

Chapter 3: The Environment

Introduction

3.1 A key objective of planning is to protect the environment, by maintaining its quality and wherever possible enhancing its value. There is increasing public awareness of the importance of conserving wildlife habitats and the built heritage, and the need to follow the principles of sustainable development with regard to such matters as energy conservation.

3.2 The concept of sustainable development has been a key theme in central government advice since the United Nations Earth Summit at Rio in 1992. Sustainable development involves taking account of how local activities have an impact on global environmental factors, and the well being of future generations. Sustainable development is usually defined as “Development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. The UK Sustainable Development Strategy (1994) has provided an important basis for local government action. The Council’s Local Agenda 21 initiative, now incorporated in the Community Strategy, has helped to promote sustainable activities at a local level and the Local Plan can play a complementary role by encouraging built development and land usage which embraces the concept of sustainability.

3.3 Government Planning Policy Guidance Note (PPG) references are highlighted in the section below. The combined effect of these gives greater emphasis to environmental protection

and enhancement, and to sustainable development.

3.4 The Nottinghamshire Structure Plan Review, which was adopted in November 1996, contains policies on environmental issues including renewable energy and energy efficiency which are broadly in line with central government policy.

3.5 Additional information is also available from sources including the East Midlands Renewable Energy Planning Study, Government advice concerning air quality, the Nottinghamshire Landscape Guidelines and the Local Biodiversity Action Plan for Nottinghamshire.

3.6 These changes in the policy context and in the extent of available information enable this Plan to take a more comprehensive approach to environmental issues than before. The Plan therefore contains a range of policies to deal with a variety of sustainable environment issues.

3.7 As the large majority of the community live in urban areas it is essential that planning policies are designed to protect valuable features of the built environment, and encourage a high standard of urban design in new developments.

3.8 Above all, new development must be sensitive to its surroundings and take into account the character of the locality. It must be designed to perform efficiently, to cater for the needs of all sectors of society, and to address concerns about reducing crime wherever possible. It must achieve an efficient use of land, bearing in mind the overall aim of sustainability.

3.9 There are extensive stretches of attractive countryside in the central and northern parts of the borough, and smaller but important areas of countryside in the south. Agriculture continues to be an important land use: farms are mixed in character, with arable and livestock, but with livestock predominating on the pasture land in the Erewash Valley areas to the west. There may be pressures for increasing diversification of activities on agricultural land, which will be guided by Green Belt policies.

3.10 Although particular local plan policies protect special areas for their visual or wildlife value, the most significant general countryside policy in Broxtowe is the Green Belt, which has traditionally covered all the open countryside within the borough. Review of the Green Belt boundary forms an important part of the local plan review process. Account has been taken of the purposes of Green Belt, and the potential effect on these purposes of expanding certain urban edges.

3.11 Aspects of the countryside which relate to mineral working cannot be dealt with by this local plan, as planning legislation requires separate Minerals Local Plans which are the responsibility of county councils. Opencast coal has been worked extensively in the past and remains the most likely mineral resource in the borough to be subject to new proposals. Policies to address the environmental issues are set out in the adopted Nottinghamshire Minerals Local Plan. Large parts of the borough's rural areas are close to residential property or are identified as being of environmental or wildlife value through specific policies. These areas comprise some of the most attractive and varied countryside around

Nottingham. For these reasons, it is unlikely that the Borough Council would consider that substantial opencasting could be made acceptable within the borough. Policies in the Broxtowe Local Plan will be an important material consideration for the County Council to take into account in reaching decisions on minerals planning applications that affect the borough.

3.12 Waste disposal and other waste management development are County matters and like minerals are dealt with by the County Council. A separate Waste Local Plan, prepared jointly by the County and City Councils, was adopted in 2002. It identifies an area of search for a general waste transfer station at Newmanleys Road, Eastwood, on an allocated employment development site.

BACKGROUND TO THE PLAN'S POLICIES

Government Guidance

3.13 PPG1 'General Policy and Principles' (1997) gives high priority to the concept of 'sustainable development' and to the protection of the environment. It refers to the importance of clean air, in the context of the need to locate new development so as to minimise the need to travel and maximise the ability to use public transport.

3.14 PPG1 emphasises the need for good design and to use built-up areas more efficiently, in line with the principles of sustainable development. Various related issues arise from the desire to use land more efficiently, including the potential for areas of mixed uses, the need to exploit any "brownfield" sites, the need to achieve higher densities while maintaining good

design, and the need to avoid “town cramming”. The PPG also confirms the link between good design and crime prevention.

3.15 PPG22 “Renewable Energy” (1993, replaced by PPS22 in 2004) states that plans should contain policies for developing renewable energy sources. It advises that authorities should consider the immediate impact of renewable energy projects on the local environment and their wider contribution to reducing greenhouse gas emissions.

3.16 PPG23 ‘Planning and Pollution Control’ (1994) states that plans should include policies for potentially polluting development, criteria for assessing applications for such development and policies for development on, and remediation of, existing contaminated and derelict land. Authorities are encouraged to bear in mind the need for developments that are potentially polluting whilst also considering the possible impacts on health, environment and amenity. The environmental consequences of former land uses should be assessed, as should the suitability or otherwise of former landfill sites for development. Advice on waste disposal is also provided; however most matters relating to this subject will be dealt with by the County Council and/or the Environment Agency.

3.17 PPG24 ‘Planning and Noise’ (1994) states that plans should contain policies concerning noisy types of development and measures which may be required to mitigate noise impact. Plans should also ensure that noise-sensitive developments are located away from noise sources. Attention should be given to noise exposure categories for assessing residential applications and to the assessment of

noise from industrial and commercial developments.

3.18 DETR Circular 15/97 gives guidance on air quality management and accompanying guidance notes relate the issue to traffic management and land use planning. These documents emphasise the importance of the planning system in guiding the location of new development to reduce the need to travel and promote transport choice. They stress the need for a corporate and multi-disciplinary approach to air quality management. Air quality reviews and action plans are proposed; these would be separate from local plans but linked and complementary to them.

3.19 PPG15 ‘Planning and the Historic Environment’ (1994) emphasises the importance of protection for all aspects of the historic environment, including conservation areas, listed buildings and their settings.

3.20 The PPG says that the Plan should set out the authority’s policies for the preservation and enhancement of the historic environment and the factors that will be taken into account in assessing different types of application.

3.21 PPG16 ‘Archaeology and Planning’ (1990) sets out government policy on archaeological remains, and how they should be preserved or recorded. It gives advice on the importance to be assigned to archaeological remains in making decisions on planning applications.

3.22 PPG2 ‘Green Belts’ (1995) reaffirms the purposes of Green Belt, which are listed as:

- to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

3.23 In addition, the PPG provides guidance about infill developments and extensions to buildings within the Green Belt, and the circumstances in which Green Belt may cover a whole small settlement.

3.24 PPG7 'The Countryside – Environmental Quality and Economic and Social Development' (1997, replaced by PPS7 'Sustainable Development in Rural Areas' in 2004) confirms the importance of protecting the whole countryside rather than concentrating only on designated smaller areas such as Mature Landscape Areas. In Broxtowe overall protection has generally been achieved through Green Belt policies in any case. The PPG gives guidance on the acceptability of converting agricultural buildings to accommodate rural businesses.

3.25 PPG9 'Nature Conservation' (1994) emphasises the need to establish a hierarchy of protection by the wording of policies relating to conservation sites of local importance, through to nationally recognised designations. It also advises on policies about species protection.

Nottinghamshire Structure Plan Review

3.26 Policy 10/3 states that proposals for the development of renewable energy sources will be permitted

provided that they meet various environmental, safety and other criteria. Particular attention will be given to the local supply advantages and wider benefits that the proposal may bring.

