim of the sequential approach in terms of flood risk. Amongst other things, it confirms that application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test.

23. The PPG[2] provides advice on when the sequential test should not be applied to development. There are three elements which could exempt a proposal from sequential testing. These will be addressed below.

Context

24. The site is located within Flood Zone 1. However, Matlock's water supply historically came from springs at Matlock Moor and a spring at the Wolds known as the Wolds Spring. These springs served the town of Matlock, including its

[1] Paragraph 7-023-20220825: What is the aim of the sequential approach?
[2] Paragraph 7-027-20220825: How should the Sequential Test be applied to planning applications?

hydropathic establishments[3]. During the 20th century, Matlock's water supply moved to being provided via the Derwent Valley Aqueduct.

25. Geologically, the aquifer north of the site is Chatsworth Grit overlain with free draining, sandy soil. This aquifer can hold a significant quantity of water, which is released to the site. The site itself is predominantly Marsden Formation with impervious siltstone and mudstone with heavier slow-draining clay soil, with Ashover Grit at the site's southern and western edges. This underlying geological environment gives rise to an unpredictable pattern of water emergence in different conditions, and results in the appearance of springs, flushes and seepage. Springs and flushes change over time and this may be difficult to predict. The number of springs on site is not known.

26. Located on the upper northern slope of the Derwent Valley on Matlock Bank outside the Peak District National Park (PDNP), the site and adjoining land is sloping and undulating. The site falls from the north-west at 250m above Ordnance Datum (aOD) and from the south-west at 236m aOD in a south-easterly direction towards the site's centre. It falls to the south to 210m aOD to the south-west of the covered Wolds reservoir. The site's north-eastern corner is at 232m aOD, while the south-east corner is at 222m aOD and generally falls to the south-west towards the site's centre. There is recorded evidence of landslide to the northern part of the site. The site is currently used for grazing cattle and there are indications of overgrazing. WAG considers that the site has also been used for production of hay and silage, but I have no details of these uses on site. The site adjoins several residential streets to the south and east.

27. North of the site, Farley Moor and Bottom Moor woodland is commercially logged and managed by Forestry England. In addition to the Wolds reservoir adjacent to the site's southern corner, there is the Upper Wolds reservoir which lies to the north of the site beyond Goodwin's Wood. A borehole lies to the north of the site. The Derwent Valley Aqueduct runs below ground in a north-west to south-easterly direction through the site. Bentley Brook is located some 0.3km east of the site, while the River Derwent is 1.5km to the south-west.

28. The Wolds Spring watercourse runs across the Phase 1 site from approximately north to south across the eastern part of the site towards the outfall behind the garden of 5 Bentley Close. Interested parties have asserted that this watercourse appears to have increased in flow over recent years and runs year-round. Within Phases 2 – 4, the valley to the north of the site forms the main drainage route for the surrounding hillsides and drains to marshy ground to the south of the site adjacent to the Wolds reservoir. This may be a further spring-fed watercourse. Surface water also pools at two further low points within Phase 1 and within Phase 4 adjacent to properties on High Ridge. Runoff from a wider area runs through the site and the site drains towards low points on the site's boundary. Groundwater flooding is also currently recorded as a risk to the nearby properties at Gritstone Road, Bentley Close, and Amberdene.

29. Surface water flooding occurs when natural and engineered systems have insufficient capacity to deal with the volume of rainfall. Such flooding can occur when the local surface water drainage system is overwhelmed and where saturated ground conditions prevent infiltration into subsoil. Flood water can then be

[3] Hotels offering water treatments.

Redacted

conveyed via overland flow routes dependent on the local topography. In this instance, it is acknowledged that rainfall that falls within this catchment flows down across the site as both surface water and near surface groundwater.

30. Matlock has been subject to flooding over the years, including several notable events within the last decade. Not all flooding comes from the River Derwent, which is subject to flood defences. Due to Matlock's topography, geology and hydrology, flooding following heavy rainfall has also affected land and properties on the northern valley slope, where surface water and groundwater flooding has found its way into the sewer network and into and through properties to the south and east of the site, ultimately travelling through the Bentley Brook catchment and the Derwent from Wye to Amber catchment, with associated risk to the operation of the Knowleston Place pumping station at the confluence of Bentley Brook and the River Derwent. The risk presently caused to properties, the operation of local businesses and community facilities, and the lives, health and wellbeing of local residents should not be underestimated.

31. One of the existing issues on site is the culvert to the rear of 5 Bentley Close. It is evident from the representations and photographs provided by interested parties that the culvert is overwhelmed by the Wolds Spring watercourse in periods of heavy rain. Although the culvert beyond the site is outside the appellant's riparian[4] ownership and their responsibility, the condition of the culvert outside the site is unknown. This is notwithstanding the discussion at the inquiry as to whether the culvert was collapsed or partially collapsed beyond the site, with an associated effect on flows. There was also some dispute at the inquiry about the diameter of the outlet pipe to the rear of 5 Bentley Close. No agreement was reached on this matter. At times of high rainfall, water pools in a depression of land around the culvert. Water then exits the site and ponds at a low point in the road on Gritstone Road. Water then enters the surface water network and the combined sewer network, with the potential to affect properties downstream. It is agreed that the downstream network for the Wolds Spring watercourse is deficient.

The proposed development

32. The proposed development would be predominantly residential development over four phases. Phase 1 comprises the full planning application for 78 homes and a large attenuation basin adjacent to the rear gardens of existing housing on Bentley Close. A smaller attenuation basin would be located to the rear of gardens on Bentley Close, close to the road into the proposed development. The current area of depression in the land to the rear of 5 Bentley Close would be lost due to the changed land levels, hence additional formal attenuation would be provided near the culvert outfall.

33. Within the outline planning application, Phase 2 would deliver the link road, four further attenuation basins, the countryside park and 100 homes. Phase 3 would have 130 homes and the local centre, while Phase 4 would have 115 homes. Within Phase 2, four attenuation basins would be aligned in a cascade from the central part of the outline part of the site towards the Wolds reservoir.

[4] Riparian landowners are those who own land adjoining or containing a watercourse. They have certain rights and responsibilities, including responsibility for the maintenance of any watercourses and assets within their ownership, and to ensure flood risk is not increased upstream or downstream of their land. Private drains are also the responsibility of the property or landowner to maintain.

34. The two upper attenuation basins (1 and 2) in Phase 2 would aim to manage the upstream catchment outside the proposed development, while the two lower attenuation basins (3 and 4) in Phase 2 would manage flows on-site and any exceedance flows from the upstream attenuation basins. The appellant's aim is to capture surface water from both the upstream catchment and the proposed development and discharge water into the surface water network at a controlled rate, thereby providing significant betterment in terms of flood risk for properties further down Matlock Bank in comparison to the present circumstances.

35. The attenuation basins would individually be below 10,000m^3. They would not be subject to the Reservoirs Act 1975. Cumulatively, their volume would be under 25,000m^3 in cascade. The Government[5] has been considering whether small, raised reservoirs, which are between 10,000m^3 and 25,000m^3 in volume and are currently unregulated, should be under the scope of the Reservoirs Act 1975, but no such regulation is currently in place. It should be noted that the attenuation basins would not be reservoirs in volumetric terms or in terms of their operation. Indeed, they are not intended to be permanent bodies of water, but would instead have the capacity to hold and discharge runoff from outside and within the site during storm events. For periods of time, the attenuation basins would not be expected to have significant water levels.

36. Severn Trent Water (STW) was initially willing to allow 200 litres per second (lps) discharge from Phase 2, but latterly confirmed that they would accept two points of connection to the public surface water sewer network, with an attenuated surface water discharge of 20lps to the Gritstone Road public surface water sewer and an attenuated surface water discharge of 45lps to the Cavendish Road public surface water sewer. STW confirmed that once those limits are reached, monitoring and modelling would be needed to ascertain if the network could accommodate any further flows. STW's changed position resulted in significant increases in the size of attenuation basins 1 and 2. This was due to the allowable discharge of 45lps from Phases 2 – 4 being less than the expected baseflow from upstream catchments.

37. The appellant's modelling thus far finds that approximately 12,500 cubic litres of water would travel down from the site in an extreme weather event. It is clear that the upstream catchment is presently causing flooding issues downstream and that water presently travels through and leaves the site in an uncontrolled manner. Although national and local standards and guidance do not require landowners to improve flood risks from upstream catchments, the proposed development would include a range of measures specifically intended to significantly reduce wider flooding issues presently experienced outside the site. Without the proposed development coming forward, there are no other current proposals before me which would provide betterment for the known flooding issues.

Changes to Land Drainage Arrangements

38. Within their proof of evidence, WAG outlined concerns with regard to a change in land drainage arrangements. This related to an intent to circumnavigate the outlet to the rear of 5 Bentley Close and use 80m of culvert pipe to connect into the

[5] Reservoir Safety - reforming the safety regime and modernising legislation for England, Statement UIN HCWS246 made on 20 July 2022 by the Secretary of State for Environment, Food and Rural Affairs.

Wolds Spring network pipe on Gritstone Road, moving water into the Wolds Spring network and therefore into Bentley Brook.

39. It was clarified by the appellant in their rebuttal that the piping and flows relate to existing pipework that has been included in the model to represent the existing culvert beneath Bentley Close which connects to the downstream sewer network. WAG accepted the appellant's clarification of this matter during the inquiry.

Sequential Test

40. The issue of sequential testing was not raised by the LLFA or the Council. At the point of submission of proofs of evidence, WAG highlighted for the first time that a sequential test for flood risk had not been undertaken. WAG considered that a sequential test should have been undertaken given the presence of medium and high surface water flood risk within the site.

41. When the DDLP was examined and adopted, national planning policy only required the sequential test to be applied to fluvial flood risk. This was confirmed by the appellant's Drainage & Flood Risk Supplementary Technical Note on Rule 6 Party Proof of Evidence. Since the site's allocation, national planning policy has extended the sequential test to cover all sources of flooding, including surface water flooding.

42. The PPG[6] confirms that the sequential test should be applied to major and non-major development proposed in areas at risk of flooding, but it will not be required in three exceptions. The first is where the site has been allocated for development and been subject to the test at the plan making stage provided the proposed development is consistent with the use for which the site was allocated and there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test. Neither the second nor the third exception within the PPG applies in this instance. I shall focus therefore on the first exception.

43. In seeking to allocate land through the DDLP, the Council carried out a Strategic Housing and Employment Land Availability Assessment (SHELAA). The SHELAA was most recently produced by the Council in 2016 and 2022. The SHELAA included consideration of the extent to which sites were at risk of, or likely to be at risk of, flooding. The Council commissioned JBA to undertake a Level 1 Strategic Flood Risk Assessment (SFRA) supporting the DDLP's development. The 2016 SFRA screened sites against fluvial and surface water flood risk mapping.

44. The Council then allocated the site in the DDLP. The Council considers that as part of that sequential testing, the site was assessed and identified as being in Flood Zone 1 and as having a very low risk of surface water flooding. The Council considers that the site also, in effect, passed the sequential test in respect of surface water flooding as it was at very low risk and therefore consideration of alternative sites was not necessary. Furthermore, the Council considers there are no significant changes to the known level of flood risk which would have affected the test's outcome. Accordingly, the Council considers that NPPF paragraph 180 is relevant to the appeal and that the first exception within the PPG paragraph 27 is applicable. The appellant concurs with the Council's views on the first exception.

[6] Paragraph 7-027-20220825: How should the Sequential Test be applied to planning applications?

45. There is a complex, underlying geological and hydrological context, including the increased flows of springs and recent flood events referred to by interested parties. It is possible that significant changes to the known level of flood risk could have occurred, which would have affected the sequential test's outcome during the preparation of the DDLP. Notwithstanding that both the Council and the appellant consider that the sequential test would have been met through the DDLP process, in the event that the first exception of the aforementioned PPG paragraph is not met, I have considered the appellant's sequential test.

