

# Environment and Natural Resources

## Background

- 2.1** The protection and enhancement of the environment is vital to achieving sustainable development and ensuring a better quality of life for everyone. The Plan Area's countryside, biodiversity, historic features, natural resources and the character of its urban areas and villages make a major contribution to the quality of life and to what makes the area distinctive. The policies in this chapter seek to protect and enhance the built and natural environment and require that, where necessary, planning permissions are subject to conditions and planning obligations (in accordance with Policy 1/3) in order to achieve this.
- 2.2** The Regional Environment Strategy published by the Regional Assembly in August 2002 provides the regional policy framework for environmental issues. The spatial component is also addressed by Regional Spatial Strategy for the East Midlands (RSS8). RSS8 identifies three key challenges at regional level which are of equal importance in the Plan Area. These are:
- the significant decline in biodiversity and linked to this the relatively small number of statutorily designated sites important for biodiversity;
  - the erosion in landscape character;
  - the need to address the consequences of climate change.

### **POLICY 2/1 SUSTAINING BIODIVERSITY**

Planning permission will not be granted for development which will adversely affect the integrity or continuity of landscape features which are of major importance for wild flora and fauna and habitats and species identified in the UK and Nottinghamshire Local Biodiversity Action Plans, unless an overriding need for the development is demonstrated which clearly outweighs the nature conservation value of the habitat or species. Appropriate management of these features will be encouraged through the use of conditions, planning obligations and management agreements.

An assessment of sites with the potential for nature conservation interest will be required prior to the determination of applications. Where planning permission is granted and harm cannot be avoided or mitigated, conditions will be used and/or planning obligations will be sought for the creation of an equivalent (or greater) feature that would make a positive contribution towards the targets of the Biodiversity Action Plan.

- 2.3** Biodiversity is the variety of life around us - our wild animals and plants, and the habitats such as woodland or heathland which support them. Conserving biodiversity is not just about rare and threatened plants and animals, but encompasses the whole of the natural world, from the commonplace to the critically endangered. Biodiversity is a key test of sustainability, passing a healthy and diverse environment on to future generations. A guide to biodiversity and planning for Nottinghamshire and Nottingham is being prepared in conjunction with the JSP to provide further advice on development in relation to biodiversity issues.
- 2.4** In 1992 the UK Government signed the UN Convention on Biological Diversity at the 'Earth Summit' in Rio. This committed the UK to producing a national plan for biodiversity conservation. This plan, 'Biodiversity: The UK Action Plan', was published in 1994.
- 2.5** In order to implement the UK Biodiversity Action Plan (UKBAP) the Government has assigned lead responsibility for producing and implementing Local Biodiversity Action Plans (LBAPs) to local authorities. The Nottinghamshire LBAP, 'Action for Wildlife', was published in 1998 by a partnership of organisations including the County and City Councils. This places the emphasis towards action within the environment as a whole, to protect and enhance current natural resources and restore past losses.
- 2.6** It should be noted that biodiversity is not just limited to the countryside - urban pockets including some sites of previously developed land often contain a wealth of biodiversity.
- 2.7** RSS8 calls for a major 'step change' increase in the level of biodiversity in the region. The County and City Councils will play an active role in the conservation and promotion of wildlife in the Plan Area. This will be done through:
- the implementation of the suite of land use planning policies included in this section, which emphasise a hierarchy of protection from internationally recognised sites to national, regional and local designations;
  - through liaison with statutory and voluntary agencies concerned with the safeguarding and management of biodiversity;
  - through maintaining and supporting environmental recording and the role of the Nottinghamshire Biological and Geological Records Centre;
  - through continued membership and support for the Nottinghamshire Biodiversity Action Group and contribution to the targets set out in the LBAP; and
  - establishing Local Nature Reserves and encouraging others to do so.
- 2.8** Certain habitats and species have declined to such critical levels in the Plan Area that they are now rarely found outside sites that have been protected by designation. In order to halt this decline in our biodiversity, manage the current resource and restore past losses, it is essential to maintain our most important wildlife sites as reservoirs from which habitats and species can be restored to areas from which they have been lost.

## Internationally Important Nature Conservation Sites

### **POLICY 2/2 SPECIAL AREAS OF CONSERVATION**

Development which may affect a Special Area of Conservation or a candidate Special Area of Conservation will be subject to the most rigorous examination. Development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have a significant effect on the site (either individually or in combination with other plans or projects) and where it cannot be ascertained that it would not adversely affect the integrity of the site, will not be permitted unless:

- a) there is no alternative solution; and if so,
- b) there are imperative reasons of overriding public interest.

