

9. Environment

Introduction

- 9.1 The protection of the natural and built environment remains a key objective of the reviewed Local Plan. Careful use of our natural resources is a key component of promoting sustainable development. Helping to ensure a high quality urban environment is an important part of making urban living more attractive. As Government Guidance in ‘A Better Quality of Life’ notes, “a damaged environment impairs quality of life”. This chapter seeks to set out land use policies to achieve these objectives and take forward the City Council’s commitment to protect and enhance the environment, both locally and globally.

The Natural Environment

E1 Green Belt

Within the Green Belt, planning permission will only be granted for appropriate development such as agriculture, forestry, essential facilities for outdoor sports and outdoor recreation, cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purpose of including land in it provided that:

- a. The scale, siting, design, materials and landscape treatment are such that the visual effect of the proposal is minimised;**
- b. The proposal would not lead to an excessive increase in the number of people, traffic or noise;**
- c. The proposal would not have a harmful effect or an urbanising influence on the character and visual amenities of the Green Belt.**

Planning permission will be granted for the conversion or change of use of existing buildings in the Green Belt provided that criteria b and c above are met and that:

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- **The proposed use does not have a significantly greater impact on the openness of the Green Belt and the purposes of including land within it than the existing use;**
- **Any extension or associated use of land surrounding the building would not conflict with the openness of the Green Belt and the purposes of including land within it;**
- **The buildings are of a permanent and substantial construction and are capable of conversion without major or complete reconstruction; and**
- **The form, bulk and general design of the buildings are in keeping with their surroundings.**

Planning permission will be granted for extensions to existing dwellings in the Green Belt provided that they:

- **Are proportionate to the size and in keeping with the scale and character of the existing dwelling;**
- **Are constructed of appropriate building materials; and**
- **Do not have an adverse impact on the setting of the dwelling or the Green Belt.**

Planning permission will be granted for the redevelopment of existing dwellings in the Green Belt provided that:

- **The proposed dwelling does not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing use;**
- **The proposed dwelling does not exceed the height of the existing buildings; and**
- **The proposed dwelling does not occupy a materially larger area of the site than the existing buildings, unless this would result in a reduction in height which would benefit visual amenity.**

Planning permissions for the conversion or change of use of farm buildings will be subject to conditions to prevent a proliferation of additional farm buildings under permitted development rights.

- 9.2 The context of this policy is set out in PPG2 (Green Belts) and the Derby and Derbyshire Joint Structure Plan (General Development Strategy Policy 7). The Structure Plan identifies, in broad terms, the South-East Derbyshire Green Belt. This aims to prevent the coalescence of the Derby and Nottingham built up areas and to maintain the separate identities of Derby, Duffield, Belper and the Erewash Valley towns and villages to the southeast and east of Derby. The main aim of this policy is to maintain the openness of the Green Belt. Planning applications for new buildings will be considered with regard to this objective.
- 9.3 The conversion or change of use of buildings can be acceptable in the Green Belt provided that the criteria set out in policy are met. Conversions can help to ensure that buildings remain in use and can also help to diversify the rural economy. It is, however, important that such proposals do not seriously affect the overall character or openness of the Green Belt. When granting permission for the conversion of agricultural buildings, the City Council will consider whether there is a need for conditions to prevent a proliferation of additional farm buildings that could be constructed under permitted development rights. New buildings or the change of use of land may be permitted in the interests of promoting farm diversification, provided the objectives of the policy are not compromised.
- 9.4 The extension or alteration of existing dwellings may also be permitted provided that they are in keeping with the size and character of the original building and do not adversely affect the overall character of the Green Belt. The replacement of existing dwellings may also be acceptable provided that the new dwelling is not materially larger.

E2 Green Wedges

Development will only be permitted in Green Wedges within the following categories:

- 1. Agriculture and forestry;**
- 2. Outdoor sport and recreation, including allotments;**
- 1. Nature conservation areas;**
- 2. Cemeteries;**
- 3. Essential buildings and activities ancillary to existing educational establishments within the Green Wedge;**
- 4. Public utilities where it can be shown that a suitable site outside the Green Wedge is not available.**

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- 7. The extension or alteration of existing dwellings and the erection of ancillary buildings.**

Planning permission for categories 1 – 7 will be granted provided that:

- a. The scale, siting, design, materials and landscape treatment maintain, and do not endanger, the open and undeveloped character of the wedge, its links with open countryside and its natural history value. Built development associated with categories 1 – 4 above will be small scale and essential and ancillary to the operation of the main use:**
- b. The general proposals would not detract from an area where the open character of the green wedge is particularly vulnerable because of its prominence or narrowness; and**
- c. The proposal would not lead to an excessive increase in numbers of people, traffic or noise.**

Planning permission will be granted for the conversion or change of use of existing buildings provided that criteria b and c above are met and that the building is suitable for the intended use without the need for extensive alteration, rebuilding or extensions.

Planning permission will be granted for the redevelopment of existing buildings in the green wedge for uses in categories 1 – 6 above and for the replacement of existing dwellings with new dwellings.

In exceptional circumstances, planning permission will be granted for the redevelopment of buildings other than dwellings for residential development, and supporting facilities, but only provided that the City Council is satisfied that the original buildings are genuinely redundant and surplus to requirements, and that the site adjoins nearby residential areas. For all development proposals, criteria a – c must be met and that the proposed building(s):

- Would not have a greater impact on the openness of the green wedge and the purpose of including land within it than the existing buildings;**

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- **Would not exceed the height of the existing buildings; and**
- **Would not occupy a materially larger area of the site than the existing buildings, unless this would result in a reduction in height which would benefit visual amenity.**

Planning permissions for the conversion or change of use of farm buildings will be subject to conditions to prevent a proliferation of additional farm buildings under permitted development rights.

