

CHAPTER 3: ENVIRONMENT

PARAGRAPHS 3.1 and 3.2 - INTRODUCTION

Inspector's Recommendation

3.4 *I recommend that paragraph 3.2 be modified in accordance with PC 25.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.2 and 3.3 in the Inspector's Report.

Proposed Modification

M3.1

Amend paragraph 3.2.

3.2 ~~Because of~~ Charnwood's accessibility and natural attractions will continue to make it an attractive location for ~~the need for~~ further development ~~is likely to continue~~ over the plan period. The broad strategy of the Plan is to seek to accommodate ~~the~~ this need for further development ~~growth~~ whilst at the same time continuing to conserve and enhance the special environmental character of the area.

PARAGRAPHS 3.3 to 3.5 - NATIONAL AND STRATEGIC POLICY

Inspector's Recommendation

3.8 *I recommend that paragraph 3.4 be modified in accordance with PC 26.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.6 and 3.7 in the Inspector's Report.

Proposed Modification

M3.2

Amend paragraph 3.4.

3.4 The main thrust of government guidance is to ensure that policies in development plans are grounded in the concept of sustainability - the concern to ensure that adequate provision is made to meet development needs in balance with the need to protect the natural and built environment for the benefit of future generations. ~~growth does not lead to the irretrievable loss of the best of today's environment.~~

PARAGRAPHS 3.6 and 3.7 - THE CHARNWOOD PERSPECTIVE**Inspector's Recommendation**

3.16 *I recommend that paragraphs 3.6 and 3.7 be modified in accordance with PC 27.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.10 to 3.15 in the Inspector's Report.

Proposed Modification**M3.3**

Amend paragraphs 3.6 and 3.7.

3.6 For the Borough, environmental concerns have been a central feature of its planning policies established in a number of local plans prepared for the Soar Valley, Wreake Valley and Loughborough. The Borough of Charnwood Local Plan seeks to build on this generally successful approach. For the environment the plan aims to:

- i) pursue an overall strategy which ensures that ~~all~~ development is sustainable and remains generally compatible in scale and character with its location and is adequately supported by existing or proposed services, amenities and infrastructure;
- ii) conserve, protect and enhance those features of the natural, historic and built environment which are particularly valued by the community and introduce measures to safeguard against pollution and promote the conservation of energy;
- iii) [No Change]
- iv) [No Change]

3.7 The following policies and proposals for the environment set out in the rest of this chapter address the following objectives: ~~These aims translate into the following specific objectives against which the success of the plan will be judged.~~

- i) [No Change].
- ii) [No Change].
- iii) [No Change].
- iv) [No Change].
- v) [No Change].
- vi) [No Change].
- vii) [No Change].
- viii) [No Change].
- ix) [No Change].

- x) [No Change].
- xi) to protect the quality and quantity of water resources.
- xii) [No Change].
- xiii) [No Change].
- xiv) [No Change].

PARAGRAPH 3.8 - DESIGN

Inspector's Recommendation

3.24 *I recommend that the Plan be modified by the inclusion of a new Design policy in accordance with PC 28.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.18 to 3.23 in the Inspector's Report.

Proposed Modification

M3.4

Insert new policy after paragraph 3.7. Amend paragraph 3.8.

DESIGN

POLICY EV/A

The Borough Council will seek to ensure a high standard of design in all new developments. Planning permission will be granted for new development which:

- i) respects and enhances the local environment including the scale, location, character, form and function of existing settlements and the open and undeveloped nature of the countryside;**
- ii) is of a design, layout, scale and mass compatible with the locality and any neighbouring buildings and spaces;**
- iii) utilises materials appropriate to the locality;**
- iv) provides positive and attractive built frontages to existing or proposed public spaces including roads, footpaths, waterways and areas of public open space;**
- v) safeguards important viewpoints, landmarks and skylines;**
- vi) uses the landform and existing features in and around the site, such as woodlands, trees, hedges, ponds, important buildings and structures imaginatively as the focus around which the new development is designed;**
- vii) safeguards the amenities of adjoining properties, particularly the privacy and light enjoyed by adjoining residential areas;**

viii) meets the needs of all groups, including the disabled; and

ix) minimises the opportunity for crime to create a safe and secure environment.

- 3.8 PPG1 confirms that the appearance of proposed development and its relationship to its surroundings are material considerations in the determination of planning applications. Good design of buildings and the public spaces they define can ~~Buildings of good quality and design~~ make a positive contribution to the environment. The Borough Council will seek to ensure a high standard of design in all new developments. Within areas of distinctive or attractive character, such as Conservation Areas and Areas of Particularly Attractive Countryside, new development will be expected to respect and enhance the established urban form or the special character of the surrounding landscape. Where the traditional character of an area has been lost or diminished through inappropriate development or a key landmark site is involved, encouragement will be given to experiment, originality and initiative in the formulation of a design solution capable of achieving positive improvements to the locality. Specific guidance concerning matters of design is contained where appropriate within the relevant chapters. The Borough Council intends to produce local design guides to outline the key defining local characteristics for various parts of the Borough. These will be published as Supplementary Planning Guidance and will provide advice and guidance for applicants on design issues.

PARAGRAPH 3.9 - ARCHAEOLOGY

Inspector's Recommendation

3.28 *I recommend that no modification be made in response to this objection.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.26 and 3.27 in the Inspector's Report.

Proposed Modification

None.

POLICY EV/1 - NATIONALLY IMPORTANT ARCHAEOLOGICAL SITES

Inspector's Recommendation

3.34 *I recommend that :-*

- (i) *the Policy be modified in accordance with PC 29 subject to;*
- (ii) *the Council giving consideration to the merits of the use of the term "amenity value" in the Policy.*

CBC Decision

Accept with further modification.

Reason

For the reasons set out in paragraphs 3.30 to 3.33 in the Inspector's Report.

Whilst Environment Policy 2 of the Structure Plan does make reference to permission not normally being granted for development affecting a scheduled ancient monument or other nationally important archaeological site or its setting *or amenity value*, the term is not fully explained. The Inspector is correct that there is no reference in PPG16 to the issue of 'amenity value' in relation to ancient monuments. It is therefore considered appropriate that this reference be deleted from the policy.

Proposed Modification**M3.5**

Amend Policy EV/1.

3.10 POLICY EV/1

Planning permission will not be granted for development which would adversely affect a scheduled ancient monument or other nationally important archaeological site, or its setting, or amenity value unless an overriding national need is demonstrated.

POLICY EV/2 - ARCHAEOLOGICAL SITES OF COUNTY AND LOCAL SIGNIFICANCE**Inspector's Recommendation**

3.46 *I recommend that the Policy and RJ be modified in accordance with PC 30.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.36 to 3.45 in the Inspector's Report.

Proposed Modification**M3.6**

Amend Policy EV/2 and paragraph 3.14.

3.12 POLICY EV/2

Planning permission for development affecting known archaeological sites of county or local significance, will be granted provided the archaeological interest can be preserved in situ. Where this is not feasible or justifiable, ~~the Council will impose conditions on any planning permission requiring~~ the excavation and recording of the remains under the supervision of a professionally qualified archaeologist prior to development of that part of the site affected by the remains will be required.

3.13 [No Change].

3.14 Where the Council concludes that the excavation and recording of archaeological remains on a development site is appropriate, ~~the Borough Council will seek to negotiate a~~ the developer will be expected to enter into a legal agreement with the developer, or alternatively conditions will be included in any planning permission, to ensure that excavation and recording of the remains is carried out before development commences.

POLICY EV/3 - PROPOSALS AFFECTING ARCHAEOLOGICAL SITES**Inspector's Recommendation**

3.52 *I recommend that the Plan be modified in accordance with PC 31.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.48 to 3.51 in the Inspector's Report.

Proposed Modification**M3.7**

Delete Policy EV/3 and amend paragraphs 3.16 and 3.17.
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3.15 POLICY EV/3

~~For development proposals which would affect an archaeological site registered in the Leicestershire Archaeological Sites and Monuments Record (SMR) the Borough Council will require the developer to undertake an evaluation of the archaeological implications of the proposed development before it determines the application. Where research indicates that important archaeological remains may exist, an archaeological field evaluation may be required before the application is determined.~~

- 3.16 The potential conflict between the needs of archaeology and development can be significantly reduced if developers discuss their plans for development with the Borough Council at an early stage. Developers should also consult with Leicestershire Museums Arts and Records Service who hold the Sites and Monuments Record (SMR). If these discussions indicate that a known site of archaeological interest, or an area of archaeological potential may be affected, an archaeological assessment of the proposal will be required as part of the application. Where this assessment indicates that important remains may exist, the Borough Council will may require request an archaeological field evaluation be undertaken before the application is determined.
- 3.17 In considering applications which affect archaeological sites, the Borough Council will liaise with both EnglishEnglish Heritage and Leicestershire Museums Arts and Records Service.

POLICY EV/4 - ALTERATIONS OR EXTENSION TO LISTED BUILDING**Inspector's Recommendation**

3.59 *I recommend that no modification be made in response to these objections.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.54 to 3.58 in the Inspector's Report.

Proposed Modification

None.

POLICY EV/5 - THE SETTING OF LISTED BUILDINGS**Inspector's Recommendation**

3.65 *I recommend that no modification be made in response to these objections.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.61 to 3.64 in the Inspector's Report.

Proposed Modification

None.

POLICY EV/6 - CHANGE OF USE OF LISTED BUILDINGS**Inspector's Recommendation**

3.70 *I recommend that no modification be made in response to these objections.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.67 to 3.69 in the Inspector's Report.

Proposed Modification

None.

DEMOLITION OF LISTED BUILDINGS

See Proposed Modification M3.59.

POLICY EV/7 - BUILDINGS OF LOCAL HISTORIC OR ARCHITECTURAL INTEREST**Inspector's Recommendation**

3.82 *I recommend that :-*

- i) *the Policy and RJ be modified in accordance with PC 33.*

- ii) *in the context of paragraph 3.80 of my conclusions, the Council should work as a matter of urgency to produce it's SPG.*

CBC Decision

Accept with modification.

Reason

For the reasons set out in paragraphs 3.73 to 3.81 in the Inspector's report.

The Inspector's concern that, in the interests of fairness, the Council should expedite the SPG process for those owners and occupiers likely to be affected by the inclusion of properties on the list of buildings of local historic or architectural interest is acknowledged.

Some aspects of the SPG document may require a more thorough re-appraisal in the light of more recent guidance. It is therefore intended that a separate report on objections to section 4 of the SPG, relating to buildings of local historic and architectural value, will be presented to the Council's Cabinet.

A minor modification to the reasoned justification is considered appropriate to make it clear that the local list will be subject to review.

Proposed Modification

M3.8

Amend Policy EV/7 and paragraph 3.26.