46. The Council has confirmed that the appellant's sequential test is appropriate and represents the type of exercise that the Council would expect had the appellant been required to undertake a sequential test for the application. However, WAG considers the sequential test to be flawed. Within their responses on the sequential test, reference has been made by the main parties to High Court and Court of Appeal judgments[7]. I have had regard to these judgments in reaching my decision.

47. The areas of disagreement between the appellant and WAG relate to the area of search, the appellant's analysis of and choice of sites, and whether all reasonably available sites have been considered.

48. Turning to the area of search first, the NPPF does not define the area's extent. The PPG[8] advises that it will be defined by local circumstances relating to the catchment area for the type of development. This is not exhaustive. The PPG states that this may be clear for some developments, for example a school catchment area, but also notes that it could be wider than a local planning authority boundary for nationally or regionally important infrastructure. In other cases, it may be identified from other Plan policies. The PPG[9] confirms that the local planning authority will need to determine an appropriate search area, based on the development type proposed and relevant spatial policies.

49. The appellant set the area of search following discussion with the Council. The site is identified as a housing allocation and strategic site within the DDLP and within the settlement boundary for Matlock. As Matlock is a First Tier Market Town in DDLP Policy S2, it is the primary focus for growth and development in the district. As Wirksworth and Ashbourne are also First Tier Market Towns and are therefore considered to be the district's most sustainable locations, the appellant set the area of search as being land within the settlement boundaries of the three settlements.

50. WAG suggests in its response to the Sequential Test and to my questions that the area of search should be the whole district, excluding the PDNP, or should cover sites in close proximity to Matlock. This latter area of search would effectively be the 'area of demand' for people who would gravitate towards Matlock as a place to live.

51. WAG argues that it is logical to include sites in Brailsford, Doveridge and Hulland Ward, Darley Dale, Middleton by Wirksworth and Tansley. However, these settlements are generally defined as Accessible Settlements with Some Facilities at

[7] Wathen-Fayed v Secretary of State for Levelling Up, Housing and Communities [2024] EWCA Civ 507; Mead Realisations Limited v the Secretary of State for Levelling Up, Housing and Communities, North Somerset Council and Redrow Homes Limited v the Secretary of State for Levelling Up, Housing and Communities, Hertsmere Borough Council [2024] EWHC 279 (Admin); and Mead Realisations Limited v the Secretary of State for Levelling Up, Housing and Communities, North Somerset Council [2025] EWCA Civ 32.
[8] Paragraph 7-027-20220825: How should the Sequential Test be applied to planning applications?
[9] Paragraph 7-029-20220825: Who is responsible for deciding whether an application passes the Sequential Test?

the third tier of the settlement hierarchy. Darley Dale is the only exception as it is a Local Service Centre at the second tier of the settlement hierarchy. None of these settlements have been identified within the SHELAA or the DDLP allocations as being capable of accommodating a development as large as the proposed development, with individual site allocations in DDLP Policy HC2 ranging in size from 9 to 135 residential units. Even if all sites in each of the six second or third tier settlements are added up for each settlement, no one settlement would provide more than Darley Dale with 321 homes. In other settlements at the third tier, some of the DDLP allocations have already been delivered, rendering them undevelopable for the proposed development.

52. DDLP Policy S2 very clearly seeks to direct new development towards the most sustainable locations in accordance with a defined settlement hierarchy. This aims to safeguard and enhance the strategic roles of Matlock, Ashbourne and Wirksworth as employment and service centres. Given that a large proportion of the district is covered by the PDNP designation and that most settlements are rural villages with limited services, I consider that it is not unreasonable for the appellant and the Council to have agreed the area of search as the district's three largest settlements, consistent with the spatial strategy and hierarchy within the district.

53. Sites outside settlement boundaries were not generally considered to fall within the area of search as they fell within the countryside and therefore occupied a lower position in the overall settlement hierarchy. However, the appellant considered sites adjoining settlement boundaries for the first tier settlements, but they were all discounted due to their size, capacity and availability as can be seen from Table M1 of the appellant's response to my questions on the sequential test (ID33). This list of sites also included sites which were not assessed in the SHELAA, but were on the market at the time of the sequential test. This is not unreasonable.

54. The PPG[10] describes reasonably available sites as being those in a suitable location for the type of development with a reasonable prospect of being available to be developed at the point in time envisaged for the development. It confirms that such sites could include a series of smaller sites and/or part of a larger site if capable of accommodating the proposed development. It confirms that such lower-risk sites do not need to be owned by the applicant.

55. The appellant considered whether a series of smaller sites or indeed a larger site could accommodate the proposed development. Several larger sites were subject to further review by the appellant. No smaller sites were available in Matlock, Wirksworth or Ashbourne to accommodate the level of development proposed. This was the case if all site capacities in a single settlement were added together. The three settlements are not sufficiently close together for a series of smaller sites across one or more settlements to be considered as this would be logistically unmanageable and the sites would not have any meaningful relationship.

56. While WAG suggested consideration of sites which had been completed or partially developed (sequential test sites 3, 4 and 6) as reasonable alternatives, these sites would need to have a reasonable prospect of being available to be developed at the point in time envisaged for the development. However, being partially or completely developed would render sites 3 and 4 unavailable to be developed, while the recent refusal of planning permission for site 6 also renders that site

[10] Paragraph 7-028-20220825: What is a "reasonably available" site?

unavailable. Furthermore, WAG did not put forward any specific sites for consideration. I find that the appellant's approach to reasonably available sites was appropriate.

57. In terms of the appellant's analysis and choice of sites within or close to the three settlements, WAG has criticised the misidentification of Halldale and Cawdor quarries. The appellant has corrected the errors. The appellant assessed 49 sites across the district. Numerous sites were discounted due to their size, location, and availability. Five potential sites within the area of search were identified for further review. All five sites exhibit some extent of groundwater or surface water flood risk. While WAG considers that it has shown that the groundwater risk assessment exhibits significant flaws, it has not provided detail on the alleged flaws.

58. Of the five sites subject to further review, the site subject to this appeal was found by the appellant to be sequentially preferable. The Council concurs with this view. On the basis of the data before me, I see no reason to dispute this overall conclusion. It has therefore been demonstrated that the proposed development could not be located elsewhere in an area at lower risk of flooding.

Mitigation and Attenuation

59. The appellant argues that there is no prospect of the mitigation, when designed in detail, failing to meet the minimum performance standard of not increasing flood risk above the existing site circumstances. However, it is necessary for me to consider whether the proposed conditions would deliver the proposed development without causing harm to flood risk.

60. WAG places significant emphasis on an email sent by the Reservoir Panel Engineer (RPE) retained by the LLFA on 31 July 2023. This email forms Appendix 3 to WAG's updated Statement of Case. The RPE's concerns are centred on two issues, hydrology and inflows, and breach potential and consequence downstream.

61. In terms of hydrology and inflows, the engineer confirms that determining the inflows from the springs is not easily evaluated. Springs can fill up basins with water thereby reducing basins' storage capacity. Therefore, the RPE considers that the contribution of groundwater flows should be assessed robustly to ensure this is not a risk. She advises, where practicable, that natural flows routed through the basins are limited to that which has been designed to pass the control structures with all excess flows diverted away via a safer route.

62. With regard to breach potential and consequence downstream, the RPE confirms that holding water at this elevated level will increase potential consequence downstream. The RPE suggests a risk assessment for hazard and consequence to assess the change following construction of the basins, in particular considering cascade failure. This would be expected to include a breach evaluation of inundation area, flow depths and flow velocities. She also states that an assessment of the impact on critical infrastructure, property and life can be undertaken to enable a thorough risk assessment to be completed.

63. JBA undertook an independent review of flood risk and drainage on behalf of the Council, which gave an overview of key issues and their findings for Phase 1 and Phases 2 – 4. This was made available to the appellant in February 2024. By

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August 2024, the LLFA had raised concerns about seepage from the attenuation basins, the adequacy of capacity of the basins, and the basins' overall stability.

64. With regard to the LLFA's concerns about potential for seepage, the appellant's investigations identified cohesive soil and underlying strata down to 2.4m depth in the area of the proposed basins. The basin designs would not result in excavation by more than 1.7m. Accordingly, the appellant considers that seepage would not be anticipated within Phase 1. However, the appellant has agreed with the LLFA that the basins would be lined within Phase 1 and Phases 2 – 4. The appellant has provided information on geosynthetic, geomembrane and clay liners taken from the CIRIA SuDs Manual (C753) (2015). Not only would this reduce seepage, but it would also provide additional stability to the basin side slopes.

65. With regard to the adequacy of capacity, the appellant produced the Tuflow Hydraulic Modelling Report (August 2024) which they consider allows for a more accurate assessment of the baseflow over the critical storm duration rather than the peak figure originally adopted. The Tuflow model is a surface water hydraulic model of the site made using data from topographical survey and available third-party data such as LiDAR data.

66. The Tuflow report provides a comparison of pre- and post-development depth difference model results, indicating significant betterment on the current situation. This includes mapping for the baseline position and for 3.3% AEP Surface Water Depth Difference, 1% AEP Surface Water Depth Difference, and 1% AEP + 40% CC Surface Water Depth Difference. These show 1 in 30 chance of a flood each year, 1 in 100 chance of a flood each year and 1 in 100 chance of a flood each year plus climate change. Furthermore, this report also provides more detailed modelling of groundwater. The appellant confirmed that the Tuflow modelling evidences the flooding depths and the betterment that would be provided by basins 1 and 2.

67. The LLFA had also raised concerns about the basins' potential failure. This means the engineering breach or failure of the cascade of basins from top to bottom. The appellant has sought to allay concerns by producing a Report on Slope Stability of Proposed Attenuation Ponds (Coffey Geotechnics Ltd, 7 August 2024). The Coffey report is a high-level assessment of initial slope stability and relates only to basins 1 – 4 within Phases 2 – 4. The deepest proposed cutting and highest proposed embankment were chosen for assessment. The Coffey report confirms that the proposed attenuation ponds have factors of safety against slope stability that are likely to be acceptable and that water-filled basins would be even more stable. This post-dates the email of 31 July 2023 from the RPE to the LLFA. No other evidence has been provided to indicate that the Coffey report's conclusions are incorrect in terms of failure of the basins.

68. The Topic-Specific Statement of Common Ground: Drainage and Flood Risk was agreed by the appellant and the Council in February 2025. The two main parties agree that sufficient development-related sustainable drainage is provided within Phase 1. It goes on to confirm that the surface water spring flow, diversion, basin and downstream connectivity are based on assumed volumes, capacity and discharge rate. It highlights that when detailed design proposals are submitted pursuant to conditions, there will need to be robust evaluation of spring flows and likely interactions, including consideration of residual risks if the capacity of the attenuation basin and associated infrastructure were exceeded. Whilst the two main parties agree that offsite flows, from the entire site, do not need to be fully

attenuated, they agree that these flows do need to be carefully mitigated and managed so that flood risk does not adversely impact development or land downstream. As such, the appellant will need to demonstrate, through design, that attenuation basins do not introduce unacceptable risks of flooding downstream.

69. I turn therefore to consideration of the conditions proposed to secure the flood risk and drainage attenuation and mitigation. Amongst other things, condition 17[11] for Phase 1 requires an updated site-specific Flood Risk Assessment and Drainage Strategy, supported by appropriate modelling; detailed design of development related run-off to include consideration of suitable attenuation and drainage systems, including consideration of critical design events with 24-hour half drain down time (or demonstration of appropriate consecutive storm event capacity); design of the detailed drainage strategy informed by ground investigation to confirm infiltration, seepage potential for sustainable drainage systems, suitability of the diversion channel, and basin design; and detailed design of spring related run-off, to include consideration of suitable attenuation and drainage systems, including consideration of long-term runoff and drain down time. Additionally, condition 17 requires demonstration that the drainage strategy does not increase runoff or flood risk to third party land and property for the development's lifetime, when allowing for climate change impacts.