- 9.5 It is a longstanding planning policy of the City Council to protect the open character of green wedges between communities by firmly resisting inappropriate development. Thirteen green wedges are defined in this Plan.
- 9.6 Green Wedges have two essential characteristics:
- a. They have an open and undeveloped character;
 - b. They penetrate the urban area from the open countryside.
- 9.7 Their primary function is to define and enhance the urban structure of the City as a whole. Green wedges create a more attractive and interesting form to the overall pattern of development and bring the countryside closer to the City. The retention of areas of open land between separate parts of the City helps to maintain their identity and reduces the impression of urban sprawl. Some green wedges have an additional role of acting as 'buffer zones' between residential communities and industrial areas. All have important existing or potential recreational and ecological value. In addition, farming remains an important economic activity and extensive user of land in some green wedges. Green Wedges do not have the permanence of the Green Belt boundary around the city and are likely to be subject to review from time to time through the Local Plan process in order to meet future development requirements.
- 9.8 The proximity of green wedges to the built-up area and their narrowness makes them particularly vulnerable to development pressure. Green wedges are suitable for a range of activities but, by definition, land uses should have a predominantly green and open nature. Any built development should, therefore, normally be essential or ancillary in nature and be designed to minimise impact on the open character of the wedge. The main exception to this is where existing educational establishments have been included within green wedges in order to provide a satisfactory boundary to the wedge. Planning permission will be granted for essential buildings and activities ancillary to such establishments, subject to the impact on the wedge being minimised through careful siting and design. The main aim of this policy is to

maintain the openness of the Green Wedge. Planning applications for new buildings will be considered with regard to this objective.

- 9.9 The conversion or change of use of existing buildings can be acceptable within green wedges provided that it does not seriously affect the overall character or openness of the wedge. Such conversions can help to ensure that buildings remain in use and can help to diversify the rural economy. When granting planning permission for the conversion of agricultural buildings, the City Council will consider whether there is a need for conditions to prevent a proliferation of additional farm buildings that could be constructed under permitted development rights. New buildings or the change of use of land may be permitted in the interests of promoting farm diversification, provided the objectives of the policy are not compromised.
- 9.10 The extension or alteration of existing dwellings and other buildings may also be permitted provided that they are in keeping with the size and character of the original building and do not adversely affect the overall character of the green wedge. The erection of ancillary domestic buildings may be approved as long as they do not adversely affect the openness of the green wedge. The replacement of existing dwellings may also be acceptable in the green wedge provided that the new dwelling is not materially larger than the original dwelling.
- 9.11 From time to time, circumstances may arise where existing non-residential buildings in green wedges become redundant and pressure for redevelopment arises. Planning permission for residential development may exceptionally be granted on such 'previously developed' sites in green wedge locations, providing visual impact is minimised and the site is reasonably adjacent to existing housing areas.

~~E3 Protection of Best and Most Versatile Agricultural Land~~

~~The City Council will seek to protect the best and most versatile agricultural land from development except where the lower quality land is of landscape, wildlife or historic interest that outweighs agricultural considerations.~~

- ~~9.12 Best and most versatile agricultural land is defined as land in Grades 1, 2 and 3a of the Agricultural Land Classification. The Council will encourage developers to assess opportunities for sites to accommodate development on previously developed land and on land within the existing urban area before considering agricultural land. Where development of agricultural land~~

~~is unavoidable, developers will be encouraged to use areas of poorer quality land in preference to that in Grades 1, 2 or 3a. However, in some cases the release of higher quality agricultural land may be justified because of its particular advantages in providing sustainable forms of development.~~

Nature Conservation – Wildlife and Geological Sites

- 9.13 The protection of the City’s “green heritage”, or its biodiversity, is integral to the City Council’s sustainable development objectives. The policies seek to take forward national and international obligations and strategies such as the UK Biodiversity Action Plan. They also reflect local strategies, including the Lowland Derbyshire Biodiversity Action Plan, and protect geological and geomorphological features identified as Regionally Important Geological Sites (R.I.G.S.).
- 9.14 The Derbyshire Wildlife Trust have advised the City Council on which sites meet the criteria for inclusion on the Derbyshire Wildlife Sites Register. The Register is recognised by local authorities in Derbyshire as the principal means of identifying sites of wildlife significance within the County.
- 9.15 This approach to the protection of nature conservation sites will ensure that a consistent set of standards are used for their protection. It will in turn assist the Derbyshire Wildlife Trust’s assessment of such sites when consulted on the potential impact of development proposals.

E4 Nature Conservation

Development will not be permitted if it is likely to destroy or adversely affect, either directly or indirectly, sites of national importance for nature conservation, including the Boulton Moor SSSI.

Development will not be permitted which does not take proper account of the need to protect from adverse impact Wildlife Sites, including Local Nature Reserves and sites identified in Appendix B taking into account their relative significance.

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The City Council will require planning applications likely to affect any of the above sites to be accompanied by an analysis of the likely effects of the proposal on their nature conservation value and how these have been minimised. The City Council will seek to negotiate appropriate mitigating measures such as compensation, enhancement or long term management, for any damage likely to occur.

- 9.16 Policy E4 offers protection to sites of national importance, such as the Boulton Moor SSSI. Here the presumption will be to refuse development that might destroy or adversely affect them. Policy E4 also offers protection to Wildlife Sites which meet nationally recognised criteria and are included on the Derbyshire Wildlife Sites Register (DWSR). Sites included on the Register in 2002 are included in Appendix B and shown on the Proposals Map. However, some of these will change over time and new sites come forward as the DWSR is up-dated. Policy E4 will therefore apply to Wildlife Sites that meet the criteria for inclusion in the DWSR whether they are identified on the Local Plan Proposals Map or not. The City's designated Local Nature Reserves, geological and geomorphological features identified as Regionally Important Geological Sites (RIGS) are also included under this policy.
- 9.17 These sites make up the City's 'critical environmental capital' in terms of nature conservation. As such, they are considered irreplaceable if lost.
- 9.18 The Sinfin Moor Regionally Important Geological Site, lies within the two green wedges either side of a proposed industrial development at Sinfin Moor (EP1). It is part of a larger feature which includes existing built-up areas and the existing long-standing development proposal. However the parts within the green wedges provide examples of the structure of the feature for research and education purposes.

E5 Biodiversity

Applications for new development on sites which have features of nature conservation interest will only be approved where provision is made for the retention of those features. These will include mature trees, established hedgerows and shrub areas, water features and geological resources, and other Biodiversity Action Plan priority habitats and priority species. Where the loss of significant features is unavoidable the City Council may require by condition, or seek to negotiate a planning obligation to secure, suitable mitigation to compensate for that loss.