3.25 POLICY EV/7

Planning permission for ~~the development which would affect a~~ of buildings of local historic or architectural interest ~~or its setting~~ will not be granted ~~provided: if this would be detrimental to the appearance or character of the building or surrounding area.~~

- i) the appearance or character of the building and its setting are safeguarded; or**
- ii) the development would result in significant local community or environmental benefits.**

- 3.26 The Borough Council has undertaken a survey of non-listed buildings of local historic or architectural interest in association with the Loughborough Civic Trust, and these are recorded in the Borough Council's Supplementary Planning Guidance. These buildings are locally significant because of their architectural, historical or townscape value. Inclusion of buildings on the list does not award any legal protection and they do not enjoy the full protection of statutory listing. Where a building is of local historic or architectural interest, the impact of any development on the character of the building and its setting ~~although it~~ will be a material consideration in the determination of development proposals.

The local list will be kept under review and buildings may be added to, or deleted from it. Developers and interested parties should contact the Planning Department to ascertain the current status of buildings. Proposals that would adversely affect a building of local historic or architectural interest will need to demonstrate significant local community or environmental benefits which would outweigh the loss or damage to the building.

POLICY EV/8 - HISTORIC PARKS AND GARDENS**Inspector's Recommendation**

3.88 *I recommend that no modification be made in response to these objections.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.84 to 3.87 in the Inspector's Report.

Proposed Modification

None.

POLICY EV/9 - DEVELOPMENT IN CONSERVATION AREAS**Inspector's Recommendation**

3.99 *I recommend that :-*

- i) the Policy be amended in accordance with PC 34 subject to;*
- ii) having regard to my conclusions in paragraph 3.95, sub paragraph (vii) being modified further to read " open spaces of special character (including gardens), other spaces of public value,*
- iii) having regard to my conclusions in paragraphs 3.96 to 3.98, the Council should to give further consideration to the wording of sub paragraphs (ii), (v) and (vi) of the Policy.*

CBC Decision

Recommendations i) and ii): Accept.

Recommendation iii): Accept with further modification.

Reason

Recommendations (i) and (ii):

For the reasons set out in paragraphs 3.90 to 3.98 in the Inspector's report.

Recommendation (iii):

The Inspector suggests that wording of clauses (ii) (v) and (vi) should be given further consideration and refers to guidance contained in PPG15 in relation to the use of planning conditions rather than legal agreements and the amount of detail required with applications in conservation areas.

It is accepted that the early redevelopment of sites affected by demolition should be secured by condition rather than legal agreement. The reference to legal agreements should be deleted from clause ii) of the policy and replaced with a reference to the fact that where planning permission is granted for development that would involve demolition, conditions may be imposed to ensure that redevelopment commences as soon as is practicable.

In terms of the references to full details of proposals in clauses ii) and iv) it is considered that the approach suggested by the Inspector in para 3.97 of his report would allow some discretion over the level of detail sought with applications. The clauses should be reworded accordingly.

It is accepted that para vi) of the policy is not directly related to the determination of planning applications and should be deleted from the policy and included in the Reasoned Justification.

Proposed Modification

M3.9

Amend Policy EV/9 and insert a new paragraph to the Reasoned Justification after paragraph 3.30.

3.29 POLICY EV/9

In determining planning applications for development in designated conservation areas the Council will preserve or enhance their special character or appearance by:

- i) **refusing permission for development involving conservation area consent for the demolition of buildings unless it can be demonstrated that their condition is such that their repair, renovation or adaptation would be impracticable or that their removal or replacement would enhance the appearance or character of the area;**
- ii) **requiring, where consent is granted for development would involve demolition, sufficient details of how the site will be treated, full details and of any scheme for redevelopment of the site, so that the effect of the proposal on the character of the conservation area can be properly assessed. ~~and where appropriate, a legal agreement.~~ **Conditions may be imposed to ensure redevelopment commences as soon as practicable following demolition;****
- iii) **requiring the retention of materials, features and details of unlisted buildings or structures which contribute to the character of the conservation area;**
- iv) **requiring the height, size, design, roofscape, plot width, visual appearance and materials used in any new development (including alterations and extensions to existing buildings) to respect the character of the surrounding area and make a positive contribution to the general character of the conservation area;**
- v) **requiring full sufficient details of any proposal, including changes of use, so that the effect of the proposal on the character of the conservation area, both visually and in terms of any potential noise or other environmental intrusion, can be properly assessed. Detailed proposals may also be required on sensitive sites adjoining a conservation area. Alternatively design briefs will be prepared to guide development in the most sensitive locations;**
- vi) **~~liaising with the responsible agencies for the provision, retention and reinstatement of traditional paving materials, street furniture, lamp standards, brackets, bollards, railings, boundary walls, and telephone kiosks which help to form the character of a conservation area and extending their use where appropriate;~~**
- vii) **retaining the historic street pattern, traditional building lines, open spaces of special character (including gardens), other spaces of public value, important trees and water features footways, footpaths and kerblines which contribute to the character of a conservation area; and,**
- viii) **encouraging the redesign or replacement of buildings, structures and features which are visually detrimental to the character of a conservation area.**

3.30 [No Change].

The Borough Council will liaise with the responsible agencies for the provision, retention and reinstatement of traditional paving materials, street furniture, lamp standards, brackets, bollards, railings, boundary walls, and telephone kiosks which help to form the character of a conservation area and extending their use where appropriate;

POLICY EV/10 - ENHANCEMENT OF CONSERVATION AREAS

Inspector's Recommendation

3.106 *I recommend that the Plan be modified in accordance with PC 35.*

CBC Decision

Accept with further modification

Reason

For the reasons set out in paragraphs 3.101 to 3.105 in the Inspector's Report.

Some minor updating of the text is necessary to reflect the replacement of 'Town Schemes' with Heritage and Economic Regeneration (HERS) schemes.

Proposed Modification

M3.10

Reduce Policy EV/10 to supporting text and amend paragraph 3.32.

3.31 ~~**POLICY EV/10**~~

The Borough Council will prepare schemes for the enhancement of conservation areas and will encourage owners to improve their own land and buildings. In the determination of planning applications the Borough Council will have regard to the provisions of the Enhancement Scheme and will ~~expect~~require new development to be in keeping with any such scheme.~~complement those provisions~~

3.32 ~~Recently the Borough Council, in association with the County Council and English Heritage, has been involved in the preparation of a "Town Scheme" for the village of Mountsorrel. The Scheme aims to uplift the quality and appearance of the village, blighted by high volumes of heavy traffic for so many years, through the repair of historic buildings coupled with wider environmental improvements. The Council intends to bid for a Heritage and Economic Regeneration Scheme (HERS) for Loughborough town centre to retain and enhance the most important individual properties and groups of buildings. The Borough Council will, wWhere appropriate, bring forward proposals for the review of existing conservation areas, the designation of additional areas and further enhancement schemes will also be prepared. The Council will also bid for a Conservation Area Partnership Scheme for Mountsorrel and Quorn and in the future for Loughborough town centre to retain and enhance the most important individual properties and groups of buildings.~~

POLICY EV/11 - ARTICLE 4 DIRECTIONS

Inspector's Recommendation

3.109 *I recommend that the Plan be modified in accordance with PC 36.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraph 3.108 in the Inspector's Report.

Proposed Modification**M3.11**

Delete Policy EV/11, insert new supporting text after paragraph 3.34, and amend paragraph 3.36.

3.33 POLICY EV/11

~~The Borough Council will, in exceptional circumstances, and subject to the approval of the Secretary of State where necessary, invoke the provisions of Article 4 of the Town and Country Planning (GDO) 1988 to restrict permitted development taking place where it is considered that such development poses a real threat to the intentions of established planning policy.~~

3.34 [No Change].

Where it is considered that permitted development poses a real threat to the intentions of established planning policy the Borough Council will, subject to the approval of the Secretary of State where necessary, invoke the provisions of Article 4 and 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to restrict permitted development taking place.

3.35 [No Change].

3.36 For certain permitted development rights affecting dwellings in conservation areas and some works to listed buildings, the Council may introduce Article 4(2) Directions without the need for the Secretary of State's approval. In these cases proposals would be publicised and the Council would have regard to the views of local people.

POLICY EV/12 - ADVERTISEMENTS**Inspector's Recommendation**

3.116 I recommend that:-

- i) no modification be made to the Policy in response to these objections.
- ii) paragraph 3.39 be modified in accordance with PC 38 (EV/15).

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.111 to 3.115 in the Inspector's Report.

Proposed Modification**M3.12**

Insert new supporting text after paragraph 3.39.
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The Borough Council will have particular regard to the need to protect and enhance the appearance of the main road entrances to settlements and will use its powers to control existing and proposed advertisements in these locations. Main approaches to settlements by road can play an important part in defining the image of a settlement. In particular unsightly and inappropriate advertising in these locations can have a substantial detrimental effect. Consent to display advertisements along the main road entrances to settlements in the Borough will be restricted to:

- i) single signs of traditional construction denoting the location of public houses, petrol filling stations and other facilities convenient to travellers;
- ii) advance warning signs (including signs for tourist features) only where they would not be detrimental to public safety and would not result in a proliferation of signs.

POLICY EV/13 - ADVERTISEMENTS ABOVE FIRST FLOOR LEVEL**Inspector's Recommendation**

3.121 *I recommend that no modification be made in response to these objections.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.118 to 3.120 in the Inspector's Report.

Proposed Modification

None.

POLICY EV/14 - ADVERTISEMENTS ON LISTED BUILDINGS OR IN CONSERVATION AREAS**Inspector's Recommendation**

3.127 *I recommend that the Policy and RJ be modified in accordance with PC 37.*

CBC Decision

Accept but include additional rewording for greater clarity.

Reason

For the reasons set out in paragraphs 3.123 to 3.126 in the Inspector's Report.

As worded the policy implies that both sub-clauses have to be met in all instances. For proposals for adverts on listed buildings outside conservation areas, only clause (ii) is relevant. Adding 'or' at the end of clause (i) will make this clear.

Proposed Modification**M3.13**

Amend Policy EV/14 and insert new supporting text after paragraph 3.43.

3.42 POLICY EV/14

Express consent to display advertisements and signs within conservation areas or on or close to a listed building will only be granted where:

- i) **the design, scale and siting of the sign would preserve or enhance the character or appearance of the conservation area; and/or**
- ii) **the proposal would not adversely effect the special architectural or historic interest of a listed building or its character or setting, which would have an adverse effect on the character or appearance of a listed building or conservation area will not be permitted. Internally illuminated box fascia signs will not be permitted in these locations.**

3.43 [No Change].

In particular, internally illuminated box fascia signs can often have a damaging effect on the character of conservation areas and will normally be inappropriate on listed buildings. The Borough Council pay special attention to the likely impact of proposals for illuminated signage within conservation areas or on or close to listed buildings.

