

#### **PM 1B.4 ENV5 RENEWABLE ENERGY**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
000717	302002	Mrs K Haley
001325	302654	Mr I D Griffiths
001953	302908	Future Energy Solutions (for the DTI)

#### **Summary of Representation**

The proposed modifications relating to this policy are supported.

#### **Response to Representation**

Your support for this Proposed Modification is supported.

#### **Proposed Further Modification**

No change.

#### **PM 1B.5 ENV6 ENERGY EFFICIENCY**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
000717	302003	Mrs K Haley

#### **Summary of Representation**

The removal of text relating to the water-based environment from paragraph 1.26 is supported.

#### **Response to Representation**

Your support for this Proposed Modification is welcomed.

#### **Proposed Further Modification**

No change.

#### **PM 1B.13 ENV14 CHANGE OF USE OF A BUILDING IN A CONSERVATION AREA**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
003981	302587	Miss A Plackett

#### **Summary of Objection**

Despite Inspector's view (1B.13 paragraph 5) that the wording of policy should remain unchanged, English Heritage still consider it is poor English and doubt anyone would understand what it means.

#### **Council's Response and Reasoning**

The Inspector's explanation is clear (see section 1B.13, paragraph 4). The above objection ignores the comment made by the Inspector and agreed by the Council.

#### **Proposed Further Modification**

No change.

<b>Correspondent No.</b> 003981	<b>Representation No.</b> 302590	<b>Correspondent Name</b> Miss A Plackett
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**Summary of Objection**

Do not agree with Inspectors interpretation (set out in 1B.14 paragraphs 7 and 8) that the additional wording promotes the enhancement of the conservation area. The wording implies that it would be acceptable to do this at the expense of historic assets that contribute to the character and appearance of the conservation area. English Heritage therefore recommend that additional wording is amended to support proposals that enhance the conservation area but not at the expense of the historic assets that contribute to its character and appearance.

**Council's Response and Reasoning**

The Council accepts the argument proposed by the Inspector and points out that the policy retains the requirement for any development to prevent the loss of features of historic or characteristic value.

**Proposed Further Modification**

No change.

<b>Correspondent No.</b> 003981	<b>Representation No.</b> 302591	<b>Correspondent Name</b> Miss A Plackett
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**Summary of Objection**

With reference to Inspector's comments regardig the current terminology for conservation assessments (paragraph 1.40) English Heritage was advised that they should be referred to as 'Conservation Area Appraisals'. New guidance is in preparation and is due to be published later in 2005.

**Council's Response and Reasoning**

This will be updated under the Local Development Framework.

**Proposed Further Modification**

No change.

**PM 1B.21 ENV23 ARCHAEOLOGICAL SITES OF NATIONAL IMPORTANCE**

<b>Correspondent No.</b> 001328	<b>Representation No.</b> 302674	<b>Correspondent Name</b> Mrs K Staples
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**Summary of Objection**

Notwithstanding Council's response and reasoning for not accepting the Inspector's Recommendation that sites and areas referred to should be shown on Proposals Map and cross-reference included in reasoned justification if policy is to refer to them. GOEM objection was made in relation to known nationally important unscheduled sites. PPG12 Annexe A (para 23-24) refers to need for policies to be

clearly and unambiguously expressed and for reasoned justification to contain brief and clearly presented explanation and justification. PROPOSED CHANGE - Show nationally important unscheduled sites on Proposals Map and provide cross-reference in reasoned justification.

