

CHAPTER 6: THE ENVIRONMENT

POLICY ENV1: MIXED USE DEVELOPMENT

There were no objections to this policy

POLICY ENV2: URBAN DESIGN

Objections to First Deposit

1275/143 – CPRE; 1406/669 – Sainsbury Supermarkets Ltd; see also Hockley Heath Schedule (Annex D).

Objections to Revised Deposit

1359/266/R-267/R – Taylor Woodrow Developments Ltd; 1362/286/R-287/R – Cala Homes (Midlands) Ltd; 1365/310/R-311/R – Chase Midlands plc; 1386/239/R-240/R – Marcity Developments; 1406/359/R – Sainsbury Supermarkets Ltd; 1481/344/R; 346/R – English Heritage.

Key issues

- *Does the Policy need further clarity, “expecting” rather than “promoting” good design;*
- *Does clause (ii) impose a more stringent test than applies in Conservation Areas, and should the Policy reflect the nature and scale of proposals and permit proposals that leave quality and attractiveness unharmed;*
- *Rev 6/4: do the amended criteria impose too stringent a test for new development, particularly by requiring the enhancement of local distinctiveness and amenity;*
- *Rev 6/4: should “character” and “local distinctiveness” be covered under a single clause;*
- *Rev 6/8: should the need for good design also be extended to rural areas;*
- *6.1.3: should the text acknowledge that the pursuit of the efficient use of land should not excuse inappropriate development on sequentially less acceptable sites, particularly on the rural fringe of Policy C3 villages.*

Inspector’s reasoning and conclusions

- 6.1 Policy ENV2 sets out the design criteria for permitting development proposals. At Revised Deposit stage, the Design section of this chapter has been substantially amended, deleting Policies ENV3 & ENV4 and subsequently introducing additional criteria into Policy ENV2 and revising the supporting text (Rev 6/4-6/13). In addition, SMBC intends to include *character* under clause (iv) of the Policy, rather than under clause (v), to address English Heritage’s objection [CD156/175].
- 6.2 *Since the inquiry closed, new national policy on design in the form of PPS1 (2005) has been issued. PPS1 (¶ 33-39) confirms that LPAs should prepare robust policies on design and access, with the objective of good design and planning for high quality and inclusive design for all development. Design policies should also ensure that developments are sustainable, durable and adaptable, optimise the potential of sites to accommodate development, with an appropriate mix of uses, respond to the local context, create safe and accessible environments, address the needs of all in society and are visually attractive. Design which is inappropriate in its context or which fails to improve the character and quality of an area should not be accepted. In view of the stance of this latest national statement on design policy, it would be appropriate to review Policy ENV2 and the Design section of the Plan before the SUDPR is modified and adopted, and I recommend accordingly.*
- 6.3 Although the ability of SMBC to actually *promote* good design itself may be in dispute, this term can also be used to *encourage, support* and *foster*. I am satisfied that this is a soundly-based aim which reflects national policy in PPS1 & PPG3. In my view, it is the criteria against which development proposals are to be considered that is more important, and these are clearly set out

within the Policy. Equally important are *good quality building and urban design*, as the Policy confirms. Buildings are an important element of urban design, whilst other elements such as open space, would be covered by the general term *urban design*. No further amendments are therefore needed to address CPRE's objection.

- 6.4 PPS1 & PPG3 also advise that good design can help to improve the quality and attractiveness of the existing environment. This reflects national legislation in S12(3A) of the T&CP Act 1990, which requires plans to include policies to conserve and improve the natural and built environment. It also reflects guidance in PPG12 (¶ 3.8-3.10), including the need for better urban design, and is supported by the *Urban White Paper, Better Places to Live and By Design* [CD37/38], as confirmed in CD141 (¶ 6.2-6.3). By setting out criteria that requires development: to respect the harmony and relationships between buildings, the urban environment and landscape; to enhance the quality and attractiveness of the Borough; to contribute to local identity and regional diversity; and to protect and enhance the character, local distinctiveness and amenity of urban areas, I consider the amended criteria in Policy ENV2 reflects national and local design aims without being unduly onerous for prospective developers. The general approach of requiring the built environment to be improved through better design directly reflects the latest approach in PPS1 (2005). Much would depend on the circumstances of each new development, but I consider Policy ENV2 provides an appropriate starting point for assessing design matters. No further amendments are therefore needed to address Sainsbury's objection or most of the objections made to the SUDPR.
- 6.5 As regards Rev 6/8 (¶ 6.1.5), SMBC confirms that this relates to the concept of *urban design*. I understand that Policy ENV2 is intended to apply to all urban areas within the Borough, including the main rural settlements, although the small inset villages will also be subject to Policy C3. For rural areas within the Green Belt, Policy C2 would ensure that any development does not harm the character of the Green Belt and maintains its openness, whilst Policy C8 helps to protect and enhance the quality of the landscape. However, to avoid any doubt, it would be helpful if the supporting text (¶ 6.1.5) confirms that Policy ENV2 applies to all urban areas, including the main rural settlements and inset villages.
- 6.6 Hockley Heath residents are concerned that sites on the rural fringe of small villages inset from the Green Belt should be sequentially less acceptable for infill windfall development than sites in urban areas. Although PPG3 encourages the efficient use of land, Rev 6/5 (¶ 6.1.3) confirms that the appearance of development and its relationship to its surroundings are material considerations. More particularly, Policy C3 specifically recognises the importance of the rural setting around inset villages and the attributes that contribute towards their special character. It also confirms that Green Belt policies will apply to land immediately beyond the settlement boundary. In my view, this is sufficient to address these concerns.

Recommendation

- 6.7** **I RECOMMEND** that the Plan is **modified** by:
- (i) *amending Policy ENV2 to include **character** under clause (iv), rather than under clause (v) [CD175];*
 - (ii) *amending the supporting text to confirm that Policy ENV2 applies to all the Borough's urban areas, including the main rural settlements and inset villages.*
- I FURTHER RECOMMEND** that Policy ENV2 and the Design section are *reviewed in the light of recent national guidance on design in PPS1 (2005).*

POLICY ENV3: AREAS OF LOCAL DISTINCTIVENESS**Objections to First Deposit**

1069/1046 – GO-WM; 1359/732 – Taylor Woodrow Devts Ltd; 1362/761 – Cala Homes (Midlands) Ltd; 1365/855 – Chase Midlands plc; 1386/817 – Marcity Devts; 1398/799 – Persimmon Homes (South Midlands) Ltd; 1427/835 – Wimpey Homes West Midlands Ltd.

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- Does the Policy undermine the aim of PPG3 to make efficient use of land, and should it indicate that densities of less than 30dw/ha should be avoided, referring to PPG3 (¶ 54/56) & Policy H5;
- Does the Policy go beyond national guidance, without a detailed assessment of the character of the surrounding built and natural environment and without any detailed designation of the extent of “areas of local distinctiveness” and important “gateways” on the Proposals Map.

Inspector’s reasoning and conclusions

6.8 Policy ENV3 sought to protect and enhance the locally distinctive areas of the Borough, including the gateways into the Borough and Solihull town centre. In response to objections, SMBC has deleted this policy in the Revised Deposit draft, adding the elements relating to local distinctiveness to Policy ENV2 and the supporting text. GO-WM has confirmed that Rev 6/4-6/10, with the cross-references to PPG3 and Policy H5, would meet its objections (1069/109-110RS). The deletion of Policy ENV3 would also overcome the concerns of other objectors, the outstanding points being dealt with under Policy ENV2 (above).

Recommendation

6.9 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

PROPOSAL ENV2/1: PREPARATION OF LOCAL DESIGN GUIDANCE

(previously Proposal ENV3/1)

Objections to First Deposit

1069/1047 – GO-WM; see also Hockley Heath Schedule (Annex D)

Objections to Revised Deposit

1359/268/R – Taylor Woodrow Devts Ltd; 1362/288/R – Cala Homes (Midlands) Ltd; 1365/312/R – Chase Midlands plc; 1386/241/R – Marcity Devts.