Where the site hosts a priority natural habitat and/or a priority species, development will not be permitted unless the authority is also satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for the environment.

Where planning permission is granted compensatory measures will be secured either as part of the proposed development or through the imposition of conditions and/or negotiation of planning obligations.

- 2.9** There is a strong presumption in favour of protecting nature conservation sites which are designated as being of international importance against harmful development. The Plan Area currently has one internationally important site, the Birklands and Bilhaugh Special Area of Conservation (SAC). Regulations 48 to 53 of the 'Conservation of Natural Habitats and Wild Fauna and Flora Regulations' (Habitats Regulations), 1994 set out a strict series of tests which must be complied with before development which may adversely affect such sites can be granted planning permission. This is reflected in Policy 2/2.

## Nationally Important Nature Conservation Sites

### **POLICY 2/3 SITES OF SPECIAL SCIENTIFIC INTEREST**

Development in or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Where such development may have an adverse effect, either directly, or indirectly, on the special interest of the site, planning permission will not be granted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard such sites.

Where planning permission is granted, conditions will be used and/or planning obligations will be sought to provide appropriate mitigation and compensation measures.

- 2.10** Sites of Special Scientific Interest (SSSIs) are nationally important nature conservation sites. There are over 65 SSSIs covering almost 3,350 hectares in the Plan Area. There is a strong presumption against development, unless an overriding need for the development can be demonstrated, or conditions can be imposed to prevent damage to the interest of the SSSI.
- 2.11** The introduction of the Countryside and Rights of Way Act 2000 (CROW) further strengthened the protection given to SSSIs and the powers of English Nature. Part of this protection was the amendment to the Wildlife and Countryside Act 1981 that now requires public bodies (including planning authorities) to take reasonable steps to further the conservation and enhancement of the features for which a SSSI is designated (Section 28G).
- 2.12** National Nature Reserves (NNRs) are areas of designated national (SSSI), and sometimes international, importance. They are owned or leased by English Nature or bodies approved by them, or are managed in accordance with Nature Reserve Agreements with landowners and occupiers. NNRs are primarily used for nature conservation. The Plan Area currently has one NNR, the Sherwood Forest NNR near Edwinstowe.
- 2.13** In relation to both policies 2/3 and 2/4, where planning permission is granted but adverse impacts on nature conservation cannot be completely avoided, mitigation measures must be incorporated to minimise adverse impacts. This could involve, for example, modifying design or using methods which reduce the impact of noise or water pollution on habitats and species. In cases where adverse effects cannot be entirely mitigated, compensation measures would be required. An example of a compensation measure is the re-creation of habitats elsewhere. What is appropriate in any particular case will be determined by the specific features of nature conservation importance on the site and the nature of the proposed development.

## Locally and Regionally Important Nature Conservation Sites

### **POLICY 2/4 REGIONALLY IMPORTANT GEOLOGICAL SITES, SITES OF IMPORTANCE FOR NATURE CONSERVATION AND LOCAL NATURE RESERVES**

**Development likely to have an adverse effect on a Regionally Important Geological Site, a Site of Importance for Nature Conservation or a Local Nature Reserve will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site.**

**Where planning permission is granted, harm to the nature conservation interest must be minimised and conditions will be used and/or planning obligations will be sought to provide appropriate mitigation and compensation measures.**

- 2.14** Local Nature Reserves (LNRs) are habitats of local significance that are declared by local authorities. They can make a useful contribution both to nature conservation and to the opportunities for the public to see, learn about and enjoy wildlife. There are about 20 LNRs in Nottinghamshire and these will be protected and enhanced wherever possible.
- 2.15** Sites that do not have statutory designation but are locally important for biodiversity and geology are known as Sites of Importance for Nature Conservation (SINCs). In the Plan Area, over 1,200 SINCs have been identified by the Nottinghamshire Biological and Geological Records Centre, at Wollaton Hall. These sites are selected under scientific guidelines produced by an independent panel of organisations and local experts.
- 2.16** At present our Regionally Important Geological Sites (RIGSs) are being reviewed. In the interim all significant geological features within the Plan Area are designated as Geological SINCs and therefore provided the same degree of policy protection.