3.27 Policy 10/4 states that in considering proposals for all major new development, preference will be given to those which incorporate energy efficient layouts, designs and heating schemes and which exploit the potential of renewable energy sources.

3.28 Policy 11/1 protects river floodplains from development which would increase the risk of flooding.

3.29 Policy 11/2 protects groundwater resources from development that would lead to the infiltration of harmful pollutants.

3.30 Policy 11/4 states that development proposals which would be sensitive to sources of potential nuisance or pollution will only be approved where the level of risk is acceptable or can be successfully mitigated. The policy also states that proposals for potentially polluting developments will only be permitted after a full assessment of risk levels and that local plans will, where appropriate, specify development control criteria which may indicate minimum separation distances.

3.31 Policy 12/1 sets out criteria for assessing waste management proposals whilst policy 12/2 supports the reclamation of derelict and degraded land. The informal policy 12/B commits the County to undertaking some reclamation works themselves, subject to the availability of grants.

3.32 Policy 3/H is an informal policy which sets a maximum recommended road traffic noise level for new residential development.

3.33 The Structure Plan includes policies (3/20, 3/21) which set out criteria for assessing the environmental impact of new and existing industrial and commercial development. Policy 3/21 lists measures that can be taken to make existing industrial areas more efficient and attractive places in which to work.

3.34 Policy 3/19 states that where activities cause serious environmental intrusion within residential areas, their expansion or intensification will not be permitted. Provision may also be made for relocating these activities.

3.35 Policy 3/16 states that areas of poor environmental quality will be improved.

3.36 Policy 3/17 sets out the provisions for protecting and enhancing the historic and architectural character of the urban environment, covering conservation areas and listed buildings.

3.37 Policy 3/22 refers to utility installations needing to be integrated with surrounding land uses and the landscape.

3.38 Policy 3/2 states a presumption against inappropriate development in the Green Belt and identifies what constitutes "appropriate development". Paragraph 13.37 comments that much Green Belt land in Broxtowe is of a "particularly sensitive nature" in terms of containing the spread of the urban areas and of preventing urban coalescence.

3.39 Policy 3/3 states that certain areas of the county will be given special protection to conserve their landscape and other environmental qualities; these include Mature Landscape Areas.

3.40 Policy 3/4 protects ancient monuments and sites of archaeological importance.

3.41 Policy 3/6 sets out the relationship between development proposals and nature conservation, in particular regarding protected species. Policy 3/7 deals with proposals affecting designated nature conservation sites. Policy 3/9 confirms the protection of ancient woodlands and amenity woodlands.

3.42 New wildlife areas are encouraged by Policy 3/8, and proposals for new areas of woodland should be assessed against criteria listed in Policy 3/10. Woodland planting within the Greenwood Community Forest area is promoted by policy 3/11.

3.43 Policies 3/12, 3/14 and 3/15 deal with the need to reclaim land to its former state, whether woodland or agricultural, after mineral workings or temporary uses.

3.44 Policies 3/13 protects "best and most versatile" agricultural land from development, and protects farm units from severance, "except where there is no reasonable alternative".

3.45 Policies 7/1 and 7/3 give guidance on the location of different types of recreation activity that can take place in the countryside. Policy 7/4 encourages the retention and improvement of recreational routes in the countryside, including rights of way and Greenways.

The 1994 Broxtowe Local Plan

3.46 The 1994 Plan contained policies concerning the environmental effects of non-residential development, energy-efficient transport systems and the reclamation of derelict land. The changed policy context and the availability of more detailed information provides the opportunity to develop these policies and expand the range of topics covered.

3.47 The 1994 Plan included policies for the urban and rural environments under various chapter headings. It was considered more convenient to combine together these various policy issues within an environment chapter, in order to emphasise the common approach to be taken on the need to ensure high standards of design, and good accessibility by public transport, pedestrians and cyclists, in line with sustainability principles.

3.48 The 1994 Plan included three designated mixed use areas where it was considered important to minimise further spread of commercial use. It has been decided that other policies adequately deal with this issue, and that it is no longer necessary to define them, or use the 'mixed use' terminology which, in line with central government advice, is now likely to be applied to a planned grouping of adjoining compatible uses in new development.

Other policy background

3.49 The Department of Trade and Industry commissioned the 'East Midlands Renewable Energy Planning Study' (1996), which assesses the potential for renewable energy initiatives in each part of the region. The study indicates that renewable energy has the potential to provide

approximately 25% of Nottinghamshire's current electricity consumption. The majority of this could be provided by solar energy, in particular through 'passive solar design' for individual buildings. A significant contribution could also be made by energy crops, particularly short rotation coppice. In 2003 the Government produced an Energy Policy White Paper and regional guidance was issued which sets a target for each major grid-connected renewable technology.

3.50 The County Council has produced guidance on rural environmental issues in the form of the Nottinghamshire Landscape Guidelines (1997). These provide some guidance on assessing the impact of development proposals on the natural and built character of different Countryside Areas in the county as well as other suggested initiatives that do not involve development proposals.

3.51 The Nottinghamshire Biodiversity Action Group (a partnership of eight local and national organisations) also produced the Local Biodiversity Action Plan for Nottinghamshire (1998).

3.52 The Strategic Plan for Greenwood (2000) is a non-statutory document providing a framework within which local authorities, landowners and managers are encouraged to operate. It identifies strategies to achieve the community forest and highlights its links with planning proposals.

Aims and Objectives

Aims

3.53 The strategic aims of the Local Plan which relate to the environment are:

- encouraging accessibility by means of transport other than the private car and minimising the need to travel;
- protecting and enhancing the urban and rural environments;
- adopting the principles of sustainability.

Objectives

3.54 The Council's objectives with regard to environmental issues are derived from the strategic aims and are:

- e/a - Minimise the use of energy, particularly non-renewable energy
- e/b - Conserve natural resources and encourage the use of renewable resources
- e/c - Maintain and improve air and water quality
- e/d - Protect the living environment of local residents
- e/e - Protect the health and safety of occupants of new development
- e/f - Ensure high quality design for all new development
- e/g - Protect the character and amenity of existing residential areas

e/h - Preserve and enhance the character of the conservation areas and protect listed buildings and sites of archaeological and historic interest

e/i - Ensure that new developments incorporate appropriate standards of highway design and parking provision

e/j - Ensure improved facilities for disabled people in public areas, including shops and the shopping environment

e/k - Reduce the incidence of crime through improved urban design

e/l - Support traffic calming measures in sensitive areas to exclude unnecessary through traffic

e/m - Add to the colour and variety of existing communities

e/n - Encourage mixed development where appropriate

e/o - Maintain the principle of Green Belt protection for the countryside, and reaffirm the criteria for assessing the acceptability of development proposals in the Green Belt

e/p - Identify and safeguard landscape and ecological areas of recognised significance

e/q - Improve and extend opportunities for public access into, and enjoyment of, the countryside

- e/r - Promote appropriate agricultural diversification and recreational uses in the countryside
- e/s - Provide opportunities for enhancement of derelict or other underused land and buildings
- e/t - Protect the countryside from inappropriate development
- e/u - Protect the best and most versatile agricultural land from inappropriate development

3.55 The policies in this chapter are intended to work towards implementing these objectives.

POLICIES FOR THE ENVIRONMENT

GOOD DESIGN

3.56 This policy is the main reference point for considering the quality of design of development proposals. It encourages the design of new development to be to a high standard when judged against these criteria, which accord with the approach set out in PPG1 (paragraphs 15-16), although not all the criteria will be relevant to every application. This policy applies to all kinds of development, including new buildings, extensions, fences and other structures in both urban and rural areas. In criterion e) "a high standard of architectural design" will be assessed with regard to the character of neighbouring buildings and the surrounding area.

