



30 September 2014

Agenda Item:8

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

BASSETLAW DISTRICT REF. NO.: 1/V/14/00823/CDM

**PROPOSAL: VARIATION OF CONDITION 2 OF PLANNING PERMISSION
1/47/06/00027 TO PERMIT THE USE OF MOTOR POWERED BOATS FOR THE PURPOSE
OF PROVIDING AN 'ON-WATER EXPERIENCE' FOR SCHOOLS AND OTHER
APPROPRIATE GROUPS**

**LOCATION: DANESHILL LAKES LOCAL NATURE RESERVE, DANESHILL ROAD,
NR LOUND, RETFORD**

APPLICANT: NCC CHILDREN, FAMILIES AND CULTURAL SERVICES

Purpose of Report

1. To consider a planning application to extend the use of powered boats on Daneshill Lakes to provide an on-water experience for schools and other appropriate groups. The key issues relate to the impact on wildlife and other users of the lakes. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings

2. Daneshill Lakes are located approximately 750 metres east of the section of the A638 running between Barnby Moor and Torworth. Barnby Moor is approximately 1.5 kilometres south west of the lakes and Torworth approximately one kilometre to the north west. Ranskill is around 1.5 kilometres north west of the lakes whilst Lound is approximately two kilometres to the east. The main east coast railway line runs to the immediate west of the lakes roughly parallel with the A638 and crosses Daneshill Road which runs east to west along the northern boundary of the lakes and off which the lakes can be accessed (see Plan 1).
3. The area of the lakes forms part of a wider area which was formerly the Royal Ordnance Factory at Ranskill. The factory was mothballed in 1945 (but retained on a care and maintenance basis until its ultimate closure) after which gravel extraction took place. Further extraction was undertaken by the County Council in the 1980s and the area restored to open lakes, mixed scrub and

birch woodland, and areas of acid grassland. The area is important habitat for over-wintering wildfowl, other bird species and butterflies and is designated as Daneshill Lakes and Woodland Local Wildlife Site (LWS) described as 'a very rich mosaic of woodland, marsh and aquatic habitats on old sand and gravel workings - of note for both its plant and animal communities'. Much of the remaining area of the Ordnance Factory has been used for waste disposal and there remains an operational landfill site to the north east of the lakes.

4. The application site covers an area of just over ten hectares and comprises the main lake in the centre of the wider lakes area. A public footpath goes around the entire lake and comprises Lound Footpaths 12 and 14, Sutton Footpaths 11 and 13 and Torworth Footpaths 4, 9 and 10. There are three islands within the lake. The lake is accessed via Daneshill Road to the north and there is a car park to the immediate south of this road. The nearest residential properties to the site are Daneshill Cottages which are approximately 250 metres to the north of the north eastern corner of the site (see Plan 1).

Proposed Development

5. Planning permission 1/47/06/00027 allows for the 'continued use of lakes for sailing, windsurfing and canoeing' with the permission applying to the main lake only and to provide quiet areas for wildlife elsewhere on the site. Condition 2 of the permission states that 'no power craft are permitted to use the lake except for rescue/safety purposes or in case of emergency'.
6. The application is seeking to vary this condition and is retrospectively applying to regularise the use of powered boats on the lakes for other uses centred on taking people, particularly children from local schools, including a local special school, around the lakes in order to experience the local wildlife and flora. The application states that the boats used for this purpose travel across the water slowly in order to maximise the experience for the children. The speeds involved are far less than those that can be engaged by the boats when involved in emergencies and for which permission already exists.
7. The application also details the frequency of use of the lakes by sailing boats and school visits. The season runs from the beginning of March to the end of October but, of the 245 days available in this period, the lakes are only used for around 58 days. 35 of these are for the sailing club on Sundays with school trips taking place on 11 days. The remainder are used for training sessions, either mid-week or on Saturdays, and an annual event by the Retford Rotary Club.
8. The application considers that the additional use of powered boats over and above what is presently permitted has not had a detrimental effect on the environment or the local wildlife in the past. It states that the wash created by the boats is less than the waves generated by Force Four winds (a moderate breeze).
9. In light of objections received on the application, the applicant has provided a plan indicating areas where powered boats would and would not be allowed to