Key issues

- Is Proposal ENV2/1 compatible with the aim in PPG3 of making efficient use of land, and should it indicate that densities of less than 30dw/ha should be avoided, referring to PPG3 (¶ 54/56) and Policy H5;
- Is it appropriate for the guidance to enhance local distinctiveness;
- Should the Plan confirm that design guidance will be prepared in conjunction with local communities, to reflect the intentions of PPG3 (¶ 55).

Inspector’s reasoning and conclusions

6.10 Proposal ENV2/1 (formerly ENV3/1) confirms that design guidance to protect and enhance the local distinctiveness of urban areas will be prepared. Rev 6/6 (¶ 6.1.4) confirms PPG3 guidance that good quality urban design can help to make more efficient use of previously developed land, whilst amended Policy H5 and the supporting text confirms that developments should make more efficient use of land, avoiding densities of less than 30dw/ha (Rev 3/23-3/24). GO-WM confirms that its objection would be overcome by including policies relating to the efficient use of land (1069/110RS), and these amendments should meet these concerns.

- 6.11 I have already concluded that the requirement to enhance local distinctiveness reflects the need to improve the built environment and encourage high quality design (see Policy ENV2 above), and similar conclusions apply to Proposal ENV2/1. The guidance produced under this proposal will be based on a full assessment of the character and diversity of urban areas, as para 6.1.6 confirms. As formal SPG, it would also be subject to full public debate. It therefore seems to me that this proposal would not necessarily result in an unduly onerous test for prospective developers.
- 6.12 Hockley Heath residents are concerned that any design guidance is prepared in collaboration with local communities. Policy IM2 confirms that all SPG will be subject to consultation with the public (¶ 12.2.2), whilst Proposal C7/1 supports the preparation of Village Design Statements and other locally prepared guidance. In my view, this adequately reflects the intentions of national advice in PPG3 (¶ 55) and in the Rural White Paper and PPS7, and so there is no need for any further references under Proposal ENV2/1.

Recommendation

6.13 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

POLICY ENV4: PROTECTION OF AMENITY

Objections to First Deposit

1069/1048 – GO-WM; 1293/6 – National Farmers Union; 1352/779 – Cala Properties; 1359/733 – Taylor Woodrow Devts Ltd; 1362/762 – Cala Homes (Midlands) Ltd; 1365/856 – Chase Midlands plc; 1386/818 - Marcity Developments; 1398/800 – Persimmon Homes (South Midlands) Ltd; 1427/836 – Wimpey Homes West Midlands Ltd; see also Hockley Heath Schedule (Annex D).

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- Does Policy ENV4 undermine the aims of PPG3 to make efficient use of land, and should it indicate that densities of less than 30dw/ha should be avoided, referring to PPG3 (¶ 54/56) & Policy H5;
- Is it appropriate for Policy ENV4 to require the enhancement of amenity;
- Should the Plan confirm that new residential development should not be allowed near existing noisy or smelly farm buildings, to deal with the problem of development near existing bad-neighbour uses;
- Should the Plan confirm that SPG will be prepared by SMBC in conjunction with local communities.

Inspector's reasoning and conclusions

- 6.14 Policy ENV4 sought to protect and enhance the amenity of existing occupiers and the character of the area, with further guidance to be given in SPG. In response to objections, SMBC has deleted this policy in the Revised Deposit draft, adding the elements relating to the amenity of existing occupiers and the character of the area to Policy ENV2 and the supporting text. GO-WM confirms that Rev 6/4-6/13, with the cross-references to PPG3 and Policy H5, should meet its objections (1069/112RS). The deletion of Policy ENV4 would also overcome the concerns of most other objectors, the outstanding points being dealt with below or under Policy ENV2 (above).
- 6.15 The question of locating development near to existing *bad neighbour* uses is fully addressed in amended Policy ENV20 (Rev 6/39), which should meet NFU's concerns.

- 6.16 Hockley Heath residents are concerned that SPG should be prepared in conjunction with local communities at the same time as preparing a shared vision for the types of residential environment communities wish to see, in line with PPG3 (¶ 55). Proposal ENV2/1 (formerly ENV3/1) confirms that SMBC will prepare local design guidance to protect and enhance the local distinctiveness of urban areas, whilst Proposal ENV2/2 (formerly ENV4/1) indicates that guidance to protect and enhance the amenity of the built environment and its occupiers will be prepared. Policy IM2 confirms that all SPG will be subject to consultation with the public (¶ 12.2.2). Proposal C7/1 also supports the preparation of village design statements and other local guidance by local communities, which may be adopted as SPG. I consider these references confirm and sufficiently recognise the involvement of local communities in the preparation of SPG and other local guidance.

Recommendation

6.17 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

PROPOSAL ENV2/2: PROTECTION AND ENHANCEMENT OF AMENITY (previously Proposal ENV4/1)

Objections to First Deposit

1069/1049 – GO-WM; 1352/780 – Cala Properties; 1359/734 – Taylor Woodrow Devts Ltd; 1362/763 – Cala Homes (Midlands) Ltd; 1365/857 – Chase Midlands plc; 1386/819 – Marcity Devts; 1398/801 – Persimmon Homes (South Midlands) Ltd; 1427/837 – Wimpey Homes West Midlands Ltd; see also Hockley Heath Schedule (Annex D).

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- *Is the guidance to protect and enhance the amenity of the built environment and its occupiers compatible with PPG3, with regard to the need to make efficient use of land and avoid densities of less than 30dw/ha;*
- *Is it appropriate for the proposal to require the enhancement of amenity;*
- *Should the Plan confirm that design guidance will be prepared in conjunction with local communities, to reflect the intentions of PPG3 (¶ 55).*

Inspector's reasoning and conclusions

- 6.18 Proposal ENV2/2 (formerly ENV4/1) confirms that SMBC will prepare and review guidance to protect and enhance the amenity of the built environment and its occupiers. GO-WM confirms that its objections would be overcome by including policies relating to the efficient use of land (1069/112RS), as set out under Proposal ENV2/1 (see above), and these amendments should meet GO-WM's concerns.
- 6.19 I have already concluded that the enhancement of the built environment reflects the aims of good design practice, and is compatible with national policy in PPS1 & PPG3 (see Policy ENV2 above). Similar conclusions apply to Proposal ENV2/2. Some guidance on protecting and enhancing amenity in terms of house extensions is already available [CD163], and para 6.1.8 confirms that further guidance will be prepared on other types of development. As formal SPG, it would be subject to full public debate, and it therefore seems to me that this proposal would not necessarily result in an unduly onerous test for prospective developers.

- 6.20 Hockley Heath residents raise the same point as under Proposal ENV2/1 (see above). My conclusions regarding Policy IM2 & Proposal C7/1 are equally valid and confirm my view that these references adequately reflect the intentions of national advice in PPG3 (¶ 55) and in the Rural White Paper and PPS7. Consequently, there is no need for any further references under Proposal ENV2/2.

Recommendation

6.21 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

POLICY ENV5: CRIME PREVENTION

Objections to First Deposit 1275/1231 - CPRE

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Could Policy ENV5 be used to require inappropriate security development in the countryside, and should it be limited only to the urban environment.*

Inspector's reasoning and conclusions

- 6.22 Policy ENV5 seeks to minimise the potential for crime and anti-social behaviour in new developments, and expects developers to address these concerns in the design of new development, including the provision of security measures. CPRE is concerned that this could lead to inappropriate development in the countryside, particularly security lighting. However, as SMBC rightly says, the avoidance of crime and anti-social behaviour is an issue across the whole Borough, in both urban and rural areas. The need to minimise these elements of anti-social behaviour directly accords with SMBC's *Crime & Disorder Strategy [CD87]*. Further guidance on security measures will be provided under Proposals ENV2/1 & ENV2/2, whilst para 6.1.10 confirms that lighting schemes in the countryside would have to meet the requirements of Policy C9 and para 7.3.6.
- 6.23 Although I recognise that security measures such as walls, gates and lighting can sometimes give parts of the rural area a more urban appearance, such measures are sometimes unfortunately necessary in order to avoid crime and anti-social behaviour in the more rural areas of the Borough. I am therefore satisfied that Policy ENV5 provides an appropriate context to consider security measures in both urban and rural areas, particularly when read together with Policy C9.