3.57 For shop units, new shop fronts, signage or security shutters, additional policies are included in the shopping chapter (policies S8-S10).

3.58 In the case of new housing or extensions or alterations to dwellings, the design must also take into account other relevant policies contained in the housing chapter (policies H9-H11). Development in conservation areas, or involving listed buildings, must respect the relevant policies in this chapter (policies E3, E5, E6).

3.59 This policy is designed to implement objectives e/f, e/j and e/k and accords with Structure Plan policy 3/16 and waste minimisation and recycling measures which have wide policy foundation.

E1 Planning permission will not be granted for development which does not include each of the following criteria where relevant:

- a) The creation or retention of a high standard of amenity for all users of the new development and occupiers of neighbouring property;**
- b) Design features to enable safe and convenient use of buildings and facilities by people with limited mobility;**
- c) Measures to assist in waste minimisation and recycling;**
- d) A safe and secure environment, where necessary including crime prevention features;**
- e) A high standard of architectural design in terms of scale, mass and materials;**
- f) Respect for the character of the setting of the proposed development;**
- g) A high standard of landscaping;**
- h) A high standard of design of open spaces within the development, where provided;**
- i) Safe and convenient access for vehicles,**

**cyclists and pedestrians;
and**

- j) Sustainable techniques to minimise the impact of surface water discharges.**

ENERGY-EFFICIENT DESIGN AND LAYOUT

3.60 Energy-efficiency can be achieved through “Passive Solar Design” (PSD) which uses a building’s form and fabric to capture, store and distribute the solar energy which it receives. PSD has the potential to make a major contribution to replacing the use of fossil fuels for lighting and heating. There will be consequent financial benefits for occupants and if appropriate measures are taken at the design stage the additional development costs may be minimal. Benefits can be gained, for example, by ensuring that major windows face south and are not overshadowed by other buildings or trees. Other measures, such as internal layout and type of glazing, may not be subject to planning control but should also be carefully considered at the design stage. The Council has collaborated with other organisations in Nottinghamshire to produce guidance for householders and developers concerning energy-efficient design and layout, under the title “Sustainable Developer Guide”.

3.61 This policy will be applied to all development, including those on ‘greenfield’, redevelopment and ‘infill’ sites. It will apply to new buildings, conversions and extensions.

3.62 This policy is designed to implement objectives e/b and e/c and accords with Structure Plan policy 10/3.

E2 Planning permission will not be granted for development unless the applicant has demonstrated that the issues of energy-efficient design and layout have been addressed.

DEVELOPMENT WITHIN CONSERVATION AREAS

3.63 Fourteen conservation areas have been designated within the borough, which the Council considers are of special architectural or historic interest with a character or appearance which should be preserved or enhanced. The policy lists the factors to be taken into account for various types of proposal in conservation areas. This will enable rigorous attention to be paid to the appropriateness of development in the borough's conservation areas. A detailed scheme of development will be required for proposals in a conservation area, in order to allow proper assessment. Particular regard will be taken of such matters as scale, height, massing, respect for the traditional pattern of frontages, window openings and the nature and quality of materials. The development should also respect open spaces, road and footpath patterns, important viewpoints, trees and other features which contribute to the character of the area.

3.64 Opportunities for enhancement within conservation areas will be taken, wherever possible, within and outside the development control process, including environmental improvements, highway maintenance and listed building repairs.

3.65 During 1994-96 the borough's fourteen conservation areas were re-appraised and guidance leaflets distributed to all occupiers within their boundaries. In five cases, boundary

changes were made and at Cossall an Article 4(2) Direction was made which restricts agricultural development normally allowable as 'permitted development' in order to maintain the characteristic hilltop setting of the village.

3.66 The borough's conservation areas are listed below, described in Appendix 5 and shown on the Proposals Map:

- Attenborough Village
- Attenborough, Barratt Lane
- Beeston, St John's Grove
- Beeston, West End
- Bramcote
- Brinsley
- Chilwell
- Cossall
- Eastwood
- Kimberley
- Nuthall
- Stapleford, Church Street
- Stapleford, Nottingham Road
- Strelley

3.67 This policy is designed to implement objective e/h and accords with Structure Plan policy 3/17.

E3 Planning permission will only be granted for development within or in the vicinity of a conservation area which preserves or enhances the character and appearance of the area having regard to its location, scale, design and materials

DEMOLITION WITHIN CONSERVATION AREAS

3.68 Although planning permission is not required for demolition within a conservation area, 'conservation area consent' may be needed. This is an

area where development and conservation issues are linked and therefore need to be addressed together. Conservation area consent will only be granted in exceptional circumstances where, for instance, a building makes little or no contribution to the character or appearance of the conservation area. In these circumstances it will also be necessary to ensure that redevelopment takes place within a specified period and this will be expected to be achieved through a formal planning obligation entered into by the developer voluntarily, or by condition.

3.69 This policy is designed to implement objective e/h and accords with Structure Plan policy 3/17.

E4 Conservation area consent will not be given for the demolition of a building or structure which contributes to the character or appearance of a conservation area. Where a building makes little or no contribution to the character or appearance of the conservation area, conservation area consent will not be granted unless the proposed demolition forms part of a scheme which would preserve or enhance the character and appearance of the area.

LISTED BUILDINGS

3.70 This policy confirms the Council's intention to give protection to buildings listed as being of special architectural or historic interest. This is an area where development and conservation issues need to be addressed together. English Heritage will be consulted where appropriate in the assessment of proposals.

Proposals to change the use of listed buildings which would otherwise be redundant may be appropriate in certain circumstances, although there will generally be a preference for retaining the building for the use for which it was originally built. Policy E5 states clearly that the demolition of listed buildings will not be granted consent; as with all policies in this Plan, an exception could be made if other material considerations justified it. Appendix 6 contains the addresses and grading of the borough's listed buildings.

3.71 In considering any proposals where there would be an adverse effect on the character or interest of a listed building, it will be important for the Council to assess whether the adverse effect is outweighed by the benefits of securing a long-term use for the building. In these circumstances, it will also be important for the developer to demonstrate that the degree of alteration or addition is the minimum necessary to secure the future of the building, and that the development avoids the fragmentation of the management of the building and its grounds.

3.72 This policy is designed to implement objective e/h and accords with Structure Plan policy 3/17.

E5 Planning permission or listed building consent will not be granted for any alteration or addition to a listed building where there would be an adverse effect on its architectural or historic character or interest, unless, exceptionally, it can be demonstrated that the alteration or addition is essential to provide income for the upkeep of the building

and/or secure a long-term beneficial use for the building, which is otherwise likely to become disused or fall into disrepair. Demolition of listed buildings will not be granted consent. Proposals to change the use of listed buildings which would otherwise be redundant may be appropriate in certain circumstances, although there will generally be a preference for retaining the building for the use for which it was originally built.

SETTING OF LISTED BUILDINGS

3.73 The setting of buildings of special architectural or historic character is often an essential part of their value, particularly in cases where there is an important view of a building across open land. Sometimes, the whole character of a street is determined by the prominence of listed buildings but can be easily upset by proposals for other development elsewhere in the street.

3.74 This policy is designed to implement objective e/h and accords with Structure Plan policy 3/17.

E6 Planning permission will not be granted for development which would adversely affect the setting of a listed building in terms of the scale, form, siting or design of the proposals.