travel during the 'on-water experience' trips for schools and other groups. Boats needing to rev their engines for short periods of time would be restricted to a small area close to the jetty and this is also highlighted on the plan. This revving of engines is required to clear the spark plugs which can become oiled during prolonged periods of travelling at low speeds which can in turn lead to mis-firing or the inability to start the engines during an emergency. Details of the areas where these particular activities would and would not be undertaken are detailed on Plan 2.

Consultations

10. **Bassetlaw District Council** objects to the application as the use of motor powered boats for recreational use can cause noise implications for local residents. The noise from outboard engines is often at a particularly disturbing frequency which propagates readily, travels far and has a high propensity to cause statutory noise nuisance. The council's environmental health officer has concerns about any intention to remove conditions relating to the use of powered boats. Although the proposals are only for small-scale use of powered craft, removing the condition could have implications for the future use of the lake for recreational power boat use.
11. The County Council should consider refusing the application on the basis of noise concerns, or placing appropriate conditions on the application which restrict the number of boats on the water at any one time to two, and only allows them to be used between 10am and 3pm Monday to Saturday with no use on Bank Holidays.
12. **Torworth Parish Council** objects to the application as Daneshill Lake is a nature reserve and having motorised boats would frighten off the wildlife and change the whole nature of what Daneshill is about. Motor boats can be very noisy and could cause inconvenience to people in the village, people visiting the lake to feed ducks etc, people fishing on the lakes, and to the wildlife living there. Overall, the lake is a family nature reserve and the proposal would not be family or wildlife friendly.
13. **Sutton Parish Council** objects to the application as, although it does not object to the use of a motorised rescue boat in case of difficulties with one of the sailing boats, it considers that the setting within a nature reserve is not conducive to power boat trips. There would be an increase in noise pollution and oil in the lake which would have a detrimental impact on wildlife with low lying nests getting swamped. The parish council considers there has been a decrease in coots at the lake. Whilst the applicant's justification that the use to provide a 'water experience' to pupils with special educational needs from St Giles School is commendable, the lakes are a nature reserve and should not become a water sports centre.
14. **Nottinghamshire Wildlife Trust** objects to the application as it considers important information is missing which would enable the application to be considered rigorously as required by the National Planning Policy Framework. The application site is part of a Nature Reserve and is also designated as a LWS for both its mosaic of woodland and wetland habitats and also its fauna.

The wetland breeding birds are an important element of that fauna and whilst they may have acclimatised to a particular level of disturbance over the years, it does not follow that further disturbance would not be detrimental for those populations of sensitive species. It is normal for an application that affects a LWS to have some form of Ecological Impact Assessment.