Recommendation

6.24 I RECOMMEND NO MODIFICATIONS to the Plan to meet this objection.

POLICY ENV6: CONSERVATION AREAS**Objections to First Deposit**

1126/316 – Hampton-in-Arden Society; 1275/1232 – CPRE; 1387/565 – Marks & Spencer PLC.

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- Does Policy ENV6 adequately reflect national legislation and PPG15, and should there be a separate policy for development in Conservation Areas;
- Does Policy ENV6 place unduly onerous requirements on developers to “preserve and enhance” the character of Conservation Areas;
- Should Policy ENV6 give weight to the character of an area when changes or additions are proposed, referring to the “special character, architecture or historic interest” of an area.

Inspector’s reasoning and conclusions

- 6.25 Policy ENV6 seeks to preserve and enhance the special character and appearance of important parts of the Borough by designating and reviewing Conservation Areas and carefully considering development proposals within them. The boundaries of existing Conservation Areas are shown on the Proposals Map.
- 6.26 PPG15 (¶ 2.2-2.10) requires LPAs to set out the broad criteria for designating Conservation Areas in development plans, as in para 6.1.13 of this Review. It also (¶ 4.2-4.10) confirms the need to review their areas to consider whether further designation of Conservation Areas is appropriate, in line with national legislation in S71-72 of the Planning (LB&CA) Act 1990. In addition, LPAs are required to formulate and publish proposals for the preservation and enhancement of Conservation Areas and the protection of the special interest of such areas. Further guidance is provided in SMBC’s SPG on the *Historic Environment [CD161]*, as para 6.1.14 confirms. I therefore consider that the general approach and aims of Policy ENV6 reflect national guidance.
- 6.27 I understand that no new Conservation Areas or amendments to existing areas were made in this UDP Review. However, para 6.1.14 confirms that *reviewing* the designation of Conservation Areas, as envisaged by Policy ENV6, could include the designation of new ones, as well as reviewing the designation of existing Conservation Areas. Nevertheless, I consider it would be appropriate to make a brief reference to PPG15 in the text accompanying Policy ENV6, if only to acknowledge the existence of this national guidance and to be consistent with Policies ENV7 & ENV8.
- 6.28 The designation of Conservation Areas is a separate process from considering development proposals in such areas, as PPG15 (¶ 2.9) confirms, but I can see no compelling need for separate policies, provided that the appropriate tests are correctly set out. As Policy ENV6 is currently drafted, it clearly distinguishes the policy on reviewing the designation of Conservation Areas (as clarified in ¶ 6.1.13), and the general aim of preserving and enhancing their special character and appearance. It also sets out separately the tests for considering development proposals within or adjoining such areas, including demolition. These elements are combined in a single policy in the adopted UDP, with apparently no difficulties in application. There is nothing in national guidance that specifically requires separate policies on these matters, and the fact that there are separate policies in the Coventry UDP is not necessarily a sound reason to adopt this approach in Solihull. I therefore conclude that such an approach is unnecessary in this case.
- 6.29 SMBC confirms that Policy ENV6 aims to preserve and enhance the special character and appearance of Conservation Areas, as set out in the Conservation Area Appraisal documents, in line with PPG15 (¶ 2.8/4.4/4.10). In my view, this is a legitimate overall aim of the Policy in terms of SMBC’s

responsibilities towards Conservation Areas in general. However, when considering proposals for new development within or affecting the setting of such areas, Policy ENV6 confirms that these may be permitted if they would preserve or enhance the character and appearance of the Conservation Area. In my view, this reflects national policy in PPG15 (¶ 4.14-4.20) and imposes no more onerous requirement on prospective developers.

- 6.30 Policy ENV6 requires regard to be had to the *special architectural or historic interest* of the area. PPG15 (¶ 4.5) indicates that the principal concern of LPAs when designating Conservation Areas should be *whether the area is of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*. In my view, the wording in Policy ENV6 reflects the guidance in PPG15 (¶ 4.2-4.8), particularly given the further clarification provided by paras 6.1.12-6.1.14 in the Plan, and would ensure that the special character of Conservation Areas is preserved and enhanced.

Recommendation

6.31 I RECOMMEND that the Plan is **modified** by **amending** the text accompanying Policy ENV6 to include a reference to national guidance on Conservation Areas in PPG15.

PROPOSAL ENV6/1: CONSERVATION OF THE HISTORIC ENVIRONMENT

PROPOSAL ENV6/2: CONSERVATION AREA APPRAISAL DOCUMENTS

PROPOSAL ENV6/3: CONSERVATION AREAS ENHANCEMENT PROGRAMME

There were no objections to these proposals

POLICY ENV7: LISTED BUILDINGS

Objections to First Deposit

1126/315 – Hampton-in-Arden Society;
1275/1233 – CPRE.

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- *Should Policy ENV7 be subdivided to cover the three elements of development affecting listed buildings and provide further explanation of the criteria needed to justify the demolition of such buildings;*
- *Should Policy ENV7 permit changes of use of a listed building only if it is demonstrated that the use for which it was designed is no longer feasible and the proposal would contribute to the conservation of the building whilst preserving or enhancing its special character.*

Inspector’s reasoning and conclusions

- 6.32 Policy ENV7 sets out the approach to development proposals that affect listed buildings in the Borough. The three elements of development that may affect listed buildings, namely alteration/extension, change of use and demolition, are the subject of separate sentences in the Policy, so there can be no doubt that each matter is covered with sufficient clarity. However, neither Policy ENV7 nor the supporting text specifically lists the considerations relevant to the demolition of listed buildings set out in PPG15 (¶ 3.19), namely, the condition of the building, the efforts to retain it and the merits of alternative proposals. Although these matters would be covered by national policy, it

would be helpful if these considerations are briefly referred to in the text supporting Policy ENV7, to address this element of HIAS' objection. The general presumption in favour of preserving listed buildings and the need for a convincing case to justify demolition is already mentioned in para 6.1.17.

- 6.33 SMBC confirms that the best use for a listed building will often be the original use, but this is unlikely to be the only solution in every case. PPG15 (¶ 3.10) confirms this approach, advising that the first option should be the continuation or reinstatement of that use, but not all original uses may necessarily be viable or appropriate. SMBC has no objection to clarifying this point at the end of para 6.1.8, stating that: "*When considering the future of a listed building, the continuation or reinstatement of the original use will be the first option*". In my view, this would go some way towards meeting CPRE's concerns and I recommend accordingly.

Recommendation

- 6.34 I RECOMMEND** that the Plan is ***modified*** by:
- (i) *amending paragraph 6.1.17 to include a reference to PPG15 (¶ 3.19) and the specific tests needed when considering the demolition of listed buildings;*
 - (ii) *amending paragraph 6.1.18 to indicate that: "When considering the future of a listed building, the continuation or reinstatement of the original use will be the first option".*

POLICY ENV8: 'LOCALLY LISTED' BUILDINGS

There were no objections to this policy.

PROPOSAL ENV8/1: BUILDINGS OF LOCAL ARCHITECTURAL OR HISTORIC INTEREST

There were no objections to this proposal

POLICY ENV9: ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES

Objections to First Deposit

1126/314 – Hampton-in-Arden Society.

Objections to Revised Deposit

1275/136/R – CPRE (see Proposal ENV9/1).

