

## 6. ENVIRONMENT

### Background

6.1 Government policy guidance on environmental issues is set out in a range of Planning Policy Guidance Notes and Statements, including in relation to:-

- Green Belt
- countryside
- telecommunications
- nature conservation
- derelict, unstable and contaminated land
- the historic environment
- archaeology
- renewable energy
- pollution
- noise
- flood risk

6.2 The Regional Spatial Strategy for the East Midlands (RSS8) also provides policy guidance on Green Belt issues within the region, as well as in relation to natural and cultural resources, including:-

- habitats and species of importance for nature conservation
- agricultural land
- trees and woodlands
- local distinctiveness
- the historic environment
- water quality and pollution
- air quality
- energy saving and renewable technology

6.3 The adopted Derby and Derbyshire Joint Structure Plan provides a wide range of strategic policies in relation to environmental issues, relating to:-

- landscape
- contaminated land
- historic buildings and Conservation Areas
- Historic Parks and Gardens
- archaeological and other heritage features
- sites and features of nature conservation importance
- trees and woodlands
- renewable energy

6.4 The Borough Council's Strategic Objective in relation to 'Sustainable Housing And The Environment' refers to the need to reduce waste, increase recycling and improve the environment.

6.5 The Amber Valley Environmental Strategy (2001) refers to the need to integrate sustainable development objectives into the Council's policies and activities, whilst also setting out specific proposals in relation to health, energy, waste, air quality, noise, water, derelict and contaminated land, transport, development, heritage, wildlife, agriculture and tourism.

## **Issues And Policies**

### **Countryside**

6.6 Government advice set out in Planning Policy Statement 7: Sustainable Development in Rural Areas refers to the need to strictly control new building development in the open countryside away from existing settlements or outside areas allocated for development in development plans.

6.7 Careful control therefore needs to be exercised over development proposals outside the built framework of settlements, which will maintain the openness of the countryside, whilst recognising the need to accommodate development which is necessary to sustain the rural economy, or which is otherwise essential within a countryside location.

6.8 It should be noted that development proposals associated with the diversification of the rural economy are also considered under policy ER6.

**EN1 In the countryside, outside the built framework of settlements, new development will only be permitted where it:**

- a) is essential in conjunction with the requirements of agriculture or forestry,**
- b) is necessary within the countryside and cannot reasonably be located within an existing settlement, or**
- c) will improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages**

## **Green Belt**

6.9 The Green Belt policies in the adopted Local Plan were incorporated from the previous South and South-East Derbyshire Green Belts Local Plan, which was adopted in 1985. These policies are now out of date and need to be updated in the light of up to date Government advice in Planning Policy Guidance Note 2: Green Belts (PPG2), published in 1995.

6.10 PPG2 re-affirms the fundamental principles behind Green Belt policy, retaining a general presumption against inappropriate development in the Green Belt, in addition to general policies of restraint that apply in the countryside. Reference is made to those forms of development or land use that would normally be appropriate within a Green Belt, with all other development being seen as inappropriate, unless there are very special circumstances justifying the proposals.

6.11 PPG2 takes a more permissive approach to the re-use of buildings within the Green Belt. Subject to suitable safeguards, the re-use of buildings of permanent and substantial construction is now seen as acceptable in principle, on the basis that it could support the rural economy through farm diversification or may contribute to the objectives for the use of land within the Green Belt. PPG2 has also recently been amended to include specific guidance in relation to park and ride schemes within Green Belts, setting out the limited circumstances in which such proposals might be acceptable.

6.12 The more permissive approach to the re-use of buildings will also support policies to encourage local employment opportunities in rural areas (policy ER6).

**EN2 Within the Green Belt, as shown on the Proposals Map, planning permission will only be granted for appropriate development, as follows:-**

- a) buildings associated with agriculture or forestry**
- b) essential facilities for outdoor sport and outdoor recreation, cemeteries and other land uses which would preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt**
- c) limited extension, alteration or replacement of existing dwellings, providing that this would not result in a disproportionate increase over the size of the original dwelling**
- d) the re-use of existing buildings, providing that:-**
  - 1 the proposals would not have a significantly greater impact than the existing use on the openness of the Green Belt and the reasons for including land within the Green Belt**

- 2 strict control is exercised over any future extension of the building and any associated land uses which might conflict with the openness of the Green Belt and the reasons for including land within the Green Belt
- 3 the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction
- 4 the form, bulk and general design of the buildings are in keeping with their surroundings

e) park and ride schemes, providing that:-

- 1 there are no other suitable sites outside the Green Belt that would be more sustainable
- 2 the proposals have been identified in either the Derby Joint Local Transport Plan or the Derbyshire Local Transport Plan
- 3 any buildings are limited to those essential in conjunction with the operation of the scheme
- 4 they will not seriously compromise the purposes of including land in Green Belts

**Any proposals for housing development will also need to satisfy the criteria in policy H12**

### **Major Developed Site In The Green Belt**

6.13 Annex C of Planning Policy Guidance Note 2: Green Belts (PPG2) recognises that there are a number of existing developed sites within green belts, which may either be in continuing use or redundant. Such sites often pre-date the town and country planning system and subsequent Green Belt designation. It is suggested that these sites are specifically identified as 'major developed sites', remaining wholly within the green belt and subject to appropriate development control policies. The specific designation is however intended to allow for infilling (the filling of small gaps between built development) or redevelopment, providing this meets appropriate criteria. Such development would then not be seen as 'inappropriate' within a green belt.

6.14 Whether they are redundant or in continuing use, the complete or partial redevelopment of major developed sites may offer the opportunity for environmental improvement without adding to their impact on the openness of the Green Belt and the purposes of including land within it. Where this is the case, local planning authorities may in their development plans identify the site, setting out a policy against which any future development proposals can be considered.

6.15 Within Amber Valley, it is considered that the American Adventure Theme Park at Shipley should be identified as a 'major developed site' within the Green Belt. This will enable the scale, form and design of any future development proposals

associated with the site, either in the form of infilling or redevelopment, to be considered against an agreed development scheme.

6.16 In relation to proposals for infilling, Annex C of PPG2 states that development should:-

- have no greater impact on the purposes of including land in the Green Belt than the existing development;
- not exceed the height of the existing buildings
- not lead to a major increase in the developed proportion of the site.

6.17 Prior to considering any major redevelopment proposals which may come forward in respect of this site, the Borough Council will prepare a detailed development brief against which any proposals will be considered. This will ensure a comprehensive form of development which reflects the inclusion of the site within the Green Belt. Any major redevelopment proposals will also need to satisfy any other relevant policies in relation to specific uses.