70. For the detailed design of spring related runoff, condition 17 states that discharge is to be based on agreed flow to the existing culvert to the north of Bentley Close dependent on culvert capacity and condition. Condition 17 also requires four-season flow monitoring. This has been described as the only way of establishing flows over a 12-month period and as being necessary to consider any further interventions or alterations which might need to be incorporated in the Phase 2 drainage. It is argued by interested parties that the appellant has thus far failed to take sufficient account of flows from the Wolds Spring watercourse.

71. For example, Mr Ball has raised concerns as to whether the land drain is still operational below the Wolds Spring outfall between Goodwin's Wood and the Wolds reservoir as he considers it to have ruptured. The appellant confirmed during the inquiry that he was not aware of how the land drain worked. In the absence of four-season flow monitoring, Mr Ball argues that the appellant may be unaware of an associated increase in overland flow, with a greater volume of water entering the culvert behind 5 Bentley Close than estimated. To my mind, this exemplifies the risk associated with the lack of four-season flow monitoring.

72. It is a matter of concern that despite the planning application being submitted in 2018 and water flows across this complex and unpredictable site having been the subject of discussion for some years, no four-season flow monitoring has yet been undertaken. In an area noted as lying above the known snowline in Matlock in Winter and where heavy rainfall is already known to have significant adverse impacts on flood risk through surface water and groundwater, this is inadequate.

73. Notwithstanding the importance of using modelling data and the modelling work which has been undertaken, without having the four-season flow monitoring to hand, it is not possible to understand the extent of interventions and alterations to detailed design which would need to be made at both Phase 1 and Phases 2 – 4. Indeed, condition 21 for Phases 2 – 4 seeks to achieve many similar requirements

[11] All references to condition numbers in my decision refer to ID42 Draft conditions dated 26 June 2025.

to condition 17 for Phase 1. However, it would not be possible to discharge condition 21 without having the findings of the four-season flow monitoring required by condition 17.

74. Furthermore, it would not be possible to demonstrate that the drainage strategy does not increase runoff or flood risk to third party land if the monitoring has not been satisfactorily completed. The absence of four-season flow monitoring represents a missing jigsaw piece vital to effective understanding of the short-term and long-term effects of the proposed development. Given the level of uncertainty, incomplete data, and the lack of quantification of risk, it would not be reasonable to apply this requirement for four-season flow monitoring through condition 17. In the absence of four-season flow monitoring and on the balance of probability, it has not been demonstrated that the proposed development would have an acceptable effect on flood risk on site or elsewhere.

75. Condition 22 states that no reserved matters application regarding Phases 2 - 4 should be developed until a suitable preliminary risk assessment of all the proposed basins within the countryside park has been submitted and approved. It also requires a further detailed risk assessment of the basins, if necessary. The subsequent detailed design and construction method for the attenuation basins should be informed by the preliminary risk assessment.

76. The preliminary risk assessment is required by the Council and the LLFA, advised by JBA Consulting. WAG is concerned that the preliminary risk assessment would be completed too late in the day if it came forward after the outline planning application had been determined at appeal, particularly if it were to be very high level and lacking in detail. The appellant confirmed that further breach evaluation and investigation of inundations, flow depths and velocities would need to be undertaken to ascertain risk and that this was normal practice. This assessment of risk would also allow for further assessment of storm duration and intensity, including assessment of more than one storm event occurring in swift succession, as well as including consideration of risks caused by commercial logging and resulting deforestation above the site. The appellant also confirmed that if one basin failed, this might not automatically lead to further failures of basins further down the cascade, but this would require further detailed risk analysis.

77. The appellant argues that a preliminary risk assessment would include a range of commonly employed techniques and would be acceptably dealt with by condition. However, it is also acknowledged that the site has unusual and complex hydrology and underlying geology. While the appellant proposes typical measures to address flood risk, the issue remains that this is not a typical site. I am concerned that applying this condition would not be reasonable.

78. If a preliminary risk assessment was considered prior to an application being determined, this could allow for four-season flow monitoring work to feed into a detailed understanding of the hazards and consequences relating to the sizing, siting, design and construction of the attenuation basins. It could also allow for a further risk assessment to be addressed by condition, rather than having more than one stage of risk dealt with by condition 22, with unknown consequences.

79. Condition 36 refers to the discovery of ordinary watercourses, springs or groundwater during construction, where not previously identified. If further watercourses, springs or groundwater are found, this condition requires further risk

assessment to be undertaken in relation to the proposed development and outside the proposed development. Taken in tandem with condition 22, I am concerned that applying this condition would not be reasonable.

80. The appellant acknowledges that enhanced maintenance may be required for engineered solutions on site with survey work needed by qualified engineers. However, this will be assessed by the maintenance body and measures taken to keep the asset in a serviceable condition through an appropriate maintenance regime. Though maintenance of the basins is mentioned within proposed conditions 17, 21 and 22, these conditions merely expects information to be submitted on maintenance and management. The lack of clarity on this matter is unhelpful as the failure to properly maintain and manage the basins over time could increase the risk of their failure at some point in the future or see reductions in their overall capacity, with consequent effects on flood risk.

81. I recognise that proposed condition 2 on the time limit for submission of reserved matters applications for Phases 2 – 4 allows five years. This was included specifically to allow the appellant to address the complexities of the drainage and flood risk situation and to carry out the four-season flow monitoring. Indeed, if the appeal was allowed, the Council could refuse the discharge of conditions in the future if they considered the information provided was not adequate. However, I consider that the extent of uncertainty and associated risk is too great to justify a finding in favour of the appellant on mitigation and attenuation of flood risk.

82. Concern was raised during the inquiry regarding an overtopping attenuation pond at one of the appellant's developments in Grange Park, Loughborough. It was confirmed by the appellant that though Grange Park residents had sought to prevent flooding to their houses, the attenuation pond which overtopped was not within the Grange Park development and was not the appellant's responsibility.

83. In summary, a proportionate level of detail has not been provided to assuage my concerns with regard to the effective mitigation and attenuation of flood risk on site and elsewhere. This would present an unacceptable risk to public safety.

Conclusion on flood risk

84. Notwithstanding the lack of dispute over changes to land drainage arrangements and my positive findings in relation to the sequential test on flood risk being passed, I conclude that it has not been demonstrated that the proposed development would not have a harmful effect on flood risk, with particular regard to mitigation and attenuation. I am therefore not satisfied that the proposed development can be delivered without resulting in flood risk on site, elsewhere or presenting unacceptable risk to public safety. Consequently, the proposed development would be contrary to DDLP Policies DS4, PD8 and S1 and NPPF paragraphs 161, 181 and 182 as set out above. The appellant affords significant benefit to the sustainable drainage in Phases 2 – 4 and a minor benefit to the sustainable drainage for Phase 1. However, I afford substantial weight to the harm in respect of mitigation and attenuation.

b) Biodiversity

85. The site consists of improved pasture grassland with watercourses, drystone walls, scrub, trees, and hedgerows. It has undulating ground and valley features which

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support wet flush and rush pasture. Trees bound the site's western boundary with fields beyond. Broadleaved woodland adjoins the site's northern boundary. The farm track of Sandy Lane lines the eastern boundary, with areas of scattered scrub.

86. The second reason for refusal refers to the design and construction of surface water attenuation features proposed to accommodate translocated habitat of very high distinctiveness / principal importance. However, WAG also raised concerns about the age of ecological survey work and the effect of the proposed development on important hedgerows. I shall address these matters in turn.

87. Notwithstanding that it did not form part of the main issue on biodiversity and the reason for refusal, Biodiversity Net Gain (BNG) was mentioned during the inquiry. The PPG[12] confirms that BNG has commenced for planning permissions granted in respect to an application made on or after 12 February 2024. As the application was made on 2 November 2018, BNG requirements are not applied to this appeal.

88. Interested parties referred to McDonald and Owen's[13] work on the Wolds. This comprises an alternative proposal which seeks to retain the site's unique and appealing features, enhance its wildlife value, reduce surface water flooding and create a space for recreation, relaxation and education for local residents and visitors. However, I have a responsibility to determine the appeal before me.

Rush pasture

89. Site visits by the appellant's ecologist confirmed the presence of a form of rush pasture and grassland on site with the characteristics of mesotrophic grassland habitats. These communities of rush pasture within the site's flush and valley features are habitats of principal importance under the provisions of the Natural Environment and Rural Communities Act (2006). To address these habitats, the appellant has produced a Grassland Translocation Method Statement (September 2022).

90. The Council, the appellant and WAG have agreed a Topic-Specific Statement of Common Ground: Biodiversity, in which the Council and the appellant agree that the proposal will not result in a significant loss of biodiversity, so long as suitably worded conditions and obligations to ensure the protection and enhancement of existing biodiversity values on the site can be imposed.

91. Planning conditions are proposed which seek to secure the translocation, post-translocation aftercare, long-term management and monitoring of the rush pasture. Condition 12 requires a bespoke compensation plan for the translocation of rush pasture within Phase 1, including the methodology for lifting, storing, and replacing of the rush pasture within the sustainable drainage for Phase 1. Condition 24 sets out similar requirements to condition 12, but relates to Phases 2 – 4. Conditions 13 and 25 set out requirements for Landscape and Biodiversity Enhancement and Management Plans for Phase 1 and Phases 2 – 4 respectively.

92. While the conditions proposed appear to meet the tests in many respects, I am concerned about the ongoing ambiguity I have already addressed in respect of flood risk. As noted by the Derbyshire Wildlife Trust (DWT) in their most recent consultation response of 15 March 2024, it is possible that the further assessment

[12] Paragraph 74-003-20240214: Which planning permissions are in scope and which are exempt from biodiversity net gain?
[13] An Alternative Vision for the Matlock Wolds Site, Miriam Kate McDonald and Robert Owen, Holistic Restoration, August 2021.

undertaken as a result of the conditions 17, 21, and 22 would result in necessary changes to the configuration, function or maintenance regimes for the attenuation basins which would then have implications for the success of the proposed translocation strategy or require changes to that translocation strategy. Given my findings on flood risk above, it is not reasonable to apply conditions to address the translocation of rush pasture while such uncertainty remains.

Ecological surveys

93. WAG notes that the badger, bat, breeding and wintering birds, and reptile surveys were undertaken during or before 2020. WAG contends that no thorough review or updating of surveys has occurred, indicating that surveys are out of date and should not be relied upon.

94. With regard to bats and badgers, the appellant provided an Ecology Addendum (November 2023) that built on an Ecological Appraisal Update 2023. This set out the results of an August 2023 site walkover which considered changes to type, distribution and condition of habitats. It reported on an updated badger survey and ground level assessment of trees previously identified as having potential for roosting bats. The 2023 work confirmed that there had been no changes to the layout, extent and condition of habitats, badger activity, and trees with bat roosting potential. After the walkover in August 2023, aerial surveys of trees with bat roosting potential took place and findings were reported in the Ecology Addendum.

95. Breeding bird surveys were undertaken in 2016, 2018 and 2020. Similar results were found in each survey. Further site walkovers in 2022 and 2023 indicated that little had changed. Further survey work would have been unlikely to yield further relevant data.

96. In 2016 and 2017, wintering bird surveys were carried out. Further surveys were not undertaken due to the absence of rare or scarce species and the low diversity and abundance of species related to wetland habitats. As for breeding birds, it was considered that there was little justification for repeating survey work due to the lack of change to wetland habitats on site since 2017.