Key issues

- *Does Policy ENV9 adequately reflect national guidance in PPG16 and contain relevant policy guidance rather than reasoned justification.*

Inspector's reasoning and conclusions

- 6.35 Policy ENV9 seeks to safeguard and encourage the enhancement of the Borough's archaeological remains and provides for the assessment of sites and excavation/recording of remains where appropriate. PPG16 (¶ 15-16) confirms that development plans should include policies for the protection, enhancement and preservation of sites of archaeological interest, and identify such sites on the Proposals Map. Policy ENV9 covers the safeguarding and enhancement of archaeological remains, refers to the presumption in favour of preserving national remains in situ, and sets out the tests against which development proposals will be considered, with further guidance given in the supporting text.

- 6.36 I realise that Policy ENV9 includes some elements of reasoned justification, but this is relevant to developers and *Warwickshire Museum Field Services*, SMBC's advisors on archaeological matters. I also recognise that the Policy is more detailed than that in the adopted UDP and in the adjoining Coventry UDP. However, in general terms, I am satisfied that Policy ENV9 and the supporting text reflect the guidance in PPG16 and fit the Solihull situation.

Recommendation

6.37 I RECOMMEND NO MODIFICATIONS to the Plan to meet this objection.

PROPOSAL ENV9/1: ANCIENT MONUMENT MANAGEMENT PLANS

Objections to First Deposit 1126/1130 – Hampton-in-Arden Society.

Objections to Revised Deposit 1126/510/R – Hampton-in-Arden Society; 1275/136/R – CPRE.

Key issues

- *Should Proposal ENV9/1 give first priority to the preparation of a management plan for Packhorse Bridge, Hampton-in-Arden, specifying that it will be prepared within 5 years of adopting the Plan.*

Inspector's reasoning and conclusions

- 6.38 Proposal ENV9/1 confirms that SMBC will prepare management plans for the ancient monuments in its ownership, starting with Hobs Moat Ancient Monument. Specific reference to Packhorse Bridge is proposed in the supporting text (¶ 6.1.24 [CD156/175]), which would go some way to meeting CPRE's objection, and I recommend accordingly. Furthermore, at the inquiry, SMBC confirmed its commitment to preparing a management plan for this site within the timescale of the UDP Review, but this depends on funding and other resources. However, in view of the damaging pressures on Hobs Moat from urban and recreational activities, SMBC is giving top priority to this site.
- 6.39 HIAS argues that Packhorse Bridge should have more significance in view of the greater use of this area and the various developments that have taken place to and around the bridge. However, some priority has to be given to both of these management plans, and in the absence of sufficient resources to undertake both management plans at an early stage, one has to have priority over another. I am satisfied that first preference should be given to Hobs Moat, due to the damaging urban and recreational activities, but priority should also be given to Packhorse Bridge as soon as possible, subject to funding and resources. SMBC is fully aware of the need to prepare a management plan for Packhorse Bridge at the earliest opportunity, and the commitment to prepare such a plan for this site within the Plan's timescale should give some comfort to HIAS that this site will not be ignored.

Recommendation

6.40 I RECOMMEND that the Plan is modified by amending paragraph 6.1.24 to include **Packhorse Bridge in the last sentence of the text [CD156/175].**

POLICY ENV10: TELECOMMUNICATIONS/ELECTROMAGNETIC FIELDS**Objections to First Deposit**

1360/1122 – BT Group plc; 1396/177 – One2One Personal Communications Ltd; 1408/935 – SecondSite Property Holdings; 1422/368 – Vodafone Ltd.

Objections to Revised Deposit

1037/336/R – Network Rail Infrastructure Ltd; 1360/211/R – BT Group plc; 1393/328/R* – National Grid; 1498/58/R-59/R – Orange PCS Ltd.

Key issues

- Does Policy ENV10 properly reflect national guidance in PPG8;
- Is Policy ENV10 incomplete in terms of identifying sensitive locations; should residential areas, education/health institutions and public open spaces be omitted; and should sensitive locations be clarified in the supporting text;
- Should the text accompanying Policy ENV11 promote the benefits of telecommunications, delete references to need and clarify the position on sensitive locations, safety guidelines and ICNIRP certification;
- Rev 6/19: Should there be separate policies on Telecommunications and Electromagnetic Fields;
- Rev 6/19: Does the requirement for the location of masts conflict with PPG8.

Inspector's reasoning and conclusions

- 6.41 As worded in the Revised Deposit draft, Policy ENV10 sets out the approach to telecommunications development and development near electricity generation, transmission and distribution sources. However, SMBC intends to provide separate policies for these two elements, leaving the first two paragraphs of Policy ENV10 unchanged, retitling it *Telecommunications*, and introducing a new policy (Policy ENV4) at the end of the Design section of this chapter to cover *Electricity Generation, Transmission and Distribution Sources*, followed by supporting text [CD156/175]. This would clearly separate the considerations relevant to each type of development and address most of the objectors who suggest that there should be separate policies.
- 6.42 National guidance in PPG8 promotes telecommunications development, but emphasises the need to minimise its environmental and visual impact on both urban and rural areas. PPG8 (¶ 37-41) sets out guidance on development plans, and I am generally satisfied that the amended policy adequately reflects this guidance.
- 6.43 As for the remaining objections, Rev 6/19-6/21 would address most of the outstanding points. Rev 6/19 adds further sensitive locations, but I cannot support the deletion of the disputed *sensitive* locations, since this could exclude some of the sensitive locations in the Borough. PPG8 refers to the need to protect the countryside and urban areas, particularly SSSIs, Green Belts and listed buildings, whilst the other sensitive locations are referred to in other policies in the Plan, as clarified in Rev 6/21 (¶ 6.1.27). In my view, this reflects national guidance in PPG8 (¶ 3-4/7/64-81). SMBC confirms that Policy ENV10 does not impose any *no-go* areas, but to restrict the sensitive areas only to Article 1(15) land would rule out most of the Borough including the Green Belt areas and other locally sensitive environments. Rev 6/19 clarifies the reference to the needs of *telecommunications operators* in the Policy, whilst Rev 6/20 clarifies the position on ICNIRP certification.
- 6.44 In Rev 6/19, the requirement for masts to be located at least twice the distance of its height from the nearest house is a useful rule of thumb as a starting point for each case. It would help to protect nearby residents from the visual intrusion and amenity consequences of some forms of telecommunications development, and reflects the guidance in PPG8 (¶ A12-14). Guidance covering health considerations is set out in PPG8 (¶ 82-101), which advises against further precautionary actions.

- 6.45 Consequently, I am satisfied that the amended policy reflects these elements of PPG8 and, apart from the amendments already proposed, I conclude that no further revisions are needed to Policy ENV11 or new Policy ENV4.

Recommendation

6.46 I RECOMMEND that the Plan is **modified** by amending Policy ENV11 and the supporting text as already proposed, including the addition of a new Policy ENV4 covering Electricity Generation, Transmission and Distribution Sources, with supporting text [CD156/175].

POLICY ENV11: IMPORTANT NATURE CONSERVATION SITES

Objections to First Deposit

1126/312 – Hampton-in-Arden Society; 1134/636* – English Nature; 1301/657 – Warwickshire Wildlife Trust; 1359/735 – Taylor Woodrow Devts Ltd; 1362/764 – Cala Homes (Midlands) Ltd; 1398/802 – Persimmon Homes (South Midlands) Ltd; 1403/1095 – RMC Aggregates (Western) Ltd.