### **POLICY 2/5 PROTECTED SPECIES**

**Planning permission for development likely to cause harm to a species or its habitat protected in law, will only be permitted where it is demonstrated that there is an overriding need for the development. Planning permission will not be granted until a full survey of the affected species has been carried out, to the satisfaction of the local planning authority.**

**Where such development is permitted, conditions will be used and/or planning obligations will be sought to secure the protection of the affected species.**

- 2.17** Certain species and habitats are protected under UK legislation, such as the Wildlife and Countryside Act 1981 (as amended), because of their vulnerability and national or international importance.
- 2.18** The presence of a protected species is a material consideration when assessing a development proposal that would be likely to result in harm to the species. For this reason it is essential that surveys are carried out and submitted with an application prior to determination. Planning Policy Statement 9 'Biodiversity and Geological Conservation' (PPS9) advises on the use of planning conditions and/or obligations under which steps would be taken to secure the protection of the species. This may include ameliorative measures to facilitate the survival of individual members of the species, reducing disturbance to a minimum and, if necessary, the provision of alternative habitats.
- 2.19** The European Community 'Directive on the Conservation of Natural Habitats and Wild Fauna and Flora' (the Habitats Directive) and the corresponding national Habitats Regulations identify priority species and habitats which are afforded protection. The species of relevance in the Plan Area are listed in Schedule 2 of the Habitats Regulations and include great crested newt, otter, barn owl, water vole, dormouse and all species of bat.

**2.20** The Regulations allow for licences to be issued for works which will affect species listed in Schedule 2. However, before such a licence is issued it must be demonstrated that the proposed works meet the tests set out in Regulation 44 that:

- a) there is no satisfactory alternative; and
- b) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

## **POLICY 2/6 WILDLIFE HABITAT CREATION**

Where planning permission for new development is granted opportunities will be sought to:

- a) **create and manage new wildlife habitats and enhance the nature conservation resource of the Plan Area;**
- b) **create corridors and linking features, both in urban and rural areas, that contribute to the targets set out in the Local Biodiversity Action Plan;**
- c) **where appropriate make provision for public access to, and recreation in, areas of nature conservation value; and**
- d) **make provision for long term management and monitoring.**

**2.21** Although the Plan Area has a wealth of biodiversity, its history of mineral extraction and agriculture has meant that our resource is lower than in other areas of the UK. Less than 2% is designated as a SSSI, while the English average is 7%. This makes it vital that we seize every opportunity to create and manage more wildlife habitats. The above policy will help to contribute to the targets set out in RSS8 and the Local Biodiversity Action Plan. It is also important to encourage public access to appropriate areas of importance for nature conservation in order to promote the well-being of the community.

**2.22** Applications should make provision for maximising the existing wildlife value of the site through appropriate siting and design and for minimising any losses. This is a particular priority where planning permission is sought for development that is associated with land that has high potential for the creation, restoration or enhancement of LBAP habitats, especially where they form wildlife corridors or linking features that would strengthen the ecological network of the surrounding area. Other locations where the potential for habitat creation must be considered are in urban areas that lack accessible wildlife sites, areas of derelict land (such as former mineral workings and waste disposal sites) and areas of previously developed land.

**2.23** Once habitats have been created it is important to consider the need for their long-term management and monitoring. In order to determine the success of habitat creation work it is necessary to monitor it. This monitoring can then be used as part of the enforcement process to inform habitat management decisions. If not properly managed, the biodiversity value of sites can quickly decline.

- 2.24** Local planning authorities should therefore make provision in local plans/development plan documents for planning contributions to secure the protection, creation, maintenance and monitoring of habitats in accordance with Policies 1/3 and 2/6. Such a proactive approach will be necessary if the 'step change' in biodiversity in RSS8 is to be met.

### **POLICY 2/7 LANDSCAPE CHARACTER**

**Local plans/development plan documents will define local landscape characteristics in accordance with the work of the Countryside Agency and Nottinghamshire County Council's Landscape Guidelines, to inform land allocations and assessment of development proposals. The landscape character approach will be used to promote the conservation and enhancement of local landscape character and distinctiveness and the maintenance of landscape diversity throughout the whole Plan Area.**

- 2.25** Landscape is about the relationship between people and place. It provides the setting of our day to day lives. The term does not mean just special or nationally designated landscapes and it does not apply only to the countryside. It results from the way that different components of our environment, both natural and cultural, interact and are perceived by people.
- 2.26** The landscape character of the Plan Area is immensely varied from the low lying Trent Valley to the wooded landscape of Sherwood Forest. The character and diversity of the whole landscape is important. Acknowledging and understanding the diversity of character, landscape, wildlife and natural features is an essential part of all decisions influencing landscape change and the degree of protection that should be offered.
- 2.27** Landscape character assessment is the principal mechanism for gaining this understanding. The landscape character approach has been broadly defined in the Countryside Agency's publication Countryside Character Volume 4, 1999, published in parallel with English Nature's Natural Areas. Nottinghamshire County Council's Landscape Guidelines, published in 1997, had already used this type of approach in an assessment of the entire Plan Area. A more detailed assessment is currently underway to develop these guidelines into landscape policy zones. The first stage of this process has been undertaken and landscape description units have been defined.
- 2.28** Landscape policy zones will be linked to policy objectives for landscape conservation, enhancement, restoration and regeneration. They should enable development to be informed by, and sympathetic to, landscape character.
- 2.29** The landscape character approach is not a method of preventing development, but rather a tool for helping to inform a development proposal by guiding design and mitigation and thereby contributing to the overall achievement of sustainable development. The strength of the character technique is that it sets a context for all spatial development in all landscapes.