ADVERTISING

3.75 It is recognised that advertising may often play a positive role in the environment, but that it may sometimes conflict with the ideals of maintaining an attractive environment. Criteria regarding siting, size, design and

illumination will be applied at an appropriate level in response to the character of the environment where any new advertising proposals are being made. It is considered that there is little scope for further permanent advertising hoarding sites in the borough.

3.76 An Area of Special Control of Advertisements largely coincides with a previous Green Belt boundary. Within this Area, stricter controls apply over advertising. The Council intends to apply to the Secretary of State for an amended Area of Special Control to be designated, to include the area covered by the revised Green Belt.

3.77 This policy is designed to implement objective e/f.

E7 Consent will only be given for the display of any advertisement which respects the interests of public safety and amenity, assessed in the context of the general characteristics of the locality and any features of historic, cultural or other special interest, with particular reference to siting, size, design and illumination.

DEVELOPMENT IN THE GREEN BELT

3.78 Policy K5 in the Strategy Chapter confirms the boundaries of the Nottingham Green Belt in the borough.

3.79 Policy E8 identifies “appropriate development” in the Green Belt, reflecting the advice in PPG2. It also confirms that proposals for changes of use of buildings in the Green Belt can be acceptable where the proposed activity has no greater impact on the open character of the Green Belt.

Proposed conversions of agricultural buildings to other uses can sometimes be achieved without any potentially undesirable effects on the environment. In some circumstances, applicants may be asked to submit a structural survey of a building, or other information to confirm the feasibility of a proposed conversion. Buildings to be converted should be worthy of retention, and of permanent and substantial construction, and should be capable of conversion without major reconstruction. For re-use of buildings, conditions may be imposed to remove certain permitted development rights, in order to prevent inappropriate minor development on converted properties.

3.80 Conversions which help to diversify the rural economy through providing opportunities for tourism or employment are more likely to be supported.

3.81 Essential facilities, as listed in clauses b) and c) of Policy E8, should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Such facilities may include modest changing facilities at sports grounds.

3.82 As guidance in respect of clause d) of policy E8, an increase in volume above 50% of the original building is likely to be considered to be disproportionate.

3.83 The major developed sites referred to in clause e) of policy E8 are at Trowell Motorway Services Area, Toton Sidings and Bramcote Hills School. Their boundaries are defined on the proposals map. Proposals for infilling or redevelopment will be assessed against the criteria of paragraphs C3 or C4, respectively, in Annex C of PPG2.

3.84 This policy accords with the advice in PPG2 and PPG7, is designed to implement objective e/o and accords with Structure Plan policy 1/5. Policy K5 in the strategy section of this document confirms the principle of Green Belt.

E8 Planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development.

Appropriate development includes:

- a) **Buildings appropriate to agriculture and forestry;**
- b) **Essential facilities for outdoor sport and outdoor recreation;**
- c) **Essential facilities for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it;**
- d) **Limited extension, alteration or replacement of existing dwellings, provided that it does not result in disproportionate additions over and above the size of the original building;**
- e) **Limited infilling or redevelopment of major developed sites;**
- f) **Changes of use of agricultural and other buildings to employment and tourism uses which**

help to diversify the economy;

- g) Mineral working subject to high environmental standards and a high standard of restoration.**

VISUAL IMPACT OF DEVELOPMENT ON GREEN BELT

3.85 Development of a type which is normally acceptable in principle in the Green Belt, but for which the location, design or materials may adversely affect the Green Belt, in particular its open character, will be resisted. The visual amenities and open character of the Green Belt may also be similarly adversely affected by proposals conspicuous from the Green Belt, but not necessarily sited within it, and such proposals will also be resisted in accordance with PPG2.

3.86 This policy is designed to implement objectives e/o and e/t, and accords with Structure Plan policy 3/2. Policy E1 considers the issue of general good design of built form and is applicable to all built development.

E9 Development in the Green Belt which is considered appropriate in accordance with the provisions of Policy E8, and development which is outside the Green Belt but conspicuous from within it, will not be permitted if the development, by reason of its siting, design or materials, would harm the open character in the former case or visual amenities of the Green Belt in both cases.

ACTIVITIES IN THE GREEN BELT

3.87 This policy reflects the objectives for the use of Green Belt land listed in PPG2, and is intended to emphasise the positive aspects of planning for the Green Belt. The large urban population adjoining the borough's Green Belt are increasingly seeking opportunities for many types of recreation. Some of these activities need extensive areas of land and are compatible with the aim of keeping the open character of the Green Belt. Careful control needs to be exercised over the siting and design of any ancillary buildings. The quality of agricultural land is nevertheless an important factor in the overall acceptability of this type of change of use. When appropriate, such open recreation uses can form a suitable buffer between built-up areas and productive farmland, and represent useful diversification of the rural economy.

3.88 This policy is designed to implement objectives e/o, e/q and e/r.

E10 Within the context set by policies E8 and E9, planning permission will be granted for uses of land in the Green Belt which provide opportunities for access to the open countryside, or for outdoor sport and recreation, and retain or enhance the attractiveness of landscapes and secure nature conservation interests.

DWELLINGS FOR AGRICULTURAL WORKERS

3.89 Dwellings for agricultural workers in the countryside will only be permitted where it can be demonstrated that the dwelling is

essential to house a full-time worker who must live on the spot rather than in a nearby settlement. PPG7 advises that normally any new dwellings justified for this purpose will be temporary, with permanent replacement only being allowed after the viability of the unit and the need for the dwelling have been established during the temporary period. In appropriate cases involving this type of development, an occupancy condition may be imposed on any existing dwellings within the agricultural unit under the applicant's control. A legal agreement will normally be sought to prevent the new dwelling being sold off separately from the agricultural unit. The stricter control is intended to prevent new individual dwellings being built in the countryside except where they are fully justified for agricultural purposes.

3.90 Policy E11 reiterates the aesthetic considerations contained in E9, in order to minimise the impact of appropriate new development in the countryside. As advised in PPG7, in terms of agricultural workers' dwellings this could include encouragement to group any new building with existing buildings, and to ensure they are modest in size, in keeping with their function.

3.91 This policy is designed to implement objectives e/o and e/t.

E11 Planning permission will not be granted to construct a dwelling for an agricultural worker in the countryside unless:

- a) **A clearly established need for a full-time agricultural worker to live in a particular location has been**

demonstrated by reference to functional and financial tests; and

- b) **No other suitable property is available locally to meet the need, including through conversion of any building; and**
- c) **The proposed dwelling by reason of its siting, design or materials would not be harmful to the visual amenities and open character of the countryside.**

Where planning permission is granted for such a dwelling, its occupation will be restricted by condition to a person solely or mainly employed in agriculture locally, or last working in agriculture, or to a widow or widower of such a person, and to any resident dependants.

Where a new farming activity is introduced into the countryside, temporary on-site accommodation will usually be the only acceptable solution in order to establish the viability of the agricultural unit, and a permanent dwelling can only be accepted after the need has been established during the temporary period.

PROTECTED OPEN AREAS

3.92 These areas provide important breaks in the built-up areas, contributing to visual amenity and recreational opportunities. Whilst

Green Belt designation would not be appropriate because they are located within the urban area, their environmental importance justifies strong protection.

3.93 The boundaries of the protected open areas are carried forward from the 1994 Broxtowe Local Plan (with one minor change at Bramcote). Both golf courses provide significant tracts of land of open character close to the urban edge. The Bramcote Ridge area includes the Thoresby Road pitch-and-putt course and further east abuts the city boundary where complementary policies are operated by the City Council. The area around Hempshill Hall, Nuthall, is important to the setting of listed buildings on the site and to the approach to the city on this major route.

3.94 This policy is designed to implement objective e/p.

E12 Development will not be permitted which would detract from the character or function of the protected open areas shown on the Proposals Map.