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- *Should the wording of Policy ENV11 be strengthened to cover mitigation and enhancement;*
- *Should the title of Policy ENV11 be amended to cover the “protection” of nature conservation sites and should it be worded in a negative form;*
- *Should Policy ENV11 include an additional safeguard to ensure that no alternative sites are appropriate for the proposed development;*
- *Is Policy ENV11 unnecessarily restrictive and should it allow development, whilst protecting or mitigating nature conservation interests;*
- *Does Policy ENV11 adequately distinguish between the levels of protection provided for the hierarchy of nature conservation sites.*

Inspector’s reasoning and conclusions

- 6.47 Policy ENV11 seeks to protect areas of national and local importance for nature conservation and sets out the level of protection that applies to the various sites. Rev 6/22 confirms that planning obligations may be used to provide appropriate mitigation or compensatory measures, which would meet English Nature’s objection. At the inquiry, SMBC confirmed that Policy ENV11 reflects national guidance in PPG9 (¶ 18/22-26). *Since the close of the inquiry, a draft version of PPS9 has been issued, for consultation purposes.*
- 6.48 The underlying basis of Policy ENV11 is the *protection* of important nature conservation sites, and its title reflects its content and the nature of the sites that are subject to this policy. In my view, this is appropriate and consistent with the titling of other policies in the SUDPR. It makes little difference to the application of this Policy whether it is worded negatively or positively, although I note that the current form of wording reflects guidance produced by POS. Of more importance are the tests that have to be met by prospective developments, which are clearly set out in the Policy. At the inquiry, HIAS argued that the same level of policy protection should apply to all nature conservation sites, but this would be contrary to national guidance in PPG9.
- 6.49 Although PPG9 does not indicate that the availability of alternative sites is a relevant consideration for all nature conservation sites, it is central when considering development applications affecting SPAs & SACs (PPG9; Annex C). Draft PPS9 (¶ 1(v)) also confirms that LPAs should be satisfied that any reasonable alternative sites that would result in less harm to conservation

interests have been fully considered. It therefore seems to me that national policy is taking a stronger line on this matter. Rather than recommending a specific form of words in the Policy, I recommend that SMBC reviews this position in the light of emerging national guidance in PPS9 and following consultation with English Nature, to ensure that the SUDPR reflects the latest national guidance on the relevance of considering alternative sites. This would address WWT's concerns.

- 6.50 Bearing in mind the national guidance in PPG9 (¶ 18/22-27) and draft PPS9, I am satisfied that Policy ENV11 is not unduly restrictive towards potential development. Rev 6/22 specifically covers the question of mitigation and compensatory measures, which should address the house-builders' concerns.
- 6.51 In response to RMC, Policy ENV11 as currently drafted accords different weight to each level of nature conservation designation, clearly distinguishing the policy relating to SSSIs, and regional/local sites of nature conservation/geological interest. This fully reflects national guidance in PPG9 (¶ 18). Conversely, the wording suggested by RMC is far too detailed and unnecessarily duplicates national policy in PPG9 which, in any event, would apply to development proposals.

Recommendation

6.52 I RECOMMEND that the Plan is **modified** by reviewing Policy ENV11 and the supporting text in terms of the possible need to consider alternative sites, in the light of emerging national guidance in PPS9 and following consultation with English Nature.

PROPOSAL ENV11/1: SITES OF SPECIAL SCIENTIFIC INTEREST, SITES OF IMPORTANCE FOR NATURE CONSERVATION AND REGIONALLY IMPORTANT GEOLOGICAL SITES

Objections to First Deposit

1126/1135 – Hampton-in-Arden Society; 1430/1087 – Mr D F L Harrison.

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- *Is Proposal ENV11/1 necessary;*
- *Should the Plan include all the Borough's SINC's, including reviewing the boundary of the Tythebarn Lane SINC.*

Inspector's reasoning and conclusions

- 6.53 Proposal ENV11/1 supports the designation of existing and new SSSIs, SINC's & RIGS, and is endorsed by English Nature. At the inquiry, SMBC explained that SSSIs are designated by English Nature, SINC's are designated by the *Warwickshire/Coventry/Solihull Habitat Biodiversity Audit Partnership* and RIGS are designated by the *Warwickshire Geological Conservation Group*. All these sites are shown on the Proposals Map. Proposal ENV11/1 effectively supports the principle of designating existing sites, along with further survey work to identify additional sites. I understand that work has been undertaken on SSSIs & SINC's, and further work is being undertaken on the designation of SINC's. Given the national, regional and local importance of such sites, I consider it is appropriate to include a policy confirming the importance of such designations and the need for further work to be undertaken.

- 6.54 I understand that all SINCs shown on the Proposals Map, including *Little Tyburn Coppice*, *Tythebarn Lane*, are being reviewed outside the SUDPR process. SMBC confirms that the results of this review, including a revised list of sites with boundaries shown on the Proposals Map, will be incorporated into the Plan when formal modifications are made, prior to adoption [UDP.144.AE/CD179(48)]. This should address Mr Harrison's concerns, and I recommend accordingly. I also note that the objector's ecological assessment confirms that the woodland, already protected by a TPO, fully warrants SINC status. I deal with the other objections to this site in the Housing Omission Sites section of my report (Chapter 3A).

Recommendation

6.55 I RECOMMEND that the Plan is **modified** by incorporating the results of the review of Sites of Importance for Nature Conservation into the UDP Review at the formal modifications stage before the Plan is adopted.

PROPOSAL ENV11/2: SURVEY OF REGIONALLY IMPORTANT GEOLOGICAL SITES

Objections to First Deposit 1126/1134 – Hampton-in-Arden Society.
Objections to Revised Deposit There were no objections to the Revised Deposit draft

Key issues

- *Is Proposal ENV11/2 necessary.*

Inspector's reasoning and conclusions

- 6.56 Proposal ENV11/2 confirms that SMBC will undertake a survey of potential RIGS in consultation with the WGCG. I understand that there are only 3 designated RIGS within the Borough, but this is partly due to the absence of a comprehensive survey of potential sites. I also understand that WGCG does not have the resources to undertake a full survey, hence Proposal ENV11/2. At the inquiry, SMBC confirmed that this survey would be undertaken within the timescale of the Plan, and that this Proposal is endorsed by English Nature. It therefore seems to me that Proposal ENV11/2 is wholly appropriate and necessary, given the regional importance of these geological sites.

Recommendation

6.57 I RECOMMEND **NO MODIFICATIONS** to the Plan to meet this objection.

PROPOSAL ENV11/3: LOCAL NATURE RESERVES

Objections to First Deposit 1126/1133 – Hampton-in-Arden Society;
 1293/18 – National Farmers Union.
Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Is Proposal ENV11/2 necessary;*
- *Should the supporting text confirm that landowners will be consulted on proposals for new LNRs.*

Inspector's reasoning and conclusions

- 6.58 Proposal ENV11/3 confirms that SMBC will implement and review its *Nature Conservation in Solihull* strategy [CD92]. It effectively commits SMBC to three actions: protecting and managing existing LNRs and establishing new LNRs, all of which are under its control. I understand that this proposal is supported by

English Nature and that consultation with landowners takes place before a LNR is formally designated. SMBC clearly has powers to establish LNRs, but Proposal ENV11/3 provides a firm commitment to the maintenance of existing sites and the establishment of new sites for the purposes of nature conservation. I see nothing objectionable in this commitment.

- 6.59 SMBC only has the power to establish LNRs where it has a legal interest in a site which is of importance to nature conservation, as para 6.2.5 confirms. At the inquiry, SMBC confirmed that landowners would probably be consulted, but since SMBC has to have some legal interest in the land before a LNR can be established, and it has to meet specific criteria, I consider it is unnecessary for this to be made explicit in the text supporting Proposal ENV11/3.

Recommendation

6.60 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

POLICY ENV12: CONSERVATION OF BIODIVERSITY

Objections to First Deposit

1359/736 – Taylor Woodrow Devts Ltd; 1362/765 – Cala Homes (Midlands) Ltd; 1365/858 – Chase Midlands plc; 1398/803 – Persimmon Homes (South Midlands) Ltd.