97. Surveys for reptiles took place in 2015, 2016, 2018 and 2020. Though much of the site is not considered to represent suitable habitat for reptiles, drystone walls and areas not subject to intensive grazing were surveyed. Four years of repeated surveys did not detect any reptiles. As the grazing had not altered in intervening years, the appellant considered that much of the site remained unsuitable. The aforementioned walkovers considered the extent of change to habitats and the intensity of grazing and concluded that no further reptile surveys were necessary.

98. WAG refers to the Chartered Institute of Ecology and Environmental Management Advice note on the lifespan of ecological reports and surveys (April 2019)(the CIEEM note). The CIEEM note sets out advice on the age and validity of data and confirms that it is important that planning decisions are based on up-to-date ecological reports and survey data.

99. However, the CIEEM note also notes that it is difficult to set a specific timeframe over which reports or survey data should be considered valid, as this will vary in different circumstances. It highlights that ecological consultants should carefully consider which, if any, surveys need to be updated; design their data collection in a way which maximises the benefits of early surveys whilst minimising the costs to

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developers; and provide clarity on the surveys' likely lifespan. Fundamentally, the CIEEM note indicates that the decision as to whether to update surveys and the scope, timing and methodology of surveys is a matter of professional judgement for a qualified ecologist. The appellant's ecologist has set out their rationale for undertaking walkovers and for any further survey work. I note WAG's concerns about changing climate, deforestation, changes to surface water, and increased rush pasture coverage on site. However, in the absence of detailed and robust evidence to the contrary, I find that the appellant's approach with regard to badger, bat, breeding and wintering birds, and reptile surveys is appropriate.

100. WAG refers to a letter dated 28 October 2021 from DWT stating that species known to be using the site include Species of Principal Importance such as Common Lizard, Brown Hare, Hedgehog, Reed Bunting, Bullfinch, House Sparrow, Dunnock and Linnet. DWT mention the possibility of several bat species and insects such as Small Heath Butterfly, commonly associated with acid grasslands and known to occur a few hundred metres north. DWT confirms that at least 18 species of moth recorded close by are in decline.

101. Although DWT has confirmed that there are records for Common Lizard, Brown Hare and Hedgehog locally, these records are neither on nor near the site. Several bird species mentioned in DWT's letter were identified on site and assessed. Notwithstanding sightings of several different species, no further evidence of species presence has been provided by DWT since 2021. Though local residents may well have had sightings of different species in recent years, such evidence has not been documented and verified by DWT and cannot therefore be relied upon.

Important hedgerows

102. Hedgerow planting would be provided in Phase 1 of the proposed development as indicated on the Landscape Proposals plans[14] for Phase 1. The proposed boundary treatments and retention of hedgerows within Phases 2 – 4 are less certain as the plans for Phases 2 - 4 are largely indicative as landscaping is a reserved matter.

103. There is disagreement between WAG and the appellant as to whether any of the existing hedgerows on the site constitute important hedgerows. The Hedgerows Regulations 1997 (the Regulations) set out the criteria by which to establish whether a hedgerow is important. The Regulations confirm that in order to qualify as an important hedgerow, a hedgerow must have existed for 30 years or more and must satisfy at least one of the criteria in Part II of Schedule 1 to the Regulations.

104. Paragraph 5 (a), Part II, Schedule 1 of the Regulations requires an important hedgerow to be shown as an integral part of a field system pre-dating 1845 on a document held by a Record Office. Four historic maps are of potential relevance. However, the 1784 Matlock Enclosure Map does not provide any detail regarding the then field system. While the 1835 Sanderson's Map of 25 Miles around Mansfield indicates boundaries, it fails to indicate hedgerows. Although the Matlock tithe map of 1848 does show the field system within the site, this post-dates the key date of 1845 and does not therefore demonstrate that the field system was in place in 1845 or that it was made up of hedgerows.

[14] 323-UW-P-004 Rev. J Landscape Proposals (Sheet 1 of 4); 323-UW-P-005 Rev. H Landscape Proposals (Sheet 2 of 4); 323-UW-P-006 Rev. H Landscape Proposals (Sheet 3 of 4); 323-UW-P-007 Rev. H Landscape Proposals (Sheet 4 of 4).

105. A further undated map (Plan Showing the Wolds Spring in the Township of Matlock and its Courses) is referred to in the appellant's Heritage Statement (2016) and in Mr Ball's Document 1 – Matlock's Water Supply (Wolds Spring). The potential date for this map's production is uncertain, with suggested dates ranging from the early 19th to the early 20th centuries. Regardless of the date differences, the map is unfortunately undated. This renders it of little practical use in determining the pre-1845 field system. As such, it has not been proven by any of the maps provided that paragraph 5 (a), Part II, Schedule 1 of the Regulations is met. Therefore, it has not been demonstrated that any of the hedgerows presently on site would be considered to be important hedgerows for the purposes of the Regulations. With regard to hedgerows, there would be no conflict with DDLP Policy PD6, which addresses trees, hedgerows and woodlands.

Conclusion on biodiversity

106. Although the proposed development would not have a harmful effect on biodiversity with regard to ecological surveys and important hedgerows, I conclude that it has not been demonstrated that the proposed development would not have a harmful effect on habitats of principal importance in the form of rush pasture. Consequently, the proposed development would fail to comply with DDLP Policies S1 and PD3 and NPPF paragraphs 187 and 193. DDLP Policy S1 sets out sustainable development principles, including minimising the risk of damage to areas of importance for nature conservation. DDLP Policy PD3 seeks to protect, manage and where possible enhance biodiversity. NPPF paragraph 187 requires planning decisions to contribute to and enhance the natural environment. NPPF paragraph 193 confirms that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or compensated for, then planning permission should be refused. I afford significant weight to this harm in respect of the effect on rush pasture, a habitat of principal importance.

c) Character and appearance

Policy Background

107. DDLP Policy S1 addresses sustainable development principles. Amongst other things, this requires development to make efficient use of land while also reflecting the area's character, accessibility and infrastructure capacity, and conserving and, where possible, enhancing the Peak District character, the natural and historic environment, and the setting of settlements. It also seeks to secure high quality, locally distinctive and inclusive design and layout in all development and a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living environment.

108. Amongst other things, DDLP Policy S7 on Matlock's development strategy looks to maintain the town's distinct character and supports new housing on sustainable sites. DDLP Policy PD1 deals with design and place-making. It requires the layout and design of new development to create well designed, socially integrated, high quality successful places, where people enjoy living and working. All developments should contribute to local distinctiveness and sense of place. It also requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects. Focussing on landscape character, DDLP Policy PD5 seeks to protect, enhance and restore the area's landscape character,

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recognising its intrinsic beauty and its contribution to economic, environmental and social well-being. DDLP Policy PD6 addresses trees, hedgerows and woodland.

109. NPPF Chapter 12 aims to achieve well-designed places. NPPF paragraph 135 requires planning policies and decisions to ensure that development will add to the area's overall quality. NPPF paragraph 136 confirms that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined. NPPF paragraph 137 states that design quality should be considered throughout the evolution and assessment of individual proposals, while NPPF paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Landscape character

110. The Council and appellant agree that the site can accommodate the proposed development without unacceptable landscape and visual effects to the wider landscape character beyond the site and immediate context. However, WAG finds the extent of landscape impact to be severe and unacceptable. WAG has not provided an alternative Landscape and Visual Impact Assessment (LVIA), so all references to LVIA are to the appellant's LVIA and the Addendum to ES Chapter 6 LVIA (May 2023). It is agreed by all three main parties within the Topic-Specific Statement of Common Ground: Landscape and Visual Matters (February 2025) that the proposed development would not harm the PDNP's landscape setting.

111. Though methodological criticisms have been made by WAG about the LVIA's clarity and consistency in the use of assessment terminology and viewpoint photography, there are no details of the alleged flaws despite questioning at the inquiry. As such, it is not possible to address these matters further.

112. Lying on the northern upper slope of the Derwent Valley, the site is on a shoulder of land north of Matlock's built-up area. The site rises from its southernmost edge to its northern edge adjacent to woodland. Matlock Moor is higher still and reaches a plateau which contains coniferous and mixed woodland. The site consists of an undulating landscape of enclosed fields used for agricultural pasture, with springs running across the land. There are drystone walls bounding and crossing the site, hedgerows, copses of trees and single trees. Matlock Bank Conservation Area and Grade II listed Wolds Farmhouse are located south of the site.

113. The site is within the Dark Peak National Character Area (NCA). This NCA is characterised by contrasting valley heads created by a combination of sheltered, deeply incised cloughs with fast-flowing streams around plateau margins, with their greater diversity of vegetation, including semi-natural broadleaved woodland. There is a pastoral character of margins created by in-bye land with dispersed farmsteads, gritstone wall boundaries or hedgerows in valley bottoms and the small scale of enclosure. Architecturally, dispersed buildings and settlements have a durable and stocky style, constructed from local blackened gritstone.

114. The Council produced a landscape character assessment for the district in 2003, which provided greater detail on landscape character within the Dark Peak NCA. The site falls within the Council's Settled Valley Pastures landscape type which comprises moderate to steep lower valley slopes dissected by stream valleys,

pastoral farming with extensive improved pasture, wooded character associated with tree belts along streams and cloughs, scattered hedgerow trees and tree groups around settlements and farmsteads, small irregular fields enclosed by mixed species hedgerows and occasional drystone walls, enclosed landscape with views filtered by trees and a settled landscape of small nucleated settlements and scattered stone farmsteads with stone slate roofs. Within the exception of the nucleated settlements and scattered stone farmsteads, the site exemplifies the distinct character of the Settled Valley Pastures landscape type.

115. In preparing the DDLP, the Council undertook a landscape sensitivity study in 2015. It confirms that where land has been categorised as being of high sensitivity to housing development there will inevitably be variations in landscape impacts. Such variations could be determined by more detailed survey. DDLP Policy DS4 allocates the site for mainly residential development. The policy's supporting text at paragraph 8.15 recognises that, given the site's elevated nature, care will need to be given to the site's design and layout in order to ensure that development is able to be assimilated into the landscape in this location.

116. WAG contends that the analysis of landscape impact used to defend the allocation at the DDLP examination was seriously flawed, but offers no detail of the alleged flaws. As a decision-maker, I must take account of the adopted development plan. In referring to more up-to-date analysis, WAG confirmed at the inquiry that this was from Derbyshire County Council's Landscape Officer's response.

117. Notwithstanding the County Council's Landscape Officer's views, the scope for development to visually and spatially expand Matlock was considered during the DDLP examination. If it were so fundamentally unacceptable in landscape character terms to build on the upper northern valley slope, the allocation would not have been found sound by the DDLP Inspector. Furthermore, on visiting the site and the surrounding area, I have seen both older and more recent residential development on the upper northern valley slope within the settlement boundary.

118. The site's elevated position on the valley's steep northern slope means that although the site is seen in close views from surrounding streets, it is not seen in some middle-distance views due to intervening landform. The site is visible in longer views and on approaches to Matlock. The site itself would see significant change as a result of the proposed development. This would give rise to landscape and visual effects of significance from nearby viewpoints in the site's immediate vicinity. The appellant acknowledges this within their LVIA.

119. On assessing LVIA viewpoints 1 – 5 which directly adjoin the site at Gritstone Road, Sandy Lane, Hurker Rise and Pinewood Road, I agree with the LVIA's findings of substantial adverse significance of change dependent on the individual viewpoints' proximity to Phase 1 or Phases 2 – 4. I also agree that viewpoint 17 along Sandy Lane would see a substantial/moderate adverse significance of change due to its partial view of Phase 1.