**EN3 Within the defined major developed site in the Green Belt at the American Adventure Theme Park, Shipley, as shown on the Proposals Map, planning permission will be granted for development, providing the proposals do not:-**

- 1 have any greater impact on the Green Belt than the existing development**
- 2 exceed the general height of the existing buildings within the site**
- 3 significantly increase the existing density of development within the site or occupy a larger area of the site than the existing buildings, unless this would achieve a reduction in height which would benefit visual amenity**
- 4 create additional requirements for off-site infrastructure**

**Any new buildings and other structures will need to be located having regard to the openness of the Green Belt, existing landscape features and the need to integrate with surrounding land uses**

**Any major development proposals will also need to be the subject of a comprehensive scheme in accordance with an approved development brief**

### **Amendments To The Green Belt**

6.18 The Regional Spatial Strategy for the East Midlands (RSS8) includes specific advice in relation to the Nottingham-Derby Green Belt, part of which falls within Amber Valley.

6.19 RSS8 states that Green Belt boundaries should be reviewed through development plans, having regard to the primary objectives of Green Belt policy, together with the need to achieve sustainable patterns of development, reduce unnecessary journeys and protect the environment.

6.20 The recently adopted Derby & Derbyshire Joint Structure Plan states that there is no case for any alteration to the general extent of the Green Belt within Derbyshire at the present time. This means that any amendments to the Green Belt in Amber Valley, through the Local Plan Review process, should be limited to detailed boundary changes, where exceptional circumstances apply.

6.21 A limited number of amendments have been made to the Green Belt boundary within Amber Valley.

6.22 At Cinderhill, Denby, the deletion of land from the Green Belt will help facilitate the provision of a comprehensive mixed use development scheme, including new business, industrial and housing development (policies ER2 and H1b) to meet the requirements of the Joint Structure Plan. It is considered that an amendment to the Green Belt boundary can be justified, on the basis that Cinderhill offers a strategic location for new employment development with the potential for direct access to the strategic road network. There are no other sites within the Belper-Ripley Sub-Area which would provide such a location to attract businesses and to satisfy the requirements of the Joint Structure Plan, without the need to amend the Green Belt boundary. No housing development will be provided on that part of the site currently within the Green Belt. The scale and form of development proposed will help to ensure the remediation of derelict and contaminated land, the provision of new transport and other infrastructure, the delivery of a wide range of community benefits and to ensure a pattern and mix of land uses consistent with the principles of sustainable development.

6.23 Minor boundary changes have been made at Codnor Gate Industrial Estate, Ripley, Denby Hall, Denby, Vicarage Road/Shaw Lane, Milford and Main Road, Smalley, to delete small areas of land from the Green Belt to reflect more clearly defined features on the ground.

6.24 The Green Belt has also been extended in seven locations within the Borough.

6.25 The inclusion of land east of Station Road, Denby is consistent with the functions of Green Belts, as set out in PPG2, by providing a more effective means of protecting existing open land between Denby and Ripley from inappropriate development and the possible merger of the settlements. The new boundary reflects clearly defined features on the ground.

6.26 Land at Taylor Lane, Loscoe was taken out of the Green Belt and identified for new business and industrial development in the adopted Local Plan. It is now proposed to reduce the area intended for development and it is therefore appropriate to include that land no longer proposed for development within the Green Belt.

6.27 Land west of the A38 at Denby/Kilburn is included within the Green Belt, on the basis that the proposals for mixed use development at Cinderhill no longer include a new road link between the A38 and the A609.

6.28 Minor boundary changes have been made at Codnor Gate Industrial Estate, Ripley, Denby Hall, Denby, Bradshaw Drive/Pond Road, Holbrook and Vicarage Lane/Shaw Lane, Milford, to include small areas of land within the Green Belt to reflect more clearly defined features on the ground.

**EN4 Land has been deleted from the Green Belt at:-**

**Cinderhill, Denby  
Codnor Gate Industrial Estate, Ripley  
Denby Hall, Denby  
Vicarage Road/Shaw Lane, Milford  
Main Road, Smalley**

**and included within the Green Belt at:-**

**East of Station Road, Denby  
Taylor Lane, Loscoe  
West of A38, Denby/Kilburn  
Codnor Gate Industrial Estate, Ripley  
Denby Hall, Denby  
Bradshaw Drive/Pond Road, Holbrook  
Vicarage Road/Shaw Lane, Milford**

**Protected Open Land**

6.29 It is proposed to delete all of the existing Area of Local Landscape Significance designations in the adopted Local Plan (1994). This reflects Government guidance in Planning Policy Guidance Note Statement 7: Sustainable Development in Rural Areas (PPS7), that local landscape designations should only be maintained or, exceptionally, extended where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. In a number of these locations, there are already other policies that will provide sufficient protection against inappropriate development. Elsewhere, protection can be secured through other designations, by including land within the Green Belt or Conservation Areas, or by protecting playing fields, parks and informal open space within and adjoining urban areas and villages.

6.30 In relation to existing open land between Alfreton, Somercotes and Swanwick, which is beyond the general extent of the Green Belt, it is proposed to introduce a specific designation to ensure that this part of the Borough can continue to be protected against development, and that the separate identities of the adjoining settlements can be maintained. Development within this area will continue to be restricted to that which is essential in association with existing open land uses.

**EN5 The area of open land between Alfreton, Somercotes and Swanwick, shown on the Proposals Map, will be protected from built development to ensure maintenance of the settlements' separate identities. Planning permission will not be granted except for development which meets the criteria in policy EN1, or will secure environmental improvements, provide recreational facilities or improve public access**

## **Special Landscape Areas**

6.31 Special Landscape Areas are the areas of finest Derbyshire landscape outside the Peak District National Park. Special planning policies have been applied in these areas since 1985, to preserve and enhance their character.

6.32 The Special Landscape Area policies in the adopted Local Plan were incorporated from the previous Derbyshire Special Landscape Areas Local Plan, which was adopted in 1985. Whilst these policies are still relevant, there is a need to update them in line with the adopted Joint Structure Plan. There is also an opportunity to amalgamate the policies to provide a single policy against which all proposals for development in Special Landscape Areas can be considered. There is particular pressure for tourism development in the Special Landscape Areas and there is a need to balance carefully the economic benefits of such development, with the need to protect the quality of the environment.

