

## **ENVIRONMENT**

### **INTRODUCTION**

- 4.1 Increasing pressure for change is being placed on the environment of the Plan area which is evident in both built-up areas and the surrounding countryside. Agricultural practices have already removed many traditional landscape features and recent surveys carried out independently and on behalf of the District Council reveal continuing losses of wildlife habitats. Existing settlements are also subject to continuing development pressures.
- 4.2 The District Council's strategic land use strategy for achieving sustainable forms of development is set out in Chapter 2. An essential ingredient of sustainability is the environmental legacy likely to be left to future generations. The need to protect and enhance the environmental assets of the Plan area is therefore given primary importance in this Local Plan.
- 4.3 Alongside the more recognised concerns for the quality of the natural and built environment and the effects of new development, there is an increasing awareness about the impact of pollution and potential loss of non-renewable resources. Policies in this chapter set out the District Council's response to these concerns. The policies are arranged in four sections: General Environmental Considerations, Nature Conservation, Landscape and Built Environment.

### **STRATEGIC FRAMEWORK**

- 4.4 The underlying strategy of the North Yorkshire County Structure Plan (Alteration No 3, 1995) is one of restraint in order to protect the important natural resources and high quality environment of the County. The Structure Plan includes conservation policies to safeguard important landscapes and wildlife habitats, and to protect buildings and areas of special townscape, architectural or historic interest, and sites of archaeological importance. Other policies are intended to control waste disposal and potentially polluting or hazardous development.
- 4.5 The North Yorkshire Conservation Strategy, adopted in July 1991, also sets out a series of policies and initiatives aimed at conserving and enhancing the landscape and wildlife habitats.
- 4.6 The Regional Planning Guidance for Yorkshire and Humberside (RPG12, 2001) echoes these themes and also promotes the desirability of protecting locally important features in development plans.

### **OBJECTIVES**

- 4.7 The following objectives are the guiding principles behind the Environment Policies:
  - 1) To safeguard the environment and the public from the effects of pollution and to minimise the risk from flooding and hazardous development.
  - 2) To protect and enhance the character of the countryside.

- 3) To safeguard the built heritage of the District.
- 4) To protect, enhance and manage sites and habitats of nature conservation interest and to safeguard and protect species.
- 5) To ensure that new development meets appropriate technical requirements and respects the character and amenity of the locality in which it is situated.
- 6) To encourage high standards of design and landscaping, and improvements in environmental quality.

## **SECTION ONE: GENERAL CONSIDERATIONS**

- 4.8 The Planning system has an important role to play in controlling the quality of the environment, not only through long-term planning, but also through day-to-day decisions as part of the development control process. The benefits of every proposal made should be weighed against the effects that development will have on the environment.
- 4.9 The form and design of new development has a significant effect on the environmental quality of the Plan area. Local people are naturally concerned about the impact of development on the character of the area in which they live and the amenities they enjoy. The District Council is determined to ensure that future proposals achieve a 'good quality of development' by being properly integrated into the environment of the District, respecting the form and character of existing settlements and other features that contribute to the diverse natural and man-made heritage of the Plan area. The first policy in the Plan therefore establishes the basic environmental criteria against which all new development proposals will be judged in order to achieve this objective.
- 4.10 It is equally important to control the location of potentially polluting or hazardous development, and to ensure that development does not have an adverse effect on health, safety and amenity. Selby District is the powerhouse of the region and is affected by dust and emissions associated with the Selby Coalfield and three coal-fired electricity generating power stations in the Aire Valley. Other forms of pollution, such as smells and groundwater or river contamination, have been attributed to major industrial plants and waste storage and disposal sites. Policies in this section are therefore intended not only to safeguard the local environment from the harmful effects of certain types of development, but to contribute toward achieving sustainable forms of development.

### **Control of Development**

- 4.11 Proposals for development are required to comply with the provisions of the current development plan in accordance with Section 54A of the Town and Country Planning Act 1990<sup>1</sup> unless material considerations indicate otherwise.

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<sup>1</sup> Now Section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 4.12 As well as the general policies and specific provisions set out in development plans, proposals for development must also have regard to a range of technical and other legislative requirements embodied in the various Planning Regulations, Circulars and PPG notes. In particular, proposals for development should respect the surrounding area and existing development, and should minimise the impact on the amenity of adjoining occupiers. Proposals should also ensure a satisfactory environment for future occupants or users.
- 4.13 In determining applications for development, the District Council will take into account a number of principal considerations which the District Council considers important for achieving a high standard of design in new development and enhancing the quality of the environment. These considerations are set out in the following paragraphs.

*Suitability of Use*

- 4.14 The type of use proposed (as currently defined by the Use Classes Order, 1987, as amended) will be an important factor in determining whether a proposal is compatible with the location. This does not mean that all non-residential uses will be resisted within predominantly residential areas. For instance, the Use Classes Order specifically refers to business uses (encompassing types of office uses and industrial processes) which may be “carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit”. Similarly, certain services such as local shops, doctors’ surgeries and so forth may be acceptable provided there would be no unacceptably adverse effect on local amenity, for instance, through the operation of the business or associated traffic.