120. Turning to viewpoints in the middle distance, viewpoint 6 is taken from footpath MFP7 near Old Stone Lane off the eastern side of A632 Chesterfield Road. There would be intervisibility between the eastern part of Phase 1, Sandy Lane and viewpoint 6. From viewpoint 6, Phase 1 would be seen in the context of existing new build housing, hedgerows, trees and existing housing along Gritstone Road and neighbouring roads. I disagree with WAG's contention that it would break the

skyline and remove an important green break from this viewpoint as the overwhelming impression from this viewpoint is one of housing. I agree with the LVIA's finding of slight adverse for Phase 1 and neutral for Phases 2 – 4.

121. With regard to longer views, viewpoint 10 comprises 4 views from over 2km distant, while viewpoint 11 is in a similar alignment to viewpoints 10 a - d. From viewpoints 10 a – d and 11, the proposed development would be seen as part of Matlock and would be difficult to discern separately from existing housing within its context on the northern valley slope with the woodland above. Though not referred to specifically in the LVIA, interested parties mentioned the view from the A615 on travelling through Tansley. Having driven along the A615 on my familiarisation visit, I consider that the view from the A615 would be very similar to that of viewpoints 10 a – d and 11. As such, the LVIA's findings of slight adverse are appropriate.

122. Viewpoints 12, 13, 14 and 15 are no less than 1.5km away from the site. Phases 1 - 4 would all be visible from these viewpoints. While it would undoubtedly be the case that the proposed development would extend built development further up the northern valley slope than existing development, the proposed development would still be seen in the context of existing development and of Matlock Moor at the top of the slope. As such, although the town's scenic backdrop would alter and reduce in size, the countryside park would form a green break and woodland and Matlock Moor would be retained at the top of the slope. Accordingly, I find that the significance of change would be no more than moderate adverse for these viewpoints. This would be in keeping with the appellant's LVIA findings.

123. Much is made by WAG of the over-engineered layout of housing, the lack of integration with the wider landscape, and the absence of soft landscaping to break up massing of buildings. Furthermore, concern is raised about the dominance and discordancy of the link road and attenuation ponds in Phase 2.

124. The indicative layout of the proposed development has been informed by the site's existing irregular field boundaries and landscape pattern. In addition, vegetation would be retained or enhanced to maintain existing sub-division of areas within the site. The countryside park would form a wide swathe of open space and would be located on the northern part of the site to respond to the site's existing role in separating built-up area from the higher part of the hillside. The attenuation basins would be planted up with vegetation to soften the basins. The link road would be bunded, but planting to the slopes would assist in mitigating any landscape effects.

125. Given the enclosure experienced within the site due to its undulating nature, views of the attenuation basins and link road would be relatively limited, with views of the southernmost basins possible. Over time, this is likely to alter further once planting is fully established. Overall, the site's backdrop of the upper slope up to Matlock Moor and the expansion of housing up the slope would be likely to be more perceptible than the basins and the link road.

126. In order to ensure that appropriate landscaping would be delivered, the proposed development would be subject to a range of conditions securing landscaping, as well as the reserved matters applications for Phases 2 – 4.

127. In respect of landscape effects overall, I find there to be a moderate level of harm, stemming from the more substantial adverse effects on viewpoints 1 – 5 and 17 close to the site.

Levels within Phase 1

128. In addition to landscape impact, WAG has raised detailed concerns about the proposed development's design and layout. WAG highlights the absence of cross-sections and finished road and floor levels with regard to street gradients and the visual relationships between existing housing on Gritstone Road and plots 70 – 78. During the inquiry, there appeared to be less difference between the appellant and WAG than originally thought with regard to the relationship of plots 70 – 74 and neighbouring properties on Gritstone Road. This results from the longer, more generous gardens of 10 – 14 Gritstone Road. I therefore focus on the relationship between plots 75 – 78 and 6 and 8 Gritstone Road.

129. Phase 1's Proposed Site Layout 16-011 P13 Rev. Q sets out the proposed site layout with existing contour levels. Paragraph 4.2.11 of Revised Chapter 4 of the Environmental Statement outlines maximum heights for different types of housing on site, while paragraph 4.2.13 of the same document refers to the likely need to undertake re-profiling of land by up to two metres. The Parameters Plan 323-UW-P-013 indicates the maximum storey heights for residential development areas. Phase 1 Drainage Layout Sheets 1 and 2 (Nos 501 P03 and 502 P03) outline the finished floor levels on Phase 1, and eaves and ridge heights of neighbouring houses on Gritstone Road. The aforementioned Drainage Layout Sheet 2 also shows screen planting to the end of gardens of plots 58 – 78 adjoining the gardens of properties on Gritstone Road.

130. Plots 75 – 78 would have sloping gardens, with plot 78 likely requiring some grading of the rear garden and steps or a ramp to access the rear garden. Plots 75 – 78's sloping rear gardens would adjoin the very short rear gardens of 6 and 8 Gritstone Road. Not only are the gardens at 6 and 8 Gritstone Road short, but they are also at a lower level than the adjacent site. Furthermore, both 6 and 8 Gritstone Road are single-storey dwellings. Although the appellant has put forward single-storey dwellings at plots 75 – 78 to seek to address the properties at 6 and 8 Gritstone Road, the proposed bungalows at plots 75 – 78 would be unduly close to the existing housing at 6 and 8 Gritstone Road and would not take sufficient account of the layout of the existing context.

131. If taking account of the screen planting proposed, this raises different concerns. Not only would it be likely to be managed to differing extents by the occupiers of the relevant plots, but it would fundamentally change the outlook for neighbouring occupiers on Gritstone Road once the trees are fully established. In the case of 6 and 8 Gritstone Road in particular, this layout would not only be out of keeping with the character and appearance of the area, but it would be likely to lead to adverse effects on living conditions, due to loss of outlook, privacy, and potential adverse effects on light. However, this would change over time given the growth of and maintenance to trees and would only affect a few properties. Therefore, in terms of the effect of the levels within Phase 1, I find limited harm.

Layout of Phase 1

132. WAG confirmed at the inquiry that their concerns about layout pertained primarily to Phase 1 and the extent to which Phase 1 would be pedestrian friendly.

133. The National Design Guide (NDG) at paragraph 77 states that a well-designed movement network defines a clear street pattern that is safe and accessible; limits

the impacts of car use by prioritising and encouraging walking, cycling and public transport, mitigating impacts and identifying opportunities to improve air quality; promotes activity and social interaction; and incorporates green infrastructure, including street trees to soften the impact of car parking, help improve air quality and contribute to biodiversity. NDG paragraph 86 also outlines that well-designed parking is attractive, well landscaped and sensitively integrated into the built form so that it does not dominate the street scene.

134. While Phase 1 as designed would clearly allow the movement of vehicles, the proposed development would include pedestrian footpaths adjoining the proposed vehicular routes as well as the enhancements to Sandy Lane. As such, it would allow pedestrian access to the countryside park and neighbouring phases of development as well as the existing built-up area and countryside around Matlock. This would be safe and accessible, would function efficiently, and would encourage walking and cycling.

135. With regard to the linear nature of the housing proposed, this is only certain for Phase 1 as it is subject to a full planning application. However, even if the indicative layout came forward for Phases 2 – 4, the site would be seen in the context of existing housing which also follows a linear form of roads and streets.

136. However, the frontages of many of the proposed houses within Phase 1 would be occupied by parking spaces. While the rows of parking spaces would be broken up in places by tandem parking at the sides of houses, the presence of so many adjoining parking spaces would cause parking spaces and parked vehicles to dominate the streetscene. The majority of soft landscaping would be concentrated around Phase 1's larger attenuation basin. The proposed layout would offer only very limited opportunities for the planting of street trees and other green infrastructure on the streets within Phase 1. This would fail to soften the visual impact of parked cars and would not comply with NDG paragraphs 77 and 86. In terms of the layout of Phase 1 therefore, I find moderate harm.

Trees and hedgerows

137. Considering the difference in levels between the site and the gardens of houses within Bentley Close, WAG's proof of evidence referred to a tree in the garden of 5 Bentley Close. The semi-mature English Oak tree T38 is subject to a Tree Preservation Order. T38 lies outside the site, but was shown as being removed on plan 323-UW-P003 Rev. B. The appellant confirmed in their rebuttal that this was an error and has provided an amended plan[15] which shows T38 as being retained.

138. However, WAG also raised concerns about the health of T38 and other trees and hedgerows within Bentley Close's gardens if the proposed development were to come forward. Indeed, WAG questioned whether some form of retaining wall or gabion wall would be used adjacent to Bentley Close. The appellant has confirmed that there would not be a gabion or retaining wall, though one was previously indicated. Instead, drawing 323-UW-P007 Rev. I Landscape Proposals (Sheet 4 of 4) in the appellant's rebuttal shows a grassed strip on the southern side of Phase 1's smaller attenuation basin and planting following the removal of the proposed gabion wall.

[15] Drawing 323-UW-P-003 Rev. C Existing Vegetation Retention and Removal Plan

139. Although excavation is proposed within T38's root protection zone to create the smaller attenuation basin for Phase 1, the root loss would be at the root protection zone's outer edge. The appellant's arboriculturist's professional judgement is that there would be no unacceptable adverse impacts to T38 or other trees and hedgerows on Bentley Close as long as suitable construction mitigation measures were employed. However, T38 lies close to the Wolds Spring outfall to the rear of 5 Bentley Close. Given the ongoing uncertainty with regard to the effect of the proposed development on flood risk and the need to undertake four-season flow monitoring, it has not been adequately demonstrated that T38 would remain in situ and in good health if the proposed development were to come forward. As such, I find moderate harm in respect of trees and hedgerows in relation to T38 only.

Materials

140. The LVIA describes Matlock as retaining much of its original character, with local stone as the vernacular building material for older housing. It highlights that brick is the predominant building material for newer housing on the upper northern slope. WAG considers that the proposed houses are of a ubiquitous design and choice of materials, with little attention paid to the local vernacular. It is apparent that gritstone, slate and Staffordshire-blue tiles have helped to form much of the town's historic character. I have also seen recent housing at Pingle Rise, Bentley Bridge Road and Cardinshaw Road, where red brick has been used, amongst other materials.

141. Generally, the houses within the aforementioned newer developments with stone facing or render more successfully adhere to their wider context than the red brick houses within the same developments. This is a matter of concern in both long and short views, as it is possible to identify the red brick housing at Pingle Rise from further viewpoints as well as within the town itself. The usage of red brick would appear stark and would not be sympathetic to the area's character and appearance. Accordingly, the palette of materials should better reflect the local vernacular, with stone, render and paler brick. However, this matter could be addressed by means of condition, if necessary. As such, this is neutral in weight.

Hot food takeaway

142. In their evidence on design, WAG opposed the inclusion of a hot food takeaway in the proposed development as the illustrative development masterplan shows the proposed Civic Space close to the proposed children's play area and within walking distance of Highfields School and Cavendish Sports Ground.

143. NPPF paragraph 97 confirms that applications should be refused for hot food takeaways and fast food outlets within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre. The NPPF's Annex 2: Glossary defines town centres as an 'area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance.'

144. Amongst other things, DDLP Policy DS4 states that the scheme should incorporate community facilities including a local centre, proportionate in size to

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serve the needs of future residents of the site. Although the local centre is not shown on the DDLP Policies Map because it does not yet exist, the site's allocation is shown on the DDLP Policies Map and it is the stated intention of DDLP Policy DS4 that any scheme coming forward to deliver the site allocation should include a local centre. As such, I consider that there would not be conflict with NPPF paragraph 97 as the hot food takeaway would fall within a local centre. I therefore find no harm in this respect.