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- *Is Policy ENV12 unduly restrictive and onerous, particularly in terms of needing to take account of the nature conservation value of land outside designated sites and maximising the potential for habitat creation and enhancement.*

Inspector's reasoning and conclusions

- 6.61 Policy ENV12 seeks to conserve and enhance the biodiversity of the Borough, in line with national guidance in PPG9 and the UK Biodiversity Action Plans. PPG9 (¶ 2) confirms the government's objective to ensure the conservation of the abundance and diversity of wildlife and its habitats. PPG9 (¶ 23-24) also requires development plans to include policies to protect and enhance nature conservation interests, including existing designated sites and new habitats. More recent draft guidance in PPS9 (2004) seeks to maintain, conserve, enhance and add to biodiversity. In my view, Policy ENV12 fully reflects national guidance in these documents.
- 6.62 Nature conservation issues are not confined by administrative or site boundaries, and so it is reasonable to expect developers to take account of the nature conservation value of sites outside designated areas. Furthermore, in the interests of enhancing biodiversity, it is equally appropriate to expect developers to maximise the potential of habitat creation and enhancement. Consequently, I conclude that Policy ENV12 is not unduly restrictive or onerous in terms of considering development proposals.

Recommendation

6.63 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

**PROPOSAL ENV12/1: WARWICKSHIRE, COVENTRY AND SOLIHULL
HABITAT BIODIVERSITY AUDIT**

**PROPOSAL ENV12/2: WARWICKSHIRE LOCAL BIODIVERSITY
ACTION PLANS**

PROPOSAL ENV12/3: NATURE CONSERVATION STRATEGY

There were no objections to these proposals

PROPOSAL ENV12/4: ENVIRONMENTAL CORRIDORS

Objections to First Deposit 1275/1235 – CPRE.

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Should Proposal ENV12/4 expect landscaping schemes to address amenity and wildlife issues along new or improved transport corridors, and should Policy ENV12 specifically include transport corridors.*

Inspector’s reasoning and conclusions

6.64 Proposal ENV12/4 confirms that SMBC will landscape transport corridors, to promote nature conservation and amenity. This proposal recognises that transport corridors can provide opportunities for tree planting and landscaping, which can enhance amenity and provide wildlife corridors. I understand that it relates only to land within SMBC’s control and focuses on transport corridors such as major roads.

6.65 Proposal ENV12/4 provides a firm commitment for SMBC to provide landscaping along transport corridors, both existing and new, ensuring that this matter is considered when new roads or road improvements take place. Major road schemes outside SMBC’s direct control, such as M6/M42 widening, would be subject to specific proposals where landscaping would be considered by the relevant body or agency, ensuring the conservation and enhancement of biodiversity. Such schemes would also be considered under the terms of Policy T11. Policy ENV12 covers the general conservation and enhancement of biodiversity across the whole Borough, including rivers, canals and other natural corridors, whilst Policy ENV15 provides for further tree planting and landscaping. I therefore consider CPRE’s concerns are addressed without needing any amendment to Proposal ENV12/4 or Policy ENV12.

Recommendation

6.66 I RECOMMEND NO MODIFICATIONS to the Plan to meet this objection.

PROPOSAL ENV12/5: PROJECT KINGFISHER

There were no objections to this proposal

POLICY ENV14: WILDLIFE SPECIES

Objections to First Deposit 1069/1050 – GO-WM; 1126/310 – Hampton-in-Arden Society; 1134/637* – English Nature.

Objections to Revised Deposit 1499/62/R – Quarry Products Association.

Key issues

- Does Policy ENV14 cut across the site-based system of conservation and conflict with PPG9, as well as resulting in unnecessary constraints on development;
- Should ¶ 6.2.16 be strengthened to clarify the position in relation to European protected species;
- Rev 6/30: Should the amended policy “seek” rather “require” the use of conditions or planning obligations to secure compensation for species loss;
- Should Policy ENV14 be worded in a negative rather than positive manner.

Inspector’s reasoning and conclusions

- 6.72 Policy ENV14 sets out the approach towards development which is likely to cause harm to any species protected under the Wildlife & Countryside Act and subsequent legislation. In its guidance, English Nature recommends including a policy safeguarding protected wildlife species in development plans.
- 6.73 The statutory provisions relating to *protected species* are set out in PPG9 (¶ 44-48). Draft PPS9 (¶ 14) also advises that such species should be protected from further decline and from the adverse effects of development, where appropriate, by using planning conditions or obligations. *Protected species* are formally protected in other legislation, both under EU law and in the Wildlife & Countryside Act, and so any reference in Policy ENV14 is, strictly speaking, unnecessary. However, of more importance is the additional clause added by Rev 6/30, which confirms the requirement for compensatory measures through planning conditions or obligations. Further clarification about the species protected under European legislation is given in Rev 6/31 (¶ 6.2.16). In my view, this satisfactorily addresses the main elements of EU & UK legislation, along with the guidance in PPG9/PPS9, without being incompatible or in conflict with this legislation and guidance. These amendments go some way to meeting GO-WM’s points.
- 6.74 I understand that Rev 6/30-6/31 accord with advice from English Nature (1134/637) and would address its concerns. It is important to read the second element of amended Policy ENV14 with the first element of the policy, which refers to development likely to cause harm to *protected species*. In line with national guidance in PPG9, where such species are likely to be affected, it is only fair and reasonable to require any necessary compensatory measures to protect the species, reduce disturbance and provide alternative habitats. However, I can see some possible conflict with the guidance in Circular 1/97 (¶ 5), which indicates that planning obligations may be *sought*, rather than required. Consequently, I consider some minor amendment of the second clause of Policy ENV14 is justified, along the lines suggested by QPA, to clarify the situation. In my view, this minor amendment would not weaken the policy or conflict with the approach originally suggested by English Nature.
- 6.75 In response to HIAS, SMBC has endeavoured to phrase policies positively, in line with advice on drafting policies from POS. However, this guidance is not always consistent and, to my mind, it makes little difference to the application of this policy whether it is worded negatively or positively. Although a negatively-worded policy might be thought to better protect nature conservation interests, I am satisfied that the amended wording of the policy clearly sets out the criteria that would have to be met before permitting

development which might adversely affect wildlife species. I note that this positive form of policy is supported by English Nature and I can see no need for any further amendments.

Recommendation

6.76 I RECOMMEND that the Plan is **modified** by **amending** the initial wording in the second clause of Policy ENV14 to read: **Where development is permitted, the Council may impose planning conditions or will seek to enter into planning obligations with developers to secure all compensatory measures necessary.....**

POLICY ENV15: TREES AND WOODLANDS

Objections to First Deposit 1389/1139 – Meriden Parish Council

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Should the Plan do more to enhance the landscape of urban and rural areas by planting more trees, particularly in the context of the Forest of Arden initiative and the Arden/Warwickshire Landscape Guideline area.*

Inspector's reasoning and conclusions

6.77 Policy ENV15 seeks to protect and enhance important trees, hedgerows and woodlands and encourages the creation of new woodlands. MPC supports this policy as far as it goes, but wishes to see a more positive approach towards tree planting. In terms of implementation and delivery of this policy, SMBC confirms that Proposals ENV15/1-5 are particularly relevant, referring to its *Woodlands in Solihull strategy [CD102]*, *Urban Tree Strategy*, *Solihull's Countryside [CD95]* & *Woodland Management Programme*, with the associated tree warden and ranger schemes. Proposal ENV15/4 confirms that SMBC will continue to grant-aid tree and woodland planting, in association with the Forestry Commission and Woodland Trust, which currently accounts for about £8,500/year. TPOs will be used to protect important trees and woodlands, under Proposal ENV15/5, whilst Proposal ENV12/2 supports the preparation of local biodiversity action plans [CD84]. In addition, Proposal C8/2 confirms that the *Warwickshire Landscape Guidelines for Arden* (which have been adopted by SMBC as SPG) will be used to protect and enhance landscape character.

6.78 It therefore seems to me that there are a whole range of proposals and initiatives that support Policy ENV15 and its implementation. I recognise that, in the past, there may have been some inconsistencies in the Meriden area, and much would depend on the consistent and positive application and enforcement of these policies and proposals. However, I conclude that Policy ENV15, along with the associated policies and proposals, provides a sound and positive basis to safeguard existing trees, hedgerows and woodland and encourage new tree planting without needing any further amendments.