**2.30** Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7) advocates criteria-based policies in development plan documents to protect landscape character. Prior to the publication of the new landscape policy zones and during the transition to the full landscape character assessment approach the current Landscape Guidelines and Mature Landscape Areas (MLAs) should be referred to in order to inform such criteria-based policies. MLAs have been used as a local landscape designation seeking to identify and protect those parts of Nottinghamshire and Nottingham which have been least affected by adverse change, have a strong landscape character and a distinct sense of place.

## **POLICY 2/8 TREES AND WOODLANDS**

**Planning permission for development which would result in the loss of areas of trees or woodlands, including ancient woodland, amenity (parkland) trees or individual street trees in both urban and rural areas, will be permitted only where an overriding need for the development can be demonstrated which clearly outweighs the loss of the trees or woodlands.**

**Where such a need is demonstrated, conditions will be used and/or planning obligations will be sought to secure the creation of at least an equivalent area of new tree or woodland planting.**

**Tree planting will be encouraged, where appropriate, through development proposals in the Greenwood Community Forest and Sherwood Forest areas for nature conservation, timber production, recreation, tourism and amenity purposes.**

**2.31** Trees and woodlands not only have significant importance for biodiversity, but also are a major feature of our landscapes, have an important value in our culture and have social, aesthetic and historic links with the community. Preference should be given to planting native species of trees with local genetic origin.

**2.32** Areas of roadside trees, plantation woodland and many of the heavily used woodlands in urban settings, as well as semi-natural woodlands need to be protected and unnecessary loss prevented. Ancient woodlands are an irreplaceable resource which have nature conservation, historic and amenity value and will be protected as such.

**2.33** It is important, not only in rural areas, but also in urban areas, to ensure that trees, woodland, open spaces and green links are protected unless there are significant overriding needs and circumstances. Such areas provide visual and amenity benefits as well as acting as wildlife corridors or wildlife stepping stones between habitats.

## **POLICY 2/9 PROTECTION OF AGRICULTURAL LAND**

**Planning permission for development which would involve the loss of best and most versatile agricultural land will be permitted only where there is no reasonable alternative and where other sustainability considerations relating to alternative sites on poorer quality agricultural land outweigh the loss of higher quality agricultural land.**

- 2.34** The best and most versatile agricultural land is defined as that in Grades 1, 2 and 3a of the Agricultural Land Classification. Although employment in agriculture in Nottinghamshire has fallen sharply, from about 3300 people in 1996 to about 700 in 2001, it remains important to protect higher quality agricultural land. However, other sustainability considerations need to be taken into account and may in some cases outweigh the protection of the best and most versatile agricultural land, as detailed in PPS7.

### **POLICY 2/10 DEVELOPMENT IN THE COUNTRYSIDE**

The character and qualities of the countryside will be protected. Limited development, as defined in local plans/development plan documents, which can demonstrate the need for a countryside location may be permitted.

Outside settlement boundaries specified in local plans/development plan documents, planning permission may be granted for development to:

- i) meet identified local needs, including affordable housing;
- ii) sustain and diversify the rural economy, including provision of large-scale agricultural buildings in accessible locations to meet local needs; and
- iii) support rural services.

In all cases, development proposals will be located and designed to respect the character of the surrounding area, and priority will be given to the re-use of existing buildings and derelict land.

- 2.35** The Joint Structure Plan aims to foster a vibrant and vital countryside in which local communities have access to affordable homes, jobs and a range of services. The enjoyment of the countryside is also encouraged to promote the well-being of people throughout the Plan Area. Equally, it is important that the character and quality of the countryside is protected for its own sake.
- 2.36** In line with the sequential approach outlined in paragraph 1.13 of the Strategy chapter, development will primarily be directed towards existing built-up areas. In some cases, however, there will be certain types of development which require a more rural location, for example, telecommunications infrastructure and roadside services, in order to provide adequate network coverage. Local plans/development plan documents should detail what types of development may be considered to be appropriate in the countryside. Full justification will be required for development proposals to ensure that the principles of sustainable development are adhered to.
- 2.37** Where development is deemed to be appropriate in the countryside, for example development in accordance with Policies 3/6 'Rural Housing' and 4/5 'Rural Employment', a positive approach to the re-use of existing buildings and derelict land will be taken. This will prevent unnecessary new built development in the countryside and meet the principles of sustainable development.