**EN6 Planning permission for new development, including conversions of and extensions to existing buildings, will only be permitted in Special Landscape Areas, if it does not have an adverse effect on the landscape quality or character**

## **Landscape Character Areas**

6.33 Government advice in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) recognises the value and distinctiveness of different landscape types recognizes that there are areas of landscape outside national designated areas that are particularly highly valued locally. It states that criteria-based policies, taking into account tools such as landscape character assessment, should provide sufficient protection for these areas, without the need for rigid local designations that may unduly restrict development and economic activity.

6.34 A comprehensive Landscape Character Assessment across Derbyshire has been undertaken by Derbyshire County Council, in consultation with district councils. This assessment has identified various landscape types within the county. Environmental Policy 1 of the Derby and Derbyshire Joint Structure Plan relates to landscape character, stating that it should be conserved and enhanced and that

development that would have an unacceptable effect on landscape character and diversity will not be permitted. The policy also refers to the need to make use of opportunities to conserve, enhance and restore the local distinctiveness, character and diversity of the landscape, in conjunction with development proposals.

6.35 The landscape character assessment for Derbyshire identifies 13 Landscape Types occurring within Amber Valley, falling within 3 Landscape Character Areas, as follows:

#### Nottinghamshire, Derbyshire and Yorkshire Coalfield

- Coalfield Village Farmlands
- Riverside Meadows
- Coalfield Estatelands

#### Derbyshire Peak Fringe and Lower Derwent

- Gritstone Heaths & Commons
- Enclosed Moorland
- Riverside Meadows
- Wooded Slopes & Valleys
- Wooded Farmlands

#### Needwood and South Derbyshire Claylands

- Sandstone Slopes & Heaths
- Settled Farmlands
- Estate Farmlands
- Riverside Meadows
- Urban

6.36 There is a need to ensure that all development proposals are designed in a way which complements the particular character of the landscape in which it is located. Particular attention will need to be given to building materials, local building styles and details, grouping and siting of buildings, enclosure and other landscaping details.

6.37 There is a need for further detailed guidance on how the design of new development proposals can complement landscape character. This will need to be produced in consultation with Derbyshire County Council and other district councils, as the Landscape Character Areas and Landscape Types do not correspond to district boundaries.

6.38 It should also be noted that all development will need to satisfy the criteria in policy LS3 in relation to design, whilst proposals for housing and employment development will also need to satisfy the criteria in policies H12 and ER11 respectively.

**EN7 In considering development proposals, the Borough Council will require that the design of development is appropriate to the landscape character type within which it is proposed, having regard to:-**

- a) landform and natural drainage patterns**
- b) the pattern and composition of trees, woodlands and field boundaries**
- c) the type and distribution of wildlife habitats**
- d) the pattern and distribution of settlements and roads**
- e) the presence and pattern of historic landscape features**
- f) the scale, layout, design and detailing of local buildings and other traditional man made features**

### **Landscape Features**

6.39 Trees, woodlands, hedgerows, dry stone walls and other landscape features make an important contribution to the character of Amber Valley, by enhancing the quality of the landscape and providing screening for visually intrusive land uses. Landscaping proposals are an integral and essential part of the design of any substantial development and may affect the position and form of buildings and accesses. Opportunities should therefore be taken wherever possible to secure the provision of or contributions towards the continued protection and management of existing landscape features or the provision of new features. The Borough Council will use its powers to retain trees, woodlands, hedgerows and other landscape features through the use of planning conditions. Development that involves the loss of, or adversely affects, significant trees, hedgerows and woodlands (especially ancient woodlands), will not be permitted unless there are exceptional circumstances justifying the proposals.

6.40 The Borough Council has produced Supplementary Planning Guidance on Trees and Development, in order to provide more detailed advice on both the protection of existing landscape features and the provision of new landscaping, in conjunction with development proposals. This will need to be reviewed and updated as part of the Local Development Framework.

**EN8 Planning permission will not be granted for development that would damage or destroy significant trees, woodlands, hedgerows, dry stone walls or other landscape features, unless exceptional circumstances can be demonstrated to justify the proposals**

**EN9 Where development proposals that are otherwise acceptable would result in the loss of or damage to existing landscape features, or would have a significant adverse impact on the landscape, permission will only**

**be granted where the loss or damage to existing features, or the impact on the landscape can be offset by the provision of alternative, replacement or additional features within the site or on other land in the ownership of the applicant. The Council will impose conditions, or alternatively seek to enter into a Section 106 Agreement with developers to secure the alternative, replacement or additional provision**

### **Agricultural Land Quality**

6.41 In order to protect the best and most versatile agricultural land within Amber Valley, there is a need to resist development that would result in the irreversible loss of such land, unless there are sustainability considerations that suggest otherwise. These might include, for example, biodiversity, landscape character, amenity value or heritage interest, accessibility to infrastructure, workforce and markets and the protection of natural resources.

6.42 It should be noted that this policy will not apply to high quality agricultural land within sites which are specifically identified for development.

**EN10 Planning permission will not be granted for development that would involve the irreversible loss of the best and most versatile land (defined as grades 1, 2 and 3a of the Agricultural Land Classification) except where the development:**

- 1 results from an allocation made in the Local Plan; or**
- 2 cannot be accommodated on a previously developed site, land of lower agricultural quality, derelict or non-agricultural land, unless other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land**

### **Agricultural Development**

6.43 In considering any development proposals that are essential in conjunction with agricultural land, in order to ensure viable agricultural units, a flexible approach will be taken towards the provision of new buildings or other structures, recognising the requirements of modern farming and the need for farms to diversify to remain viable. However, there is a need to pay careful attention to the siting and design of development, as well as materials of construction and landscaping, in order to minimise the impact of development on the locality.

**EN11 Planning permission will be granted for agricultural development, providing that:-**

- a) **it is essential for the purposes of agriculture**
- b) **it would not have a significant adverse impact on the character of the locality**
- c) **any proposed buildings are located within or adjacent to existing agricultural buildings to minimise visual impact**

## **Biodiversity**

6.44 There is a need to ensure the continued protection of the Borough's natural environment and to secure opportunities wherever possible to enhance biodiversity. Particular emphasis needs to be given to land that is either statutorily protected as Sites of Special Scientific Interest (SSSI) or Local Nature Reserves, or otherwise identified as either Sites Of Nature Conservation Importance (SINC) or Regionally Important Geological Sites (RIGS) on the Derbyshire Wildlife Sites Register. Other areas of land are also important in providing corridors of movement for wildlife between different habitats.

6.45 There is a need to ensure that development proposals will have a minimal impact on biodiversity. The Borough Council may require the submission of a supporting statement in conjunction with planning applications, identifying the nature and extent of any impact and mitigating measures that need to be taken. Where proposals could affect Sites of Special Scientific Interest (SSSI), these will be subject to special scrutiny including consultation with English Nature.