POLICY EV/15 - ADVERTISEMENTS ALONG MAIN ROAD CORRIDORS

Inspector's Recommendation

3.133 *I recommend that the Plan be modified in accordance with PC 38.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.129 to 3.132 in the Inspector's Report.

Proposed Modification**M3.14**

Delete Policy EV/15 and paragraphs 3.45 and 3.46 (these paragraphs are inserted after paragraph 3.39 of the Reasoned Justification- see Proposed Modification M3.12).
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3.44 ~~POLICY EV/15~~

~~The Borough Council will have particular regard to the need to protect and enhance the appearance of the main road entrances to settlements and will use its powers to control existing and proposed advertisements in these locations.~~

3.45 ~~Main approaches to settlements by road can play an important part in defining the image of a settlement. In particular unsightly and inappropriate advertising in these locations can have a substantial detrimental effect.~~

3.46 ~~Consent to display advertisements along the main road entrances to settlements in the Borough will be restricted to:~~

- i) ~~single signs of traditional construction denoting the location of public houses, petrol filling stations and other facilities convenient to travellers;~~
- ii) ~~advance warning signs (including signs for tourist features) only where they can be justified in the interests of road safety.~~

POLICY EV/16 - AREAS OF SPECIAL CONTROL FOR ADVERTISEMENTS

Inspector's Recommendation

3.139 *I recommend that the Plan be modified in accordance with PC 39.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.135 to 3.138 in the Inspector's Report.

Proposed Modification

M3.15

Delete Policy EV/16 and amend paragraph 3.48.

3.47 ~~POLICY EV/16~~

~~Designated Conservation Areas and land falling outside the defined Limits to Development, as shown on the Proposals Map, constitute Areas of Special Control for Advertisements. Within these areas express consent will only be granted where the advertisement is in keeping in scale, character and siting with its surroundings.~~

~~Express consent will be granted for remote advertisements signing businesses, tourist attractions and other local facilities where the location of the attraction is not readily apparent from the highway, provided the above criteria are satisfied.~~

- 3.48 Environmentally sensitive areas of the Borough are designated Areas of Special Control for Advertisements; these include most Conservation Areas and rural areas outside the main settlements.~~Limits to Development~~. In these areas more stringent standards apply in respect of the size of advertisements limiting the scope for deemed consent. In determining applications for express consent in these areas the Council will be particularly concerned to ensure that advertisements remain compatible with the character and quality of the surrounding rural, or historic environment.

POLICY EV/17 - ADVERTISEMENT HOARDINGS

Inspector's Recommendation

3.146 *I recommend that:-*

- i) *the Policy and RJ be modified in accordance with PC 40;*
- ii) *the second sentence of paragraph 3.50 be modified further to read "They will only be approved where they do not harm the character or appearance of the area or where as an interim measure they would be the only practical means of screening an unsightly building or area of land".*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.141 to 3.145 in the Inspector's Report.

Proposed Modification**M3.16**

Amend Policy EV/17 and amend paragraph 3.50.
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3.49 POLICY EV/17

Express consent for the display of advertisement hoardings or posters will not be approved outside the limits to development, within smaller villages or in primarily residential areas.

In commercial and industrial areas, proposals for advertisement hoardings will be approved where the hoarding:

~~i) is proposed as an interim measure to conceal temporarily vacant or unsightly sites and;~~

~~ii) _____ is in keeping with the scale, form and character of the building onto which it will be placed or surrounding buildings, and~~

~~iii) _____ would not, by virtue of its size or siting, be seen as an overdominant feature in the streetscene.~~

3.50 Advertisement hoardings, because of their size and character, can have a significant impact on the character of an area ~~and will normally only be appropriate in mainly commercial and industrial areas where they are proposed as an interim measure to conceal vacant or unsightly sites.~~ They will only be approved where they do not harm the character or appearance of the area or where as an interim measure they would be the only practical means of screening and unsightly building or area of land. Such advertising will usually be out of place in the countryside and many of the smaller villages in Charnwood.

POLICY EV/18 - PROJECTING SIGNS**Inspector's Recommendation**

3.150 *I recommend that no modification be made in response to these objections.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraph 3.148 in the Inspector's Report.

Proposed Modification

None.

POLICY EV/19 - ACCESS FOR PEOPLE WITH DISABILITIES**Inspector's Recommendation**

3.155 *I recommend that:-*

- i) *the Policy and RJ be modified in accordance with PC 41.*
- ii) *in the context of my conclusions in paragraph 3.154, the Council should give further consideration to the inclusion of additional text to the Policy and/or by cross referring it to Policy TR/24 to indicate more clearly the definition of "accessibility" as applied to people with disabilities and the scope the Plan can provide for dealing with this issue.*

CBC Decision

Recommendation i): Accept.

Recommendation ii): Accept with further modification.

Reason

For the reasons set out in paragraphs 3.152 to 3.154 in the Inspector's Report.

It is considered that a cross reference to Policy TR/24 would appropriately address the Inspector's concerns. As Part M of the Building Regulations is now in force, the reference to a review in paragraph 3.54 of the Reasoned Justification is no longer relevant.

Proposed Modification**M3.17**

Amend Policy EV/19 and paragraph 3.54.
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3.52 POLICY EV/19

Planning permission will not be granted for new buildings intended to be open to the public or to be used for employment or education unless the design and layout provides suitable access to and into the building ~~provision is made for access by people with disabilities. Proposals for the change of use, alteration or extension of existing buildings for these purposes will also be required to provide~~ not be permitted unless provision is made for access by people with disabilities where reasonable and practical.

(See also in particular Policy TR/24)

3.53 [No Change].

3.54 The provisions of the Acts are largely enforced through Part M of the Building Regulations in so far as new development is concerned. ~~(A review of the Regulations is currently in progress the purpose of which is to extend part of the provisions for access for people with disabilities to new dwellings).~~ PPG1 indicates that local planning authorities should take into account access issues in development plans and in determining planning applications. For new developments, or changes of use or alteration of existing buildings where there will be public access, the Borough Council will seek to ensure that through the design and layout, easy access to the building is provided for people with disabilities. The Borough Council will be flexible in its approach to access issues taking into account the circumstances of each case. ~~However the Building Regulations may not always apply in relation to changes of use, alterations and extensions to existing buildings and in these circumstances the Borough Council will rely upon its planning policy to deliver improvements to access.~~ Measures designed to assist people with disabilities will improve access for everyone, not least the elderly and infirm and people with young children.

POLICY EV/20 - SAFETY IN NEW DEVELOPMENT**Inspector's Recommendation**

3.160 *I recommend that:-*

- i) *no modifications be made in response to these objections.*
- ii) *the Council should consider including a reference to Policy H/14 at the end of Policy EV/20.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.157 to 3.159 in the Inspector's Report.

Proposed Modification**M3.18**

Insert cross reference to Policy H/14.
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3.55 POLICY EV/20

In the determination of planning applications the Borough Council will have regard to the need to make provision in the design and layout of new development for the purposes of creating a safer environment, particularly for women, children and the elderly.

(See also in particular Policy H/14)

POLICY EV/21 - OPEN SPACES OF SPECIAL CHARACTER**Inspector's Recommendation**

3.220 *I recommend: -*

- i) *that the Policy, RJ and Proposals Maps be modified in accordance with PC 42, PC 43, PC 44, PC 45, PC 46, PC 47, PC 48, PC 49, PC 50 and PC 51 subject to :-*
- ii) *having regard to my conclusions in paragraph 3.174 the Council, before confirming PC 44 (Hoton), should satisfy itself that the northern boundary of the proposed designation is appropriately shown on the Proposals Map.*

CBC Decision

Recommendation i): Accept.

Recommendation ii): Reject with further modification.

Reason

Recommendation (i): For the reasons set out in paragraphs 3.162 to 3.219 in the Inspector's Report.

Recommendation (ii): In relation to land at 40 Loughborough Road, Hoton, the site is bounded by a brick wall which ensures that the Limits to Development and Countryside are well defined. Constrained vehicular access to the site and Conservation Area considerations will limit its

development potential. It is inappropriate that part of the site should be subject to the Open Space of Special Character Policy.

Proposed Modification
M3.19

Amend Policy EV/21 and paragraph 3.58. Insert additional Reasoned Justification after paragraph 3.58.

3.56 POLICY EV/21

Planning permission will not be granted for development which would result in the loss of important areas of open land retained in public or private ownership which contribute to the special character of a settlement either individually or as part of a wider network of open space.

3.57 A central feature of the plan's sustainable strategy lies in ensuring that the "green" character of the Borough's settlements is safeguarded and enhanced and not lost to "town cramming". PPG17 emphasises the important contribution open space, both public and private, makes to the quality of urban life. ~~Open spaces can be an important amenity in their own right influencing the form and character of settlement or as part of a wider network of spaces combining to form green corridors of open land within urban areas. These open spaces and corridors are not only important as a visual amenity but can also be ecologically significant as wildlife habitats.~~

The character of settlements is a function of the interrelationship between buildings and the spaces they define. Very often, open spaces make a vital contribution to a settlement's character. Important areas of open land can include:

- spaces of historic importance within conservation areas or adjoining listed buildings.
- spaces important in the streetscene.
- spaces creating a feeling of spaciousness within an area.
- spaces that provide a link to the countryside or provide a transition between the settlement and the countryside beyond.
- private garden land which is an important feature in the streetscene or forms part of the transition between the settlement and the countryside.

Open spaces of special character are shown on the Proposals Map. Other areas of open land, including recreation land defined under Policy RT/7, and allotments defined under Policy RT/12, can often be important for their amenity as well as recreational value. For development proposals affecting these areas, the Borough Council will also consider whether the land functions as an open space of special character. There may also be circumstances where open land within a settlement that is not identified as an open space of special character on the Proposals Map is proposed for development. In these situations the Borough Council will, in determining the proposal, consider whether the land functions as an open space of special character to which this policy should apply.

Proposed Modification
M3.20

Amend Proposals Map to exclude the staff house at The Holt, and Nos 214, 216 and 222 Birstall Road, Birstall from the defined open space of special character, as shown on Plan M3.20.

Proposed Modification**M3.21**

Amend Proposals Map to remove open space of special character designation from all the land at 40 Loughborough Road, Hoton as shown on Plan M3.21.

Proposed Modification**M3.22**

Amend Proposals Map to remove open space of special character designation from land to the north and west of Queniborough Hall, Queniborough. Retain designation on land to the east of the Hall fronting Main Street. Extend designation to cover land around St Mary's Church (see Plan M3.22).

Proposed Modification**M3.23**

Amend Proposals Map to include rear curtilage of Stafford Lodge, Quorn within the area of open space of special character as shown on Plan M3.23.

Proposed Modification**M3.24**

Amend Proposals Map to exclude the building at 58 Town Green Street, Rothley from the open space of special character, but to retain the designation on the land to the rear of the property (see Plan M3.24).