- 9.19 Policy E5 offers general protection to other features of local importance, which do not meet the criteria for inclusion on the Derbyshire Sites Register. It aims to ensure that proper regard is had to features such as tree, hedgerows, or habitats wherever they may be found. It is important to protect not only the biggest and best biodiversity areas but also the small, ordinary features which are still of value to wildlife, add to people's quality of life and represent the City's 'constant natural assets.'
- 9.20 The City Council will seek development designs, which allow for the retention of features of biodiversity importance (trees, shrubs, water features etc). There may be occasions when some losses are unavoidable. As a result the City Council may require mitigation measures by condition (e.g. new tree planting on the application site). In exceptional circumstances the City Council may accept translocation of species and habitats; and will seek to negotiate a planning obligation to secure implementation and long-term management.

E6 Wildlife Corridors

Planning permission will not be granted for development which would sever wildlife corridors, or otherwise severely undermine their value as wildlife routes. Proposals which reduce the size of any of these routes will only be allowed if they include suitable compensatory features for those which would be lost.

- 9.21 The strategic wildlife corridors shown on the Proposals Map link major 'green' areas and wildlife habitats. They allow wildlife to move through and

to penetrate into the City. These routes are much narrower and less prominent than green wedges, but still play a key role in terms of the overall wildlife network. Development should not sever or seriously damage any corridor. If corridors are reduced in size compensating features will be sought, for example, native species planting, to allow the corridor to continue to fulfil its function.

E7 Protection of Habitats

Development which would materially affect sites supporting wildlife species protected by law will only be permitted where:

- a. Proposals are made to minimise disturbance to, and to facilitate the survival of, the affected species on the site; or,**
- b. An offer of the creation of alternative habitats is made, supported by a planning obligation, which would sustain the current levels of the species population.**

9.22 Many locations unprotected by formal designations may contain the habitats of legally protected species including bats, barn owls and badgers. The presence of protected species is a material consideration in determining planning applications. The City Council may require developers to submit a full and detailed expert survey to determine the status of the population, the likely impact of the development and any mitigation and subsequent management that may be possible or necessary. All developers must have full regard to the 1981 Wildlife and Countryside Act (as amended), the Protection of Badgers Act 1992 and the Conservation Regulations 1994 implementing the EC Habitats and Species Directive. The City Council will consider the need for planning conditions, or planning obligations, in order to ensure that species are properly protected.

E8 Enhancing the Natural Environment

The City Council will prepare, implement and encourage schemes to enhance the natural history value of open land, including public open space, natural history sites, and educational land. Schemes will include the creation of Local Nature Reserves.

9.23 The City Council is committed to enhancing the visual and natural history value of open land in Derby. It has prepared 'Woodland' and 'Nature Conservation' Strategies to help achieve this objective. Action through the

project 'WildDerby' will also play a key part. Local Nature Reserves have been established at Chaddesden Wood, Oakwood and West Park Meadow, Spondon and others will be sought. When planning applications are considered, the Council may seek appropriate tree planting schemes or other improvements in the natural environment. The Design Note 'Nature Conservation on Development Sites' gives specific advice as to how this can be achieved. All schemes should take into account the targets set by the Lowland Derbyshire Biodiversity Action Plan.

E9 Trees

Planning permission will not be granted for development which would seriously damage, destroy or compromise the long term retention of individual trees, groups of trees or areas of woodland which contribute to the amenity of an area. Conditions will be imposed on outline and full planning permissions to secure the protection of trees before and during development. The City Council will also declare new Tree Preservation Orders on appropriate trees and groups of trees.

- 9.24 Trees are an important wildlife habitat and Policy E5 therefore protects mature trees for their biodiversity value. This policy gives additional protection where trees contribute significantly to visual amenity. It applies to important single trees, groups of trees and woodland. Long-term protection is best achieved by making a Tree Preservation Order at an early stage when sites are considered for development. It is often appropriate to use planning conditions to protect trees during development, for example, by requiring protective fencing and limiting the areas which can be used for storage and access.
- 9.25 'Woodland' has been defined as an area of land where mature trees, over 5 metres in height, form a more or less continuous canopy with a recognisable shrub layer and ground cover. A 'Woodland Audit' was carried out by the City Council in 1991. This identifies areas of woodland and assesses their quality. Woodland is a scarce resource in Derby and it represents an important wildlife habitat as well as a recreational and visual resource. Developments should not, therefore, result in the loss of woodland areas. The City Council will develop schemes to bring woodland into suitable management and will seek such schemes where appropriate when considering development proposals. Further guidance is contained in the City Council's Woodland Strategy.

Reducing Pollution and Waste

E10 Renewable Energy

Development proposals will have full regard to the need to reduce the net use of energy and shall:

- **Ensure that construction methods and materials maximise opportunities for using recycled materials, conserving energy and generating energy from renewable sources such as solar energy.**
- **Ensure that the siting, design, layout and orientation of buildings has full regard to the need to reduce energy consumption and will facilitate use of renewable energy sources.**
- **Minimise the emission of greenhouse gases.**

Planning permission will be granted for development required in connection with the generation of renewable energy provided that:

- **The proposal would not have a material adverse effect on either the natural or built environment;**
- **The proposal would not inhibit the development potential of land allocated in the Plan for other uses;**
- **The benefits of the scheme in securing energy from a renewable source outweigh any adverse effects.**

In considering applications, full weight will be given to the extent to which proposals would help to reduce emissions of greenhouse gases.

- 9.26 Renewable energy sources, such as the sun, wind and water, present opportunities to increase diversity and security of energy supply, and contribute to limiting emissions of greenhouse gases. The Government is committed to ensuring that renewable energy sources make an increasing contribution to UK energy supplies, with the hope of achieving a 10% target by 2010. In considering planning applications for renewable energy development, regard will be made to the objectives of the East Midland Assembly's Regional Energy Strategy. These sources can increase diversity and security of supply and reduce harmful emissions to the environment,

especially greenhouse gases. The City Council wishes to promote renewable energy sources but will have regard to their environmental implications, especially within sensitive areas. Weight will be given to the benefits in terms of reduced emissions when considering planning applications for renewable energy developments.