**2.38** It is of great importance that all development in the countryside is located and designed to minimise its impact on the environment and respect the character and quality of the surrounding area. The adaptation of traditional farm buildings and other rural buildings should respect their character. As such, the landscape character approach set out in Policy 2/7 will be applied.

### **POLICY 2/11 SCHEDULED ANCIENT MONUMENTS AND OTHER SITES OF ARCHAEOLOGICAL INTEREST**

**There will be a presumption in favour of the physical preservation of Scheduled Ancient Monuments and other nationally important archaeological remains. Development proposals affecting archaeological sites or their settings will only be permitted where the need for development in that location outweighs the relative importance of the remains and/or their setting.**

**If development is permitted, priority will be given to preserving the archaeological interest in situ. Where preservation in situ is not feasible or justified, conditions will be imposed to ensure that full surveys, excavation and recording of the remains is undertaken.**

**2.39** There are over 8,000 archaeological sites and historic features in the Plan Area currently registered on the County Sites and Monuments Record. However, it is unlikely that this is the limit of the archaeological resource. Other new sites continue to be discovered, including as a result of development activities.

**2.40** Archaeological remains are a finite resource and as such should be protected from harmful development wherever feasible. Planning Policy Guidance Note 16 'Archaeology and Planning' (PPG16) sets out a presumption against development which would be harmful to a Scheduled Ancient Monument or other sites of national importance. The degree of protection to be afforded to remains of less than national importance will depend on the relative importance of the archaeological remains and their contribution to our overall archaeological resource. When assessing development proposals, the need for the development must be weighed against this level of importance.

**2.41** Discussions should be instigated at the earliest stage of the development process to ensure that the character and value of archaeological remains are properly assessed and appropriate measures to protect the archaeological resource can be put in place and submitted with planning applications.

## **POLICY 2/12 HISTORIC CHARACTER**

Local planning authorities will protect and enhance the historic and architectural character and appearance of the landscape of the Plan Area. Permission will not be granted for development within Historic Parks and Gardens, Historic Battlefields and other areas designated for special protection except where it demonstrably conserves and enhances the characteristics of these areas. The protection and enhancement of the historic character will be achieved through:

- a) the protection and maintenance of buildings listed as of special architectural, historic or landscape importance, including their settings;
- b) the identification, protection and maintenance of other individual and groups of buildings which are important for their local architectural distinctiveness, or historic significance;
- c) the identification, maintenance and enhancement of other locally distinctive and culturally important aspects of the historic environment;
- d) the designation, enhancement and preservation of Conservation Areas and their settings;
- e) sensitively designed environmental improvement and traffic management schemes in Conservation Areas and other appropriate areas;
- f) finding appropriate alternative uses for, and the restoration of, listed or other buildings worthy of retention; and
- g) informed design of new development.

**2.42** The historic and architectural character of the Plan Area's buildings and settlements is an important asset that deserves protection and enhancement, for the benefit of our residents, as an attraction for tourists and as a key asset in promoting economic regeneration. The Historic Landscape Character Map will be a useful reference tool in achieving this. Special protection can be given to individual buildings through the mechanism of listing, while whole areas can receive protection and assistance through the designation of a Conservation Area.

**2.43** The protection of other individual and groups of buildings that are locally important in themselves, or as contributions to the character of the local area, needs to be considered at the local planning level. Historic buildings that are no longer required for their original use are recognised as a key asset. Appropriate new uses that can be satisfactorily accommodated must be found in order for them to be restored, so that they can function as part of local regeneration.

## **POLICY 2/13 RIVER CORRIDORS**

Local planning authorities will seek to maintain and enhance the multi-functional importance of the River Trent and its tributaries (including the Idle, Leen, Maun and Meden). The consideration of development proposals will have regard to the contribution that they would make to the improvement of biodiversity, landscape character, recreational opportunities and regeneration.