Proposed Modification**M3.25**

Amend Proposals Map to delete open space of special character designation on land at 41 Main Street, South Croxton as shown on Plan M3.25).

Proposed Modification**M3.26**

Amend Proposals Map to redefine Limits to Development around 49 Main Street, South Croxton as shown on Plan M3.26.

Proposed Modification**M3.27**

Amend Proposals Map to delete open space of special character designation from land north of Regent Street and north-east of No.24 Regent Street, Thrusington as shown on Plan M3.27.

Proposed Modification**M3.28**

Amend Proposals Map to exclude buildings at Thurcaston Grange, Thurcaston from open space of special character (see Plan M3.28).

Proposed Modification**M3.29**

Amend Proposals Map to remove open space of special character designation from land to the rear of The Rectory, Thurcaston, show land as outside Limits to Development and designate as Green Wedge as shown on Plan M3.29

Proposed Modification**M3.30**

Amend Proposals Map to remove open space of special character designation from land at Roundhill Community College, Thurmaston and redesignate it as educational land subject to Policy CF/3 and as part of the area of local separation between Syston and Thurmaston (see Plan M3.30).

POLICY EV/22 - TREE PRESERVATION ORDERS**Inspector's Recommendation**

3.226 *I recommend that the Plan be modified in accordance with PC 52.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.222 to 3.225 in the Inspector's Report.

Proposed Modification**M3.31**

Delete Policy EV/22 and amend paragraph 3.60.

3.59 ~~**POLICY EV/22**~~

~~The Borough Council will make tree preservation orders to protect those trees, groups of trees or woodlands which make a significant contribution to the amenities of any area. In the determination of planning applications the Borough Council will take into account the need to protect where possible such trees from felling, lopping, topping, pruning, changes to ground levels, root severance or soil compaction.~~

3.60 Part of Charnwood's special character is its wooded landscaped - its most recognisable feature being the popular Charnwood Forest area. It is important that the existing stock of trees and areas of woodland are safeguarded where possible from the impact of new development. The Borough Council will make tree preservation orders to protect those trees, groups of trees or woodlands which make a significant contribution to the amenities of any area. In the determination of planning applications the Borough Council will take into account the need to protect where possible such trees from felling, lopping, topping, pruning, changes to ground levels, root severance or soil compaction. Wherever possible services should not be run under tree crowns or through existing or proposed landscape areas in order to avoid damage to root systems.

POLICY EV/23 - ANCIENT WOODLAND**Inspector's Recommendation**

3.232 *I recommend that the Policy be modified in accordance with PC 53.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.228 to 3.231 in the Inspector's Report.

Proposed Modification**M3.32**

Amend Policy EV/23.

3.61 POLICY EV/23

The Borough Council will refuse development proposals which would result in the loss of, or damage to, areas of ancient woodland, directly or indirectly by felling, lopping, topping, pruning, changes to ground levels, root severance or soil compaction. Improved management of existing woodland and increased planting will be encouraged wherever possible.

POLICY EV/24 - LANDSCAPE IMPROVEMENTS**Inspector's Recommendation**

3.238 I recommend that the Plan be modified in accordance with PC 54.

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.234 to 3.237 in the Inspector's Report.

Proposed Modification**M3.33**

Delete Policy EV/24 and paragraphs 3.64 and 3.65.

3.63 POLICY EV/24

~~The Borough Council, in co-operation with landowners, the County Council and other agencies, will pursue a policy of positive landscape improvements in the countryside, green wedges and areas of physical separation. Measures will be taken to:~~

- ~~i) improve the management of these areas in the interest of landscape conservation, improvement and recreation and as an important wildlife resource;~~
- ~~ii) encourage the establishment of common locally native trees, hedges and woodlands together with the creation of other natural features;~~
- ~~iii) reduce the intrusiveness of existing unsympathetic development, through securing comprehensive landscaping as part of any proposals for conversion or extension;~~
- ~~iv) integrate appropriate new development, including roads, road improvements and service installations into the landscape by providing tree planting schemes and other landscape measures;~~
- ~~v) encourage the retention, through careful management and maintenance, of key landscape features including trees, hedgerows, woodland, grassland and drystone walls.~~

3.64 ~~Local Plans are required by law to include policies in respect of the conservation of the natural beauty and amenity of the land and for the improvement of the physical environment.~~

3.65 ~~PPG7 sets out the main aims of government policy for the countryside. It emphasises the important role the planning system can play in integrating the development necessary to sustain the rural economy with the protection of the countryside for the sake of its beauty, the wealth of its natural resources and its ecological, agricultural and recreational value. Landscape features, including rivers, hedges, ponds and woods are also important for wild flora and fauna as continuous linear features or stepping stones encouraging the migration and disposal of wild species. Where resources allow, initiatives for landscape conservation and improvement within the countryside, green wedges and areas of local separation between settlements will be encouraged through direct funding of specific landscape initiatives and through consultations with landowners and other interested parties.~~

POLICY EV/25 - DEVELOPMENT AND THE LANDSCAPE

Inspector's Recommendation

3.247 *I recommend that the Policy and RJ be modified in accordance with PC 55.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.240 to 3.246, and paragraph 3.366 in the Inspector's Report.

Proposed Modification

M3.34

Amend Policy EV/25, reword policy title and insert additional Reasoned Justification after paragraph 3.67.

LANDSCAPING IN NEW DEVELOPMENT, DEVELOPMENT AND THE LANDSCAPE

3.66 **POLICY EV/25**

Planning permission for new development will be granted where a high standard of appropriate landscaping is provided to the satisfaction of the Borough Council. Where a detailed landscaping scheme is submitted at the full planning application stage or in any reserved matters its subject to the submission and approval by the Borough Council of a satisfactory landscaping scheme. Submitted schemes should :

- i) accurately identify planting areas and include details of plant species, their size and density, soil preparation and the location of existing and proposed services;
- ii) clearly identify existing trees and hedgerows to be retained as part of the development and the measures proposed to safeguard these features during development;
- iii) include details of structural planting and any proposed earth modelling on the periphery of the site, particularly where it adjoins areas of the countryside, Green Wedge, local separation, Areas of Particularly Attractive Countryside, open space, principal transport corridors or areas where the physical separation of land uses requires reinforcement. In these sensitive locations schemes provision should be made for the use of common locally native species. For within site landscaped areas, the use of common locally native species will be

sought unless there is no such species suitable to fulfil the landscaping purpose required;

- iv) **specify planting to break up the outline of large buildings;**
- v) **detail planting proposed for car parking and servicing areas;**
- vi) **provide full details of proposals for future maintenance.**

3.67 [No Change].

PPG1 recognises that landscaping is an integral part of good design. Where landscaping issues are considered at an early stage in the design process, the resulting quality and attractiveness of the development can be greatly improved. Landscaping not only brings visual benefits but can also provide shelter from the wind and thereby reduce heat loss and provide energy savings. It can also provide important wildlife habitats. Detailed landscaping schemes will be expected for all new large housing, employment, commercial and recreational developments. For smaller scale developments in sensitive locations, proposed landscaping may also be an important consideration.

Specific landscaping requirements for allocated sites are detailed in the site specific policies contained in the Population and Housing and Employment and Business chapters of the Plan.

POLICY EV/26 - SITES OF NATIONAL ECOLOGICAL OR GEOLOGICAL IMPORTANCE

Inspector's Recommendation

3.254 *I recommend that:-*

- i) *the Policy be modified in accordance with PC 56, subject to:-*
- ii) *having regard to my comments in paragraph 3.251 about Sites of International Importance, the Council should consider whether the text of the Policy requires any further modification; and*
- iii) *having regard to my comments in paragraph 3.252, the Council should consider further modifying the end of the first paragraph of the Policy to read "and there is no alternative solution or other site suitable for that particular purpose".*

CBC Decision

Recommendation i) and iii): Accept.

Recommendation ii): Accept with further modification.

Reason

Recommendation (i) and (iii): for the reasons set out in paragraphs 3.249 to 3.252 in the Inspector's Report.

Recommendation (ii): It is acknowledged that international designations should be afforded a level of protection greater than that for sites of national importance. There are no sites of international importance in the Plan area. For clarity it would seem appropriate not to include a reference to sites of international importance in the policy so that it is clear that it only relates to sites of national importance.

Proposed Modification**M3.35**

Amend Policy EV/26.

3.68 POLICY EV/26

Planning permission will not be granted for development which could adversely affect National Nature Reserves or Sites of Special Scientific Interest, proposed or designated for their ecological interest, unless an overriding national need can be shown which exceeds the level of importance for nature conservation and there is no alternative solution or other site suitable for that particular purpose.

For Sites of Special Scientific Interest proposed or designated for their geological interest ~~and Regionally Important Geological Sites~~, planning permission will not be granted for development which could have an adverse affect unless an overriding national need can be shown which exceeds the level of importance for nature conservation or a suitable substitute site of at least equal value can be proposed.

POLICY EV/27 - SITES OF COUNTY/DISTRICT LEVEL ECOLOGICAL OR GEOLOGICAL IMPORTANCE

Inspector's Recommendation

3.262 *I recommend that :-*

- i) *the Policy and RJ be modified in accordance with PC 57 and FPC 57A subject to :-*
- ii) *having regard to my conclusions in paragraph 3.257, the Policy be modified further to remove the reference in it to national need; and*
- iii) *in the context of my comments in paragraph 3.261, the Council should consider modifying the title of the Policy further to read:-
SITES OF REGIONAL, COUNTY AND DISTRICT LEVEL ECOLOGICAL OR GEOLOGICAL IMPORTANCE.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.256 to 3.261 in the Inspector's Report.

Proposed Modification**M3.36**

[Note: Aspects of this Proposed Modification rely upon the Council's Further Proposed Changes which have not previously been subject to public consultation]

Amend Policy EV/27, reword policy title and amend paragraph 3.73.

SITES OF REGIONAL, COUNTY AND DISTRICT LEVEL ECOLOGICAL OR GEOLOGICAL IMPORTANCE

3.72 POLICY EV/27

Planning permission will not be granted for development which could adversely affect County and District level sites of ecological interest or Local Nature Reserves unless an

~~overriding national or strategic local~~ need can be shown which exceeds the level of importance for nature conservation.

For Regionally Important Geological Sites and County and District level geological sites, planning permission will not be granted for development which could have an adverse affect unless an overriding ~~national or strategic local~~ need can be shown which exceeds the level of importance for nature conservation or a suitable substitute site of at least equal value can be proposed.