6.46 There is also a need to take into account the objectives and proposals set out in the Mid-Derbyshire Local Biodiversity Action Plan. This Plan seeks to conserve the diversity of plants and animals, in line with commitments made at national and international level which recognise the problems facing the environment.

6.47 There is also a need to protect a variety of plant and animal species protected under the schedules of the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992, or their habitats.

6.48 In considering development proposals, the Borough Council will seek to negotiate with developers to secure the provision of new areas of biodiversity interest, including Local Nature Reserves, where it can be demonstrated that the proposals would have an adverse impact on existing biodiversity interests.

**EN12 Planning permission will not be granted for development which would destroy or adversely affect, either directly or indirectly, designated Sites of Special Scientific Interest, as shown on the Proposals Map, unless there are overwhelming benefits resulting from development which would outweigh their national importance for biodiversity**

**Where there is a risk of damage to a designated Site, the Borough Council will impose conditions on planning permissions or alternatively seek to enter into Section 106 Agreements with developers to ensure appropriate protection measures**

**EN13 Development will not be permitted which would have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 (as amended) or the Protection of Badgers Act 1992 or that are listed as Nationally Rare, or their habitats**

**Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:**

- a) facilitate the survival of individual members of the species**
- b) reduce disturbance to a minimum**
- c) provide adequate alternative habitats to sustain the current levels of population**

**EN14 Planning permission will only be granted for development affecting areas of nature conservation interest if full account is taken of its likely impact on nature conservation and where there are benefits resulting from development which would outweigh their importance for nature conservation. The areas include currently designated Local Nature Reserves and Sites of Importance for Nature Conservation, as shown on the Proposals Map**

**Where development would result in an adverse impact on, or loss of an area of nature conservation interest, the Borough Council will impose conditions on planning permissions or alternatively seek to enter into Section 106 Agreements with developers to ensure the provision of new areas of nature conservation interest, including potential Local Nature Reserves**

## **Development And Flood Risk**

6.49 Government policy guidance on development and flood risk is set out in Planning Policy Guidance Note 25: Development and Flood Risk (PPG25). The guidance recognises the damage to quality of life from unmanaged flooding and the need to address the problems caused by flooding. It states that:

- development plan policies need to indicate how flood issues are to be considered in the development process
- the precautionary principle should be applied to flood risk, avoiding risk where possible and managing it elsewhere

- developers should contribute towards the cost of flood defences required as a result of development
- flood risk management needs to be applied on a whole catchment basis and not restricted to flood plains

6.50 A number of areas within Amber Valley are identified as being at risk from flooding on indicative flood plain maps produced by the Environment Agency. Although PPG25 advises that local planning authorities should show areas of flood risk on local plans, there is concern that as the current information is subject to change it may lead to unnecessary blight on land and properties. Areas are therefore not shown on the Proposals Map. There is however a need to ensure that all development proposals, either where they relate to indicative flood plains or are otherwise likely to have implications for flooding, are carefully considered and the necessary measures taken by developers to avoid or manage flood risk. The Borough Council will follow the sequential approach set out in PPG25 in assessing applications. It will also take account of non-statutory catchment flood management plans and Local Environment Agency Plans (LEAPs).

6.51 A Flood Risk Assessment will be required in conjunction with any application within areas of indicative flood risk, including proposals for the redevelopment of existing buildings and may also be required in conjunction with large developments outside areas of flood risk, where there is a significant requirement for surface water disposal.

6.52 The Borough Council has previously taken into account approved Supplementary Planning Guidance in relation to a number of watercourses within the Borough, where it has sought to secure financial contributions in conjunction with development proposals, to provide off-site land drainage infrastructure improvements. Whilst this approach has been successful in some situations, it has not been effective in locations where development opportunities have not been brought forward as anticipated. It is proposed to introduce a more flexible approach in relation to the provision of land drainage infrastructure, allowing a range of possible solutions having regard to individual circumstances. This is consistent with PPG25, which notes that engineered flood reduction measures may not always be the appropriate solution, given their economic and environmental costs and their environmental impact and therefore promotes the use of Sustainable Urban Drainage Systems

6.53 The potential to incorporate Sustainable Urban Drainage Systems (SUDS) within development proposals should be explored wherever possible, providing this would not create problems in relation to contaminated land.

6.54 The Borough Council will prepare a Supplementary Planning Document on Development and Flood Risk in Amber Valley, including identifying areas of flood risk, based on the most up to date information available from the Environment Agency.

6.55 Culverting of open watercourses represents a major threat to the flood defence and the ecology of an area. Where possible and appropriate, watercourses should remain open to avoid increasing the risks of flooding and protect wildlife

habitats and natural amenity. The Borough Council will support the re-opening of existing culverts to assist flood defence.

**EN15 Planning permission will only be granted for development proposals which would have no adverse effect on the management of flood risk and which demonstrate that they can satisfactorily address the following criteria:**

- a) **the impact of development on the capacity of any watercourse to discharge and/or store flood flows**
- b) **the need to ensure that development can be adequately protected against flood risk**
- c) **the need to prevent development from exacerbating existing or potential flood risk through the discharge of additional surface water**
- d) **the potential for Sustainable Urban Drainage Systems (SUDS) to minimise the environmental impact of measures to address surface water discharge, especially in relation to areas of nature conservation interest**
- e) **for development in higher-risk flood zones, the need to demonstrate that there is no reasonable option available in a lower-risk zone, compatible with other sustainable development objectives**
- f) **the need to avoid culverting open watercourses unless it is essential for access or public safety reasons**

**Where it is considered that development would be likely to increase flood risk, the developer will need to carry out a Flood Risk Assessment and identify satisfactory compensating measures to be submitted and implemented in conjunction with development**

## **Pollution**

6.56 Planning Policy Statement 23: Planning and Pollution Control (PPS 23) provides advice on the relative roles of the planning system and pollution control legislation in seeking to protect the environment from the threat of pollution. It advises that policies need to be in place to control both development that could give rise to pollution, and to protect development from harm caused by potentially polluting land uses.

6.57 Planning Policy Guidance Note 24: Planning and Noise (PPG 24) provides guidance on how the planning system can be used to minimise the adverse impact of noise, without placing unreasonable restrictions on development. The guidance states that policies need to cover both proposals for noisy developments, which may

have a particularly adverse impact on local communities and the environment, and developments which are noise-sensitive and need to be located away from existing sources of significant noise.

6.58 It is impractical to identify suitable locations for both potentially polluting and noisy developments, as the locational requirements for different types of use will vary significantly.