Conclusion on character and appearance

145. Concluding on this main issue, I have found no harm in respect of the hot food takeaway. I have also found the proposed materials to be neutral and I afford limited harm to the effect of the levels within Phase 1. However, I have found that the landscape effects, the layout of Phase 1, and the effect on tree T38 would cause moderate harm. I conclude that the proposed development would cause harm to the character and appearance of the area, with particular regard to the landscape impacts of the proposed development, the layout of Phase 1, the effect on tree T38, and the levels within Phase 1. This would be contrary to DDLP Policies PD1, PD5 and PD6, S1 and S7 and NPPF Chapter 12 as set out above.

d) Highway and pedestrian safety

146. The site adjoins cul-de-sacs at Pinewood Road, Hurker Rise, Far Cross, and Moorfield which link with Wolds Rise, which in turn connects to Cavendish Road and Wellington Street. To the south, Wellington Street is connected to Rutland Street which becomes Bank Road. Wellington Street joins the A632 to the east.

147. Providing vehicular access to Gritstone Road, Wellington Close and Bentley Close, Wolds Road and Sandy Lane join the A632 north of Wellington Street. Wolds Road has a wide junction with a secondary access to several houses south of the junction with the A632. Vegetation at the corner of Wolds Road reduces views of vehicles travelling on the A632 out of Matlock. Given the area's steep topography, the A632 follows a sloping route down towards the centre of Matlock with the brow of the hill close to the Wolds Road junction. The southern gated pedestrian access to Highfields School adjoins the A632 north of Wolds Road and is served by a signal-controlled pedestrian crossing. The existing footway along the A632 is fairly narrow. The school's pedestrian access adjoins a path across a playing field. Bus stops lie north and south of the school's pedestrian access. The school's other access is some distance away from the A632 off Lumsdale.

148. Vehicular access to the proposed development would be via Pinewood Road and Gritstone Road. A link road would be built between the two aforementioned roads. During construction, which is expected to last some nine years, access to the site for construction vehicles would be from Gritstone Road, Wolds Road and the A632.

149. The appellant's Environmental Statement confirms that typical heavy goods vehicle movements for construction would be between 20 to 40 movements per working day, with an additional 14 light goods vehicle movements over the same time period. Some 50 people are expected to be working on site daily and there would be further vehicle movements associated with their arrival and departure. Up to an additional 50 heavy goods vehicle movements per working day would transport surplus soil and contaminated soil away during the two-year period for

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building Phase 1. In Phases 2 - 4, the heavy goods vehicles transporting soil would be intermittent and involve fewer than 20 vehicle movements per operational day.

150. In addition to significantly increased flows of vehicles associated with construction, there would be a significant increase in operational phase traffic flows once the housing is inhabited and the link road is in operation. For Gritstone Road, the traffic flows in the AM and PM peaks are expected to represent a 269% and a 645% increase respectively on the 2030 baseline flows. This is due in part to very low baseline traffic flows. As a result, the existing Wolds Road/A632 junction would be more difficult to cross due to the significant increase in turning movements during both construction and operation of the development.

151. In addition to other off-site highway works, the proposed development would involve the relocation of the A632's existing crossing to the south of the junction with Wolds Road as indicated on plan A091638 35 18 023 Rev A. The proposed footway would connect the relocated crossing to the existing pedestrian access for the school. Condition 15 has been proposed to ensure that the crossing is relocated prior to commencement of the proposed development.

152. The County Council, as the Local Highway Authority, recognises in its 18 January 2024 consultation response that there would be both benefits and disbenefits resulting from the crossing's relocation. Benefits would include students no longer crossing the Wolds Road junction and potential for a minor improvement to the operation of the Wolds Road junction due to removal of pedestrian flows in the AM peak. However, the County Council also recognises that the existing crossing is in an optimum location for forward visibility to the brow of the hill and is well-located for pedestrian trips by existing and future residents of the housing around Wolds Road and the site itself. Notwithstanding this, the County Council has recommended use of condition 15 on this matter.

153. From my observations, the existing crossing is heavily used by students to travel to and from school. Students frequently cross the Wolds Road junction to reach the existing crossing. Many students walk to and from school or walk part of their journey to or from cars or bus stops nearby. Some parents use Wolds Road, Gritstone Road and Sandy Lane to drop off or collect their children from school. Most students used the existing crossing as intended, waiting in groups. However, I saw several potentially risky behaviours exhibited by students and drivers at the Wolds Road junction, which leads me to find that the additional flows of traffic expected during and after construction would likely lead to additional risk to the safety of students, other pedestrians and road users at the Wolds Road junction if an appropriate solution was not found and implemented.

154. Potentially risky behaviours included students crossing between cars queuing at the junction; crossing without checking for traffic turning into Wolds Road; and crossing without checking for traffic turning around and emerging in the secondary access close to the Wolds Road junction. The behaviours were exhibited by students travelling in groups and by students walking alone whilst using headphones and mobile phones. In terms of driver behaviour, I noted frustration on the part of drivers waiting for gaps in traffic. This resulted at times in drivers emerging from Wolds Road to force other drivers to slow down or stop. As such, it is necessary for some action to be taken to address the effect of the proposed development on the Wolds Road junction's safe operation.

155. WAG considers a Grampian condition to be fundamentally inappropriate to secure the delivery of the relocated crossing and new footway, preferring a planning obligation. However, as condition 15 would be negatively worded and would involve the delivery of a crossing and footway on land not controlled by the appellant, this falls firmly within the scope of a Grampian condition as per the PPG[16]. Furthermore, the PPG[17] notes that, where possible, a condition should be used instead of a planning obligation. However, it is necessary for me to consider whether the proposed crossing represents an appropriate solution in this instance.

156. The proposed crossing would replace an existing crossing, which is recognised to be in an optimum location. The proposed crossing would be closer to the brow of the hill than the existing crossing with the associated risk of vehicles not seeing the crossing and its users as early. This would cause greater risk to those crossing the road at the proposed crossing. Furthermore, the proposed crossing's position would fundamentally interfere with desire lines for students wishing to cross the A632, with the potential to lead to risky behaviour. Desire lines would be the shortest routes between the school and the students' eventual destinations and vice versa. Presently, the existing crossing is located at the edge of the school playing field. The proposed crossing would involve the introduction of a new footway along what is presently a road verge, which if not adjoined by barriers, would allow students to cross the road in between traffic flow. This would result in additional risk to the safety of students.

157. The appellant has suggested that guardrails or barriers could be introduced along the proposed footway to prevent students crossing other than at the proposed crossing, but this would give rise to groups of students being penned in along the relatively tight space of the proposed footway whilst waiting to cross. This would be less safe than the current situation where students wait in the school grounds after school finishes and until they can cross the road. The use of guardrails along the proposed footway would not only restrain pedestrians behind barriers, but would also introduce further street furniture into a streetscene already busy with signage indicating the descent into Matlock. This would lead to a proliferation of street furniture in this location. Additionally, some students would still need to cross Wolds Road junction before or after using the proposed crossing, dependent on where they live.

158. The Local Highway Authority has not raised fundamental concerns about the use of condition 15 for the proposed crossing. Although risk assessment would be undertaken as part of any section 278 (Highways Act 1980) process, this risk assessment would be too late in the day after planning permission was granted and would likely result in the aforementioned guardrails or barriers being introduced.

159. I have also considered whether the most appropriate solution could be addressed by use of the construction management condition 8 and condition 34 on deliveries. However, even if further staff were employed during construction to reduce conflict between heavy and light goods vehicles and pedestrians at the Wolds Road junction and delivery times were limited to outside the school travel peaks, the increased traffic flows from the proposed development's operational phase would

[16] Paragraph 21a-009-20140306: When can conditions be used relating to land not in the control of the applicant?
[17] Paragraph 21a-011-20140306: What approach should be taken where the same objective can be met using either a condition or a planning obligation?

not be addressed. As such, other conditions would not satisfactorily address highway and pedestrian safety with regard to the Wolds Road junction.

160. As I consider that the proposed crossing would not represent an acceptable solution to the safety challenges at the Wolds Road junction, it would not be possible to address the negative effects identified through condition 15. Alternative crossing points or other interventions at the Wolds Road junction would need to be the subject of further consideration outside the appeal process.

Conclusion on highway and pedestrian safety

161. In conclusion, it has not been demonstrated that the proposed development would not harm highway and pedestrian safety. Consequently, it would fail to comply with DDLP Policies S3, HC19, HC20 and DS4, and NPPF paragraphs 116 and 117.

162. DDLP Policies S3 and HC19, amongst other things, seek to ensure that the access would be safe and the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development, and that appropriate facilities are maintained and introduced for pedestrians. DDLP Policy DS4 requires improvements to existing routes and development of new pedestrian/cycle routes, while DDLP Policy HC20 seeks to reduce travel by the private car and improve walking facilities.

163. NPPF paragraph 116 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. NPPF paragraph 117 seeks to create places that are safe and minimise the scope for conflict between pedestrians, cyclists and vehicles. Given the unacceptable impact on highway safety, I afford this harm significant weight.

e) Affordable housing

164. It is agreed by the appellant and the Council that the proposed development cannot viably provide affordable housing on site or contributions towards the delivery of affordable housing at this point in time. However, there is dispute between the appellant and the Council as to whether there should be a review mechanism within the legal agreement to allow for monies towards affordable housing provision if viability improves in the future. In contrast, WAG and interested parties consider the lack of affordable housing renders the proposed development unacceptable, irrespective of any review mechanism, due to the absence of certainty or expectation that any affordable housing will be delivered.

165. Notwithstanding the ongoing differences between the appellant and the Council, a review mechanism has been provided within the completed and signed legal agreement. The review mechanism would be triggered on the date that 75% of the dwellings permitted have been occupied. Once triggered, this mechanism would allow for review of actual build costs and sale prices, and potentially secure a proportion of any uplift in profit. The legal agreement includes a clause allowing me to determine whether or not the review mechanism is necessary in planning terms.

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Both the appellant and the Council have provided legal submissions and several legal judgments[18] and I have had regard to these in reaching my decision.

Policy Background

166. NPPF Paragraph 59 confirms that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the case's circumstances, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan came into force. All viability assessments, including any undertaken at plan-making, should reflect the recommended approach in the PPG, including standardised inputs, and should be made publicly available.

167. NPPF paragraph 64 confirms that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution can be robustly justified and the agreed approach contributes to creating mixed and balanced communities. NPPF paragraph 66 expects that where major development involves housing, planning policies and decisions should expect that the mix of affordable housing meets identified local needs.

168. The PPG[19] outlines that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the development's lifetime to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up-to-date plan policies. The PPG goes on to confirm that where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the project's lifetime.

169. On 30 July 2024, the Government issued a Written Ministerial Statement 'Building the homes we need.' This underlines the importance of housing delivery and acknowledges that the nation is in the middle of the most acute housing crisis in living memory. It highlights the vital role of decisions in delivering housing and the need to go further in building a greater share of genuinely affordable homes.

170. When the site was allocated for development, assessment of the site's viability formed part of the Local Plan Viability Study. During the DDLP examination, both the Council and the DDLP Inspector considered that the allocation would be able to deliver policy compliant affordable housing and other infrastructure contributions.

[18] R (Skipton Properties Ltd) v Craven DC [2017] EWHC 534; Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Company Ltd [2017] UKSC 66; R(on the application of Working Title Films Ltd) v Westminster CC and Moxton Street Residential (Luxembourg) SARL [2016] EWHC 1855 (Admin); Borough of Telford and Wrekin v Secretary of State for Communities and Local Government [2013] EWHC 1638; Smyth v SSCLG [2015] EWCA Civ 174.
[19] Paragraph 10-009-20190509: How should viability be reviewed during the lifetime of a project?