15. *NWT is sympathetic to the importance of the lake for school sailing and particularly for use by disabled groups, but is also mindful that the use of motorised boats inevitably causes disturbance, particularly in the bird breeding season. Their officer on site has received numerous reports of the motorboats going around the reserve at totally unacceptable speeds and has witnessed this himself. The Trust is concerned that if the condition is varied to include an assumption of the acceptability of the power craft, then it would be almost impossible to enforce either any restrictions on regularity of use or speed.*
16. *Whilst the applicant states that birds breed successfully on the lake and that the activity to date has not prevented this, there is no baseline against which to compare this, as unauthorised motorised activity of taking groups round the lake, rather than just having a safety boat available, appears to have been taking place for some time. The existing and potential impact, therefore, is not known.*
17. *NWT accepts that the availability of a motorised boat is necessary as a safety boat for school groups and training, but is concerned that ensuring the readiness of the engine to be available in an emergency situation involves revving the engine and thus a substantive increase in noise levels. The applicant has stated that they undertake this only in front of the jetty, but this would need to be specified in any revised condition.*
18. *NWT remains unconvinced as to the necessity of using motorised boats for taking groups around the lake to view the wildlife, as this could presumably be better done, with less disturbance to that wildlife, in a rowing boat. At the lower speed of an un-motorised vehicle it would be considerably easier to gain more from their experience by both viewing and hearing fauna around the lake, such as singing birds, chicks calling to their parents etc., which would be drowned out by the noise of an outboard engine. So whilst NWT supports the importance of children from St Giles School being able to go out on the lake and experience the wildlife, the applicant has not explained why this has to be done on motorised boats. If it is shown to be necessary, then strict controls on speed and frequency of use would need to form part of the wording of the condition.*
19. *As proposed, the applicant appears to wish to be able to use motorised boats for 58 days, which unfortunately all lie within the period of the bird breeding season, as this coincides with the sailing season. In the absence of any form of rigorous assessment of the potential impacts on sensitive fauna, it is not possible to determine whether this frequency of disturbance during the breeding season would be damaging or not to the wetland bird populations and marginal vegetation. Information should be provided on the species of birds using the lake for breeding, and information on the predicted noise levels that would be experienced as a result of these proposals.*

20. **NCC (Nature Conservation)** notes that the application is seeking to regularise the use of powered boats on the lake which the supporting documentation suggests are generally used at low speeds, thereby not causing significant impacts to birds nesting at the site. Whilst the reasons for more regular use of motor powered boats on the lake is understood (i.e. beyond their use for safety), reports and photographs which appear to indicate that the use is not 'low speed' as is indicated (and sometimes not for the purpose of providing on-water experience for children) is concerning and this may give rise to unnecessary disturbance to wildlife and would not be in keeping with the site's status as a Local Nature Reserve. It should also be noted that the site is important for aquatic plants (particularly stoneworts, Chara), which could be detrimentally affected by the disturbance of sediment in the lake, although this is likely to be less of an issue.
21. It may be possible to tightly condition the extended use of motor powered boats by clearly specifying the non-emergency situations in which the boats could be used, and setting a speed that the boats should not exceed (except in the case of dealing with an emergency), but there are concerns about the enforceability of such a condition. However, if such a condition could be used, and enforced, then the application could be considered more favourably.

Publicity

22. The application has been publicised by means of two site notices in accordance with the County Council's Adopted Statement of Community Involvement: one on a notice board adjacent to the lake itself and the other on a notice board by the nature reserve car park.
23. Thirteen letters of objection have been submitted in relation to the application which have raised the following concerns:
- (a) Impacts on wildlife around the lakes, particularly nesting birds, from the wash and noise created by powered boats;
 - (b) The use of powered boats would spoil the peace and tranquillity of the area;
 - (c) The sailing club does not comply with the existing planning condition in place and so this should not be relaxed further;
 - (d) Noise impacts on both wildlife and people enjoying the lakes;
 - (e) The lake is not appropriate for powered boats;
 - (f) Trips around the lake for pupils at St Giles School should be undertaken in rowing boats instead;
 - (g) Powered boats cause problems for anglers using the lakes;

- (h) Pollution of the lake.
24. Thirty five letters of support have also been submitted, including letters from North Wheatley Church of England Primary School, Carr Hill Primary School, the Royal Yachting Association, and Bassetlaw District Councillor Mike Quigley MBE, raising the following matters:
- (a) The use of powered boats is essential to ensure the safety of people sailing on the lakes;
 - (b) The sailing club has a long association with local schools, including St Giles Special School;
 - (c) The use of powered boats gives an opportunity for people to enjoy the wildlife of the lake;
 - (d) The sailing club respects the wildlife of the lakes when using the powered boats;
 - (e) Taking people, especially children, out on the lake in powered boats introduces them to this environment and encourages them to take up sailing;
 - (f) The sailing club is run by voluntary help to the benefit of the local community;
 - (g) The sailing club uses the powered boats sensibly;
 - (h) The powered boats are also put to other uses on the lake, including ecological work;
 - (i) The erosion caused by waves created by the powered boats is no worse than waves created by the wind.
25. One member of the public has suggested a form of wording for a planning condition which would meet the needs of the sailing club whilst ensuring that no harm is caused to amenity or wildlife. The proposed condition would allow power boats to facilitate sailing, including the safety of participants, providing training, and deploying and recovering boats and buoys; provide a water experience associated with sailing activity for school children, disabled people and others; and maintaining the lake, islands and adjoining land.
26. **Councillor Liz Yates** has been notified of the application.
27. The issues raised are considered in the Observations Section of this report.