E11 Recycling Facilities

The City Council will seek to improve the provision of recycling facilities and services throughout the City. Where existing facilities are not available within 400 metres of proposals for superstores or large-scale leisure or residential developments, the City Council will seek to negotiate an agreement for their provision under Section 106 of the 1990 Act.

Where appropriate the City Council will, as an alternative, seek to negotiate a commuted sum to secure off-site provision or enhancement of recycling facilities in a manner which is designed to keep the overall number of car journeys made to a minimum.

- 9.27 In its Waste Strategy 2000 the Government set challenging targets for increasing recycling or composting of waste. The City Council is committed to achieving these and will seek the provision of more local recycling facilities. Encouraging the recycling of glass, cans, plastic and newspapers and other materials makes better use of natural resources and limits the need for landfill. Facilities sited in large-scale residential developments allow people to walk to them. For some sites, on-site facilities may not be practical. In such situations, a contribution will be negotiated to secure offsite facilities or to enhance existing ones within the neighbourhood. Recycling facilities at superstores and large-scale leisure developments can encourage linked trips to help avoid the need for special journeys and minimising car usage.

E12 Pollution

Planning permission will not be granted for development which would generate pollutants that would be unacceptably detrimental to the health and amenity of users of the development, users of adjoining land or the environment; or where the level of existing pollutants would be unacceptably detrimental to the health and amenity of users of the proposed development.

- 9.28 Adverse effects of development proposals in terms of air, water, noise, light or other forms of pollution are an important consideration in determining planning applications. Various agencies including the City Council itself, the Health and Safety Executive and the Environment Agency also have powers under other legislation to control pollution and will be consulted on relevant proposals. Developers should liaise with the Environment Agency.
- 9.29 In using its planning powers the City Council will seek to complement and not duplicate the work of other agencies. In line with PPS23 (Planning and Pollution Control) the focus of attention will be the location of the development and its relationship with surrounding land uses rather than the processes themselves. Many potentially polluting developments can be suitably controlled by other legislative regimes. However, the City Council will operate in accordance with the 'precautionary principle' as defined within Government advice. This principle essentially means that the Council will take a cautious approach to development proposals that might have pollution implications. The Council is aware of the need to ensure that national air quality standards are not breached and has declared a number of Air Quality Management Areas (AQMA's). Two AQMAs relate to the emission of nitrogen dioxide from road traffic. The other concerns the emission of particulate material from an industrial site in the City. Others may be designated. The Council will have regard to its statutory duties under the Environment Act 1995 and will give full consideration to the effect of proposed developments on the air quality within the designated AQMA's. The Council's supplementary planning guidance on the impact of development on local air quality will provide guidance for applicants for development of land within or near to the declared AQMAs in the City. Regard will also be had to the effect on water quality of developments near to the river, bearing in mind its importance for drinking water supply and as a high quality coarse fishery.

E13 Contaminated Land

Planning permission for development on contaminated or unstable land will be granted provided that the City Council is satisfied that the proposal would not cause adverse or hazardous effects and that any necessary remedial measures are carried out before development starts. Where it is known or suspected that land is contaminated, or unstable to an extent which would adversely affect the proposed development or the surrounding area, an independent investigation to the satisfaction of the City Council to identify remedial measures required to deal with the hazards, will normally be required before the application is determined.

- 9.30 The re-use of contaminated or unstable land can contribute towards the full and effective use of previously developed land in the City. However, the development of such sites can potentially raise health and safety concerns or harm the environment. Applicants must provide a full assessment of potential hazards and the measures necessary to counter these. This may, on occasion, involve a full Environmental Impact Assessment. Developers may need to liaise with the Environment Agency especially to establish the potential effects on water resources. Planning powers will be used to complement, and not substitute for, other legislative controls and will focus on land use issues. The Council will aim to ensure that sites which have been identified as contaminated are remediated to a standard that renders them “fit for purpose” and which ensures that there is no significant risk of significant harm to the environment or to controlled waters. The Council is compiling a Public Register of contaminated sites within the City and will, where appropriate, use its powers under Part 2A of the Environmental Protection Act 1990 to have contaminated sites remediated to an appropriate standard.

E14 Development in Proximity to Existing Operations

Planning permission will only be granted for development close to the following sites provided it is compatible with their reasonable operation and will not result either in unreasonable pressure to curtail their operation, or in new costly conditions or restrictions being imposed:

- 1. Rolls Royce test beds at Sinfin;**
- 2. Derby sewage works at Raynesway;**

Conditions may be imposed or legal agreements sought, requiring developments near the above sites to include permanent measures to protect future occupiers from potential nuisances from the above sites, or to limit future changes of use.

- 9.31 National planning guidance advises that local planning authorities should ensure that new developments are, as far as possible, not affected by existing essential activities which cause pollution. The advice recognises that pressures can arise for unreasonable expenditure, or even closure of the polluting development, which may not be in the public interest. This does not mean that measures should not be taken to lessen nuisance. However, as long as all reasonable steps are taken to limit the pollution, surrounding land uses should be compatible with the activity.
- 9.32 The engine test bed operations on the Rolls Royce sites result in very high levels of noise within their close vicinity. The City Council considers it important to the economic well being of the area that test bed operations should not be inhibited or curtailed as a consequence of new development being affected by this noise. It is considered that in areas where noise levels exceed 88 dB at 20 Hz, allowing new development not associated with Rolls Royce could lead to unreasonable pressure for curtailment of the operation of the test beds.
- 9.33 The Derby sewage works provides an essential service to the City. It does, however, produce some unpleasant environmental effects, which impact on areas nearby. The City Council considers that it is important that these essential services are not inhibited or curtailed as a consequence of development. Each case will be assessed on its merits, but on the basis of advice from Severn Trent Water, restrictions on some new land uses may be required within approximately 400 metres of the centre of the works.