6.59 The impact of various sources of pollution will vary over time and the extent to which this impact will be material will also vary. In considering development proposals which may lead to a material increase in pollution, the Borough Council will take into account advice from its environmental health officers or other consultees in the application process.

**EN16 Planning permission will not be granted for development that would be likely to lead to a material increase in levels of air, water, noise, light or other forms of pollution.**

**Where potentially polluting development is permitted in response to economic and wider social needs, conditions will be imposed on planning permissions to ensure that pollution levels created by development can be minimised**

**Potentially polluting development will not be permitted in proximity to existing residential or other sites sensitive to pollution, where such uses cannot reasonably co-exist**

**EN17 Planning permission will only be granted for development close to existing sources of pollution, where the proposed use is compatible with the existing operation.**

**The Borough Council will impose conditions on planning permissions, as necessary, to ensure that future occupiers of development are protected from existing sources of pollution**

### **Derelict, Unstable And Contaminated Land**

6.60 The Borough Council has previously identified areas of derelict land within Amber Valley, through the national Derelict Land Survey undertaken in 1993 and in the establishment of the National Land Use Database of previously-developed land. Although much derelict land in the Borough has been successfully reclaimed, pockets of dereliction remain and there is a need to try and secure the remediation of these areas. The Borough Council, in conjunction with Groundwork Erewash Valley, has prepared a programme for physical regeneration of not only derelict land, but also other neglected or unsightly land or buildings in the public realm.

6.61 Planning Policy Guidance Note 14: Development On Unstable Land (PPG14) refers to the need to take into account the possibility of ground instability in preparing development plans.

6.62 Although contamination is subject to controls under pollution control legislation, there is also a role for local planning authorities in seeking to identify contaminated land and to establish appropriate policies to address this, in conjunction with development proposals.

6.63 The Borough Council has a statutory duty under the Environmental Protection Act 1990 to identify sources of contamination and to determine whether any particular sites are contaminated. Such sites will be identified on a public register open to inspection. Priority will be given to suitable development proposals that result in the remediation of contaminated sites.

6.64 Advice is also set out in Planning Policy Statement 23: Planning and Pollution Control (PPS23), stating that the issue of contaminated land should be taken into account in formulating policies in development plans. It emphasises that local planning authorities should recognise that the development process is the most effective way of achieving action to remove unacceptable risks arising from contamination.

6.65 The guidance also stresses the need to identify, at the earliest possible stage in the planning process, whether or not a site is contaminated and that the primary responsibility for providing this information should be with the developer. Where it is suspected that significant problems of contamination exist, developers should be required to carry out detailed site investigations, prior to planning permission being granted for development.

6.66 It should however be recognised that derelict and contaminated land may also be valuable for wildlife, particularly where such land has remained largely undisturbed for many years. In these cases, an appropriate balance will therefore have to be struck between the need to remediate such land and its value for wildlife.

**EN18 Planning permission will be granted for the reclamation and re-use of derelict, unstable and contaminated land, providing that where it is suspected or known that land is contaminated, a detailed and independent assessment is undertaken to identify the nature and extent of contamination and any remedial or mitigating measures which need to be undertaken**

**Conditions may be attached to any planning permission to ensure that effective remedial or mitigating measures are taken to treat, control or contain any contamination so as not to expose the occupiers of development and neighbouring land to unacceptable risk, or lead to the contamination of any water course or aquifer**

## **Environmental Impact Assessments**

6.67 Legislation and guidance on the need for Environmental Impact Assessments (EIAs) in conjunction with development proposals is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, Circular 2/99 and European Directive 97/11/EC.

6.68 The purpose of EIAs is to help determine the impact of new development on the environment and establish what is necessary to mitigate any undesirable effects. There is a need to identify any impacts at the earliest possible stage in the planning process, in order to maximise the potential for improvements to the overall planning and design of development proposals prior to the determination on planning applications. The precise requirements of any EIA will need to be considered on a case by case basis.

6.69 In considering development proposals which are likely to have a significant impact on the environment, the Borough Council will require the submission of an environmental impact assessment, prior to the consideration of a planning application, to establish the nature and extent of any impact .

## **Hazardous Substances**

6.70 Planning Policy Guidance Note 12: Development Plans (PPG12) advises that local planning authorities should include policies relating to the location of establishments where hazardous substances are used or stored, and to the development of land within the vicinity of such establishments.

6.71 There are a number of existing hazardous installations, including pipelines, either within or in close proximity to Amber Valley, where the Health and Safety Executive will need to be consulted on any development proposals within a specified distance from the installations.

**EN19 Development in the vicinity of a site involving the storage, use or transport of hazardous substances will not be permitted if there would be increased risk or consequences of major accident. The Council will consult the Health and Safety Executive on development proposals within the consultation area of installations handling hazardous substances, including pipelines, including those shown on the Proposals Map**

**EN20 Development involving the use, movement or storage of hazardous substances (as defined in the Planning (Hazardous Substances) Act 1990) will not be permitted if there would be risk to the public or to the**

**natural environment. The Council will consult the Health and Safety Executive on proposals for the location of establishments where hazardous substances are to be used or stored**

## **Shop Fronts And Advertisements**

6.72 The quality of design for shop fronts and advertisements in all areas of the Borough is considered to be of major importance, particularly in Conservation Areas. Many traditional shop fronts of a high standard of design have been replaced in the past with unsympathetic designs, which undermine local distinctiveness. Opportunities should be taken to restore such traditional high quality designs wherever possible, where evidence of the original design is available, in conjunction with development proposals.

6.73 External means of securing shops and commercial premises require planning permission and can seriously detract from the character and appearance of individual and groups of properties, again particularly in Conservation Areas. The Borough Council accepts that in some circumstances, such measures are essential for insurance purposes. However, there is a need to ensure that any measures are carefully designed to avoid any adverse environmental impact on the shop front or the area as a whole.

6.74 Further advice on the detailed design of shop fronts and/or security measures is set out in Supplementary Planning Guidance, Design Guidance Note 1: Shop Fronts and Advertisements.

**EN21 Planning permission will be granted for new shop fronts, alterations to or replacement of existing shop fronts, or shop front security measures, providing that the proposals:-**

- a) maintain or improve the quality of the existing shop front**
- b) are sympathetically designed in relation to the building and its setting**

6.75 There is also concern with the proliferation of directional signs, where these are not located on the site to which they refer. This leads to visual clutter, which detracts from the character and appearance of the Borough, especially within sensitive locations such as Special Landscape Areas (policy EN6), Conservation Areas (policies EN26-EN28) and the Derwent Valley Mills World Heritage Site and Buffer Zone (policy EN29). Strict control therefore needs to be exercised over the siting of such signs, by limiting proposals to those which would either replace or be incorporated within an existing sign in the locality.