- a) **Chilwell Manor golf course**
- b) **Beeston Fields golf course and land to west**
- c) **Bramcote Ridge**
- d) **Hempshill Hall, Nuthall**

PROMINENT AREAS FOR SPECIAL PROTECTION

3.95 The hills and ridges listed below and shown on the Proposals Map are recognised as prominent areas of attractive landscape which provide distinct and permanent landmarks near the edge of the Greater Nottingham conurbation. The policy aims to protect their particular open character, and

means that even some development acceptable under the overall Green Belt policy E8 would not be permitted in these prominent areas.

3.96 This policy is designed to implement objective e/p, and is derived from Structure Plan policy 1/5 and paragraph 1.89, which identify major ridgelines and hills around the Greater Nottingham urban area.

E13 Development which would adversely affect the character or appearance of the following prominent areas as shown on the Proposals Map will not be permitted:

- a) **Catstone Hill Ridge, Strelley**
- b) **Stapleford Hill, Stapleford**
- c) **Bramcote Hills and Bramcote Ridge**
- d) **Burnt Hill, Bramcote**
- e) **Windmill Hill, Stapleford**

MATURE LANDSCAPE AREAS

3.97 The Structure Plan gives special protection to Mature Landscape Areas. The areas listed in the policy were previously identified in the 1994 Broxtowe Local Plan, and were identified as part of a countywide countryside appraisal exercise undertaken by the County Council. The areas contain features of mature landscape, indicating that they have been relatively unaltered by agricultural practices, opencasting, or other forms of development. These areas typically include hedgerows along old boundaries, well-established habitats and a concentration of sites of wildlife value.

3.98 Planning permission will not be granted for development which could damage or destroy the value of the

Mature Landscape Areas. Complementary policies protecting these Mature Landscape Areas are included in the County Council's Minerals Local Plan.

3.99 Wherever possible, the quality of the Mature Landscape Areas should be enhanced through good management, in conjunction with other Council policies.

3.100 PPG7 states that authorities should rigorously consider the function and justification of local countryside designations, and only maintain or extend them where normal planning policies cannot provide the necessary protection. In the light of this, the County Council commissioned an independent study of Mature Landscape Areas which recommended their continuation on the present basis. A review of Broxtowe's Mature Landscape Areas took place in 2001 and recommended the retention of all the Areas, with some revisions to boundaries. The County Council has also produced its own guidance in the form of the Nottinghamshire Landscape Guidelines, which confirm the value of retaining a Mature Landscape Area policy. Appendix 7 gives more information on the methodology used, and on the character of the individual Mature Landscape Areas.

3.101 This policy is designed to implement objective e/p and accords with Structure Plan policy 3/3.

E14 Development which would harm a Mature Landscape Area will not be permitted unless it can be demonstrated that:

- **the siting, scale and design of the proposals**

minimises the harm to the Mature Landscape Area; and

- **the need for the proposals clearly outweighs the remaining harm to the special qualities for which the area was designated.**

If planning permission is to be granted, the Council will seek to secure appropriate measures to offset any remaining harm to the Mature Landscape Area by means of planning conditions or obligations.

Existing Mature Landscape Areas are identified on the Proposals Map and listed below:

- Brinsley Forge**
- Brinsley Hall**
- High Park**
- Watnall Coppice**
- Greasley and Watnall Fields**
- Shilo North**
- Babbington/Swingate/ Verge Wood**
- Cossall**
- Strelley Hall**
- Trowell**
- Trowell Hall**
- Bramcote**

SITES OF SPECIAL SCIENTIFIC INTEREST

3.102 Sites of Special Scientific Interest are designated by English Nature and are of national importance. They are the outstanding sites in the borough in terms of nature conservation and geological interest. They will, therefore, continue to be protected from development. If the need for development outweighs the

site's value, the priority must be to avoid harm, but if harm cannot be avoided then it must be minimised and, where appropriate and practical, compensatory measures will be sought.

3.103 At Attenborough Nature Reserve there is pressure for a range of recreation uses, which must be balanced with its nature conservation interest. Collaboration between the Borough and County Councils, English Nature, the Nottinghamshire Wildlife Trust and the landowners is needed in order to produce and maintain an appropriate management strategy for the reserve.

3.104 This policy is designed to implement objective e/p and accords with Structure Plan policy 3/7.

E15 Planning permission will not be granted for development which would have an adverse effect on a Site of Special Scientific Interest (SSSI) unless the reasons for the development clearly outweigh the value of the site and the national policy to safeguard such sites. Where there are exceptional reasons for development which outweigh the value of the SSSI, the applicant shall minimise the harm to the SSSI's features. Compensation for the loss of the SSSI's features will be required, secured by planning conditions or negotiated planning obligations. Existing SSSIs are identified on the Proposals Map and listed below:

- a) **Attenborough Gravel Pits**
- b) **Sellers Wood, Nuthall**

- c) **Sledder Wood Meadows, Greasley**
- d) **Kimberley Railway Cutting**
- e) **Robbinetts, Cossall**

SITES OF IMPORTANCE FOR NATURE CONSERVATION

3.105 The former Nottingham Canal is owned and managed by the Borough Council and was confirmed as a Local Nature Reserve in 1993. Sellers Wood is also a Local Nature Reserve and is managed by Nottinghamshire Wildlife Trust on behalf of Nottingham City Council. The Borough Council will consider declaring further Local Nature Reserves at appropriate locations on land in its control or under a Management Agreement with the landowner.

3.106 Other Sites of Importance for Nature Conservation (SINCs) were identified by the Nottinghamshire Biological and Geological Records Centre based at Wollaton Hall. These have been updated by a new countywide Wildlife Audit in 2004. The SINCs are identified on the proposals map and listed in Appendix 8. Development threatening the character or wildlife value of these sites will be carefully assessed in relation to their status. Any harm should be minimised and compensation should be made for the loss of any features of interest.

3.107 The policy also stresses the environmental benefits which may result from the improvement or creation of habitats as part of new development. The Borough Council will also encourage appropriate initiatives aimed at improving public access to SINCs where appropriate and in other ways increasing the environmental and recreational potential of the urban fringe area.

3.108 This policy is designed to implement objectives e/p and e/q and accords with Structure Plan policy 3/7.

E16 Planning permission will not be granted for development on or adjoining local nature reserves or Sites of Importance for Nature Conservation, which would damage or devalue their interest, unless there are special reasons which outweigh the recognised value of the sites.

Where it is accepted that there are special reasons for development which outweigh the local value of the site, the applicant shall minimise harm to the site's features. Compensation for the loss of the site's features of interest will be required, secured by planning conditions or negotiated planning obligations.

Wherever opportunities arise, appropriate measures should be taken to enable the improvement or creation of Sites of Importance for Nature Conservation.

SITES SUPPORTING SPECIES PROTECTED BY LAW

3.109 Certain wildlife species are protected through the Wildlife and Countryside Act 1981 (as amended) and through other habitat regulations such as those relating to badgers. Surveys to determine whether protected species would be affected by development will be required in circumstances where the proposals would affect features which could be

important for protected species. Where, in the light of these surveys, development is found to be acceptable applicants will be advised that, in order to meet the requirements of relevant wildlife and countryside legislation, survey work should be undertaken again prior to implementation.

3.110 Where exceptional circumstances allow a development affecting a protected species to be permitted, the Council will require the developer to take suitable steps to secure the protection of the relevant species, including where appropriate creating a similar habitat elsewhere locally through a legal agreement.

3.111 In many instances developers will be required to obtain a licence from English Nature in order to carry out operations affecting protected species, in addition to securing planning permission. Developers are therefore advised to contact English Nature at an early stage in their development proposals. Information on protected species is also available from English Nature.