- 9.34 It is unlikely that new residential development will be acceptable close to any of these sites. In the areas closest to the sewage works, applications for new developments which would result in significant numbers of extra people working or visiting a site, or involve sensitive processes (e.g. food preparation), will require very careful consideration. However, the redevelopment of, or extensions to, existing employment uses are not likely to be affected by this policy. The conditions or legal agreements that may be sought may include measures to adapt buildings to alleviate external noise or smell levels.
- 9.35 Severn Trent and Rolls Royce may be consulted on planning applications for development which could affect the operation of these sites.

E15 Protection of Mineral Resources

Planning permission will not be granted for development which would sterilise or prejudice the future working of important economically workable mineral deposits, except where there is an overriding need for the development and where prior extraction of the mineral cannot reasonably be undertaken or is unlikely to be practicable or environmentally acceptable.

Where the development of land for non-mineral purposes is considered essential, and proven mineral deposits would be permanently sterilised, the City Council will encourage prior extraction, provided this can be carried out without prejudice to the timing and viability of the proposed development and providing that it would not lead to unacceptable environmental problems.

- 9.36 Minerals Policy 4 of the Joint Structure Plan seeks to safeguard existing mineral resources from development which might prejudice their future extraction. Important minerals are a vital finite resource which cannot be replaced if their extraction becomes impossible as a result of development. The City Council will ensure that planning permission is not granted for proposals which would prevent the future extraction of such minerals. Within the City the sand and gravel reserves of the Derwent Valley are likely to be the only resources affected by this policy.

Landscape

E16 Development close to important open land

Planning permission will only be granted for development near to green belt, green wedges and wildlife corridors if adequate landscaping is provided to ensure that the visual amenities and special character of these open spaces is not adversely affected.

- 9.37 Policies E1, E2, and E6 of this Local Plan seek to protect and/ or enhance green belt, green wedges and wildlife corridors as important environmental resources. The City Council will seek to complement these policies by ensuring that developments which adjoin these areas include substantial landscaping schemes.

E17 Landscaping Schemes

In granting planning permission, conditions will be applied requiring the undertaking of landscaping schemes where these are necessary to meet the following objectives:

- 1. To assimilate the development into its local environment and surroundings;**
- 2. To screen obtrusive or unsightly features and minimise adverse visual impact;**
- 3. To retain and incorporate existing natural features such as trees and hedges; or**
- 4. To provide visual and ecological links between important environmental resources such as green wedges, public open space, sites of natural history importance and wildlife corridors.**

- 9.38 A high quality of landscaping is an essential component of an attractive living environment. Most applications for planning permission can be approved subject to the later receipt of satisfactory landscaping details. Such

landscaping schemes should accurately identify existing trees and shrubs to be retained, and new planting areas. They should include details of plant species, their size, densities in each bed, soil preparation and the location of existing and proposed services. Preference will be given to the planting of native species. In retaining existing natural features, designs and layouts should allow for long-term protection through to maturity. Management regimes will be sought where appropriate.

The Historic Environment

E18 Conservation Areas

The City Council is committed to the preservation and enhancement of areas of special architectural or historical interest and will continue to review the boundaries of existing Conservation Areas and designate new ones. The City Council will take into account the special architectural or historic interest of the area concerned, the character and appearance of which it is desirable to preserve or enhance. Assessments will include specific local factors and any unlisted buildings which contribute to the special interest of the area.

Within Conservation areas, development proposals, including changes of use and conversions, should meet the following objectives:

- a. Preserve or enhance the special character of the Conservation Area;**
- b. Encourage the physical and economic revitalisation of the Conservation Area; and**
- c. Ensure that the new buildings enhance the Conservation Area in terms of the siting and alignment of the buildings, the materials used and the mass, scale and design of buildings.**

Planning permission will not be granted for development which would be detrimental to the special character of Conservation Areas, including views into and out of them. Proposals for development and applications for Conservation Area Consent will not be approved where they would result in the demolition, or substantial demolition, of buildings that make a positive contribution to the character and appearance of a Conservation Area.

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Conservation Area Consent will be subject to conditions or a planning obligation to ensure that demolition does not take place until a contract for carrying out an approved detailed redevelopment scheme has been awarded. Where Conservation Area Consent is granted for the demolition of structures of historic interest, the Council will seek to ensure that provision is made for an appropriate level of building recording to take place prior to demolition.

- 9.39 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to designate any areas of special architectural interest as Conservation Areas. The City Council has so far designated 15 such areas. The Act also requires Local Authorities to establish consistent standards for designating Conservation Areas and to periodically review the boundaries of existing ones.
- 9.40 Many features come together to give these Conservation Areas their unique characters. Taken together, they are an important component of Derby's built environment from both an architectural and historic viewpoint. The need to preserve and enhance this character will be given special consideration in determining planning applications. Account will also be taken of the benefits of proposals in terms of both the physical fabric of these areas and their economic well-being. PPG15 (Planning and the Historic Environment) advises that there should be a presumption against the demolition of buildings that make a positive contribution to the character and appearance of Conservation Areas. Criteria for assessing such proposals are set out in PPG 15.
- 9.41 Many of the Conservation Areas are covered by directions under Article 4 of the Town and Country Planning (General Permitted Development Order 1995) (GPDO). Under an Article 4 direction the property owner is required to apply for planning permission to carry out works, such as replacement of windows, doors or roofing, which are normally 'permitted development' under the GPDO. The City Council can advise on which Conservation Areas are subject to Directions and the most suitable form of works.

E19 Listed Buildings and Buildings of Local Importance

Proposals for development, and applications for Listed Building Consent, will not be approved where they would result in the demolition of statutory listed buildings. Proposals will also not be approved where they would have a detrimental effect on the special architectural or historic interest of a statutory listed building, its character or setting. Exceptions will only be made where there is a convincing case for demolition or alteration.

The City Council will also seek to ensure the conservation of locally important buildings and structures, including those on its Local List, by encouraging their retention, maintenance, appropriate use and restoration. The Council will therefore not normally approve development proposals that would have a detrimental effect on locally important buildings or structures as a result of:

- a. demolition or part demolition,**
- b. inappropriate alteration or extension,**
- c. impact on its setting or context.**

In the case of buildings of local importance, applicants will be expected to demonstrate that all reasonable alternatives to demolition have been considered and found to be unrealistic.