Observations

28. This application has generated a significant amount of public interest in terms of both objections and support. Objections largely centre on the incompatibility of powered boats on the lake in terms of impacts on wildlife and other users of the lake, in addition to alleged breaches of existing controls in

place. Supporters of the application have cited the need for powered boats on the lake for safety purposes during sailing lessons and the benefits that the local community, schools and groups gain from taking trips on the lake.

29. The correspondence that has been received, along with discussions that have taken place with objectors and supporters alike, would appear to suggest that a great deal of mistrust exists at the present time, particularly between the sailing club and anglers using the lake with claim and counterclaim being put forward. It would appear that there is no forum, such as a liaison group, for all interested parties to meet on a regular basis and discuss and resolve any ongoing concerns.
30. In response to the consultation responses and the letters of objection submitted, the sailing club has submitted a letter seeking to clarify what is being proposed and how they intend to manage the use of powered boats on the lake. These are set out below along with the County Planning Authority's observations.

Noise

31. The sailing club does not consider that there would be an increase in noise as the powered boat usage they are seeking permission for is no more than they have been exercising in the past and for which they are now seeking authorisation through the planning process. Whilst the application does make reference to 'powered boats', the sailing club has highlighted that those used on the lake are small, low-powered boats and not the type usually associated with the term 'power boat'. The sailing club has also pointed to other significant noise sources in the area, such as trains on the railway line and Daneshill Road which serves a landfill site and a concrete works.
32. It can be confirmed that the County Planning Authority has never received a complaint regarding the level of noise generated by powered boats on the lake. Whilst Bassetlaw District Council's concerns about the intensification of use of the lake by powered boats is understandable, it is considered that conditions could be attached to any planning permission granted to strictly control the use of such boats to those activities listed in the application. Such conditions could include references to the maximum number of powered boats allowed at any one time (two) and the speed at which they could travel (four miles an hour) unless in an emergency associated with the sailing club's activities. With such conditions in place, it is considered that noise levels could be maintained at existing levels, levels which have not led to complaints in the past and so which, it is considered, would not adversely affect residential amenity.
33. Regarding the restricted hours of use proposed by Bassetlaw District Council, in particular not allowing powered boats on the lake on Sundays, the sailing club has highlighted that Sunday is its main sailing club day. Again, given the above conditions proposed to strictly control the use of powered boats on the lake and the lack of complaints regarding their use in the past, it is not considered reasonable to impose this restriction, particularly given that the powered boats are only used for emergency situations on Sundays.

Pollution of the water

34. The sailing club does not envisage a pollution problem as the refuelling of boats takes place out of the water where it is safer to do so. Again, the sailing club has reiterated that the level of powered boat use proposed on the lake would be no greater than has been undertaken on the lake for many years.
35. This concern has been raised by Sutton Parish Council which appears to be envisaging the lakes becoming a water sports centre but it is not considered that this would be the case. Similar concerns about the intensification of the use of the lakes by powered boats have also been raised by Torworth Parish Council.
36. The application is simply seeking to regularise an existing use, something which the sailing club could probably achieve through an application for a certificate of lawful use. No noticeable pollution on the surface of the water has been noticed and it is considered that the continued limited use of the lake by powered boats for the reasons stated would not lead to an increase in pollution levels.