6.76 Further advice on the detailed design of advertisements is set out in Supplementary Planning Guidance, Design Guidance Note 1: Shop Fronts and Advertisements.

**EN22 Planning permission will be granted for new advertisements, providing that:-**

- a) **the proposals are sympathetically designed in relation to the site and its setting, including any buildings, and**
- b) **where the proposals are for directional signs, they would either replace or could be incorporated within an existing advertisement sign in the locality**

### **Listed Buildings**

6.77 The Borough contains a wide variety of buildings that are statutorily listed as being of special architectural or historic interest by the Department for Culture, Media and Sport. It is essential that all of these buildings are retained wherever possible and maintained in a satisfactory state of repair. The demolition of listed buildings will only be permitted in exceptional circumstances, and advice and assistance will be given to owners and occupiers to maintain the properties. Where they are allowed to fall into disrepair, formal legal action may be taken against the owner of the building to secure its repair.

6.78 Most alterations to a listed building will usually require listed building consent, but they may also require planning permission and/or conservation area consent, depending on what is proposed and if the building is within a conservation area. In addition, often works will require building regulation consent with regard, for example, to the installation of new windows. In those instances where the requirements of the building regulations conflict with conservation objectives, the Borough Council will be pleased to advise on means of resolving these conflicts. In respect of the legislation regarding the installation of new windows, there are provisions which allow exceptions to be made if the building is listed, in a conservation area or in the Derwent Valley Mills World Heritage Site.

6.79 Further detailed advice on alterations to Listed Buildings is set out in Annex C of Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15) and in the Borough Council's Supplementary Planning Guidance, Design Guidance Note 3: Listed Buildings and Buildings in Conservation Areas

**EN23 Proposals for development which would result in the total or substantial demolition of Listed Buildings will only be permitted exceptionally and where there is clear evidence that the building is wholly beyond repair and every possible effort has been made to continue its present use or**

**find an alternative use, including offering the unrestricted freehold of the building on the open market at a realistic price reflecting its condition**

6.80 The inappropriate extension or alteration of a Listed Building can have a harmful effect upon the character and appearance of the building and its setting. There is therefore a need to ensure that any proposals take full account of the design and materials of the listed building and its setting. The extension of a listed building may be acceptable, if a clear need can be demonstrated and its design is clearly subordinate to the main building. However, there will be some instances, particularly where the proposals will detract from the character of prominent elevations, where no extension of the building will be permitted.

6.81 Any extensions or alterations which would result in the loss of original or long established internal or external features will not be acceptable.

6.82 A building which is not listed in its own right, but is within the curtilage of a listed building and was built before 1 July 1948 is classified as a “curtilage building”. Curtilage buildings have a similar status to listed buildings, with listed building consent being required for all internal and external alterations. In considering if a building is within the curtilage of a listed building, the Borough Council will consider the historical independence of the building, the physical layout of the principal building and other buildings, the ownership of the building now and at the time of listing, whether the structure forms part of the land and the use and function of the buildings, and whether the building is ancillary or subordinate to the principal building. Where a self-contained building was fenced or walled off from the remainder of the site at the date of listing, it is likely that this building will not be regarded as a curtilage building.

6.83 Further detailed advice on alterations to Listed Buildings is set out in Annex C of Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15) and in the Borough Council’s Supplementary Planning Guidance, Design Guidance Note 3: Listed Buildings and Buildings in Conservation Areas

**EN24 Development proposals for:-**

- a) **the external alteration of Listed Buildings**
- b) **the external alteration of any other buildings within the curtilage of Listed Buildings built before 1 July 1948**
- c) **new buildings and other structures, or alterations and extensions to existing buildings or other structures, within the setting of a Listed Building**

**will only be permitted where the proposals contribute to the preservation of the Listed Building and its setting, having regard to the elements which make up its special interest, including the character, appearance, scale and its original function**

6.84 In order to keep Listed Buildings in use and ensure their retention, it is often necessary to consider alternative uses, when buildings become redundant and it is no longer viable to retain the original use. However, any alternative uses must be appropriate for the building, by requiring minimal internal and external alteration. This is especially important with the change of use of listed or curtilage agricultural buildings and the use of listed buildings with an original or long established shop front.

6.85 Further detailed advice on alterations to Listed Buildings is set out in Annex C of Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15) and in the Borough Council's Supplementary Planning Guidance, Design Guidance Note 3: Listed Buildings and Buildings in Conservation Areas

**EN25 Planning permission for the change of use of Listed Buildings will be granted, provided the proposals:-**

- a) contribute to the preservation of the building, its setting, and any special features of architectural or historic interest, and**
- b) are compatible with the fabric, interior and setting of the Listed Building**

### **Conservation Areas**

6.86 Under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, every Local Planning Authority has a duty to determine which parts of their area are of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as Conservation Areas. In accordance with this direction, 29 Conservation Areas have been designated to date.

6.87 Belper and Milford Conservation Area also has an Article 4(2) Direction in force, which has brought under control most alterations to residential properties which are normally classified as "Permitted Development".

6.88 In considering applications for development within Conservation Areas, special attention will be paid to the desirability of preserving and enhancing the character or appearance of that area.

6.89 Alterations to properties in conservation areas that require planning permission may also require conservation area consent, if the works involve demolition. In addition, often works will require approval under Building Regulations,

for example, the installation of new windows. In those instances where the requirements of the building regulations conflict with conservation objectives, the Borough Council can advise on means of resolving these conflicts. In respect of the legislation regarding the installation of new windows, there are provisions which allow exceptions to be made if the building is listed, in a conservation area or in the Derwent Valley Mills World Heritage Site.

6.90 Further detailed advice on proposals for new development in conservation areas set out in Supplementary Planning Guidance, in Design Guidance Note 3: Listed Buildings and Buildings in Conservation Areas.