- 3.73 The list of ecological and geological sites prepared by the County Council's Museums, Arts and Records service identifies over one hundred and fifty sites of county or district level ecological or geological interest. It is important that these ~~locally~~ important sites are protected from adverse development wherever possible. Development which would affect a regional, county or district level ecological or geological site will only be granted where there is a strategic need for the development sufficient to outweigh the importance of the site for nature conservation. The sites concerned are identified on the Proposals Map and listed in the Borough Council's Supplementary Planning Guidance.

POLICY EV/28 - SITES OF PARISH LEVEL ECOLOGICAL/GEOLOGICAL INTEREST

Inspector's Recommendation

3.271 *I recommend that :-*

- i) *PC 58 should not be implemented.*
- ii) *paragraph 3.77 be included at paragraph 3.79 after the revised Policy EV/29.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.264 to 3.270 in the Inspector's Report.

Proposed Modification

M3.37

Delete paragraph 3.77 and insert after paragraph 3.79 (see Proposed Modification M3.39).

- 3.77 ~~In considering development proposals affecting all ecological and geological sites the Borough Council will have regard to the advice of English Nature, the County Council's Museums Service and the Charnwood Wildlife Project. A list of Parish level ecological and geological sites is included in the Borough Council's Supplementary Planning Guidance. As these designations change as new sites are identified advice should always be sought on the current up-to-date situation.~~

POLICY EV/29 - IMPACT OF DEVELOPMENT ON SITES OF ECOLOGICAL/GEOLOGICAL INTEREST

Inspector's Recommendation

3.281 *I recommend that :-*

- i) *the Policy be modified in accordance with PC 59, PC 60 and FPC 60A subject to:-*
- ii) *having regard to my conclusions in paragraph 3.277, the second paragraph of the Policy starting at “Planning applications for new development” down to (vi) ending with “ nature conservation features” be reduced to text; and*
- iii) *paragraph 3.77 of the Plan be included at paragraph 3.79 after the revised Policy EV/29.*

CBC Decision

Recommendation i): Accept subject to modified wording for greater clarity.

Recommendation ii) and iii): Accept.

Reason

For the reasons set out in paragraphs 3.273 to 3.280 in the Inspector’s Report. A minor modification to the wording of the policy will make it clear that all of the sub-clauses are relevant in the consideration of development proposals.

Proposed Modification

M3.38

Insert new Policy on Landscape Features Important for Nature Conservation after paragraph 3.77.

LANDSCAPE FEATURES IMPORTANT FOR NATURE CONSERVATION

EV/B

Planning permission for development which would affect a feature of the landscape of major importance for wild flora and fauna will be not be granted unless:

- i) **the feature is safeguarded and retained within the development;**
- ii) **its function as a linear and continuous corridor or stepping stone for migration, dispersal and genetic exchange is not diminished; and**
- iii) **a scheme for the management of the nature conservation interest is prepared.**

PPG 9 notes that in combination with statutory and non- statutory sites, countryside features providing wildlife corridors or links are an important part a network necessary to maintain nature conservation interests. The Habitats Directive requires Member states to encourage the management of features of the landscape important for wild flora and fauna. These features can include river and brook corridors, field boundary systems, roadside verges, ponds and small woods. Many will be designated sites of nature conservation interest. However, it is important that other non-designated sites that are important as links or stepping stones are safeguarded.

Where proposals would be likely to affect a landscape feature which functions as an important link or stepping stone, the Borough Council will seek to ensure that it is incorporated in the development, and may look to negotiate a legal agreement with the developer, or alternatively conditions will be included in any planning permission, to secure the appropriate management of the nature conservation interest.

Proposed Modification**M3.39**

[Note: Aspects of this Proposed Modification rely upon the Council's Further Proposed Changes which have not previously been subject to public consultation]

Amend Policy EV/29, reword Policy title, include additional Reasoned Justification after paragraphs 3.78 and 3.79.

IMPACT OF DEVELOPMENT AND FEATURES OF NATURE CONSERVATION INTEREST ON SITES OF ECOLOGICAL OR GEOLOGICAL IMPORTANCE

3.78 POLICY EV/29

In considering proposals for development the Borough council will ensure that the minimum damage and disturbance is caused to any affected sites of ecological or geological interest, to their function as part of a linear and continuous wildlife corridor or as stepping stones for the migration, dispersal and genetic exchange of wild species and that new habitats are created where opportunities arise. Proposals likely to affect existing sites will be required to include the following. Proposals for new development will be expected to include measures to conserve existing features of nature conservation interest and to include proposals for the creation of new habitats where appropriate.

- i) an accurate site survey of all existing natural features showing what is to be removed and what is to be retained;**
- ii) an assessment of the likely impact on features of the landscape of major importance for wild flora and fauna because of their linear and continuous structure or their function as stepping stones;**
- iii) any changes to ground levels and existing land drainage patterns including the location, size and extent of any temporary mounds of soil or topsoil;**
- iv) the location of existing or proposed services;**
- v) proposals to protect and manage existing habitats and areas of geological interest to be retained, including safeguarding measures during construction on site.**

Planning applications for new development likely to affect designated sites or landscape features of major importance for nature conservation will be expected to include:

- i) an accurate site survey of all existing natural features showing what is to be removed and what is to be retained;**
- ii) an assessment of the likely impact on features of nature conservation interest including landscape features of major importance for wild flora and fauna because of their linear and continuous structure or their function as stepping stones;**
- iii) any changes to ground levels and existing land drainage patterns including the location, size and extent of any temporary mounds of soil or topsoil;**
- iv) the location of existing or proposed services;**
- v) proposals to protect, enhance and manage existing habitats and areas of geological interest to be retained, including safeguarding measures during construction on site;**
- vi) proposals for new habitat creation to compensate for any loss or damage to nature conservation features.**

3.79 [No Change].

In considering development proposals affecting all ecological and geological sites the Borough Council will have regard to the advice of English Nature, the County Council's Museums Service and the Charnwood Wildlife Project. A list of Parish level ecological and geological sites is included in the Borough Council's Supplementary Planning Guidance. As these designations change as new sites are identified advice should always be sought on the current up to date situation.

NOTE: SEE PROPOSED MODIFICATION M3.59 RELATING TO LOCAL NATURE RESERVES

POLICY EV/30 - SPECIES PROTECTION

Inspector's Recommendation

3.289 *I recommend that the Policy and RJ be modified in accordance with PC 62 and FPC 62A.*

CBC Decision

Accept, with additional rewording for clarification of intent of policy.

Reason

For the reasons set out in paragraphs 3.283 to 3.288 in the Inspector's Report. A further revision of the wording of the policy would improve clarity by indicating that planning permission will not be granted for developments that would have an adverse effect on sites supporting protected species, **unless** measures are included to protect the species and minimise any disturbance during development or to provide for transfer to an alternative site of equal value.

Proposed Modification

M3.40

[Note: Aspects of this Proposed Modification rely upon the Council's Further Proposed Changes which have not previously been subject to public consultation]

Amend Policy EV/30 and paragraph 3.82.
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3.81 **POLICY EV/30**

The Borough Council will not grant planning permission for a development that would have an adverse effect upon any site supporting ~~species protected by law, badgers, bats and all other species protected by schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended, or Annex IV to the EC Habitats Directive unless no other site is suitable for the development~~In this case the development will need to be designed measures are included in the proposal to protect the species and minimise any disturbance during development, or make provision to provide for its transfer to an alternative site of equal value.

3.82 The Wildlife and Countryside Protection Act 1981 places restrictions on the killing, taking, keeping and sale of wild birds and their eggs, and other animals and plants listed in the Act. Other animals, including badgers and bats, are protected under separate legislation. Under the EC Habitats Directive, certain animal and plant species are also afforded protection. The Conservation (Natural Habitats & co) Regulations 1994 implement the Directive's requirements for species listed in Annex IV. The Borough Council will seek to ensure that sites supporting protected species are safeguarded from development. Where development is permitted, the Borough Council will either impose conditions or seek to negotiate a legal agreement with the developer to secure the protection of the affected species. The possibility

of transfer to an alternative site will only be considered in exceptional circumstances. Prospective developers of sites which may support species are advised to contact English Nature regarding their obligations in this respect.

POLICY EV/31 - IMPROVEMENTS TO THE BUILT ENVIRONMENT

Inspector's Recommendation

3.295 *I recommend that the Plan be modified in accordance with PC 63.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.291 to 3.294 in the Inspector's Report.

Proposed Modification

M3.41

Reduce Policy EV/31 to text and amend paragraph 3.85.

3.84 ~~POLICY EV/31~~

The Borough Council will encourage and, where appropriate, initiate a programme of environmental improvements to upgrade and enhance the built up areas within Charnwood. Measures will include hard and soft landscaping, tree establishment, traffic calming, the treatment of untidy sites and the rationalisation of advertising.

A programme of action will be established focusing on the following priority areas:

- i) Loughborough Town Centre, the main approaches to the town by road and rail and the Grand Union Canal;
- ii) the centres of the larger villages including Shepshed, Birstall, Thurmaston, Syston and Barrow upon Soar;
- iii) boundaries of main employment areas, particularly where they adjoin residential areas, public open space, or the open countryside;
- iv) areas of derelict and degraded land and buildings;
- v) Conservation areas;
- vi) areas of Victorian terraced housing and post-war Council housing.

3.85 Within the main built up areas in the Borough environmental improvements will focus on Loughborough town centre and the centres of the larger villages. Existing schemes, for example the "Conservation Area Partnership Town Scheme" for Mountsorrel and Quorn, have already resulted in a range of environmental improvements. Other schemes, such as the proposals for pedestrianisation in Loughborough offer the prospect of significant environmental improvements to the shopping environment in the town. The Borough Council intends to establish a programme of environmental action where environmental improvements will be pursued in partnership with landowners and other interested parties.

POLICY EV/32 - IMPROVEMENTS TO THE NATURAL ENVIRONMENT**Inspector's Recommendation**

3.303 *I recommend that the Plan be modified in accordance with PC 64.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.297 to 3.302 in the Inspector's Report.

Proposed Modification**M3.42**

Reduce Policy EV/32 to text and amend paragraph 3.87.

3.86 **POLICY EV/32**

Outside the Limits to Development measures to improve the natural environment will be encouraged and initiated including:

- i) the removal of derelict buildings where they are detrimental to the attractive rural character of the area;
- ii) the reclamation of derelict land for agriculture, tree planting, nature conservation or appropriate recreation uses;
- iii) improvements to existing footpaths and bridleways;
- iv) tree planting, particularly within the National Forest;
- v) enhancement of existing and the creation of new wildlife habitats.

3.87 For the Borough's natural environment, the National Forest Strategy will encourage a series of environmental improvements in the western part of the Borough. Elsewhere the emphasis will be on the treatment of eyesores including the removal of derelict buildings and the reclamation of areas of derelict land along with further tree planting and the enhancement and the creation of new wildlife habitats. In preparing improvement schemes the Borough Council will consult with the Charnwood Wildlife Project and other local interest groups as appropriate.