- 2.44** The River Trent flows through six local authority areas in the Plan Area and it represents an important river corridor. The East Midlands Regional Assembly identifies the River Trent and its tributaries (including the Idle, Leen, Maun and Meden) in its Strategic River Corridors Vision Statement published in October 2003. The project focuses on flood management and biodiversity improvement within an integrated management approach. Apart from the biodiversity benefits, the project can be expected to provide improvements to water quality, river flows, landscape character and encourage a more sensitive approach towards management. RSS8 provides policy on a regional approach to the water environment.
- 2.45** The role of the River Trent as a focus for regeneration has also been recognised by local authorities, the riparian and other authorities. The Trent River Park Partnership has been formed by these bodies to ensure a coherent and coordinated approach to maximise the regeneration potential of the river. The River Trent is designated as a commercial waterway and it should be ensured that waterside development does not compromise the opportunities for freight transport. The OnTrent Initiative is working to secure a sustainable balance between natural and historic heritage, agriculture, commercial activity and development along the River Trent. The Trent Valley Geo-archaeology Project is adding to our knowledge of specific aspects of the river valley.
- 2.46** The quality and quantity of groundwater around wetland nature reserves is a cause for concern. Many non-designated sites have suffered from over abstraction and this has been to the detriment of species. Detailed consideration should therefore be given to the siting and design of developments that would adversely affect the hydrology and geohydrology of wetland habitats.

## Climate Change

- 2.47** Rising temperatures, changing rainfall patterns, with wetter winters and drier summers, and more extreme weather patterns all provide evidence of climate change. The Government has recognised that tackling climate change requires urgent action and has published 'The Planning Response to Climate Change' (2004) and 'Securing the Future: Delivering the UK Sustainable Development Strategy' (2005). Both documents acknowledge that future climate change is inevitable but taking action now to reduce greenhouse gas emissions can help to reduce the effects of climate change in the future.
- 2.48** Amongst the ways in which development can help to adapt to climate change are the following:
- new buildings, infrastructure and land management needs to be planned to accommodate climate change without exacerbating the problem;
  - ensuring that flood risk is not increased, and preferably reduced (see Policy 2/16);
  - consideration of the impact on water resources, particularly in the summer period;
  - consideration of issues such as the availability of shading (outside) and cooling mechanisms (inside) that avoid air conditioning systems that increase greenhouse gas emissions, to improve the energy performance of buildings;
  - planning and management of the natural environment needs to accommodate species movements and displacements.

## Energy

### POLICY 2/14 LARGE SCALE ENERGY DEVELOPMENTS

Proposals for large scale energy developments\* will be supported where adequate infrastructure is available or can easily be provided, in particular a grid connection and a serviceable rail link, or waterway and docking facility, where appropriate; where no unacceptable detrimental effect on the local environment would result; and:

- a) the development re-uses land formerly occupied by energy installations and colliery sites except where major reclamation for agriculture/silviculture has already taken place and harm to any biodiversity value cannot be reasonably mitigated or compensated; and/or
- b) the development incorporates combined heat and power and/or 'clean coal' power systems that offer more efficient combustion; and/or
- c) the development utilises existing power stations through the introduction of co-firing in existing or new generating units, especially where biomass or wood waste, preferably from local sources, can be employed.

\* Large scale energy developments means over 50 megawatts in size.

**2.49** The Energy White Paper, 2003 emphasised the need to address the problem of climate change. It noted that levels of carbon dioxide in the atmosphere, one of the main causes of climate change, have risen by more than a third since the industrial revolution and are now rising faster than ever before. Action to stem emissions from human activities is seen as critical, and at regional level in RSS8 and the emerging Regional Energy Strategy, policy emphasis is placed on the Local Government Association's energy hierarchy. The energy hierarchy established the priority for all energy-related issues as follows:

- reduce the need for energy;
- use energy more efficiently;
- use renewable energy;
- any continuing use of fossil fuels to be clean and efficient for heating and co-generation.

## **POLICY 2/15 RENEWABLE ENERGY DEVELOPMENTS**

Local plans/development plan documents will make provision for renewable energy generation in accordance with the indicative targets for the Plan Area in Regional Spatial Strategy (RSS8), and having regard to the environmental policies of the Joint Structure Plan. This will be achieved by:

- a) ensuring that the wider environmental benefits of using renewable energy sources are taken into consideration and identifying, in addition to the criteria set out in RSS8, locally relevant criteria for assessing the acceptability of renewable energy installations and their associated infrastructure, including taking into consideration their scale in relation to their proposed setting and any economic benefits to local communities;
- b) safeguarding preferred sites for small-scale hydro schemes at weirs along the River Trent;
- c) consideration of the cumulative impact of new energy development;
- d) promoting the development of small or community scale, non grid-connected renewable technologies, especially where they are beneficial in remote locations;
- e) preparing supplementary planning guidance/documents on key technologies as appropriate.