Where proposals for alteration, extension or demolition would affect a listed building, or a locally important building or structure, and could involve a significant impact on the historic plan form or significant loss of historic fabric, applicants will be required to undertake an impact assessment before the application is determined. This should clarify the impact of the proposals on the building's historic fabric, character, appearance and setting as well as inform the design process.

Where development proposals are approved that would involve the demolition or alteration of a listed building, or locally important building or structure, which would result in the loss of historic fabric, the Council will ensure that provision is made for an appropriate level of building recording to take place prior to the commencement of works.

- 9.42 About 370 buildings in the City are statutorily listed as being of special architectural or historical interest. Listed building consent is needed for the demolition of listed buildings, or to carry out any internal and external alterations that affect the character of a listed building. Once historic features and other characteristics of listed buildings are lost, they cannot be replaced. The City Council, therefore, has a duty to pay special regard to the preservation or enhancement of the building, its setting, or any features of special architectural or historical interest which it possesses. PPG15 (Planning and the Historic Environment) advises that there should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out for alteration or demolition. The criteria set out in PPG15 will be used to assess any such proposals. Permission will only be granted for demolition or significant alterations where the scheme would result in substantial benefits to the community significantly outweighing the loss and where there is clear evidence that all reasonable efforts have been made to sustain existing uses or find viable new ones and that preservation in some form of charitable or community ownership is not possible or suitable. The City Council will expect applications for planning permission and listed building consent to be submitted simultaneously. In considering applications affecting listed buildings, the Council will consider the advice of statutory and local consultees.
- 9.43 There are also many unlisted buildings of architectural or historic importance in Derby which form a vital part of the City's heritage and which the City Council will seek to protect from harmful alterations or loss. Although the highest level of protection will be for buildings which are statutorily listed, an appropriate degree of protection will also be given to other buildings which, because of their age or other special qualities, form part of the City's heritage. Many of these buildings have been identified on the City Council's 'Local List' of buildings of local architectural or historical importance.

E20 Uses Within Buildings of Architectural or Historic Importance

Applicants for change of use of listed buildings, and locally important buildings and structures, will be expected to demonstrate that their proposals will contribute to its conservation in a manner which preserves or enhances its architectural or historic interest. In considering such applications, the City Council will seek to secure the retention, restoration, maintenance and continued use of the buildings or structures. In achieving this, the City Council will consider the original use as a first option for the building. If it is demonstrated that the original use is not viable or no longer appropriate, alternative uses that are compatible with the building will be considered.

- 9.44 The need to secure the retention, restoration and long-term viability of historic buildings will be an important factor in assessing planning applications. PPG15 acknowledges that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use, particularly the use for which the building was designed. However, the City Council recognises that the upkeep of historic buildings will depend very much on the continued economic viability of their use. This viability may depend on securing a new use for the building. It may also mean taking a flexible approach to other issues. Consideration may, for example, be given to varying normal development control criteria, e.g. parking standards, in the interests of achieving conservation objectives. It is, however, important that new uses do not themselves prejudice or undermine other policies of the Plan, conservation objectives or adversely affect the surrounding area.
- 9.45 The City Council will, within the resources available, give sympathetic consideration to applications for grants to repair listed buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990. It will also exercise its statutory powers to enforce the proper maintenance of listed buildings in the interests of the community as a whole.

E21 Archaeology

Planning permission will not be granted for development which is likely to adversely affect nationally important archaeological remains, whether scheduled or unscheduled, or their settings.

Where archaeological sites or monuments of more local importance, and their settings, are likely to be adversely affected by development, physical preservation in situ will be the preferred option and applications may be refused.

Within the Archaeological Alert Areas, or other areas of archaeological potential where the City Council considers that a proposed development will affect remains of archaeological significance, applicants will be required to provide the results of an archaeological evaluation before the planning application is determined in order to determine in order to enable an informed and reasonable planning decision to be made.

The evaluation should comprise:

- a. an archaeological assessment of the archaeological impact of the proposed development, which may include a field evaluation of the site, undertaken in accordance with a written specification agreed with the city Council; and**

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continued from page 9.23

- b. a written mitigation strategy prepared to the satisfaction of the City Council demonstrating how the impact of the proposed development on archaeological remains will be alleviated.**

Where, following an archaeological assessment, the Council considers that the need for development outweighs the need for preservation in situ of the archaeological remains, conditions will be attached to planning permissions, or developers required to enter into legally binding agreements with the City Council, to secure an appropriate programme for the investigation and recording of archaeological remains prior to and during development, and for the subsequent analysis and publication of results.

Where appropriate, the City Council will seek to secure the enhanced management and preservation of archaeological sites and their settings.

- 9.46 Archaeological remains and their settings are an important part of Derby's heritage. Some have already been designated as Scheduled Ancient Monuments and are protected by law. Many unscheduled remains are also of national or local significance and will be protected from loss or damage wherever possible. Archaeological remains are found above and below ground and include structures, landscapes and environmental deposits. Details of known remains can be found in the Sites and Monuments Record (SMR).
- 9.47 Archaeological Alert Areas have been drawn around those areas which current research suggests are of high archaeological potential and are shown on the Proposals Map. For this reason, development proposals here should be accompanied by an archaeological assessment and mitigation strategy. This should be carried out by a qualified professional archaeologist to an approved written specification. Developers are advised to discuss proposals within the Archaeological Alert Areas, or affecting Scheduled Ancient Monuments, with the City Council's archaeology advisors at an early stage. Developers are also advised to discuss their proposals with English Heritage where they would affect Scheduled Ancient Monuments.
- 9.48 Where the City Council has good reason to believe that important remains exist outside the Archaeological Alert Areas, an archaeological assessment and mitigation strategy will also be required. Only where the City Council considers that archaeological remains are unlikely to exist, or are likely to be of limited importance, will this requirement be waived in favour of a Watching Brief.