DDLP Policy DS4 deals with the allocation off Gritstone Road/Pinewood Road. Amongst other things, it requires provision of the required proportion of affordable housing and an appropriate mix of housing types to meet the community's needs.

171. DDLP Policy HC2 sets out housing and mixed use allocations essential to delivering the DDLP's spatial strategy and vision. HC2(w) Land off Gritstone Road/Pinewood Road refers to 430 homes. If all allocations within this policy came forward and delivered affordable housing at a policy compliant level, some 745 affordable homes would be delivered. If the site delivered a policy compliant level of affordable housing, it would deliver around a sixth of the affordable homes expected from all strategic allocations in this policy.

172. DDLP Policy HC4 seeks to maximise the delivery of affordable housing. It requires residential development of over eleven dwellings to provide 30% of the net dwellings proposed as affordable housing. Where the provision of affordable housing would be below the requirements, the policy requires applicants to provide a financial appraisal to justify a reduced provision.

173. DDLP Policy S7 sets out the development strategy for Matlock, Wirksworth and Darley Dale. Amongst other things, it seeks to provide for housing needs by planning for sustainable housing and mixed use developments by allocating suitable, deliverable housing sites, including appropriate levels of affordable housing to meet local needs.

174. DDLP Policy S10 addresses local infrastructure provision and developer contributions. It does not specifically refer to affordable housing. It does, however, confirm that 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.

175. None of the aforementioned DDLP Policies DS4, HC2, HC4, S7 or S10 refer to any review mechanism following determination of a planning application.

176. The Council has produced a Developer Contributions Supplementary Planning Document (SPD) (February 2020). Although it deals with affordable housing and discusses on-site and off-site provision and financial contributions, no reference is made to any review mechanism following determination of a planning application.

Local Circumstances

177. There is an acute need for affordable housing both nationwide and locally. Indeed, DDLP Key Issue 4 is meeting housing needs, by providing an appropriate range of housing of different sizes, types and tenures, particularly affordable housing and housing for older people. Furthermore, the site is strategically important as it forms one of the larger site allocations in Matlock, the largest town within the district and one of the three market towns at the first tier of the settlement hierarchy.

178. The DDLP recognises that as a result of the high cost of houses and the relatively low incomes of local employees, approximately 100 affordable homes are required annually to meet future needs. Notwithstanding this aim, the Council's Local Planning Authority Monitoring Report 2023/2024 confirms that only eight affordable housing units were completed within the monitoring period and 39 affordable homes received planning permission across three sites within the same period.

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179. As one of the DDLP's largest allocations, the site is strategic in scale. The site would be delivered in four phases. Not only would reserved matters applications need to be submitted for Phases 2 – 4, but the planning permissions would have complex conditions to discharge.

180. Despite being a greenfield site, this is a site with considerable abnormal costs, mainly arising from the attenuation of surface water. It is expected that the proposed development would have a nine year buildout period. Though development viability makes it impossible at present to provide affordable housing within the proposed development viably, viability may fluctuate over time. There may be scope for a review mechanism to secure part of any uplift in profit in the future without compromising a competitive return for the appellant or precluding re-sale or development, given the proposed development's strategic and phased nature, the poor delivery rate, and level of local need for affordable housing. I afford these circumstances substantial weight in favour of use of a review mechanism.

181. Although WAG argues that greenfield sites should deliver affordable housing as it will be more difficult to deliver affordable housing on brownfield sites across the district, including within Matlock, it is necessary for me to consider the specific situation for this site, rather than comparing it to other current allocations or instructing the Council to find alternative allocations, even if this were possible. While WAG considers the site to be an unsuitable site that would not have been allocated had it not been viable during the DDLP examination, I must consider the available evidence at the point of reaching my decision.

182. The aforementioned PPG paragraph 009, though split into two sub-paragraphs under the same paragraph number, should be read as a whole. The first sub-paragraph refers clearly to the need for plans to set out circumstances where review mechanisms may be appropriate. It then confirms that there needs to be clear process and terms of engagement for how and when viability is reassessed. It is agreed that there is no such specific requirement for a review mechanism and clawback provision within the Council's development plan and there is no explanation of how and when such a mechanism would operate, beyond what has been agreed between the Council and the appellant. I attach very substantial weight to the PPG in this regard as a material consideration. I consider that the absence of a clear, consistent and well-tested viability review mechanism in the adopted development plan outweighs the strategic and phased nature of the proposed development in this instance.

183. Several appeal decisions[20] have been provided. The Elmbridge, Harrow, and Stockport appeals found that there was no adopted local development plan policy which indicated a viability review mechanism should be sought. The Harrow and Stockport appeals were also for single phase development. The East Devon appeal was determined in relation to a recently adopted Local Plan which made clear that provision for an overage clause would be sought in respect of affordable housing provision. Though employing different terminology, this is little different from a review mechanism. The Inspector for the West Berkshire appeal also found that there was no development plan, national policy or guidance in place which supported the introduction of an overage clause at that time. Furthermore, an

[20] APP/W0340/S/16/3153625, decision issued 25 November 2016; APP/U1105/W/17/3167556, decision issued 23 August 2017; APP/M5450/W/18/3208629, decision issued 6 August 2019; APP/C4235/W/20/3256972, decision issued 1 April 2021; APP/K3605/W/20/3261529 and APP?K3605/W/21/3270427, decisions issued 16 June 2021.

earlier version of the PPG on viability dating from March 2014 is no longer in place regarding phasing of development. None of these appeals alter my findings.

184. Turning to the three tests for planning obligations at NPPF paragraph 58 and Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations), all three tests must be met. These tests are that the obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

185. DDLP Policy HC4 requires relevant development to deliver 30% affordable housing, unless a financial appraisal can evidence circumstances where reduced provision should be made. The appellant has shown that the level of affordable housing provision should be zero in order to allow the proposed development to proceed. The viability appraisal work has been subject to extensive and robust investigation since 2021 and the Council and appellant agree that the proposed development cannot provide any affordable housing at this time. As such, the total absence of provision or financial contributions towards affordable housing represents the maximum reasonable offer at present. The proposed development has therefore met the requirements of DDLP Policy HC4.

186. Furthermore, the planning obligation to provide the review mechanism is not necessary to make the proposed development acceptable in planning terms and the requirements of NPPF paragraph 58 and the CIL Regulations are not met in respect of that review mechanism. The planning obligation for the review mechanism would therefore not constitute a reason for granting planning permission. While the review mechanism would be directly related to the development and fairly and reasonably related in scale and kind, the first test of being necessary to make the development acceptable in planning terms is not met.

Conclusion on affordable housing

187. Having had regard to the viability review mechanism within the legal agreement, I have found that this is not necessary to make the development acceptable in planning terms. As I have found that the absence of any affordable housing would be appropriate in this particular instance due to development viability, I conclude that the proposed development would not be required to make a contribution towards affordable housing need. Consequently, it would not conflict with DDLP Policies HC4 and S10 as outlined above.

f) Community and infrastructure needs

188. Although the Council, County Council and the appellant have agreed the proposed levels of financial provision towards community and infrastructure, WAG has raised concerns about the extent of contributions, including measures to improve safety for children attending school and other off-site highway improvements. Matters pertaining to the safety of children walking to school have been addressed in the main issue on highway and pedestrian safety, while condition 16 would address road widening off-site.

189. The relevant parties have entered into a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes obligations which would come into effect if planning permission were to be granted. The following

obligations form part of that agreement alongside the provision of Travel Packs to the new homes:

- General Practice (GP) Medical Surgery Contribution of £423,000 for the extension of Lime Grove Medical Practice or Imperial Road Surgery, or for the construction of a new medical practice in the Matlock area;
- Primary School Places Contribution of £1,014,980.50 towards additional education facilities at Castle View Primary School;
- Secondary School Places Contribution of £672,929.40 towards additional education facilities at Highfields School;
- Special Educational Needs and Disabilities School (SEND) Places Contribution of £343,945.02 towards additional SEND school places;
- Bus Contribution of £410,000 for upgrading existing bus stops on the A632 close to Wolds Road junction and enhancement of existing X17 service;
- Library Contribution of £29,809.66 towards library facilities in Matlock;
- Area Wide Travel Planning Contribution of £267,000;
- Travel Plan for New Dwellings Contribution of £289,332 for bus passes;
- Travel Plan Management Fee Contribution of £7,500 for managing and administrating the Travel Plan;
- Travel Plan Monitoring Fee Contribution of £10,560 for Travel Plan monitoring;
- Sandy Lane Public Right of Way (PRoW) Improvement Contribution of £86,204.44 to deal with additional pressures for walking and cycling;
- District Council's Monitoring Fee of £4,620;
- County Council's Monitoring Fee of £1,155.

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190. I have considered the obligations in light of the three tests at Regulation 122(2) of the CIL Regulations and NPPF paragraph 58. Though WAG raises concerns about the reduction of the County Council's required contributions towards school places, no detailed evidence has been provided to explain what these concerns comprise.

191. The contributions towards the GP medical surgery, library, primary and secondary schools and SEND would all meet the three tests as they would all address the increased population from the proposed development. Although WAG questioned the phasing triggers for provision of monies towards school places, this reflects the County Council's forecasting of when additional school places would be needed and appears reasonable. The same could be said of healthcare provision. With regard to the provision of Travel Packs and contributions towards bus services, travel planning, and enhancements to the PRoW, these contributions would all meet the tests and would be necessary to encourage sustainable travel. Monitoring and administration fees would also pass the three tests and would ensure delivery of relevant infrastructure.

192. WAG highlights that if no provision is made for affordable housing, in the event that service providers are unable to deliver new infrastructure, those financial

contributions should be diverted to support affordable housing provision. The expectation is that the Council and service providers would spend the allocated monies on relevant infrastructure if the proposed development was delivered. It is for the authorities to spend those monies responsibly on relevant infrastructure within appropriate timescales. Normal practice is that any unspent monies revert to the developer after an agreed period. There is no allowance within the legal agreement to divert any unspent monies towards affordable housing. Such an allowance would not be consistent with my findings that the requirements of DDLP Policies HC4 and S10 have been met in respect of affordable housing.

193. In conclusion, the proposed development would make an appropriate contribution towards community and infrastructure needs. Furthermore, with the exception of the review mechanism addressed in the main issue on affordable housing, the planning obligations within the legal agreement would meet the tests set out in Regulation 122(2) of the CIL Regulations and NPPF paragraph 58 and would be consistent with DDLP Policy S10 and the Council's Developer Contributions SPD, which seeks to secure provision of infrastructure when new development comes forward. It would also be compliant with DDLP Policy DS4 which deals with the site allocation of Land off Gritstone Road and Pinewood Road. Amongst other things, this requires developer contributions towards infrastructure, education, and community services.

Other Matters

194. DDLP Policy DS4 requires consideration of the impact of the proposed development on the setting of heritage assets, including the Grade II listed Wolds Farmhouse and the identification of appropriate mitigation measures. A desk and field-based archaeological assessment, including the identification of appropriate mitigation measures, is also required.

195. Located at the south-eastern end of the site, the Matlock Bank Conservation Area's significance stems from its development, largely in the late 19th century, as an area housing a range of hydropathic establishments. As the site is located further up Matlock Bank than most of the conservation area and is viewed in the context of wider residential development along and north of Cavendish Road, no key views from the conservation area would be affected. I consider that the proposed development would not cause harm to either the significance or the setting of the conservation area.

196. The Wolds Farmhouse is a two-storey stone farmhouse with stone tiled pitched roof, coped gable ends and end chimneys. The farmhouse's eastern end has a date plaque for 1634, while the farmhouse's western end dates from the early 18th century. There have been 19th and 20th century alterations and additions. Its significance lies in its architectural and historical interest, but also in its setting which has been much altered over time.