### **Council's Response and Reasoning**

See justification set out under PM1B.21 in the Statement of Decisions and Proposed Modifications. Also the following additional comments have been received from County Archaeology:- 'If your authority follows the GOEM advice and shows archaeological sites on the proposals map ranking them as being of national importance or less than national importance then the map will be out of date within the first six months of the plan's publication. With the possible exception of Scheduled Monument boundaries archaeological information is not static. A developer reasonably expects the proposals map to be correct complete justifiable and up to date. We do not know that state of preservation of every site in our records so there could be justifiable challenges made over the depiction of any site on the plan. Showing archaeological sites on the map will not assist the developer because it will not be clear to him what effect the shown presence of an archaeological site will mean to his development. If a developer assumes that the presence of archaeology will prevent development this would usually be an incorrect assumption. Archaeology is a material consideration in the planning process and it is therefore not unreasonable to expect a developer to assess the weight that may be given by the planning authority to this consideration and to make appropriate enquiries to that end. It is entirely feasible that an archaeological site will be discovered after the plan is published; as the site is not shown on the proposals map it could be argued that the relevant policy does not apply as these are not statutory designation. While PPG16 did suggest that sites should be shown this advice was subsequently revisited by the English Heritage advice not on Development Plans which made it clear that it would not always be advisable or desirable to show all archaeological sites on proposals maps. As the last published word from the head government body on the historic environment this advice should stand'.

### **Proposed Further Modification**

No change.

## **PM 1B.22 ENV24 SITES OF LOCAL ARCHAEOLOGICAL VALUE**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
001328	302675	Mrs K Staples

### **Summary of Objection**

Notwithstanding Council's response and reasoning for not accepting Inspector's Recommendation that sites subject to policy should be listed in Appendix and shown on Proposals Map. It is acknowledged that county has 7000 sites of archaeological value but it would be helpful if Proposals Map showed areas and sites to which policy applies. This will assist developers it is unreasonable to expect developers to search more extensive records when a basis could be provided in Local Plan for seeking pre-application information to which policy applies. PPG16 paragraph 15

refers. PROPOSED CHANGE - Identify relevant sites on Proposals Map and/ or as with SINCS include list as an appendix to the plan so the location of sites can be more easily identified.

### **Council's Response and Reasoning**

See justification set out under PM1B.22 in the Statement of Decisions and Proposed Modifications. Also the following additional comments have been received from County Archaeology:- 'If your authority follows the GOEM advice and shows archaeological sites on the proposals map ranking them as being of national importance or less than national importance then the map will be out of date within the first six months of the plan's publication. With the possible exception of Scheduled Monument boundaries archaeological information is not static. A developer reasonably expects the proposals map to be correct complete justifiable and up to date. We do not know that state of preservation of every site in our records so there could be justifiable challenges made over the depiction of any site on the plan. Showing archaeological sites on the map will not assist the developer because it will not be clear to him what effect the shown presence of an archaeological site will mean to his development. If a developer assumes that the presence of archaeology will prevent development this would usually be an incorrect assumption. Archaeology is a material consideration in the planning process and it is therefore not unreasonable to expect a developer to assess the weight that may be given by the planning authority to this consideration and to make appropriate enquiries to that end. It is entirely feasible that an archaeological site will be discovered after the plan is published; as the site is not shown on the proposals map it could be argued that the relevant policy does not apply as these are not statutory designation. While PPG16 did suggest that sites should be shown this advice was subsequently revisited by the English Heritage advice not on Development Plans which made it clear that it would not always be advisable or desirable to show all archaeological sites on proposals maps. As the last published word from the head government body on the historic environment this advice should stand'.

### **Proposed Further Modification**

No change.

## **PM 1B.27 ENV33 HABITAT PROTECTION AND ENHANCEMENT**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
000717	301996	Mrs K Haley

### **Summary of Representation**

Changes to the policy text and appendix are supported.

### **Response to Representation**

Your support for this Proposed Modification is welcomed.

### **Proposed Further Modification**

No change.

**PM 1B.28 ENV34 NATIONAL NATURE CONSERVATION DESIGNATIONS**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
000717	301997	Mrs K Haley

**Summary of Representation**

Changes to the policy and text are supported.

**Response to Representation**

Your support for this Proposed Modification is welcomed.

**Proposed Further Modification**

No change.

**PM 1B.29 ENV34A LOCAL NATURE CONSERVATION DESIGNATIONS**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
000717	301998	Mrs K Haley

**Summary of Representation**

The rewording of the policy and addition of grid references to the appendix are supported.