**2.50** The regional and national priorities are to strengthen the contribution of energy efficiency and to develop renewable energy. It is recognised that renewable energy has expanded far less in the UK than in some other European countries, yet the potential is considerable, in particular for wind energy. The White Paper confirms that there will need to be an enhanced role for renewables with the objective of achieving a 10% target share of grid-connected electricity generation by 2010 and 20% by 2020. The Government's commitment to renewable energy is reflected in Planning Policy Statement 22 'Renewable Energy' (PPS22) which advocates the encouragement of renewable energy projects through policies designed to promote and encourage, rather than restrict, such projects.

**2.51** The Government is committed to ensuring that renewable energy sources make an increasing contribution to UK energy supplies over the coming decade. This is reflected in RSS8 which includes County level targets for renewable energy from different technologies as well as an overall target for coal mine methane, which is particularly important in the Plan Area as a result of its history of deep mined coal.

**2.52** Indicative targets for renewable energy can be found in Appendix 6 of RSS8. It includes a County breakdown of these targets which reveals that (onshore) wind, biomass, hydro and landfill gas are the most likely technologies to contribute to an estimated electrical capacity of 34 megawatts (MW) by 2010. To this should be added the considerable potential from coal mine methane (approximately 50 MW in the County), a major greenhouse gas whose leakage is particularly prevalent in the Plan Area as a legacy of deep mining.

## Resource Management

- 2.53** The Joint Structure Plan aims to manage and enhance the quality of the air, water and land environment together with other resources upon which people depend for basic needs of raw materials to improve their quality of life.

### **POLICY 2/16 FLOOD PROTECTION AND FLOOD RISK REDUCTION**

Local planning authorities will apply the risk based approach of Planning Policy Guidance Note 25 'Development and Flood Risk' (PPG25) in allocating sites for development and in the consideration of planning applications.

Adequate measures will be put in place to mitigate the effects of any development activity in areas at direct risk from flooding, or which would be likely, individually or cumulatively, to increase the number or extent, of people, land or properties at risk of flooding elsewhere. In addition local planning authorities will seek to negotiate with developers, wherever possible, in order to achieve developments which provide for an overall reduction in existing levels of flood risk.

In all areas proposals will, where appropriate, incorporate sustainable drainage systems and provision for their maintenance.

- 2.54** Although the increased incidence of flooding is a manifestation of climate change it is also exacerbated by development activity. In accordance with PPG25 local planning authorities should adopt a risk based approach to proposals for development in, or affecting, flood risk areas. A sequential test should be applied, whereby priority in allocating or permitting sites for development should reflect the likelihood of flood risk in accordance with Table 1 of PPG25.
- 2.55** It is important that regard is given to the important role played by floodplains. They are used in flood conditions both to convey water away to the sea, i.e. floodplain flow, and to store excess water until it can drain away via the river, i.e. floodplain storage. Development in floodplains is not only at risk from flooding but, by reducing the amount of land available for flood water storage and by impeding flood flows, it can increase the risk of flooding at other locations.
- 2.56** The consideration of flood issues should, however, not be confined to river plains. Development throughout river catchments can have a significant impact on flooding simply by increasing run-off.
- 2.57** PPG 25 acknowledges that even in the highest risk areas, some land uses such as amenity open space, habitat conservation measures or sports fields may be appropriate, provided that suitable arrangements can be made for public safety and that the uses do not interfere with floodplain flows or compromise river management options.

- 2.58** In preparing development plans consideration should be given to the latest available information on potential flooding, including the indicative floodplain maps prepared by the Environment Agency, augmented by more refined mapping and modelling which takes into account flood defences such as Risk Assessment for Strategic Planning (RASP), Flood Hazard Mapping and Catchment Flood Management Plans.
- 2.59** As part of a sustainable approach to drainage local planning authorities should work closely with the Environment Agency and private sector developers to promote the drainage of surface water run-off as close as possible to its source.

## **POLICY 2/17 CONTROL OF POLLUTION**

**All new development will minimise or avoid air, land, water (including groundwater), noise and light pollution by means including good design and the control of operations.**

**Local plans/development plan documents will contain policies that have regard to the individual or cumulative impact of potentially polluting development.**