POLICY EV/33 - PROTECTION OF WASHLAND**Inspector's Recommendation**

3.310 *I recommend that*

- i) *the Policy and RJ be modified in accordance with PC 65*
- ii) *having regard to my conclusions in paragraph 3.309, the term "washland" be replaced by the words "flood plain" in the Policy.*

CBC Decision

Accept with further modification to show up to date information on floodplain boundaries.

Reason

For the reasons set out in paragraphs 3.305 to 3.309 in the Inspector's Report.

In considering objections to employment allocation E/5(c) Dishley Grange, Loughborough and housing omission site H/66, Town Green Street, Rothley, the Inspector recommends that the boundary of the floodplain as shown on the Proposals Map should reflect the most up to date information from the Environment Agency (see paragraphs 4.1151 and 5.119 to 5.121 in the Inspector's report). The most recent information on floodplains provided by the Environment Agency was published in November 2000. The Proposals Map should be amended to show these revised boundaries.

The areas falling within floodplain are more extensive than previously shown because the more recent plans map floodplain areas associated with all watercourses, not just the main rivers. The maps provide an overview of flood risk. They do not distinguish between degrees of risk. The boundaries have been drawn to include all areas known to face at least a one in one hundred (or 1%) chance of flooding each year.

Proposed Modification**M3.43**

Amend Policy EV/33, reword Policy title and amend paragraph 3.89.

Amend Proposals Map to show updated floodplain boundaries (see Plan M3.43).

(See Plan M5.8 for land at Dishley Grange, Hathern)

PROTECTION OF FLOODPLAINS~~WASHLAND~~**3.88 POLICY EV/33**

In the floodplain areas identified on the Proposals Map, Pplanning permission will not be granted for development likely to increase flood risk unless there is in areas at risk from flooding identified on the Proposals Map, defined by the Environment Agency. These areas will include essential washlands, natural floodplains and other areas adjacent to rivers and watercourses to which access is required for maintenance purposes. Where development is permitted exceptionally in response to an overriding need for the development ,and adequate protection and mitigation measures to compensate for any impact are clearly identified, agreed by the local planning authority and implemented by the developer prior to development, compensatory measures will be required to the satisfaction of the local planning authority in consultation with the Environment Agency.

3.89 Historically some limited development has taken place within the floodplains~~washlands~~ of the Rivers Soar and Wreake and consequently some properties are at risk from flooding. Any further development within floodplain ~~washland~~ areas which would increase the risk of flooding on the site or elsewhere will be resisted ~~in all but very exceptional circumstances.~~ Development can increase flood risk by obstructing flood flows or by reducing the amount of land available for flood water storage. Where it is decided that there is an overriding need for the development should be permitted, appropriate flood protection and mitigation measures will be required to compensate for the impact of development. Areas at risk from flooding are identified by the Environment Agency and are shown on the Proposals Map. The Agency is in the process of updating maps of floodplain areas which will be constantly reviewed if

better flood data becomes available. To ensure that planning decisions are based on accurate and up to date information on flood issues, the Borough Council will consult with the Environment Agency on the possible impact of development proposed in or adjoining areas likely to be at risk from flooding and the suitability of any flood protection or mitigation measures proposed.

POLICY EV/34 - DESIGN OF FLOOD ALLEVIATION MEASURES

Inspector's Recommendation

3.314 *I recommend that the Policy be modified in accordance with PC 66.*

CBC Decision

Accept with additional minor rewording for clarification.

Reason

For the reasons set out in paragraphs 3.312 and 3.313 in the Inspector's Report.

Proposed Modification

M3.44

Amend Policy EV/34.

3.90 **POLICY EV/34**

Where planning permission is required for works related to flood alleviation, consent will be granted provided the measures are:~~the Borough Council will require that such measures should be:~~

- i) **of a design and scale likely to conserve the ecological and scenic value of the river valleys; and**
- ii) **appropriate sympathetic in scale and use of materials to the site ~~of any works and its surroundings.~~**

POLICY EV/35 - ACCESS TO WATERCOURSES FOR MAINTENANCE

Inspector's Recommendation

3.317 *I recommend that the Policy be modified in accordance with PC 67.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraph 3.316 in the Inspector's Report.

Proposed Modification**M3.45**

Amend Policy EV/35.

3.92 POLICY EV/35

Planning permission will not be granted for development within 8 metres of the top of the bank or within 8 metres of a flood bank or other flood defence on all main rivers and other watercourses which would obstruct access for future maintenance.

POLICY EV/36 - SURFACE WATER RUN-OFF**Inspector's Recommendation**

3.321 I recommend that the Policy be modified in accordance with PC 68.

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.319 and 3.320 in the Inspector's Report.

Proposed Modification**M3.46**

Amend Policy EV/36 and paragraph 3.95.

3.94 POLICY EV/36

Planning permission will not be granted for development which would result in an increased flood risk or have an unacceptable adverse impact on the water environment in areas downstream due to additional surface water run-off unless appropriate alleviation and mitigation measures are included as part of the development and agreed by the local planning authority.

~~Where development is permitted which is likely to increase the risk of flooding it must include appropriate measures defined by the Borough Council in consultation with the Environment Agency to off-set or control surface water run-off to remove any such risk.~~

3.95 New development, redevelopment and changes of use can all potentially alter the pattern of surface water run-off. Where new built development occurs, the quantity and rate of run-off from more impermeable surfaces like roads and car parks can increase significantly. Whilst the effects may not be immediately apparent they can have a dramatic effect downstream and may cause the capacity of watercourses to be exceeded at times of flood risk, increase pollution, silt deposition and damage watercourse habitats. These effects can often be at some considerable distance from the actual development. New developments will only be permitted where suitable measures to mitigate all the adverse impacts of surface water run-off are included as part of the development. The Borough Council will consult with the Environment Agency on the possible impact of development on surface water run-off and any alleviation and mitigation measures proposed.

POLICY EV/37 - SEWAGE DISPOSAL CAPACITY**Inspector's Recommendation**

3.326 *I recommend that the Policy be modified in accordance with PC 69.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.323 to 3.325 in the Inspector's Report.

Proposed Modification**M3.47**

Amend Policy EV/37.

3.96 **POLICY EV/37**

Where existing sewage disposal facilities are at capacity planning permission for new development will not be granted unless it is phased to commence in accordance with a programme for the improvement or extension of those facilities. In such circumstances permission will be conditioned to ensure that the development is may not be occupied until the required improvements are operational.

POLICY EV/39 - MAINTENANCE AGREEMENTS FOR SEPTIC TANKS**Inspector's Recommendation**

3.329 *I recommend that the Plan be modified in accordance with PC 70.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraph 3.328 in the Inspector's Report.

Proposed Modification**M3.48**

Delete Policy EV/39 and paragraph 3.101.
--

~~MAINTENANCE AGREEMENTS FOR SEPTIC TANKS~~3.100 **~~POLICY EV/39~~**

~~Planning permission will not be granted for development comprising 5 or more dwellings dependent upon an independent sewage treatment facility unless a long term agreement on maintenance is made.~~

3.101 ~~Septic tanks may be utilised provided ground conditions are satisfactory and plot sizes are of sufficient size to provide an adequate subsoil draining system.~~

POLICY EV/40 - GROUND WATER PROTECTION**Inspector's Recommendation**

3.333 *I recommend that the Policy and RJ be modified in accordance with PC 71.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.331 and 3.332 in the Inspector's Report.

Proposed Modification**M3.49**

Amend Policy EV/40 and paragraph 3.103.

3.102 **POLICY EV/40**

Planning permission will not be granted for development which would be likely to result in the create pollution posing an unacceptable risk to the quality of groundwater and surface water resources likely to prevent their use.

3.103 Ground-water reserves are a valuable source of supply to the public, for agriculture and industry and also sustain base flows in the rivers. The water quality of inland watercourses is also an important area of concern. As the decontamination of polluted ground-water is a difficult and expensive process, it is desirable to reduce the risk of pollution rather than deal with its consequences. The publication of the former National Rivers Authority "Policy and Practice for the Protection of Groundwater" gives further guidance on the acceptability of development in relation to groundwater protection. The Borough Council will consult with the Environment Agency on proposals likely to adversely affect the quality of groundwater or surface water resources.

POLICY EV/41 - NUISANCE FROM SEWAGE WORKS**Inspector's Recommendation**

3.339 *I recommend that the Policy and RJ be modified in accordance with PC 72.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.335 to 3.338 in the Inspector's Report.

Proposed Modification**M3.50**

Amend Policy EV/41, reword Policy title and amend paragraph 3.105.
--

NUISANCE FROM SEWAGE WORKS AND AGRICULTURE**3.104 POLICY EV/41**

Planning permission will not be granted for development in the vicinity of sewage treatment works, livestock units, slurry tanks or lagoons unless it is demonstrated that the level of smells and other potential nuisance from these operations works would not have an unacceptable impact on the amenities enjoyed by future occupants of the development, ~~having regard to the advice of Severn Trent Water Ltd.~~

3.105 Part of a sustainable development strategy involves ensuring that as far as possible incompatible uses are not juxtaposed. Because of the smell and other nuisances generated by sewage works and certain agricultural activities, it will not normally represent good planning to locate new development in close proximity to these uses activities. The Borough Council will consult with Severn Trent Water Ltd in relation to development proposals close to sewage treatment works. Certain established agricultural activities can also be a potential source of nuisance. For development proposals involving dwellings or buildings occupied by people within 400 metres of an established livestock unit, slurry tank or lagoon, the Borough Council will carefully consider any potential risk of nuisance to future occupants.

POLICY EV/42 - DEVELOPMENT CLOSE TO LANDFILL DISPOSAL SITES AND CONTAMINATED LAND
--

Inspector's Recommendation

3.342 *I recommend that the Policy and RJ be modified in accordance with PC 73.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraph 3.341 in the Inspector's Report.

Proposed Modification**M3.51**

Amend Policy EV/42 and paragraph 3.107.

3.106 POLICY EV/ 42

Planning permission will not be granted for built development either on or in the vicinity of former landfill sites or other contaminated land unless it is demonstrated to the satisfaction of the Borough Council, ~~and in the case of landfill sites, the Environment Agency~~, that the site is safe and there will not be significant problems associated with:

- i) the generation of methane or other gases;
- ii) ground instability;
- iii) pollution of ground and surface water resources; or
- iv) other contamination.

3.107 There are a number of filled and active landfill disposal sites located in the Borough. In view of the potential landfill gas hazards associated with refuse sites it is essential any built development is located having regard to the implications of proximity to a landfill site and that adequate protection measures are incorporated in development schemes. The Borough Council will consult with the Environment Agency on the implications of development proposals in relation to landfill sites.

PARAGRAPH 3.110 - RECYCLING

Inspector's Recommendation

3.345 *I recommend that no modification be made in response to these objections.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraph 3.344 in the Inspector's Report.