- 9.49 Archaeology is a non-renewable resource. PPG16 (Archaeology and Planning) advises that important remains be preserved 'in situ' wherever possible. This ensures physical preservation for the benefit of future generations.
- 9.50 Preservation 'in situ' will usually be required in order to ensure the complete survival of archaeological remains. However, in exceptional circumstances, the need for development may be considered to outweigh the preservation of the archaeological remains 'in situ'. In such cases, very careful investigation, recording and excavation of remains including the publication of the results of any work will be required. The level of action required will correspond to the relative importance of the remains.

E22 Historic Parks and Gardens

Development will not be permitted which harms the character or setting of registered historic parks or gardens, within or close to the City, or their relationship with any buildings with which they are historically linked. The City Council will also seek to secure the retention, restoration, maintenance and continued use of locally important historic parks and gardens.

Where the City Council considers it necessary, it will require planning applications for development affecting either registered or locally important historic parks or gardens to be accompanied by an analysis of impact. Planning permissions may also require development to be carried out in a particular way, or for other measures to be taken to limit effects. Where the need for development is considered to outweigh the need to preserve the feature, developers will be required to ensure that any effects are minimised and that proper recording takes place.

- 9.51 This policy covers parks and gardens of particular historic interest where special protection is needed to ensure their survival and integrity. The aim is to protect not just the quality of the landscape, but also its relationship to any buildings, which are historically linked. The only Derby park that is of national historic importance is the Arboretum, which was the first public park in the country. The Nottingham Road Cemetery and the Uttoxeter Road Cemetery are registered as Parks and Gardens of Special Historic Interest, and there are several other sites in Derby with potential for designation. English Heritage and the City Council will consider whether further national or local designations should be made.

- 9.52 The City Council will usually require planning applications affecting historic parks or gardens to be accompanied by an analysis of the likely impact of the proposal. Any planning permissions may require development to be carried out in a particular way, or for other measures to be taken to limit any effects. Where the development cannot be undertaken without seriously damaging an important setting or landscape, permission will usually be refused. In some circumstances, the need for development may be considered to outweigh the need to preserve the feature. In such cases, developers must ensure any effects are minimised and that proper recording takes place so that evidence of the feature is at least retained.
- 9.53 This policy also seeks to protect the settings of parks outside the City boundary, where development in the City would impact on them.

Design and Security

E23 Design

The City Council will expect proposals submitted for planning permission to be of a high standard of design and to complement the surrounding area in which the development would be located. The City Council will provide clear indications of the Planning Authority's design expectations by means of specific design guidance for key sites. The guidance will concentrate on broad matters of overall scale, density, massing, height, landscape, layout and access.

- 9.54 This policy will help to maintain and enhance the physical appearance of all parts of the City. The aim is to create attractive and visually stimulating street scenes and provide a high standard of design throughout the City, and where appropriate, reinforce local distinctiveness. Modern innovative designs of quality will be welcomed. Potential development sites visible from transportation routes often form 'gateways' into the City and can be very prominent. It is important that the standard of design on these sites is of a suitably high quality. 'Important visual edges' can be defined as those parts of a site on which built frontages should be of a particularly high standard of design. The City Council will prepare specific urban design guidance on key sites.

E24 Community Safety

New development will provide a safe and secure environment and take full account of the need for community safety and crime prevention measures. In considering development proposals, the City Council will have particular regard to their design, layout, lighting arrangements, landscaping proposals and the extent to which they encourage lively, attractive and welcoming environments.

- 9.55 The design of buildings, landscaping, footpaths and open spaces can influence the actual and perceived safety of developments. Particular attention should be paid to maximising opportunities for natural surveillance. The inclusion of windows, or other forms of opening, at ground floor level which face onto the highway will be encouraged. Large areas of blank, solid wall are unacceptable. The City Council will adopt area-based strategies and seek to enter into early discussions with developers and the Police Architectural Liaison Officer to help achieve these objectives. Where appropriate, the use of closed circuit television cameras and the preparation of supplementary planning guidance will be considered.

E25 Building Security Measures

Planning permission will be granted for building security measures provided they:

- a. Are sympathetically designed in relation to the building and its setting; and**
- b. Allow a good level of visibility into the premises and a good level of light penetration from the building into the street.**

- 9.56 The Council recognises that it is important that local businesses are able to secure their premises against potential vandalism, damage and theft. However, these measures should not adversely affect the quality of the street scene, especially in Conservation Areas, or reduce the overall vitality of a shopping area. The City Council supports measures to enhance the urban environment of the City Centre and to improve its overall ambience. Extensive areas of shop fronts which are covered by solid shutters create an unattractive and uninteresting environment outside shopping hours.

E26 Advertisements

Advertisement consent will be granted provided that the advertisement:

- a. Is acceptable in terms of its impact on the local environment and does not detract from the appearance, character or setting of any building on which it would be displayed, particularly where the building is listed or where it lies within a Conservation Area; and**
- b. Does not have an adverse effect on pedestrian or vehicular traffic safety.**

Proposals for the erection of small-scale poster display boards will be permitted where they would not detract from the appearance or character of the street scene.

Larger poster display boards will only be permitted where they would:

- 1. Help to screen land which would otherwise appear unsightly**
- 2. Obscure an unsightly wall thereby improving the appearance of the street scene.**

9.57 Advertisements play an important role in the visual environment of the City. The Town and Country Planning (Control of Advertisements) Regulations 1992 allows for many types of sign to be erected without the express consent of the City Council. Where consent is required, the needs of businesses to advertise must be recognised. However, at the same time care must be taken to ensure that the form and design of advertisements does not detract from the quality of the street scene. It is especially important to protect the character of conservation areas and to ensure that listed buildings and their settings are not adversely affected. It is also important that advertisements do not distract the attention of drivers, cyclists or pedestrians.

9.58 The erection of permanent poster display boards is not generally compatible with the City Council's desire to improve the City as a whole. However, it is recognised that in some circumstances poster display boards can be erected on a long-term basis without seriously affecting the local environment. Such cases exist where the poster screens an existing unsightly piece of land or wall and can actually have a beneficial effect on the surrounding environment.

E27 Environmental Art

The Council will encourage the incorporation of environmental art where it will contribute to the quality and appearance of new developments or to the general townscape.

Where appropriate, the City Council will seek to enter into an obligation under Section 106 of the 1990 Act to provide the voluntary commissioning of a work or works of art with the developers of major commercial, industrial, leisure and residential schemes.