- 2.60** Pollution may be considered as a harmful or undesirable change in the natural environment caused by human activities. Air, water and land pollution can arise from the discharge of materials into the environment from a wide range of activities including agriculture and industry. Pollution can have an adverse effect on people's quality of life, causing poor health, loss of amenity and environmental degradation. Many of these polluting activities and processes are regulated or controlled by either the Environment Agency or local authorities.
- 2.61** Some types of pollution are more difficult to control particularly when the problem occurs from the collective effect of a large number of small sources, as in the case of air pollution from road transport. Road transport is a significant source of emissions of a number of airborne pollutants, including nitrogen oxides and particles, and a key aim of the Joint Structure Plan, as explained in the Movement chapter, is to reduce the number and length of journeys made by road transport.
- 2.62** Unacceptable levels of noise impacts upon the quality of life of local communities and individuals. This has been recognised at a national level and the Government is working towards an Ambient Noise Strategy to deal with environmental noise. The effects of noise can be mitigated through engineering solutions (such as reducing the noise at the point of generation or the insulation of buildings), site layout and/or limiting the opening time.
- 2.63** Light pollution can be caused by poorly designed or badly oriented streetlights, building illumination and security lighting, scattering light into the night sky. Light pollution is not only an inefficient use of energy, but also has an adverse effect on the amenity of residential areas, reduces the visibility of the night sky and can have detrimental effects on wildlife.

- 2.64** The aim of Policy 2/17 is to minimise the levels of all types of pollution. This encourages sustainable development and has the knock-on beneficial effect of enabling mixed use development to proceed. For example, the mixing of residential and employment uses which would otherwise need to be segregated, thereby also reducing the need to travel and minimising pollution in this way.
- 2.65** Potentially polluting development should only be permitted if its individual or cumulative impact on the surrounding environment is considered to be acceptable. In some cases there will be locations where polluting development should not be permitted at all because of the risks posed, for example, where aquifers exist and where nature conservation sites may suffer from air or water borne pollution. Similarly, proposals for environmentally sensitive land uses should take into account the effects of existing or proposed sources of pollution.

### **POLICY 2/18 DEVELOPMENT OF HAZARDOUS INSTALLATIONS**

**Development proposals which may be sensitive to existing and future sources of potential hazard, pollution or nuisance will only be approved where the level of risk is considered acceptable, and/or can be successfully mitigated.**

**Proposals for hazardous installations or proposals which involve the presence of hazardous substances or which may give rise to other significant pollution or nuisance will be permitted only after a full assessment of risk levels. Where appropriate, such installations or sites or uses will be subject to specific development control criteria in local plans/development plan documents, which may indicate minimum separation distances, especially from concentrations of population.**

- 2.66** Certain developments may give rise to processes or by-products that are of a hazardous nature. The immediate danger from these installations should be considered before planning permission is granted, particularly the effect on residential areas. Safeguarding the local environment will be of primary concern when determining such proposals.

### **POLICY 2/19 WASTE IMPLICATIONS OF MAJOR DEVELOPMENT**

**Major development proposals, as defined in local plans/development plan documents, will be required to provide information on the waste production implications involved. Proposals will be further required to demonstrate how the waste will be managed sustainably, and recycling promoted.**

**2.67** Waste arisings in the Plan Area have increased over the last 10 years and municipal (household) waste in particular is expected to continue to grow at around 3% per year. The Government's National Waste Strategy 2000 sets progressive targets for household waste landfill reduction and there will be a need to identify additional recycling and recovery facilities to manage this shift away from landfill. This is the role of the Joint Nottinghamshire and Nottingham Waste Local Plan adopted in January 2002. Policy 2/19 addresses strategic waste implications of major development. Major development proposals would usually be considered to be those which generate significant quantities of waste or that require special storage and collection.

## **Minerals**

**2.68** The exploitation of minerals is essential to the nation's social and economic progress, providing materials for the construction and building industry, for fuels, for manufacturing and for other industries. Extraction can be beneficial to an area in bringing employment, clearing areas of dereliction, dealing with instability and allowing redevelopment to proceed. However, mineral workings can have a severe environmental impact destroying landscapes, historic assets and wildlife habitats, disrupting agriculture and causing disturbance such as noise, dust and traffic. The recycling of materials and aggregates has an important role to play in reducing the demand for new resources, thereby reducing adverse environmental impacts.

**2.69** Comprehensive minerals planning policies are contained in the Minerals Local Plan adopted in November 1997. Work on a Replacement Minerals Local Plan is now underway - a Revised Deposit Draft Plan was published in May 2003 and Proposed Modifications were published in June 2005. The new Plan will include policies for the County area while minerals policies affecting the City Council area are contained within the City Council's emerging Local Plan - a Revised Deposit Draft was published in January 2003 and Proposed Modifications were published in February 2005.

**2.70** In order to protect important mineral resources the Replacement Minerals Local Plan makes clear that development proposals which would result in the sterilisation of mineral resources will not generally be permitted, subject to a number of criteria. Specific reference should be made to the appropriate policy guidance in the adopted and emerging Minerals Local Plans and the emerging Nottingham Local Plan if development proposals are likely to affect known mineral resources.