Proposed Modification

None.

POLICY EV/44 - TELECOMMUNICATION STRUCTURES

Inspector's Recommendation

3.353 *I recommend that the Policy be modified in accordance with PC 74 and FPC 74A.*

CBC Decision

Reject, with further modification.

Reason

The Inspector's conclusions as set out in paragraphs 3.347 to 3.352 of his report are accepted.

However, further revision of the wording of the policy is proposed in order to clarify the requirements for applicants to investigate mast sharing options, and to provide written confirmation that proposals meet the relevant ICNIRP guidelines on the limitation of exposure of the general public to electromagnetic fields.

An addition to the Glossary explaining the ICNIRP guidelines would also be appropriate.

Proposed Modification

M3.52

[Note: Aspects of this Proposed Modification rely upon the Council's Further Proposed Changes which have not previously been subject to public consultation]

Amend Policy EV/44 and Reasoned Justification.

Add reference to ICNIRP guidelines to Glossary

3.111 POLICY EV/44

Applications for the erection of telecommunications masts and ancillary structures which require planning permission will be approved provided:

- i) the applicant can demonstrate that the possibility of mast sharing or erecting the equipment on existing buildings, masts or other structures has been ruled out on technical grounds following detailed investigation; ~~or~~
- ii) the type of mast, its scale, mass, design, colour and materials, and its siting does not have an unacceptable impact on the character or appearance of the landscape or the built environment or nature conservation interests.

In considering such applications the Local Planning Authority will take account of the special siting, technical and operational requirements of the equipment, the significance of the proposal as part of a national network, and whether the proposal meets ICNIRP guidelines on the limitation of exposure of the general public to electromagnetic fields. ~~constraints imposed on siting and appearance by the nature of the technology and the telecommunications network.~~

- 3.112 In accordance with PPG8, the Borough Council is keen to facilitate the growth of new and existing telecommunications systems. However, telecommunication antennas, if poorly sited can be particularly intrusive. This policy seeks to ensure that the proliferation of masts is avoided and that when required their location is strictly controlled. The Council will require applicants for telecommunications developments to confirm in writing what steps they have taken to investigate the potential for mast sharing or using other existing structure.

Health considerations in relation to telecommunications structures can be a material consideration in determining applications for telecommunications structures. The Independent Expert Group on Mobile Phones under the chairmanship of Sir William Stewart reported on the concerns about health effects from the use of mobile phones, base stations and transmitters in May 2000. They recommended a precautionary approach to the consideration of the health implications arising from telecommunications development. The Council will require applicants for telecommunications development to confirm in writing that all areas to which the public would have access will have radiation levels which fall within the ICNIRP guidelines.

GLOSSARY:

ICNIRP GUIDELINES

The International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines on the limitation of exposure of the general public to electromagnetic fields, as expressed in the EU Council recommendation of 12 July 1999.

POLICY EV/46 - RESITING OF SATELLITE TELEVISION DISHES**Inspector's Recommendation**

3.358 *I recommend that:-*

- i) *the Plan be modified in accordance with PC 76;*
- ii) *Policy EV/45 be modified in accordance with PC 75.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.355 to 3.357 in the Inspector's Report.

Proposed Modification**M3.53**

Amend paragraph 3.114, delete Policy EV/46 and policy title. Amend paragraph 3.116.

3.114 Satellite television dishes are becoming an increasingly common feature on residential and commercial properties throughout the Borough. Unfortunately in some instances, whether because of poor siting or choice of dish, they can be particularly unsightly and incongruous features on a building. ~~This~~^{these} ~~policy~~^{ies} seeks to ensure that satellite television dishes are sensitively positioned so as to respect both the buildings on which they are placed and the wider streetscene.

~~RESITING OF SATELLITE TELEVISION DISHES~~**3.115 ~~POLICY EV/46~~**

~~Where the Borough Council considers that a satellite dish erected under the terms of the Town and Country Planning (General Permitted Development) Order 1995 has been poorly sited then it may request that the dish be repositioned less conspicuously and, if necessary, will issue a breach of condition notice requiring the resiting of the antenna.~~

3.116 Whilst for the majority of householders, planning permission will not normally be required for the erection of a satellite dish, it is a condition of installing a dish that it must be sited to minimise the impact on the external appearance of the building. In certain circumstances the Borough Council may require the repositioning of dishes it considers to be poorly sited. ~~In implementing this policy~~ The Council will look closely at dishes erected under permitted development rights on the front elevations of terraced properties where the visual impact of the dish can be particularly damaging. Dishes may be particularly intrusive if poorly positioned on terraced properties.

POLICY EV/47 - NOISE SENSITIVE DEVELOPMENT, AND POLICY EV/48 - NOISE GENERATING DEVELOPMENT**Inspector's Recommendation (Policy EV/47)**

3.361 *I recommend that the Policy be deleted in accordance with PC 77.*

Inspector's Recommendation (Policy EV/48)

3.369 *I recommend that:-*

- i) *the Policy and RJ be modified in accordance with PC 77;*
- ii) *having regard to my conclusions in paragraph 3.366, sub paragraph (iii) of Policy EV/25 be modified in accordance with PC 55.*

CBC Decision

Accept.

For recommendation ii) see Proposed Modification M3.34 in relation to sub paragraph (iii) of Policy EV/25.

Reason

For the reasons set out in paragraphs 3.360 and 3.363 to 3.368 in the Inspector's Report.

Proposed Modification**M3.54**

Delete Policies EV/47 and EV/48 and insert a new policy and reasoned justification on Development and Pollution after paragraph 3.117.

~~NOISE SENSITIVE DEVELOPMENT~~**3.118 ~~POLICY EV/47~~**

~~Planning permission for noise sensitive development including schools, hospitals, and housing will not be granted in the vicinity of existing noise generating development, including roads, unless it can be demonstrated that it would not be adversely affected or remedial measures could be taken to reduce noise to an acceptable level.~~

3.119 ~~Noise like any other pollutant needs to be controlled. For noise sensitive developments it is important that they are carefully located to avoid possible noise nuisance. Where this is not possible suitable remedial measures will be required to reduce any noise impact.~~

~~NOISE GENERATING DEVELOPMENT~~**3.120 ~~POLICY EV/48~~**

~~Planning permission for noise generating development will not be granted unless:~~

- ~~i) the impact of additional noise on existing development would be acceptable having regard to the existing ambient noise levels in the locality;~~
- ~~ii) remedial measures to overcome any noise problems are included in the scheme and if necessary made the subject of a condition or planning agreement.~~

3.121 ~~As it is inevitable that some developments, such as roads and industry will generate noise whatever remedial measures are taken, it is important that noise sensitive and noise generating developments are carefully planned to ensure noise nuisance is avoided wherever possible. Noise nuisance can be reduced through the location of development and the introduction where necessary of remedial measures to overcome noise problems.~~

DEVELOPMENT AND POLLUTION**POLICY EV/C**

Planning permission will not be granted for new development which:

- i) because of its nature or operation, would be likely to result in a serious risk to the health or general amenities of nearby residents, the public generally or the natural environment; or;**

- ii) **involves residential or other development sensitive to pollution which would be likely to suffer poor environmental amenity due to excessive noise, disturbance, dust, smoke or other polluting effects arising from existing development nearby.**

Planning permission will only be granted in these instances where appropriate measures to overcome the potential pollution problems are proposed and implemented to the satisfaction of the local planning authority.

PPG23 emphasises that the planning system has an important role to play in determining the location of development which may give rise to pollution and also in controlling other development proposed close to potential sources of pollution. The Borough Council is concerned to ensure that conflicts between potentially polluting activities and other land uses is minimised. Certain developments can have a potential impact on health, the natural environment or general amenity through releases to water, land or air, or because of noise, dust, vibration, light or heat. Where proposals involve potentially polluting activities, or would be located close to potential pollution sources, satisfactory measures to overcome any problems should be included in the proposals. The Borough Council will, where appropriate, consider the use of conditions or seek to enter into planning obligations to control pollution aspects of development.

PARAGRAPH 3.122 - RENEWABLE ENERGY

Inspector's Recommendation

3.374 *I recommend that the Plan be modified by including the new Policy and additional RJ on Renewable Energy in accordance with PC 78 and FPC 78A.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.371 to 3.373 in the Inspector's Report.

Proposed Modification

M3.55

[Note: Aspects of this Proposed Modification rely upon the Council's Further Proposed Changes which have not previously been subject to public consultation]

Insert new policy on renewable energy, amend paragraph 3.122 and insert new supporting text after paragraph 3.122.

RENEWABLE ENERGY

POLICY EV/D

Planning permission will be granted for development for renewable energy schemes provided:

- i) the proposal would not have an adverse effect on the character or appearance of the locality;**
- ii) there would be no adverse impact on adjoining land-uses or residential amenity;**
- iii) features of natural, cultural, historical and archaeological interests would be safeguarded;**

iv) the proposal would not result in unacceptable levels of vehicular traffic on minor roads.

3.122 It is Government policy to stimulate the exploitation and development of renewable energy resources whenever they have prospects of being economically attractive and environmentally acceptable. PPG22 emphasises the careful balance that needs to be struck in harnessing the potential of renewable energy resources whilst at the same time safeguarding the character of the countryside. Renewable energy sources offer the prospect of increasing the diversity and security of energy supplies and reducing harmful emissions to the environment. Sources of renewable energy can include energy flows that occur naturally and repeatedly, for example from the sun, wind or rainfall. Combustible or digestible industrial, agricultural and domestic waste are also potential sources of renewable energy.

The Borough Council is keen to support the development of renewable energy initiatives in the Borough where they are environmentally acceptable. Opportunities within the Borough can include initiatives related to agriculture and forestry, the combustion of methane gas from landfill sites and the development of wind power. Whilst opportunities may arise in the National Forest area, such as energy forestry, any proposals will be considered on their merits in line with the policies of this plan. In terms of the recovery of landfill gas energy, a scheme at the Mountsorrel Landfill site has awarded a contract under the Non-Fossil Fuels Obligation. There may also be opportunities at Allsopps Lane Tip in association with the development of the site as an ecology park.

In considering applications for renewable energy developments, the Borough Council will take account of the local and wider benefits the proposal may bring and the fact that renewable energy resources can usually only be developed where they occur.

POLICY EV/49 - WIND POWER

Inspector's Recommendation

3.380 *I recommend that: -*

- i) the Policy be modified in accordance with PC 79;*
- ii) having regard to my comments in paragraph 3.379, the Council should consider whether to modify the Policy further to take into account potential planning constraints on the development of wind turbines, other than noise.*

CBC Decision

Recommendation i): Accept.

Recommendation ii): Accept with further modification.

Reason

Recommendation (i): For the reasons set out in paragraphs 3.376 to 3.379 in the Inspector's Report.