Recommendation

6.79 I RECOMMEND NO MODIFICATIONS to the Plan to meet this objection.

PROPOSAL ENV15/1: WOODLANDS IN SOLIHULL
PROPOSAL ENV15/2: URBAN TREE STRATEGY
PROPOSAL ENV15/3: WOODLAND MANAGEMENT PROGRAMME
PROPOSAL ENV15/4: NEW TREES AND WOODLANDS

There were no objections to these proposals

PROPOSAL ENV15/5: TREE PRESERVATION ORDERS

Objections to First Deposit 1228/367 – Woodland Trust.

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Does the Plan pay sufficient attention to the historical and cultural value of individual ancient and mature trees.*

Inspector's reasoning and conclusions

- 6.80 Proposal ENV15/5 confirms that TPOs will continue to be made to safeguard important trees and woodland that contribute to the quality of the built and rural environment, and protect important hedgerows. Policy ENV15 also confirms that ancient and semi-natural woodlands will be protected and enhanced, whilst Policy ENV9 safeguards ancient monuments and Policy ENV11 would help to protect trees of importance to wildlife. However, neither this policy nor Proposal ENV15/5 specifically refers to individual *ancient* trees, which may be important for historic or cultural reasons. Moreover, such trees may not always be protected under TPO legislation, since some may be old and decaying and may not meet the relevant criteria.
- 6.81 I have no information on the number of potential trees that might fall into this category, and therefore cannot say whether this matter is particularly relevant in this Borough. However, I am confident that the range of initiatives being promoted in Solihull, including the *Woodlands in Solihull* strategy [CD102], *Urban Tree Strategy*, *Solihull's Countryside* [CD95] & Woodland Management Programme, along with the associated tree warden and ranger schemes, will ensure that ancient trees with historical or cultural value are not overlooked. In my view, the relevant policies, proposals and initiatives in the SUDPR should ensure that such trees have sufficient protection without needing any further amendments to this proposal or other policies in the Plan.

Recommendation

6.82 I RECOMMEND NO MODIFICATIONS to the Plan to meet this objection.

PROPOSAL ENV15/6: TREES ON DEVELOPMENT SITES

There were no objections to this proposal

POLICY ENV16: AIR POLLUTION

Objections to First Deposit 1126/308 – Hampton-in-Arden Society.

Objections to Revised Deposit There were no objections to the Revised Deposit draft

Key issues

- *Should Policy ENV16 specify appropriate air quality objectives, including specific pollutants, either in the policy or in an appendix.*

Inspector's reasoning and conclusions

- 6.83 Policy ENV16 seeks to protect and enhance the Borough's air quality by ensuring that new development does not harm the achievement of national air quality objectives of any Air Quality Management Plan. At the inquiry, SMBC confirmed that Policy ENV16 complies with national guidance in PPG23, but explained that national air quality standards are subject to change. Current national guidance is set out in the national Air Quality Strategy 2000, amended in 2003, with more up-to-date guidance available on the relevant DEFRA web-site. *Since the inquiry closed, revised national guidance on air quality has been issued in PPS23 (November 2004), and so para 6.3.1 needs to be updated to refer to this latest document.*
- 6.84 Under Part IV of the Environment Act 1995, SMBC is responsible for reviewing and assessing ambient air quality in its area. SMBC regularly monitors and reviews air quality within the Borough, and the latest report indicates that 2003 air quality standards are expected to be met, as para 6.3.1 confirms. I understand that the Borough's main monitoring station in Hampton-in-Arden monitors all the required air quality data, including pollutants and particulates, and air quality around the M42 is also monitored.
- 6.85 I can understand HIAS' concern about the absence of specific figures and pollutants against which air quality should be monitored. I also realise that any air quality issue that relates to land use and its development is capable of being a material planning consideration. However, it seems to me that the underlying purpose of Policy ENV16 is soundly based and reflects national guidance. The difficulty of including current air quality standards in a long-term plan is that they change frequently, and so the plan would soon be out of date. I understand that air quality is the responsibility of SMBC's Environmental Health officers, who should have the latest figures and standards to hand. I therefore conclude that it would be inappropriate for the SUDPR to include detailed air quality standards, either in Policy ENV16 or an appendix, principally because such standards are frequently changed and updated.

Recommendation

6.86 *I RECOMMEND that the Plan is **modified** by amending paragraph 6.3.1 to refer to the latest national policy guidance, now contained in PPS23.*

POLICY ENV17: CONTAMINATED LAND

There were no objections to this policy

PROPOSAL ENV17/1: CONTAMINATED LAND INFORMATION

There were no objections to this proposal

POLICY ENV18: WATER PROTECTION

Objections to First Deposit 1380/52 – House Builders Federation.

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Should the Policy give more consideration to the potential adoption and maintenance problems of sustainable drainage systems, with SPG identifying the responsibilities of the Council and Environment Agency.*

Inspector's reasoning and conclusions

6.87 Policy ENV18 seeks to protect the quality of ground and surface water resources by preventing development that would cause water pollution or threaten existing resources, in line with the latest national guidance in PPS23 (November 2004). Rev 6/34 acknowledges that sustainable drainage systems may not always be appropriate, whilst Rev 6/36 (¶ 6.3.6) gives more information about such systems and confirms that the Environment Agency is responsible for providing guidance. In my view, these revisions go a long way towards meeting HBF's concerns and no further amendments are needed.

Recommendation

6.88 I RECOMMEND NO MODIFICATIONS to the Plan to meet this objection.

PROPOSAL ENV18/1: SUSTAINABLE DRAINAGE SYSTEMS

Objections to First Deposit There were no objections to the First Deposit draft

Objections to Revised Deposit 1275/141/R – CPRE.

Key issues

- *Rev 6/37: should the words "or impossible to achieve" be deleted from revised Proposal ENV18/1.*

Inspector's reasoning and conclusions

6.89 Proposal ENV18/1 expects sustainable drainage systems to be incorporated into all developments unless it is inappropriate or impossible to achieve. I understand that Rev 6/37 was made in response to objections (including GO-WM) at First Deposit stage. Although the provision of sustainable drainage in new developments is an important objective, particularly of the Environment Agency, there may be circumstances where such drainage is inappropriate, undesirable or impractical. The clause added to the policy merely reflects realism and does not necessarily weaken the policy, since it is the developer who has to demonstrate that sustainable drainage is not appropriate or impossible to achieve in a particular scheme. Consequently, I cannot see that the inclusion of this phrase would make it more difficult to refuse planning permission where inadequate provision for drainage is proposed.

Recommendation

6.90 I RECOMMEND NO MODIFICATIONS to the Plan to meet this objection.

POLICY ENV19: NOISE**Objections to First Deposit**

1101/710 – Balsall Parish Council; 1175/629 – Sport England; 1293/12 – National Farmers Union; 1424/595 – Westbury Homes (Holdings) Ltd.