**Response to Representation**

Your support for this Proposed Modification is welcomed.

**Proposed Further Modification**

No change.

**PM 1B.30 ENV35 MATURE LANDSCAPE AREAS**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
000717	301999	Mrs K Haley

**Summary of Representation**

The revision of the text is supported.

**Response to Representation**

Your support for this Proposed Modification is welcomed.

**Proposed Further Modification**

No change.

**PM 1B.31 ENV36 PROTECTED SPECIES**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
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000717

302000

Mrs K Haley

**Summary of Representation**

The changes to the policy and text are supported but for the sake of clarity the second paragraph in the revised text replacing paragraph 1.81 needs to be amended so that the reference to the 'Conservation (Habitats) Regulations 1994' reads the 'Conservation (Natural Habitats &c.) Regulations 1994' as this is its correct title.

**Response to Representation**

Your support for this policy is welcomed. It is accepted that the the reference to 'Conservation (Habitats) Regulations 1994' should be replaced with 'Conservation (Natural Habitats &c.) Regulations 1994' for the sake of clarity.

**Proposed Further Modification**

Replace the reference to 'Conservation (Habitats) Regulations 1994' with 'Conservation (Natural Habitats &c.) Regulations 1994' (PFM 1B.33).

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
000717	302001	Mrs K Haley

**Summary of Objection**

Second paragraph in the revised text replacing paragraph 1.81 needs to be amended to read "Conservation (Natural Habitats &c.) Regulations 1994".

**Council's Response and Reasoning**

It is accepted that the the reference to 'Conservation (Habitats) Regulations 1994' should be replaced with 'Conservation (Natural Habitats &c.) Regulations 1994' for the sake of clarity.

**Proposed Further Modification**

Replace the reference to 'Conservation (Habitats) Regulations 1994' with 'Conservation (Natural Habitats &c.) Regulations 1994' (PFM 1B.33).

**PM 1B.33/ IR 1B.33 ENV39 AQUIFER PROTECTION**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
001328	302676	Mrs K Staples
001339	302666	Mr D Marsh

**Summary of Objection**

Notwithstanding Council's response and reasoning for not accepting Inspector's Recommendation and proposing instead to insert separate A4 key diagram map showing Environment Agency Source Protection Zones as an appendix. It is not clear that proposed alternative A4 key diagram map would be sufficiently clear and unambiguous in protecting sensitive groundwater areas or showing this information on Proposals Map is unnecessary for cartographic clarity. PPG12 Annexe A (para 23-24) refers to need for policies to be clearly and unambiguously expressed.

PROPOSED CHANGE - Identify Environment Agency Source Protection Zones on Proposals Map.

**Council's Response and Reasoning**

See PM1B.33 of the Statement of Decisions and Proposed Modifications. The Council disagrees that displaying the Source Protection Zone data on a key diagram map would not be sufficiently clear. Appropriate information will be included on the map to ensure that the accurate boundaries of the data can be established.

**Proposed Further Modification**

No change.

**PM 1B.36 ENV41 GEDLING COUNTRY PARK**

<b>Correspondent No.</b>	<b>Representation No.</b>	<b>Correspondent Name</b>
000717	302012	Mrs K Haley

**Summary of Objection**

The second additional paragraph should include the statement that '[development of the Gedling Colliery Park] will take account of species and ecological communities that have already developed naturally at the site and incorporate them into the site design'. This is because part of the site has been designated as a Site of Importance for Nature Conservation (SINC) - Gedling Colliery Site and Dismantled Railway SINC (Ref No5/211) - and the rest of the site can make contributions to Local Biodiversity Action Plan (LBAP) targets.

**Council's Response and Reasoning**

SINC 5/211 is a Potential SINC which has not been identified as a SINC through the recent review of SINC's within the County by the Nottinghamshire Biological and Geological Records Centre. As such it is not intended to amend the supporting text as suggested.

**Proposed Further Modification**

No change.