**EN26 Development proposals that would result in the demolition of buildings within Conservation Areas will not be granted planning permission where the building makes a positive contribution to the character or appearance of the Conservation Area, unless**

- a) every possible effort has been made to continue its present use or find an alternative use, including offering the unrestricted freehold of the building on the open market at a realistic price reflecting its condition, or
- b) there is clear evidence that the building is wholly beyond repair

**EN27 Planning permission will only be granted for development proposals within and adjacent to Conservation Areas, as shown on the Proposals Map, if they would contribute to the preservation or enhancement of the Conservation Area. Special consideration will also be given to proposals for development adjacent to and affecting the setting of a Conservation Area.**

**Proposals involving the change of use, alteration or conversion of existing buildings must respect the character and design of the existing building and, in the case of extensions, be clearly subordinate to the original building.**

**EN28 Planning permission or advertisement consent for new shop fronts and advertisements in Conservation Areas, as shown on the Proposals Map, will be granted providing that the proposals:-**

- a) are of a high standard of design and make use of appropriate materials
- b) retain original shop fronts or advertisements on those buildings which make a positive contribution to the particular character of the Conservation Area

6.91 There is an opportunity in conjunction with the review of the Local Plan to consider, on a comprehensive basis, the need to amend any of the existing Conservation Area boundaries within the Borough.

6.92 Many of the existing Conservation Areas were established a number of years ago and are no longer well-related to new patterns of development and areas of architectural or historic interest within or adjoining settlements, having regard to the advice contained in Planning Policy Guidance Note 15: Planning and the Historic Environment, in relation to the assessment and designation of conservation areas.

6.93 Within the Derwent Valley Mills World Heritage Site, there is a need to review existing Conservation Area boundaries to ensure consistency with this new inscription.

6.94 It would also be appropriate to extend existing Conservation Areas to include a number of areas previously designated as Areas of Local Landscape Significance which are of architectural or historic interest in the adopted Local Plan, in line with the proposed deletion of these designations.

6.95 There are a number of other locations within the Borough where there are areas of architectural or historic interest, where the designation of new Conservation Areas may be appropriate in order to preserve and enhance their character and appearance.

6.96 It should be noted that any proposals to either amend existing Conservation Area boundaries or to designate new Conservation Areas will be carried out separately to the Local Plan process, in accordance with the requirements of sections 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This will include a public consultation exercise involving all those affected by the proposals.

6.97 Broad policies relating to development within Conservation Areas are not considered sufficient in themselves to ensure sympathetic development. In order to ensure that the character and appearance of each Conservation Area is fully respected, it is essential that detailed guidance is produced to relate specifically to the unique character and appearance of each Conservation Area. This will be undertaken through Conservation Area Appraisals and the preparation of management proposals. The guidance will indicate how development will need to relate to the detailed design of architecturally and historically important buildings, significant areas of open space, important views and areas of hard and soft landscape. In addition, in commercial areas the guidance will include references to the design of shop fronts, advertisements and street furniture.

6.98 The Borough Council has recently introduced an Article 4(2) Direction in relation to Belper and Milford Conservation Area, in order to bring under planning control a range of alterations to residential properties that would otherwise be permitted development and would therefore not require planning permission. There may be a case to extend such Directions to cover other Conservation Areas within the Borough, where this can be justified in terms of the need to protect their character and appearance.

## **Derwent Valley Mills World Heritage Site**

6.99 The United Nations Educational, Scientific and Cultural Organisation (UNESCO) inscribed the Derwent Valley Mills as a World Heritage Site in December 2001. This inscription recognises the unique role that this area played in the development of the textile industry and the factory system, as part of the Industrial Revolution. It is anticipated that this international recognition will boost the local economy, especially in relation to tourism, as more visitors are attracted to the area.

6.100 There is therefore a need to establish new policies, in relation to both the World Heritage Site and its 'buffer zone', to ensure that any development proposals are carefully considered in terms of their impact on the special character of the area. Within the World Heritage Site itself, the Borough Council will require all development proposals to preserve or enhance its character and appearance. Within the Buffer Zone, there is a need to consider development in terms of its effect on the setting of the World Heritage Site, including views into and out of the site.

6.101 Proposals will also be considered with reference to the draft World Heritage Site Management Plan, which has been produced following consultation with all residents and businesses that have an interest in the Site.

**EN29 Within the Derwent Valley Mills World Heritage Site as shown on the Proposals Map, the Borough Council will require all development proposals to preserve or enhance its character and appearance**

**Within the Derwent Valley Mills World Heritage Site Buffer Zone, as shown on the Proposals Map, the Borough Council will require all development proposals to preserve or enhance the setting of the World Heritage Site, including views into and out of the site**

**In considering proposals, the Borough Council will have regard to the aims and objectives of the Derwent Valley Mills World Heritage Site Management Plan**

## **Archaeological And Heritage Features**

6.102 Planning Policy Guidance Note 16: Archaeology and Planning (PPG16) refers to the need for appropriate policies to protect, enhance and preserve sites of archaeological interest and their settings.

6.103 It is important that known archaeological or heritage feature are protected from development, especially where these are identified as Scheduled Ancient Monuments. There is also a need to ensure that where necessary, opportunities are provided for detailed archaeological investigations, prior to and during development.

6.104 The Borough Council will also require an archaeological investigation as part of any necessary Environmental Impact Assessment in conjunction with development proposals, where the proposals may affect sites of known or suspected archaeological interest.

**EN30 Planning permission will not be granted for development proposals that would result in disturbance to, or adverse impact upon**

- a) **a Scheduled Ancient Monument or other nationally important archaeological remains or their setting**
- b) **any other known archaeological or heritage features of major importance and their settings**

**EN31 Planning permission will only be given for development proposals likely to affect a site containing archaeological remains of less than national importance where:**

- a) **the application is supported by an assessment and if necessary an archaeological field evaluation, and**
- b) **it is demonstrated that the archaeological remains can be preserved in situ and, if not justified, excavation and recording, and**
- c) **preservation in situ is to be carried out in accordance with an agreed scheme**

**The Borough Council will impose conditions on planning permissions or alternatively seek to enter into Section 106 Agreements with developers, to ensure appropriate archaeological investigation and recording, before and during development**

### **Historic Parks And Gardens**

6.105 The importance of Historic Parks and Gardens is recognised by English Heritage who keep a register of nationally important gardens. The list is not finite and additional entries are likely in the future. The Borough Council is committed to preserving, and whenever possible, enhancing the landscape character of these nationally important sites.

6.106 In Amber Valley, Kedleston Park, Belper River Gardens and Belper Cemetery are currently included on the register. Where appropriate, English Heritage will be requested to add other sites to the national register.

6.107 In recognition of the national and international significance of Kedleston Hall and Park, it is proposed to include a new designation to protect its setting from any development that would have an adverse impact on its special character, including views into and out of the Historic Park and Garden. This approach is consistent with

Policy 27 of the Regional Spatial Strategy for the East Midlands (RSS8), which states that local authorities should follow the principle of...‘the promotion of the highest level of protection for the region’s nationally and internationally designated natural and cultural assets’... and that...‘damage to natural or cultural assets (and their settings) should be avoided wherever and as far as possible, recognising that such assets are irreplaceable’.