Recommendation (ii): The Inspector's comments in relation to clause (v) of the Policy are noted. PPG22 refers to a number of planning implications associated with wind farm development including noise impact, shadow flicker and electromagnetic interference. It is considered appropriate that clause (v) of the Policy and the Reasoned Justification should be expanded to refer to these issues in addition to the potential noise impact of proposed wind turbines.

Amend Policy EV/49 and paragraph 3.124.

3.123 POLICY EV/49

Planning permission for windfarms and individual wind turbines will ~~not~~ be granted provided unless:

- i) **the Council is satisfied that the wind regime on the proposed site is capable of successfully supporting the generation of wind power;**
- ii) **the proposed development is sensitively located in relation to the existing landform and landscape features so that its visual impact, particularly to wider views, is minimised;**
- iii) **the proposal does not have an unacceptable impact on the special landscape character of areas of particularly attractive countryside or local landscape value;**
- iv) **there would be no detrimental impact on sites of special scientific interest, other areas of nature conservation interest, scheduled ancient monuments or other archaeological sites as a result of the development;**
- v) **the proposal would not have a detrimental impact on surrounding properties due to noise nuisance, shadow flicker or electromagnetic interference;**
- vi) **the structure is located at least one and a half times its height with the blade extended away from any public highway, footpath or bridleway.**
- vii) **the proposal would not involve the erection of overhead power line to connect it to the national grid which would detract from the qualities and character of the landscape.**

~~The Borough Council may also require the applicant to enter into a section 106 agreement to ensure that any interference to television or microwave signals resulting from the proposal is abated.~~

3.124 So far commercial interest has mainly focused on the potential for wind power generation. However the technically most favourable sites are often areas of special landscape character or are important ecologically. This is the case in Charnwood. Whilst there is clearly the potential for wind power generation in the District, the best locations are likely to be on the high land in the Charnwood Forest or the Wolds. The development of wind power sites in the Forest would conflict with long established policies seeking to protect this area's special landscape character. In the Wolds, because of the sweeping open character of the landscape, wind power developments would be difficult to assimilate successfully. This policy establishes the general criteria against which proposals for wind power generation in Charnwood can be assessed to ensure that the potential for wind power generation is realised without unacceptable environmental impacts. Key considerations associated with proposals for wind turbines will be their visual impact and any potential noise impact. Other potential effects that will need to be considered include turbine safety, shadow flicker and electromagnetic interference. Applications for the development of windfarms and individual turbines will be required to demonstrate that the wind regime on the proposed site has been properly assessed and is capable of supporting the generation of wind power. Full details of the number, size, design, colour and general location of the machine(s) along with details of the location and appearance of any ancillary buildings and structures, and photomontages to indicate the likely impact of the proposal on major viewpoints will also be required. Full details of the likely noise impact of the proposal should also be provided particularly in relation to any impact on nearby noise sensitive developments. The Borough Council may

also seek to negotiate a legal agreement with applicants to ensure that any interference to television or microwave signals resulting from the proposal is abated.

POLICY EV/50 - LIGHT POLLUTION

Inspector's Recommendation

3.386 I recommend that the Policy be modified in accordance with PC 80.

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.382 to 3.385 in the Inspector's Report.

Proposed Modification

M3.57

Delete Policy EV/50 and paragraph 3.126, insert new policy and supporting text on light pollution to follow new policy on "Development and Pollution" (see Proposed Modification M3.54).

LIGHT POLLUTION

3.125 POLICY EV/50

~~In the determination of planning applications where external lighting is proposed, full details of the lighting scheme will be required demonstrating that the scheme proposed is the minimum required to undertake the task and minimises light pollution from glare and spillage.~~

3.126 ~~There is increasing concern about light pollution from external light sources. Where external lighting can be controlled the Council will be concerned to ensure that excessive glare and light spillage are avoided. This can be achieved through careful control of both the amount and detailed design of external lighting. The Council will pay particular attention to proposals in sensitive locations in the open countryside or on the edge of existing settlements.~~

LIGHT POLLUTION

POLICY EV/50

Planning permission for lighting installations, or for development requiring or likely to require external lighting, will only be granted where it can be demonstrated to the satisfaction of the local planning authority that:

- i) the lighting scheme proposed is the minimum needed for security or working purposes;**
- ii) potential pollution from glare and spillage is minimised, particularly to residential areas, areas of nature conservation and locations in the open countryside or on the edge of existing settlements;**
- iii) the lighting proposed would not cause a distraction to drivers using nearby highways;**

iv) the visual impact of proposed lighting installations and structures on the character of the surroundings is minimised.

There is increasing concern about light pollution from external light sources. Where external lighting can be controlled the Council will be concerned to ensure that excessive glare and light spillage are avoided and that the visual impact of lighting structures is minimised through appropriate design and landscaping measures. This can be achieved through careful control of both the amount and detailed design of external lighting. The Council will pay particular attention to proposals in sensitive locations in the open countryside or on the edge of existing settlements. In considering proposals involving external lighting, the Borough Council will have regard to guidance provided in "Lighting in the Countryside: Towards Good Practice" published by the DoE and the Countryside Commission.

PARAGRAPH 3.127 - PERCENT FOR ART

Inspector's Recommendation

3.392 *I recommend that the Local Plan be modified by :-*

(i) *the inclusion of a Policy as follows: -*

PUBLIC ART

"The provision of works of public art in places which can readily be seen by the public will be encouraged as an integral part of the design of major developments".

(ii) *the first sentence of paragraph 3.128 being reworded as follows:-*

"The Borough Council supports the Percent for Art initiative and through the Policy will encourage the voluntary provision of public works of art by negotiation with prospective developers".

CBC Decision

Recommendation i): Reject with further modification.

Recommendation ii): Accept.

Reason

The Inspector's conclusions, as set out in paragraphs 3.388 to 3.391 of his Report, that a specific policy should be included in the Plan on Percent for Art is accepted. However, the Policy wording suggested by the Inspector reads as a statement of intent rather than Policy. An alternative form of words for the proposed policy is considered more appropriate.

The Inspector refers to paragraph 6.5 of the old version of PPG12. This has now been replaced by the revised version, published in January 2000, which no longer includes a specific reference to the arts. Nevertheless, the PPG still emphasises the need for local plans to include policies and proposals for the improvement of the physical and natural environment in urban areas and to promote better urban design. It is considered that a policy on percent for art, as recommended by the Inspector is still justified. .

Proposed Modification

M3.58

Insert new policy on Percent for Art before paragraph 3.127 and amend paragraph 3.128.

PERCENT OF ART**POLICY EV/E**

The Borough Council will seek to negotiate the provision of works of public art in places which can readily be seen by the public as an integral part of the design of major developments.

3.127 [No Change].

3.128 The Borough Council supports the Percent for Art initiative and through the Policy will encourage the voluntary provision of public works of art ~~through the normal process of by~~ negotiation with prospective developers. The Borough Council will separately pursue the preparation of a Public Arts Strategy for Charnwood.

OMISSIONS POLICY EV/51 - RESERVOIRS & WATER RESOURCES**Inspector's Recommendation**

3.395 *I recommend no modification in response to this objection.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraph 3.394 in the Inspector's Report.

Proposed Modification

None.

OMISSIONS - POLICIES EV/52 & EV/53 - DEVELOPMENT & ENHANCEMENT ALONG TRAVEL CORRIDORS**Inspector's Recommendation**

3.400 *I recommend that no modification be made in response to these objections.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.397 to 3.399 in the Inspector's Report.

Proposed Modification

None.

OMISSIONS - POLICY EV/54 - DEMOLITION OF LISTED BUILDINGS**Inspector's Recommendation**

3.404 *I recommend that the Plan be modified in accordance with PC 32.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.402 to 3.403 in the Inspector's Report.

Proposed Modification**M3.59**

Insert new policy and supporting text on the demolition of listed buildings after paragraph 3.24 of the Plan:

DEMOLITION OF LISTED BUILDINGS**POLICY EV/F**

Planning permission for development involving the demolition or part demolition of a listed building will only be granted where it can be demonstrated to the Council's satisfaction that the condition of the building makes it impracticable to repair, renovate or adapt to a use which would ensure its retention.

PPG15 recognises that the destruction of listed buildings is very seldom necessary. Development proposals requiring planning permission which involve the full or partial demolition of a listed building will only be granted where it is established that the building is impracticable to repair, cannot continue in its present use and there is no viable alternative use. Where the demolition of a listed building is proposed listed building consent will also be required.

OMISSION – POLICY EV/55 - HERITAGE ROUTES**Inspector's Recommendation**

3.408 *I recommend that no modification be made in response to this objection.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraphs 3.406 and 3.407 in the Inspector's Report.

Proposed Modification

None.

OMISSION – POLICY EV/56 - LAND MANAGEMENT AGREEMENTS**Inspector's Recommendation**

3.411 *I recommend that no modification be made in response to this objection.*

CBC Decision

Accept.

Reason

For the reasons set out in paragraph 3.410 in the Inspector's Report.

Proposed Modification

None.

OMISSIONS – POLICY EV/57 - LOCAL NATURE RESERVES (LNRs)

Inspector's Recommendation

3.415 *I recommend that :-*

- i) *the Plan be modified in accordance with PC 61 subject to :-*
- ii) *the last sentence of the text being further modified to read "The Borough Council will identify and manage Local Nature Reserves to include examples of a wide range of habitat types within the Borough".*

CBC Decision

Accept

Reason

For the reasons set out in paragraphs 3.413 and 3.414 in the Inspector's Report.

Proposed Modification

M3.60

Insert new section of supporting text on Local Nature Reserves after paragraph 3.80 of the Plan.
--

LOCAL NATURE RESERVES

Under section 21 of the National Parks and Access to the Countryside Act 1949, the Borough Council has the powers to set up and manage Local Nature Reserves. The Borough Council's Environmental Charter includes a commitment to recognise and protect areas important for wildlife conservation using these powers. Local Nature Reserves can provide local people easy access to the natural environment whilst helping to protect locally important sites for wildlife. The Borough Council will identify and manage Local Nature Reserves to include examples of a wide range of habitat types within the Borough.

OMISSION - POLICY EV/58 - NATURE OF LANDSCAPING SCHEMES

Inspector's Recommendation

3.418 *I recommend that no modification be made in response to this objection*

CBC Decision

Accept.

Reason

For the reasons set out in paragraph 3.417 in the Inspector's Report.

Proposed Modification

None.

POLICY EV/59 - SAFEGUARD THE SETTING OF DISHLEY GRANGE

Inspector's Recommendation

3.420 *See paragraph 5.145 for my recommendations on Dishley Grange.*

CBC Decision

This issue is considered under the employment allocation Policy E/5(c), land at Dishley Grange, Hathern. See Proposed Modification M5.8.