3.112 This policy is designed to implement objective e/p and accords with Structure Plan policy 3/6.

E17 Planning permission will not be granted for development that would detrimentally affect a species of wild animal or wild plant protected by law, or its habitat, unless it can be demonstrated that there is an overriding need for the development. In these cases provision must be made to secure the protection of the species or habitat in the locality.

LOCAL BIODIVERSITY

3.113 The Nottinghamshire Local Biodiversity Action Plan, published by the Nottinghamshire Biodiversity Group in 1998, provides the main reference for habitats and species of conservation interest in the county and includes targeted action plans. Further details, including a list of habitats of conservation concern in Nottinghamshire, are provided in Appendix 8. New development can sometimes give rise to the loss, fragmentation or isolation of habitats. The Council may, accordingly, require the submission of impact assessments and, where appropriate, will secure measures for maintaining and enhancing local biodiversity through use of planning conditions or negotiation of planning obligations.

3.114 This policy is designed to implement objective e/p and accords with Structure Plan policy 3/6.

E18 Permission will not be granted for development which would adversely affect the conservation value of recognised habitats and species identified in Appendix 8 unless there is an overriding need for the development which outweighs its conservation importance or unless any adverse effects can be addressed through compensatory measures, secured by planning conditions or negotiated agreements.

OTHER NATURE CONSERVATION RESOURCES

3.115 Policy E19 is intended to provide clear guidance for developers

in order to enable modest habitat creation and enhancement within development sites, in accordance with the objectives of the Council's Nature Conservation Strategy, the Council's Sustainability Policy and the government's PPG9 ("Nature Conservation"). The policy relates only to on-site provision. The requirements of the policy might be met by modest planting or water features in a new development. For example, developers could ensure that any tree planting involves native species planted in a small group so that they provide wildlife value as well as amenity value.

3.116 This policy accords with Structure Plan policy 3/8.

E19 On development sites of 0.5 hectares or more, wherever opportunities arise, the Council will seek, as appropriate, the enhancement of existing nature conservation resources and the provision of new resources.

AGRICULTURAL LAND QUALITY

3.117 The national agricultural land quality classification system has five categories, with the middle grade split into 3a and 3b. Higher grade agricultural land (Grades 1-3a) is referred to as 'best and most versatile' and is considered a valuable national resource; considerable weight should be given to protecting such land against development.

3.118 In addition to the land quality issue, proposals affecting agricultural land should preferably avoid the severance of holdings that undermine their economic use or fragment them to the significant detriment of their viability.

3.119 This policy is designed to implement objective e/t and accords with Structure Plan policy 3/13.

E20 Planning permission will not be granted for development which involves the loss of best and most versatile agricultural land (Grade 1 to 3a) unless each of the following criteria are met:

- a) **There is an overriding need for development; and**
- b) **There is a lack of new development opportunities in already developed areas and on lower grade agricultural land.**

ANCIENT MONUMENTS

3.120 Policy E21 applies to Scheduled Ancient Monuments in the borough. Existing Scheduled Ancient Monuments are listed in Appendix 6. There will continue to be a presumption to preserve these most important sites, as advised by PPG16.

3.121 This policy is designed to implement objective e/p and accords with Structure Plan policy 3/4.

E21 Planning permission will not be granted for development which would detrimentally affect Scheduled Ancient Monuments shown on the Proposals Map, or their setting.

OTHER SITES OF ARCHAEOLOGICAL INTEREST

3.122 In the case of sites of archaeological or historic significance

other than Scheduled Ancient Monuments, the Council wishes to safeguard important sites wherever practical. It will seek to reconcile the needs of development with the interests of archaeology, and will where appropriate request that an archaeological evaluation be submitted prior to determining an application. Where, after consideration, development is permitted, conditions may be imposed to ensure the most appropriate treatment for the archaeological remains. Policy E22 applies to sites which emerge during the plan period on the advice of the county council or English Heritage.

3.123 This policy is designed to implement objective e/p and accords with Structure Plan policy 3/4.

E22 Where proposals are submitted for development on sites identified as being of archaeological or historical importance, other than Scheduled Ancient Monuments, the Council will where appropriate:

- a) **request that an archaeological evaluation be submitted prior to determining the application; and**
- b) **refuse permission for development which would detrimentally affect nationally important archaeological sites and their setting; and**
- c) **where development is acceptable, impose conditions to achieve partial preservation in situ and/or secure appropriate treatment for archaeological remains including their recording or excavation.**

GREENWOOD COMMUNITY FOREST

3.124 The aim of Community Forests is to encourage the establishment, over a 30-50 year period, of large areas of multi-purpose woodland, heath and open land in urban fringes. The Greenwood Community Forest was launched in Nottinghamshire in 1991, with the partnership support of local authorities, the Countryside Commission and the Forestry Commission. Most of Broxtowe's rural area lies within the defined Greenwood Community Forest area.

3.125 Implementation of the Community Forest proposals will be guided by the Strategic Plan for Greenwood to which partners have contributed. The leaflet "Opportunities for Developers" gives useful guidance on the design of planted areas.

3.126 This policy is designed to implement objectives e/q, e/r and e/s and accords with Structure Plan policy 3/11.

E23 The Borough Council will support the establishment and development of the Greenwood Community Forest in Broxtowe through the creation of planted areas or other new habitats as appropriate having regard to local ecological and geological conditions. This will be secured by:

a) requiring the provision of planting or other habitat creation in conjunction with new developments over 0.5 ha: this will be provided on or adjacent to the development site;

b) requiring the provision of substantial woodland planting where appropriate in conjunction with the reclamation of derelict land; and

c) promoting the planting of native woodland in the countryside provided that it is in keeping with the character of the area and does not detract from existing sites of nature or historic interest.

Wherever possible, new planted areas should be designed to allow public access.

TREES, HEDGEROWS AND TREE PRESERVATION ORDERS

3.127 Trees are a vital part of the borough's landscape and townscape. They enhance the character of the environment and are often also important to wildlife. Policy E24 aims to ensure that important trees and hedgerows in the borough, including those within ancient woodlands, are not harmed by development. The implementation of this policy will be assisted by the Council's Tree Warden Scheme.

3.128 Policy E24 cannot apply to work affecting trees or hedgerows which does not constitute development. However Tree Preservation Orders (TPOs) offer protection against felling or lopping for the most significant trees and similar protection applies to trees within Conservation Areas. A borough – wide review will consider the scope for further TPOs to be made. In addition, the hedgerow regulations will assist with the protection of certain hedgerows.

3.129 This policy is designed to implement objective e/p.

E24 Development that would adversely affect important trees and hedgerows will not be permitted.

RENEWABLE ENERGY DEVELOPMENT

3.130 Renewable energy sources have the potential to contribute to energy needs in a significant and sustainable way. They can help to increase the diversity and security of energy supplies and can reduce harmful emissions to the environment. The scope for the development of renewable energy schemes in Broxtowe may be limited; for example, wind speeds are generally not high for wind power. There may, however, be opportunities for schemes based on energy crops, such as short rotation coppice. The growing of the crops themselves may not require planning permission; however, associated buildings would do so. There may also be scope for carefully designed small-scale hydro-electric schemes. The criteria listed below will be the Council's main concerns when considering any application; other criteria which may be relevant are referred to in Structure Plan policies 10/2 and 10/3.