6.108 The Borough Council will require any planning applications which contain development proposals which may have an impact on an Historic Park and Garden or its setting to be accompanied by an historic landscape appraisal.

**EN32 Planning permission will not be granted for development proposals that would have an adverse impact on the landscape character of a registered Historic Park and Garden as shown on the Proposals Map or its setting**

**Where appropriate the Borough Council will require planning applications for development proposals affecting a registered Historic Park and Garden to be accompanied by an historic landscape appraisal**

**EN33 Within the defined setting of the Historic Park and Garden at Kedleston Hall, as shown on the Proposals Map, planning permission will not be granted for any development proposals that would have an adverse impact on the landscape setting, including views into and out of, the Historic Park and Garden**

## **Telecommunications**

6.109 In common with other parts of the country, Amber Valley has recently seen a rapid expansion in proposals for new telecommunications technology. This highlights the need to ensure effective control over telecommunications development through planning policies.

6.110 The most recent version of Planning Policy Guidance Note 8: Telecommunications (PPG8), published in 2001, sets out Government advice in relation to proposals for telecommunications developments, including radio masts and towers, antennae, radio equipment housing, public call boxes, cabinets, poles and overhead wires.

6.111 The revised guidance seeks to achieve a balance between the need to facilitate growth on the telecommunications industry, as a growing sector of the economy, and controlling the impact of development on the environment. It refers to the need for policies and proposals in local plans to steer the location of developments, with particular consideration being given to the promotion of sites for major developments, such as tall masts, to promote mast sharing, together with the

identification of suitable criteria to balance the efficient development of the telecommunications network, with the need to minimise its environmental impact.

6.112 The key changes from the previous version of the guidance:

- take into account developments in telecommunications technology and the growth of the telecommunications industry
- take account of changes to the permitted development rights that apply to telecommunications code system operators
- provide advice on the relationship between health considerations in relation to telecommunications development and the planning system

6.113 Whilst PPG8 acknowledges the concern about the potential health implications of development and the need to protect the public, it emphasises that local planning authorities should not seek to replicate through the planning system those controls over operators of telecommunications apparatus which apply under health and safety legislation.

6.114 In order to secure the most appropriate locations for telecommunications development, which supports the growth of the industry whilst protecting the quality of the environment, there is a need to work with operators to identify suitable sites, prior to the submission of planning applications, wherever possible. This will help to identify suitable locations which make the best use of existing buildings or other structures, including mast sharing and that development can be sited and designed in a way which minimises its visual impact on the environment.

6.115 There is also a need to ensure that in those instances where telecommunications equipment becomes permanently inoperative, the equipment together with any associated structures are removed as soon as possible. The Borough Council will normally expect such structures to be removed once the use of the site has ceased.

6.116 Any proposals for telecommunications development will also need to have regard to the Government's revised Code of Best Practice on Mobile Phone Network Development, published in 2002. This is intended to provide clear and practical advice to ensure the delivery of significantly better and more effective communication and consultation between operators, local authorities and local people.

**EN34 Planning permission will be granted for new telecommunications infrastructure, providing that:-**

- a) the proposals are part of a planned network expansion**
- b) there are no existing buildings, masts or other structures that could either be utilised or suitably expanded with less environmental impact**

- c) **the proposals are designed to minimise the need for additional masts or structures in the future**
- d) **the proposals can be sited and designed to minimise any impact on visual amenity, including by providing suitable landscaping where necessary**
- e) **the developer will undertake to remove all structures and restore the site to a standard deemed acceptable by the planning authority, within a reasonable timescale, should the structure become permanently inoperative**
- f) **for proposals within the Green Belt, it can be demonstrated that there are no suitable alternative locations outside the Green Belt**

**Proposals in designated areas of particular environmental importance (including the World Heritage Site and its Buffer Zone, Historic Parks and Gardens, Conservation Areas and SSSIs) will be subject to special scrutiny to ensure their protection, taking account of the limitations imposed by the nature of the telecommunications network and the technology. Operators will be expected to demonstrate that alternative suitable locations are not available outside the designated areas, and that the proposals can be successfully blended into the landscape**

### **Renewable Energy Installations**

6.117 Energy Paper 55 (1988), "Renewable Energy in the UK: The Way Forward", suggests that the UK should aim to derive 25% of its energy requirement from renewable resources by 2025.

6.118 Planning Policy Statement 22: Renewable Energy (PPS22) states that local planning authorities should set out appropriate policies to promote and encourage, rather than restrict, the development of renewable energy resources, as well as setting out criteria against which planning applications for renewable energy projects should be assessed.

6.119 The adopted Derby and Derbyshire Joint Structure Plan states that development necessary to the harnessing or production of renewable energy will normally be permitted providing it is environmentally acceptable and sited having due regard to environmentally sensitive areas.

6.120 The Amber Valley Environmental Strategy refers to the need to address how an increasing proportion of energy requirements can be met from renewable resources.

6.121 There is a wide range of potential renewable energy developments that could be the subject of proposals within Amber Valley, as technology develops. There is therefore a need for a policy which specifies a range of environmental criteria, against which any proposals can be considered.

6.122 There is also a need to ensure that in those instances where renewable energy developments become permanently inoperative, any associated structures are removed as soon as possible. The Borough Council will normally expect such structures to be removed once the use of the site has ceased.

**EN35 Planning permission for renewable energy developments will be granted provided that:-**

- a) **in the World Heritage Site, and any other international designated site, the integrity of the site would not be adversely affected, or in the case of adverse effect, there is no alternative solution and there are imperative reasons of overriding public interest**
- b) **in nationally designated sites, including SSSIs, Conservation Areas, Registered Historic Parks and Gardens, Listed Buildings and Scheduled Ancient Monuments, the objectives of designating the site will not be compromised**
- c) **in the Green Belt, it can be demonstrated that there are very special circumstances that outweigh any harm by reason of inappropriateness and any other harm**
- d) **in all cases, the proposals would not have a significant adverse impact on visual amenity or noise, including by keeping any ancillary buildings to a minimum and by providing suitable landscaping where necessary**
- e) **the developer will undertake to remove all structures and restore the site to a standard deemed to be acceptable by the planning authority, within a reasonable timescale, should the infrastructure become permanently inoperative**

**Use Of Renewable Energy Resources**

6.123 In considering development proposals, the Borough Council will support and actively encourage proposals that are designed to minimise the use of land, fuel and materials and make the best use of renewable energy resources such as solar or wind power.

**EN36 In considering development proposals, the Borough Council will have regard to the potential for development to make use of renewable energy resources**