197. Historically, the farmhouse would have stood in an isolated position above the town, but in the 19th and 20th centuries development encroached on Matlock Bank and land to the south and west of the farmhouse and its ancillary buildings was built on. However, the site's open land to the north and east remains in use as farmland, providing a positive context for the designated heritage asset. Notwithstanding the outline nature of Phases 2 – 4, the farmhouse's setting would experience change with the introduction of housing to the north and east. With landscaped buffers and

the provision of the countryside park to mitigate the introduction of housing within the site, the proposed development would result in less than substantial harm to the Grade II listed farmhouse. This would be of a minor magnitude.

198. Interested parties raised a wide range of concerns, some of which have been addressed in the main issues above. Other concerns have not been addressed in detail given my overall decision on this appeal.

Heritage balance

199. Consistent with NPPF paragraph 215, it is necessary to weigh the minor level of less than substantial harm to the significance of the Grade II Wolds Farmhouse against the public benefits. The proposed development would deliver up to 423 homes towards local housing supply where no five year supply currently exists. It would also deliver a local centre on one of the DDLP's strategic site allocations in a relatively sustainable and accessible location. It would contribute to the diversification of housing mix for market housing in Matlock. Together, I give these factors significant weight. In addition, there would be increased economic activity during both construction and operational phases of the proposed development. This would have moderate weight. With regard to provision of a countryside park with improved public access to the site and the scope for some biodiversity net gain, together these factors have moderate weight. I have not found there to be a benefit relating to the sustainable drainage provision, given the concerns I have outlined above.

200. All the above benefits can be regarded as public benefits. Those relating to the delivery of market housing and the local centre alone are sufficient to outweigh the harm to significance notwithstanding the considerable importance and weight I have afforded to that harm. Although NPPF paragraph 212 indicates that great weight should be afforded to the asset's conservation, there is clear and convincing justification for the harm to the designated heritage asset as required by NPPF paragraph 213.

201. As a result, the proposed development would have an acceptable effect on the significance and setting of the Grade II Wolds Farmhouse and so would accord with DDLP Policies DS4 and PD2 and NPPF paragraphs 212, 213, and 215. DDLP Policy PD2 seeks to protect the historic environment.

202. Although the heritage balance has been passed, it is necessary to include the minor harm to the designated heritage asset of the Grade II listed Wolds Farmhouse in the overall planning balance below.

Planning balance

203. It was a matter of some discussion during the inquiry that WAG's evidence did not refer to a planning balance. While WAG's advocate took the view that assessing factors in favour or against a scheme and making a judgement on the balance based on those factors is the responsibility of the decision-maker, it is generally helpful for Inspectors to have an understanding of all relevant parties' positions regarding the harms and benefits of a proposal.

204. The main parties agree that the district does not have a five-year housing land supply. The Council's most recent Monitoring Report (2023/2024) indicates that the

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Council's supply of housing from 1 April 2024 to 31 March 2029 stands at 1.36 years. The Council has accepted that this extent of shortfall is substantial.

205. The appellant's and Council's position (subject to my findings on the viability review mechanism) is that NPPF paragraph 11 c) is engaged in terms of approving development proposals that accord with an up-to-date development plan without delay. However, the lack of housing land supply indicates that NPPF paragraph 11 d) applies and the policies which are most important for determining the application are out-of-date with regard to NPPF footnote 8.

206. With regard to NPPF paragraph 11 d) i) and the application of policies in the NPPF that protect areas or assets of particular importance, the heritage balance has been passed. This does not therefore provide a strong reason for refusing the development proposed. However, given the weight I have afforded to the harm in terms of flood risk and the emphasis placed on only allowing development in areas at risk of flooding when the criteria in NPPF paragraph 181 can be met, this provides a strong reason for refusing the appeal. Therefore, the presumption of sustainable development does not apply.

207. I have found that there would be minor weight in terms of harm to heritage assets. There would be significant weight to the harm to biodiversity, with particular regard to rush pasture translocation. In relation to character and appearance, there would be harms pertaining to landscape character, levels and layout in Phase 1, and trees. These harms would be moderate in weight with the exception of the levels which are afforded limited harm. I also give significant weight to the harm to highway and pedestrian safety. Finally, I afford substantial weight to the harm in relation to flood risk in terms of mitigation and attenuation by means of sustainable drainage. The matters of affordable housing and community and infrastructure provision are neutral in weight.

208. In conclusion, the proposed development would give rise to a number of negative effects as outlined above and would conflict with several DDLP policies as a result. While significant weight can be given to the benefits of the proposed development outlined in the heritage balance in their totality, these benefits do not outweigh the harm I have found. The proposed development would therefore be contrary to the development plan taken as a whole, and there are no material considerations to indicate that planning permission should otherwise be granted. As such, the appeal fails.

Conclusion

209. For the reasons set out above, and having had regard to all other matters raised, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR

Appearances

For the Appellant

Gwion Lewis	King's Counsel, instructed by Claire Saffer, gunner*cooke* llp
Jamie Cassie HNC Civil Engineering, MCIHT	ADC Infrastructure Limited
John Dickinson BSc (Hons), Dip TP, MA, MRICS	Dickinson Planning Limited
Steve Frazer BA (Hons) Landscape Design with Town Planning, Dip LA, Chartered Landscape Architect	Urban Wilderness
Ian Hilton MEng (Hons), Civil and Structural Engineering	Tetra Tech
David Pendle BA (Hons) BTP MRTPI	Partner, Marrons
Claire Saffer	Instructing Solicitor, gunner*cooke* llp
Nigel Simkin MRICS MRTPI RICS Registered Valuer	Highgate Land and Development
Ellie Smith	William Davis Limited
Steven Weber BSc (Hons) MCIIEM MArborA	Ramm Sanderson

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For the Council

Tom Cosgrove	King's Counsel
John FitzSimons	Counsel
	Both instructed by James Cunningham, Solicitor, Derbyshire Dales District Council
Steven Buffery	Strategic Planning Manager, Derbyshire County Council
Stuart Evans	Partner and Solicitor, Anthony Collins
Paul Instone MRTPI	Director, Applied Town Planning Ltd
Howard Keeble BEng MPhil BSc, Chartered Civil Engineer, Chartered Water and Environmental Manager,	Technical Director, JBA Consulting

Chartered Scientist, and Chartered Environmentalist.	
David Newham MRICS	Registered Valuer and Director, CP Viability Ltd
Shaun Robson MRTPI	Interim Development Manager, Derbyshire Dales District Council
Daniel Shipley	Graduate Planning Apprentice, Derbyshire Dales District Council

For the Wolds Action Group

Roger Yarwood	Managing Director, Roger Yarwood Planning Consultant Ltd
Julie Atkin	Secretary, Wolds Action Group
Rob Atkin	Member, Wolds Action Group

Interested Parties

Dr Adam Aitken	University of Salford
John Ashby	Local resident
David Ball	Local resident
Roger Bilton	Local resident
Karen Bradley	Campaign to Protect Rural England (CPRE) Derbyshire
Sharon Briddon	Local resident
Heather Clifton-Smith	Local resident
David Elsworth	Local resident
Jenni Fellows RN	Local resident
Sarah Halliwell	Local resident and Labour Candidate for Matlock for Derbyshire County Council
Councillor David Hughes	Matlock Town Council and Councillor for Derbyshire Dales District Council
Councillor Joanne Linthwaite	Flood warden and Councillor for Derbyshire Dales District Council
Christine Martin	Local resident
Professor Stephen Martin Hon FSE FI Env Sci FRSB WWF Fellow.	Honorary Professor, University of Nottingham, founder and co-Chair Derbyshire Dales Community Energy Ltd, member of the Wolds Action Group,

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	local resident, President and co-founder of the sustainability charity Change Agents UK.
Joanne Shimmin	Local resident
Councillor Steve Wain	Flood warden and Councillor for Derbyshire Dales District Council
John Whitby MP	Member of Parliament for Derbyshire Dales
David Wright	Local resident
John Youatt	Local resident

Documents submitted during and after the inquiry

ID1	Appellant's opening statement
ID2	Council's opening statement
ID3	Wolds Action Group's opening statement
ID4	Jenni Fellows' statement
ID5	Sharon Briddon's statement
ID6	Karen Bradley's statement on behalf of CPRE Derbyshire
ID7	Roger Bilton's statement
ID8	Christine Martin's statement
ID9	Peter Wild's statement (Statement read by Christine Martin)
ID10	Councillor Steve Wain's statement
ID11	David Ball's statement
ID12	Supporting information to David Ball's statement
ID13	Dr Steve Martin's statement
ID14	Dr Adam Aitken's statement
ID15	John Youatt's statement
ID16	Councillor Jo Linthwaite's statement
ID17	Councillor David Hughes' statement
ID18	Joanne Shimmin's statement
ID19	Steve Baker's email (Archaeologist, Derbyshire County Council) dated 11 March 2025 with Sanderson's Map of 25 Miles Around Mansfield (1835)
ID20	Note of correction by the appellant relating to CD9.5 dated 12 March 2025 and amended plan A091658 35 12 551 Rev N

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ID21	A632/Gritstone Road/Wolds Road Improvements Plan A091638 35 18 023 Rev A
ID22	Councillor David Hughes' Comments on CD5.2.pdf Statement of conditions
ID23	Gritstone Road Site Visit Itinerary
ID24	Amended Community Infrastructure Levy Compliance Statement for Derbyshire County Council
ID25	Draft final legal agreement received 14 March 2025
ID26	Flood Risk Sequential Test for Land Between Sandy Lane, Bent Lane and Gritstone Road, Matlock dated March 2025
ID27	David Wright's statement
ID28	Final draft legal agreement dated 17 March 2025
ID29	ADC Infrastructure Ltd Note regarding Crown Square junction mitigation
ID30	HM Land Registry Office copy entries and plans DY254420; DY255585; DY255586; and DY455614
ID31	Final draft legal agreement dated 18 March 2025
ID32	List of appearances for the appellant
ID33	Response to Inspector's Questions – Flood Risk Sequential Test received on 7 April 2025
ID34	Council's Second Note on Sequential Testing received on 2 May 2025
ID35	Response by Wolds Action Group to the Appellant's Sequential Test and answers to the Inspector's questions received on 2 May 2025
ID36	Appellant's Response to the comments of WAG on the Appellant's Flood Risk Sequential Test and related answers to the Inspector's questions received on 2 June 2025
ID37	List of appearances for the Council
ID38	Final draft legal agreement dated 23 June 2025, Figure 1.1a Site Location Plan, Plan 2
ID39	Updated list of appearances for appellant
ID40	Draft conditions dated 25 June 2025
ID41	Wolds Action Group's comments on draft conditions
ID42	Draft conditions dated 26 June 2025
ID43	Exchange of emails dated 14 January 2025 regarding rush pasture translocation
ID44	John Ashby's statement
ID45	David Pendle, Statement of qualifications and experience

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ID46	Letter from Baroness Taylor of Stevenage, Parliamentary Under-Secretary of State for Housing and Local Government to John Whitby MP regarding housing numbers and the presence of National Parks.
ID47	Appellant's note with regard to connection to public sewer
ID48	Severn Trent Water Public sewer or lateral drain connections guidance notes
ID49	Wolds Action Group's closing statement
ID50	Council's closing statement
ID51	Appellant's closing statement
ID52	Mead Realisations Limited v. the Secretary of State for Levelling Up, Housing and Communities, North Somerset Council and Redrow Homes Limited v. the Secretary of State for Levelling Up, Housing and Communities, Hertsmere Borough Council [2024] EWHC 279 (Admin)
ID53	Signed and completed legal agreement dated 1 August 2025

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