- 9.59 Environmental art can improve an area's general environment, appearance and character. It can provide an opportunity for commissioning local artists and craftspeople and of local community involvement. It can also help to promote economic development by improving the City's image to potential investors. Environmental art can range from permanent or temporary freestanding statues, structures and sculptures to detailed features on buildings, specially designed walls or railings and using a variety of materials.
- 9.60 As a general rule, major development in this case is defined as a gross floorspace of 1000 square metres or more, or a site area of 1.0 hectare or more for commercial, industrial and leisure uses. Major residential development would be 100 dwellings or more. The City Council has adopted a 'Percent for Art' scheme which seeks to ensure that a proportion (ideally 1% or more) of the cost of new development is allocated to commissioning new works of environmental art. Not all works of art will be suitable for all locations and each proposal will need to be judged on its merits and in terms of the effect it would have on its surrounding area. However, a quality piece of art cannot make an overall poor development proposal acceptable. Special care will be taken in assessing any effect of works of art on Listed Buildings and Conservation Areas. All proposals for works of art will be assessed in accordance with the Council's Public Art Strategy and its long term management plan.

E28 Telecommunications

Planning permission will be granted for telecommunications developments provided that:

- a. The development is sited and designed to minimise visual impact on residential areas and other sensitive areas protected by the Plan;**
- b. New ground based installations will only be permitted where it can be shown that there is no reasonable prospect of erecting antennae on existing buildings or structures or of sharing mast facilities;**
- c. There is no clear evidence that significant electrical interference will arise for which no practical remedy is available.**

In considering applications, full weight will be given to the need for efficient development of the communications network, the limitations on siting and design imposed by the technology and the wider environmental benefit that may result from development.

In considering applications for the siting and design of large prominent structures, the potential for physical interference with telecommunications services will be taken into account.

9.61—Minor telecommunications development is permitted under the Town and Country Planning General Permitted Development Order 1995. For larger developments, and in sensitive locations, visual impact will normally be the primary environmental consideration. Height, materials, colours and the scope for landscaping and screening will be taken into consideration in assessing visual impact. PPG8 advocates the use of existing buildings and the sharing of masts to help keep visual impact to a minimum. Concerns have been expressed about the possible health risks of telecommunications development. Current Government guidance is that these issues should not be given weight in determining planning applications where they meet international radiation guidelines. However, if further research or national guidance conclusively indicates that health issues should be taken into account, the Council will give them weight when assessing the environmental acceptability of proposals. Finally, it is important to bear in mind the possibility that proposals for tall structures could have an adverse effect on television and other communication services due to physical obstruction of signals.

World Heritage Site

E29 Protection of World Heritage Site and its surroundings

Within the area designated as a World Heritage Site, proposals which would have an adverse effect on the special character of the area will not be allowed. Planning permission will only be granted for developments, including changes of use and conversions, which meet the following criteria:

- a. To preserve and enhance the special character of the area;**
- b. To encourage the physical and economic revitalisation of the area; and**
- c. To ensure that new buildings enhance the area in terms of siting and alignment of new buildings, the materials used and the mass, scale and design of buildings.**
- d. To ensure that new development does not harm and where possible conserves and enhances the biodiversity of the area.**

Significant development proposals will require special scrutiny.

Proposals for development outside the World Heritage Site, but within the World Heritage Site buffer zone will only be approved if they do not have an adverse effect upon the World Heritage Site or its setting, including views into and out of the site.

9.62 The World Heritage Convention provides for the identification, protection, conservation and preservation of cultural and natural sites of outstanding universal value. Whilst no additional statutory planning or other controls follow from the inclusion on the list of World Heritage Sites, Government advice in PPG15 states that inclusion highlights the outstanding international importance of the site and that this is a key material consideration to be taken into account in planning decisions. It states that inclusion highlights the outstanding international importance of the site as a key material consideration to be taken into account in planning decisions.

9.63 The World Heritage Site stretches from Masson Mill at Matlock Bath in the north to Derby Industrial Museum (formerly Silk Mill) in the south. Within the City, the site includes the Industrial Museum, Darley Park, the Darley Abbey

Conservation Area, which includes the mill complex and factory village, and St Matthews Church. The site as a whole has been designated due to its importance in the development of the Industrial Revolution.

- 9.64 The need to preserve and enhance the special character of the area will be given special consideration in determining planning applications in the area. Account will be taken of the benefits of proposals in terms of both the physical fabric of the area and its economic well-being. The designated site and its setting have been given protection by the definition of a buffer zone. Within the buffer zone proposals will only be approved where they do not have an adverse effect on the designated site or its setting.
- 9.65 The Management Plan considers the main issues affecting the site and suggests objectives and programmes of action for the co-ordinated management of the area. In light of the inscription of Derwent Valley Mills as a World Heritage Site, the Council intends to incorporate planning aspects of the World Heritage Site Management Plan in future Supplementary Planning Documents.

E30 Safeguarded Areas around Aerodromes

Within the safeguarded area new development will only be permitted where it will not result in a serious safety hazard to aircraft. In considering applications for planning permission the Council will have particular regard to:

- a. the height and design of the development;**
- b. the likelihood of it creating a bird hazard;**
- c. the likely impact on navigational aids, radio waves and telecommunications systems for the purposes of air traffic control and aircraft movements.**

- 9.66 The aim of this policy is to ensure that development is not permitted that would be likely to result in a safety hazard to aircraft. In implementing the policy, the City Council will have regard to the defined safeguarded area around the Nottingham East Midlands Airport. As can be seen from the Proposals Map, most of the City of Derby, with the exception of Allestree, Mickleover and Mackworth, lies within this area. It is intended to ensure that development proposals within the area are properly scrutinised in terms of potential safety issues.
- 9.67 In applying the policy, the City Council will consult the owner/ operator of the airport. The Joint Circular 01/2003 identifies certain forms of development

that will need special scrutiny. This would comprise developments which are over 90 metres in height, are likely to attract large numbers of birds, are connected with an aviation use or involve wind turbines. The Council will also give consideration to the potential for interference with navigational equipment and traffic control systems.