Impact on anglers

37. Regarding the impact on anglers, the sailing club again reiterates that the impact of any planning permission would be no greater than at present. They highlight that the sailing season is for only eight months a year whereas the anglers can fish the lake all year round, day and night and also have use of another lake close to the car park. The sailing club also forgoes use of part of the lake, except on the first and last days of the season, so the anglers know they have an area where they can fish undisturbed on sailing days. Should anglers wish to use the part of the lake used by powered boats, it should be on the understanding that they will have to share the water. In response to concerns raised regarding the application, the sailing club are proposing to limit the area where the 'on-water experience' can take place to only part of the lake to provide alternative areas where anglers can fish (see Plan 2).
38. The assessment of the application has highlighted apparent issues between anglers and the sailing club and it is considered that the sailing club's offer not to use powered boats for the purpose of 'on-water experience' trips on certain parts of the lake is a significant concession. It is also worth highlighting again that these trips only take place on a Wednesday.
39. The area the sailing club is proposing to restrict this use to is detailed on Plan 2 and totals approximately 5.3 hectares of the lake. The area of the entire water body of the lake, excluding the three islands within it, totals approximately 8.7 hectares which means that almost 40% of the lake would not be accessible for powered boats for this purpose. In terms of the shoreline around the lake, which totals almost 1,600 metres in length, the restrictions being proposed by the sailing club would leave around 660 metres of shoreline undisturbed and available to anglers who wish to fish on a Wednesday without disturbance.

40. This restriction of use that the sailing club is proposing for itself would not preclude anglers from using that part of the lake where powered boats would be on the water but, as the sailing club highlights, any anglers doing this would be doing so in the knowledge that other areas of the lake, and another lake for that matter, are available for angling without the disturbance from the powered boats. To this end, it is considered appropriate to attach a condition to the granting of any planning permission requiring the sailing club to post a copy of Plan 2 on the notice board close to the lake to confirm what areas of the lake are most suited to anglers when there are other activities taking place on the lake. It is also considered appropriate to attach a further condition requiring the sailing club to have a schedule of events posted on the same noticeboard which could be periodically updated. These measures should help to avoid future conflict between the two groups.
41. Once again, it is worth reiterating that there would of course be other days of the week where there would be no powered boats or sailing on the lake at all and the sailing club has highlighted that they only use the lake for 58 days in the year, with 35 of these being on Sundays when the sailing club normally meets, whereas the anglers have access all through the year.

Impact on wildlife

42. Regarding concerns about the impact on wildlife, the sailing club agrees that the number of coots on the lake has decreased but considers that the number of these birds on the other lakes in the vicinity where boats are not allowed has also similarly decreased. The sailing club considers that the general level of wildlife has otherwise remained constant, despite the use of powered boats on the lake, and also highlights the fact that they can only use one of the lakes in the area. In addition to other lakes at Daneshill, there are also wildlife lakes elsewhere in the Idle Valley. The sailing club does not envisage any additional impacts on wildlife as no additional use of powered boats, over and above what has been used over a number of years, is being sought. The sailing club has confirmed that it no longer uses the lake for powerboat certification courses, despite the fact that this activity brought in valuable income to the club, as it was decided that the lake is no longer suitable for this type of activity as it involves high speed planing boats.
43. The impacts on wildlife are a key consideration in the application given the site's designation as a local wildlife site. Policy DM9: Green Infrastructure; Biodiversity and Geodiversity; Landscape; Open Space and Sports Facilities of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document requires development proposals to demonstrate that they will not adversely affect or result in the loss of features of recognised importance, including Local Wildlife Sites. Where there is potential for adverse impact on such features, alternative scheme designs that minimise impacts must be presented for consideration before the use of mitigation measures is considered. Where sufficient mitigation measures cannot be delivered, compensation measures must be provided as a last resort.
44. As the Daneshill Lakes area continues to be a designated local wildlife site, it demonstrates that the limited use of small, low powered boats on the lake

need not be incompatible with the maintenance of the wildlife interest there. Powered boats have been used on the lake for many years and their use for 'on-water experiences' has been ongoing since 1988, i.e. over 25 years. Sailing on the lake commenced in the early 1970s, although it is not known when powered boats were used in association with the sailing for safety purposes. It is not uncommon for water-based recreation and nature conservation to go hand-in-hand and Rutland Water, whilst being home to sailing and angling activities, is designated as a Site of Special Scientific Interest, a European Special Protection Area and is internationally recognised as a globally important wetland RAMSAR site.