3.131 Photovoltaic cells convert solar energy to electricity, whilst active solar equipment ('solar panels') transfers solar energy in the form of heat to water or air. Both can be fitted to the walls or roofs of domestic or other buildings and have the potential to make a significant contribution to replacing the use of fossil fuels. When fitted to the roofs of domestic buildings they will often not need planning

permission, as they will not result in a material alteration to the shape of the dwellinghouse. In cases where permission is required, the Council wishes to encourage their installation, in recognition of their contribution to a reduction in the demand for energy derived from non-renewable sources. However, visual amenity will take priority in the case of buildings which are listed or within conservation areas and in such cases photovoltaic cells and active solar equipment are unlikely to be appropriate on front or other important elevations. The Council will prepare a guidance leaflet for householders and developers concerning the installation of photovoltaic cells and active solar equipment which will actively encourage developers to incorporate them within new development wherever practical.

3.132 This policy is designed to implement objectives e/b and e/c and accords with Structure Plan policies 10/2 and 10/3.

E25 Planning permission will be granted for developments which incorporate renewable energy techniques, provided they would not cause harm to:

- a) **Residential amenity;**
- b) **Landscape quality and character;**
- c) **The character and appearance of buildings; or**
- d) **Nature conservation interests.**

POLLUTION

3.133 Air quality in Broxtowe is generally reasonably good and the Council is keen to ensure that this remains the case. The air quality implications of proposals will be considered in consultation with environmental health officers and other expert advisors, and, if appropriate, conditions will be imposed to control emissions.

3.134 'Air Quality Management Areas' (AQMAs) may be designated by the Council, depending on the outcome of the monitoring of air quality. However a report produced by consultants for the Council has concluded that it is likely that the government's air quality objectives for nitrogen dioxide and particulate matter will be met at all locations assessed near the M1 and major roads in Broxtowe, where members of the public might be exposed for relevant periods. On the basis of this report the Council has not declared an Air Quality Management Area and the relevant government department has confirmed this position. Monitoring will continue on this matter.

3.135 Proposals for employment and other uses which may cause significant pollution can play an important part in the economic development of the borough; however, it is important that they are situated in suitable locations and are subject to appropriate safeguards. Such uses will not normally be appropriate within residential areas, nor close to uses which are sensitive to noise or other forms of pollution, such as offices or schools. The degree of separation necessary will depend upon the nature of the respective uses.

3.136 Safeguards can be incorporated in the design of buildings to minimise

pollution and if permission is granted it may be subject to conditions requiring appropriate safeguards, or limiting the hours or methods of operation, in the interests of the amenity of nearby occupants.

3.137 If adequate precautions are not taken to contain potentially poisonous, noxious or polluting matter, then it may enter into the public foul or surface water sewers. Normal sewage treatment processes may not be able to deal with the contamination and serious harm to watercourses may result. In addition contaminating matter may enter into the ground and this is liable to jeopardise any future redevelopment of the site concerned, as the costs of redevelopment will be increased due to the need to deal with the contamination.

3.138 Oil interceptors to protect surface water drainage will normally be needed in respect of car parking areas for over 100 cars, open storage areas which are liable to contamination and fuelling areas which are open to rain. In the case of car/vehicle washes including steam operations, drainage should discharge via a silt trap to the foul sewer. (Trade effluent consent may also be needed from Severn Trent Water.) All above-ground fuel and chemical storage tanks should be securely bunded with all filling and emptying points contained within the bunded area. Conditions will be imposed on permissions to secure the provision of any necessary containment measures.

3.139 In applying policy E26, whether or not an impact is "significant" will be assessed having regard to the characteristics of the site and surroundings, together with the opinions of environmental health

officers and, where appropriate, the Environment Agency.

3.140 Measures may also be needed in certain areas to avoid the possible contamination of groundwater; these are the subject of policy E27.

3.141 This policy is designed to implement objectives e/b, e/c and e/e and accords with Structure Plan policies 3/20 and 11/4.

E26 Planning permission will not be granted for development which would result in a significant deterioration in air quality, significant loss of health or amenity to the occupants of nearby premises due to pollution, or contamination of either surface waters or the site of the development or other land nearby.

PROTECTION OF GROUNDWATER

3.142 Substantial areas of the borough contain major aquifers which are highly vulnerable to pollution due to the high permeability of the rocks and the high leaching potential of the soil. Other areas are less vulnerable but still require protection, as groundwater forms part of the base flow of rivers and watercourses and provides a substantial proportion of water used for public supply. The groundwater implications of proposals will be considered in consultation with the Environment Agency, and with regard to the Agency's 'Policy and Practice for the Protection of Groundwater'. If appropriate, conditions will be imposed to prevent infiltration of contaminants. Positive measures and techniques to reduce the impact of surface water discharges and benefit the recharge of groundwater can be found in the

Environment Agency's guidance on Sustainable Drainage Systems. Policy E1 includes provision for sustainable techniques to minimise the impact of surface water discharges.

3.143 This policy is designed to implement objective e/c and accords with Structure Plan policy 11/2.

E27 Planning permission will not be granted for development which would be liable to result in the infiltration of contaminants into groundwater resources, particularly in areas of high vulnerability, unless measures would be carried out as part of the development to prevent such contamination taking place.

PROTECTION OF FLOODPLAINS AND FLOOD RISK

3.144 Development within river floodplains is liable to increase the risk of flooding by impeding the storage capacity of the floodplain or the flow of water across it. Applications will be determined following consultation with the Environment Agency, whose comments will be of particular importance. The parts of catchments of watercourses which may be at high risk of flooding are identified on the Proposals Map. The definition of 'high' flood risk can be found at Table 1, para 30 of PPG25, which provides guidance about the acceptability of development in Flood Zone 3. Applications for development in these areas will need to be accompanied by a flood risk assessment to demonstrate how the risk of flooding can be satisfactorily addressed; the Environment Agency offers pre-application advice. It should be noted that the flood outline shown on the Proposals Map does not take

account of flood defences but these defences will be taken into account when considering the related flood risk. Parts of the borough lie outside the 100 year flood outline but within the 1,000 year flood outline published by the Environment Agency and regard should still be given to the issue of flood risk when considering applications within these areas. Flooding can occur as a result of increased surface water run-off from larger development proposals anywhere in the catchment, not only in the areas shown on the Proposals Map, and applications for development may need to be supported by a flood risk assessment.

3.145 This policy is designed to implement objectives e/d and e/e and accords with Structure Plan policy 11/1.

E28 Planning permission will not be granted for development within the High Flood Risk areas shown on the Proposals Map, and within other parts of the catchments of the rivers Trent and Erewash, which would increase the risk of flooding.

CONTAMINATED LAND

3.146 The Council wishes to encourage the re-use of 'brownfield' sites and is keen to see contaminated sites brought into productive use. However, it is essential that future occupants are protected from the effects of contamination and if permission is granted conditions will be imposed which require implementation of necessary remedial measures prior to occupation. The Council may have information concerning some sites which may be contaminated and developers are recommended to

contact the Council prior to submitting an application.

3.147 Some of the derelict sites identified in policy E30 are contaminated and will be subject to this policy.

3.148 This policy is designed to implement objectives e/c and e/e.

E29 Development of land which may be contaminated will not be permitted to take place unless and until:

- a) **A site investigation has been carried out to assess the nature and degree of contamination, using a method of investigation agreed in writing with the Council; and**
- b) **Details of remedial measures required to deal with any contamination have been approved by the local planning authority in consultation with the relevant bodies; and**
- c) **there will be no significant risk to the health and safety of the occupants of the development; and**
- d) **there will be no contamination of any surface water, groundwater or adjacent land.**

DERELICT LAND

3.149 The Council will encourage the reclamation of derelict land. The land

included in policy E30 is derelict according to the National Land Use Database definition, i.e. “land so damaged by previous industrial development that it is incapable of beneficial use without treatment”. In some cases, reclamation may be secured through development, as has occurred previously at the former Babbington and Moorgreen colliery sites. Elsewhere, including sites in the Green Belt, reclamation may need to be achieved through use of derelict land grants/and/or the County Council’s programme for restoring derelict land. It may be possible to introduce habitat management or creation under the Community Forest scheme (see policy E23) to assist reclamation of certain sites. Some sites have become important for wildlife through revegetation. In these cases any proposals for reclamation work will need to take account of the site’s ecological value, and should aim to enhance it. Some sites, including the former dye works, are contaminated and policy E29 applies. The references in brackets following the sites in the policy relate to proposed or committed development. Where there is no current end use proposed for a site which is proposed for reclamation, the Council will examine the possibility of developing the site for appropriate recreation and nature conservation.