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- *Should Policy ENV19 include noise from agriculture and agricultural processes;*
- *Should the cross-reference to Policy C10 be deleted, since it would prevent noise-generating activities in the countryside, such as noisy outdoor sports;*
- *Should Policy ENV19 ensure that new residential development is not permitted near existing noisy buildings;*
- *Should Policy ENV19 acknowledge that careful design of development layouts can offset the effects of noise.*

Inspector's reasoning and conclusions

- 6.91 Policy ENV19 seeks to prevent development that creates noise taking place near noise-sensitive uses and in locations subject to significant noise. National guidance on noise is set out in PPG24.
- 6.92 In response to BPC, SMBC confirms that noise from agriculture and agricultural operations is already covered by Policy ENV19 & para 6.3.7. Although some agricultural development does not need planning permission, the principles and approaches outlined in PPG24 are relevant to such processes where planning permission is required.
- 6.93 Sport England is concerned that Policy ENV19 would have a detrimental impact on noise-generating sport and recreation activities, such as motor-sports and shooting, and suggests that such activities should be subject to a noise assessment and appropriate planning conditions or a management agreement. PPG24 (Annex 3.22) gives some guidance on noise from recreational and sporting activities, whilst PPG17 generally promotes sport, recreation and leisure facilities, but has little to say about those facilities that generate noise. This objection is directly related to a similar concern about the restrictions of Policy C10 (Recreation in the Countryside), which I deal with in Chapter 7 of my report. Para 6.3.10 specifically indicates that this policy seeks to protect the countryside from noisy recreation activities, which I consider is a timely and relevant cross-reference.
- 6.94 Since many noise-generating sports and recreation activities would take place in the countryside, I consider it is more appropriate to address these concerns under Policy C10 rather than under this more general policy covering noise from all forms of development. In any event, under the terms of the first part of Policy ENV19, prospective developers would have to undertake noise assessments in order to determine the nature of any necessary mitigation measures. I can therefore see no need for any amendments to Policy ENV19 or the supporting text in response to this objection.
- 6.95 The question of locating noise-sensitive developments, such as residential development, away from existing sources of significant noise is specifically covered in the final sentence of Policy ENV19, thus meeting NFU's objection. Rev 6/38 (¶ 6.3.8) recognises that careful design of new development may be able to offset the effects of noise, addressing Westbury Homes' concerns.

Recommendation

6.96 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

POLICY ENV20: BAD NEIGHBOUR USES***Objections to First Deposit***

1126/307 – Hampton-in-Arden Society;
1382/352 – Lafarge Aggregates Ltd

Objections to Revised Deposit

There were no objections to the Revised Deposit draft.

Key issues

- *Does Policy ENV20 introduce an inappropriate policy which might conflict with the minerals policies in the Plan;*
- *Should Policy ENV20 acknowledge that mitigation and pollution control measures can be undertaken to reduce pollution from mineral workings, recognise that restoration can have positive environmental effects, and not label mineral workings as “bad-neighbour” development.*

Inspector’s reasoning and conclusions

- 6.97 Policy ENV20 seeks to protect the amenity of residential and shopping areas, community facilities and open space from *bad-neighbour* uses, such as mineral workings, waste disposal, sewage treatment works and some intensive agricultural uses.
- 6.98 HIAS is concerned that Policy ENV20 attempts to reintroduce the out-dated concept of *bad-neighbour* development, but it lacks any clear description of such development and could prevent mineral extraction from taking place. I understand that Policy ENV20 elaborates on Policy ENV9 in the adopted UDP [CD111] and does not reintroduce a new concept or approach. Policy ENV20 outlines the nature of such development, with further examples given in para 6.3.11, although this is not exclusive. SMBC confirms that Policy ENV20 could be used to prevent mineral extraction close to sensitive uses, such as housing and open space, but only where the development would be seriously harmful and could not be appropriately mitigated. Given that such development would also have to meet the criteria in Policy M4, I cannot see that there is any conflict between these policies. The main aim is to ensure that established residential and other areas and facilities are not adversely affected by uses that would cause harmful smell, noise or pollution. In my view, the Policy succeeds in reflecting this aim without needing any further amendments.
- 6.99 Policy ENV20 already recognises the role of mitigation and attenuation measures and that such development may not always be seriously harmful. Both the Policy and the accompanying text confirm that development which would be potentially harmful would be expected to incorporate appropriate attenuation, mitigation or compensatory measures to reduce the impact. Policy ENV20 does not necessarily rule out such development in all cases; it merely precludes them where they would be seriously harmful and requires mitigation measures in other cases. It is perhaps somewhat unfortunate that mineral workings are singled out as an example of a *bad-neighbour* use, but this largely reflects the reality of the situation. Given that Policy M4 provides further specific guidance on mineral working, I cannot see that Policy ENV20 unduly prejudices mineral working, or ignores the environmental benefits of restoration and the role of mitigation and compensatory measures in reducing any adverse impacts on residential and shopping areas. I return to this matter when dealing with Lafarge’s objections to Policy M4 in Chapter 11 of my report.

Recommendation

6.100 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.

POLICY ENV21: WATER CONSERVATION*There were no objections to this policy*

POLICY ENV22: DEVELOPMENT IN FLOOD PLAINS***Objections to First Deposit*** 1380/53 – House Builders Federation.***Objections to Revised Deposit*** 1126/517/R – Hampton-in-Arden Society.***Key issues***

- *Should Policy ENV22 have more regard to the role and function of mitigation in ensuring acceptable development, rather than rigidly interpreting PPG25;*
- *Rev 6/41: Should the areas of functional flood plains be shown on the Proposals Map or in SPG.*

Inspector's reasoning and conclusions

- 6.101 Policy ENV22 seeks to protect flood plains within the Borough and sets out the criteria for considering development that might affect such areas. National guidance on flooding and protecting flood plains is set out in PPG25, which is currently being reviewed. This advises that built development in flood plains should be permitted only in exceptional circumstances and advocates a risk-based approach through a sequential test. PPG25 (¶ 46-56) sets out detailed guidance for development plans and it is clear from the content and tone of this national guidance that a strong line is advised. Policy ENV20 and the supporting text clearly set out the approach to new development affecting flood plains, and appropriate mitigation measures could be considered as part of the recommended risk-based assessment. No further amendments are therefore needed to address HBF's objection.
- 6.102 PPG25 (¶ 51) advises that it may be appropriate to include the latest version of the indicative flood plain maps as technical support or SPG in development plans. However, SMBC points out that the scale of the Proposals Map is too small to accurately portray this information, but agrees that subsequent SPG may be appropriate in the longer term. I recognise that it is not possible for developers and other people to ascertain the extent of areas liable to flood from the Proposals Map, but such information is readily available from SMBC & the Environment Agency and is publicly available on the latter's web-site. For potential development sites near rivers or other watercourses, I have no doubt that the appropriate agencies would be consulted. In these circumstances, I do not consider it is necessary or practicable to show the extent of flood plains on the Proposals Map, and in view of the ready availability of this information, the inclusion of this information in SPG, whilst desirable, need not be a high priority.

Recommendation**6.103 I RECOMMEND NO MODIFICATIONS to the Plan to meet these objections.**

POLICY ENV23: ENERGY CONSERVATION*There were no objections to this policy*

POLICY ENV24: RENEWABLE ENERGY

The objections to this policy have been withdrawn

POLICY OMISSION

Objections to First Deposit 1389/1144 – Meriden Parish Council

Objections to Revised Deposit There were no objections to the Revised Deposit draft.

Key issues

- *Should the Plan do more to recognise the heritage of the Borough, creating and enlarging Conservation Areas and including commemorative and public works of art.*

Inspector's reasoning and conclusions

- 6.104 MPC considers the SUDPR could do more to recognise the Borough's heritage, including designating and extending Conservation Areas and commemorating important local features and industries. I understand that some progress has been made with one of its concerns, the former Triumph motorcycle works, but MPC argues that the situation could be improved.
- 6.105 As confirmed at the inquiry, Policies ENV6-ENV9 deal with the review and designation of Conservation Areas, and protection of listed buildings, archaeological sites and ancient monuments. Policy R9 promotes public art in new development schemes, whilst Policy R8 covers leisure and cultural facilities. I also understand that, apart from the National Motorcycle Museum, there are no museums of regional significance in the Borough, but there may be several heritage and historical features in the Borough that might demand greater recognition.
- 6.106 At the inquiry, MPC suggested no specific changes to the SUDPR and SMBC confirmed that there is no general policy in this Review covering heritage, since it is considered unnecessary. It seems that much would depend on specific proposals and sites. However, when this UDP is fully reviewed again, as part of the new LDF system, SMBC might like to consider including a general policy covering the Borough's heritage, although I do not consider it is necessary or urgent in terms of this current Review.

Recommendation

6.107 I RECOMMEND <u>NO MODIFICATIONS</u> to the Plan to meet this objection.
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