45. It is considered that any significant adverse impacts that might have resulted from the use of the powered boats would have manifested themselves by now but the fact that the lake continues to attract wildlife would suggest that this is not the case. This is an important matter to note in light of the objection received from Nottinghamshire Wildlife Trust which states that, with respect to the wetland breeding birds on the lake, "*whilst they may have acclimatised to a particular level of disturbance over the years, it does not follow that further disturbance would not be detrimental for those populations of sensitive species*".
46. It is not considered that there will be further disturbance on the lake from powered boats in the future, particularly with conditions in place such as those detailed above restricting the number of powered boats allowed on the lake at any one time and the speed at which they can travel. It is therefore considered that the continued use of these small, low powered boats on the lake would not have an adverse detrimental impact on local wildlife and the lake's designation as a local wildlife site.
47. Regarding NWT's concerns about the enforceability of any conditions regarding the regularity or speed of powered boats on the lake, it can be confirmed that County Council Enforcement Officers regularly visit numerous minerals and waste sites in this part of the county, including Daneshill landfill site close by to the lake. Officers will therefore have ample opportunity to monitor the use of boats on the lake.

Speed of powered boats on the lake

48. Regarding the speed that the boats travel on the water, the sailing club has stated that it is important to get to any capsized sailors as soon as possible, particularly when the water is cold. The use of boats at speed at other times is something which the sailing club presently deals with by implementing a four miles per hour speed limit at all other times with members instructed to observe this limit or potentially lose their membership. This has been in response to known 'incidents' whereby they have observed powered boats using the lake at speeds which they consider unacceptable.
49. As previously stated, it is proposed to condition the maximum speed of boats on the lake to four miles per hour, except in an emergency. This should ensure that the use of powered boats on the lake is compatible with other activities and interests.

Use of alternative non-powered boats instead

50. Regarding the suggestion that non-powered boats could be used instead, as suggested by NWT amongst others, the sailing club has highlighted that the boats used for taking school children and other groups out on the water are wide, flat-bottomed boats which are virtually unsinkable due to their design and so are far safer than a rowing boat. They also allow carers to accompany any children that need constant supervision whilst the presence of an engine allows the boats to get back to the jetty as quickly as possible in the event of an emergency.
51. The argument put forward by the sailing club is accepted, particularly with respect to children from St Giles Special School in Retford, some of whom require constant supervision. The sailing club is looking to purchase another powered boat which has ramped access for wheelchairs users in order to increase access to the lake for the disabled, although any such boat purchased would be subject to the restrictions proposed in relation to speed and the number of powered boats allowed on the lake at any one time. With these controls in place, it is considered that the use of powered boats on the lake would not cause any unacceptable damage to the lake or its wildlife.

The role of the sailing club

52. Finally, the sailing club has highlighted the community work they do with the club being the only one in the north of the county which provides open access to schools and groups without charge. All members of the sailing club, which last year numbered 449 adults and 224 juniors, are volunteers who give up their time and pay for their own training to gain qualifications which benefit the local community. In order to alleviate any future concerns, the sailing club is exploring the opportunities to carry out off-site practice sessions for safety boat operators as these involve some high-speed manoeuvring essential to gain a high level of competency.
53. It is considered that the impacts of the sailing club, and the powered boats in particular, are not significant and the benefits that the sailing club brings to the local community should be weighed against this. Given this, it is considered that planning permission for the use of powered boats for an 'on-water experience' should be granted subject to the conditions set out in Appendix 1 of this report.