3.150 This policy is designed to implement objectives e/b and e/s and accords with Structure Plan policies 12/2 and 12/B.

E30 Reclamation of the following derelict sites, shown on the Proposals Map, will be permitted:

- a) **Awsworth/Kimberley: Former railway (Long Distance Trail)**

- b) **Beeston: Former Lilac Grove tip (open space)**
- c) **Brinsley: Former Pinxton branch line (Green Belt)**
- d) **Eastwood: Former colliery lagoons, Mansfield Road (Employment)**
- e) **Giltbrook: Former tip, Baker Road (Green Belt – Recreation)**
- f) **Moorgreen: Former High Park tip (Green Belt)**
- g) **Moorgreen: Former tanks north of Engine Lane**
- h) **Newthorpe: Former Halls Lane tip**
- i) **Stapleford: Former dye works, West End Street (Employment)**
- j) **Stapleford: Former Broxtowe car park, Church Street**
- k) **Toton: Former railway sidings (Green Belt – Freight depot)**
- l) **Watnall: Former brickworks (Green Belt)**
- m) **Watnall: Watnall cutting (SSSI)**

GASSING LANDFILL SITES

3.151 Landfill sites in Broxtowe are generally not suitable for built development without necessary precautions and risks may arise in the vicinity of landfill sites due to gas migration. It is therefore essential to ensure that future occupants are protected from the possible effects of landfill gas. Residential occupants may be at greater risk than workers due to the method of construction of dwellings and the potential for prolonged exposure and the risk of migration of gas into domestic gardens. It is therefore unlikely that new dwellings will be permitted within 250m

of any part of a landfill site which is producing gas.

3.152 If permission is granted for development near a landfill site, conditions will be imposed which require investigation of the gassing potential of the fill material and the implementation of measures to deal with identified ground conditions, including continuous monitoring. These requirements may be waived in respect of applications for domestic extensions and other minor development.

3.153 This policy is designed to implement objective e/e.

E31 Development of land within 250m of that part of a landfill site which is producing gas will not be permitted unless proposals are supported by a detailed study including each of the following:

- a) **Information on the gas being produced at the landfill site;**
- b) **The results of a gas monitoring programme on the development site, using a method of investigation agreed in writing with the Council; and**
- c) **Commitment to remedial and monitoring measures required to deal with any gassing.**

Permission will be granted only if there will be no significant risk to the health and safety of occupants of the development.

HAZARDOUS SUBSTANCES, HAZARDOUS INSTALLATIONS AND MAJOR HAZARD PIPELINES

3.154 A small number of factories and other installations have been notified by the Health and Safety Executive (HSE) as being 'hazardous' and consultation with the HSE is needed if development is proposed within specified distances of them. In considering this type of application, applications for development involving hazardous substances, or applications in the vicinity of 'major hazard pipelines' (as defined by the HSE), the Council will give priority to the health and safety of local residents, workers in the premises concerned and other members of the public. The "hazardous installations" and "major hazard pipelines" are shown on the Proposals Map, together with their consultation areas. It should be noted that they are defined by the HSE and could therefore be subject to future changes.

3.155 This policy is designed to implement objectives e/d and e/e and accords with Structure Plan policy 11/4.

E32 Planning permission for development involving the storage, use or transport of hazardous substances, as defined in the Planning (Hazardous Substances) Act 1990, and for development within the consultation areas of hazardous installations and major hazard pipelines, will not be granted unless the Council is satisfied that there will not be a significant risk to the local community or the natural environment.

LIGHT POLLUTION

3.156 Light pollution can add to the visual intrusion of a development, cause nuisance for neighbours and detract from the quality of the night sky. It can also be detrimental to highway safety and, by using energy unnecessarily, it can contribute to atmospheric pollution. Carefully designed lighting can, however, play a valuable security role. Lighting should, therefore, normally be the minimum required for safety and operational purposes. All applications should include full details of any proposed lighting, which is likely to be the subject of conditions to ensure that glare and spillage is minimised. The design of any lighting columns or other equipment should be of high quality, in accordance with Policy E1.

3.157 This policy is designed to implement objective e/d.

E33 Planning permission will not be granted for lighting schemes unless the applicants demonstrate that they will use the minimum amount of lighting necessary to achieve their purposes and incorporate measures to minimise any adverse effects of light beyond the site.

CONTROL OF NOISE NUISANCE

3.158 Residential and other noise-sensitive development is not normally appropriate in proximity to general industrial (Class B2) or other uses which generate significant amounts of noise. In the event of permission being granted, subsequent complaints from residents may result in the Council being obliged to take action under Environmental Health legislation against the adjacent use. This may

represent an undesirable restriction on the operation of a local business, a situation which should be avoided whenever possible. Permission may be granted for new residential building near to noisy uses, only if suitable safeguards are incorporated in the design and layout of the development; these might include landscaped bunds and careful attention to the orientation of dwellings and positioning of windows.

3.159 Noise-sensitive development is also not normally appropriate in locations where occupants would be subject to excessive traffic noise. This is most likely to apply to locations adjacent to the M1, the A52 and the A610. Attention will be paid to policy 3/H of the Structure Plan, which recommends that residential development should not be exposed to road traffic noise that reaches or exceeds 68dB(A) L10-18 hours. Reference will also be made to the Noise Exposure Categories set out in PPG24.

3.160 In applying policy E34, whether or not an impact is "significant" will be assessed having regard to the characteristics of the site and surroundings, together with the opinions of environmental health officers.

3.161 This policy is designed to implement objective e/d and accords with Structure Plan policy 11/4.

E34 Planning permission will not be granted for housing and other noise-sensitive development if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.

Correspondingly, planning permission will not be granted for development, including the change of use of land, if, because of the noise it would create, even with the appropriate mitigation measures, the occupants of housing, other residential premises, schools or other noise-sensitive uses would be exposed to significant noise disturbance.

TELECOMMUNICATIONS

3.162 Modern telecommunications are an essential and beneficial element in the economy and everyday life. The policy reflects the guidance set out in PPG8 (2001) on Telecommunications, and is intended to allow consideration to be given to proposals taking account both of the industry's needs and environmental considerations.

3.163 Certain proposals, for example structures less than 15 metres high and as otherwise described in parts 24 and 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), are defined as 'permitted development' and are subject to a prior notification procedure. The same criteria are to be taken into account in determining these cases as for the proposals which require planning permission. In particular, as competing systems develop, the scope for mast-sharing must be properly accommodated, in order to minimise the cumulative visual impact of telecommunications apparatus. It may be necessary to consider the effect on residential amenity from noise generated by cooling fans typically installed in associated equipment.

3.164 This policy is designed to implement objective e/t.

E35 Applications for provision or extension of telecommunications equipment will be granted (or given prior approval) provided that:

- a) the potential for mast-sharing and/or siting on existing structures has been fully explored;
- b) the detailed siting, design and appearance of the apparatus is acceptable in terms of its visual impact on its surroundings.