Other Options Considered

54. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

55. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users and Financial Implications

56. The site is owned by the County Council and managed on its behalf by NWT under a Service Level Agreement. The sailing and fishing clubs provide an income stream for the County Council.

Equalities Implications

57. The use of powered boats on the lakes provides a valuable resource for children with special needs at a local school.

Human Rights Implications

58. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Safeguarding of children

59. The use of powered boats to take children onto the lake for an 'on-water experience' is considered the most appropriate and safest way to carry out this activity.

Implications for Sustainability and the Environment

60. These are considered in the Observations Section above.
61. There are no crime and disorder or human resource implications.

Statement of Positive and Proactive Engagement

62. In determining this application the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals.

This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

63. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

‘Planning and Licensing Committee is the appropriate body to consider the content of this report.’

[SLB 08/09/14]

Comments of the Service Director - Finance

‘There are no specific financial implications arising directly from this report.’

[SEM 05/09/14]

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Misterton

Councillor Liz Yates

Report Author/Case Officer

Jonathan Smith

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For any enquiries about this report, please contact the report author.

RECOMMENDED PLANNING CONDITIONS

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.

Reason: To enable the CPA to monitor compliance with the conditions of the planning permission.

3. The use of powered boats on the lake hereby permitted shall only be carried out in accordance with the following details:

- (a) Planning application forms and supporting statement received by the CPA on 16 June 2014;
- (b) Plan entitled 'Daneshill Nature Reserve – Proposed Motor Boat Area' received by the CPA on 25 August 2014.

Reason: For the avoidance of doubt and to enable the CPA to monitor compliance with the conditions of the planning permission.

4. The use of powered boats on the lake shall only be carried out in accordance with the following conditions:

- (a) Powered boats shall only be used in association with activities organised and managed by Daneshill Sailing Club, namely as emergency rescue/safety vessels during sailing activities and to provide an 'on-water experience' for local schools and other appropriate groups;
- (b) Except when required in an emergency, powered boats shall be limited to a maximum speed of four miles per hour;
- (c) No more than two powered boats shall operate on the lake at any one time;
- (d) The use of powered boats to provide an 'on-water experience' shall be restricted to the area delineated as 'Proposed Motor Boat Area' on the plan entitled 'Daneshill Nature Reserve – Proposed Motor Boat Area' received by the CPA on 25 August 2014;
- (e) The high revving of the engines of the powered boats shall be for maintenance purposes only and shall be restricted to the area delineated as 'Proposed Motor Boat Manoeuvring Area' on the plan entitled

'Daneshill Nature Reserve – Proposed Motor Boat Area' received by the CPA on 25 August 2014.

Reason: In the interests of other lake users and to prevent damage to a Local Wildlife Site in accordance with Policy DM9: Green Infrastructure; Biodiversity and Geodiversity; Landscape; Open Space and Sports Facilities of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document.

5. From the commencement of this development, as notified under Condition 2 above, a copy of the plan entitled 'Daneshill Nature Reserve – Proposed Motor Boat Area' received by the CPA on 25 August 2014 shall be displayed on the notice board adjacent to the lake at all times and shall be suitably maintained and, where appropriate, replaced to ensure that all users of the lake are aware of the restrictions in place with respect to providing an 'on-water experience' on the lake.

Reason: In the interests of the amenity of all lake users.

6. From the commencement of this development, as notified under Condition 2 above, a schedule of events organised and managed by the sailing club shall be displayed on the notice board adjacent to the lake at all times. The schedule of events shall be appropriately updated, suitably maintained and, where appropriate, replaced to ensure that all users of the lakes are aware of the sailing club's timetable of events.

Reason: In the interests of the amenity of all lake users.

Notes to applicant

1. The sailing club is encouraged to set up a liaison group with the angling club and Nottinghamshire Wildlife Trust to improve the overall management of Daneshill Lakes for the benefit of all its users and visitors.