*Effect on Neighbouring Properties and the Surrounding Area.*

- 4.15 The extent to which proposals would impact on the character of an area and the amenity of adjoining occupiers is an important consideration. Particular attention will be paid to the effects of increased vehicular and pedestrian movements and associated car parking. There may also be occasions when otherwise compatible uses would not be acceptable because of the likely effects of noise and other forms of pollution. Where appropriate, the District Council will make a careful assessment of potential noise levels and other sources of pollution before determining planning applications. Conditions may be imposed to help regulate and minimise the impact.
- 4.16 The District Council receives a significant number of applications each year to extend or alter properties or to infill land within existing built-up areas. (Infilling for the purposes of this Local Plan is defined as the filling of a small gap in a group of houses or in an otherwise built-up frontage). Considerable resources are devoted to overcoming potential problems associated with householder applications, particularly extensions. Tandem development (consisting of one house immediately behind another and sharing the same access) and backland development is unlikely to be permitted if it results in significant overlooking or has an otherwise unreasonably adverse effect on local amenity. Potential overlooking of ground floor living rooms or gardens will be an important consideration.

Particular regard will also be given to loss of privacy, outlook, garden enclosure and daylight, although it is not possible to safeguard existing views through planning legislation. Proposals should respect the character of an area and the existing density of development, be sympathetic in design and there should be no unacceptable loss of parking, turning or garden space.

#### *Access and Highways Considerations*

- 4.17 Proposals should be well related to the highway network and include access arrangements which are appropriate to the type of road involved and the volume and character of traffic likely to use it. Points for consideration will include the width of access, alignment, gradient, visibility and the provision of on-site parking in accordance with the Council's adopted car parking standards (which are reproduced in Appendix 4). Proposals for residential development should normally accord with the advice given in Design Bulletin 32 (Second Edition April 1992) published jointly by the (former) Departments of the Environment and Transport, and the North Yorkshire County and Districts Residential Highway Design Guide.
- 4.18 The development of land and buildings provides the opportunity to secure a more accessible environment for everyone, including wheelchair users and other people with disabilities, elderly people, and people with toddlers or infants in pushchairs. Access needs can be met, through appropriate design of spaces between and around buildings and through parking provision. When a new building is proposed, or an existing building is being extended or altered, developers should consider the access needs of people who might use the building as a place of work, or as visitors or customers. Where the public are to have access to the building, the District Council will consider the extent to which the securing of provision for disabled people can be justified on planning grounds.

#### *Design and Layout of New Development*

- 4.19 The District Wide Landscape Assessment undertaken on behalf of the District Council will provide the foundation for producing a Countryside Design Summary. The District Council will encourage villages to formulate their own Village Design Statements and where appropriate will adopt these as Supplementary Planning Guidance. These will assist in implementing a whole range of development control policies contained within the Local Plan and encourage developers to respect local character.
- 4.20 There is continuing public concern about the design and scale of new buildings and the social and environmental consequences of modern building methods and materials. Whilst aesthetic judgements are to some extent subjective, PPG1 (General Policy and Principles, 1997) encourages Planning Authorities to reject poor designs which may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings. It is also appropriate to promote or reinforce local distinctiveness, for example in connection with the Countryside Agency's "Design in the Countryside" initiative.

- 4.21 Experience has shown that successful schemes respect, but do not necessarily mimic, the character of their surroundings. For instance, there may be occasions when the creation of a new landmark building would be more appropriate than a repetition of the local vernacular. However, unless there are exceptional circumstances, the proportion of site coverage by new buildings should tend to be compatible with that of the surrounding area.
- 4.22 Selby District Council wishes to encourage high quality design and layout of development, and applicants will be expected to demonstrate, wherever appropriate, that they have considered the wider setting of buildings. Particular weight will be given to the impact of development on existing buildings and on the character of areas recognised for their landscape or townscape value such as Conservation Areas and Locally Important Landscape Areas, where the scale of new development will often be particularly important.
- 4.23 Similarly, sensitivity in the choice of building materials is one of the most critical factors in integrating new buildings into both established built-up areas or remote countryside locations.
- 4.24 Increased emphasis will be placed on achieving quality and variety in new residential layouts, so as to provide good living conditions and standards of amenity and open space. Consideration will also be given to the adoption of appropriate measures and designs to reduce criminal activity and vandalism, in liaison with Police Architectural Liaison Officers.
- 4.25 PPG12 (Development Plans, 1999) DOE Circular 2/96 (Home Energy Conservation Act 1995) suggests that the statutory land use planning system can be used to promote energy conservation. Development Plans can help to improve energy efficiency by influencing the location and design of new buildings and development layouts, using communal rather than individual facilities and ensuring developments are served by public transport. Proposals for all new buildings and for conversion of existing buildings, whether residential, commercial or other, will be expected to demonstrate high standards of energy conservation in their design and scheme layout.
- 4.26 The use of alternative and renewable forms of energy can aid conservation of the earth's finite resources. The Local Plan contains a specific policy concerning renewable energy schemes (POLICY ENV6). Measures to harness solar energy affecting domestic or commercial property will be considered as part of the overall design and layout of development in relation to POLICY ENV1.
- 4.27 Solar energy can be harnessed in three ways; through the design and orientation of buildings to maximise the benefit of direct light and heat (passive solar design); through the installation of solar panels on roofs, walls or outbuildings utilising the sun's radiation to heat water passing through the unit (active solar systems); and by incorporating photovoltaic cells within solar panels to convert solar energy into electricity. Design of new buildings should maximise the opportunities for energy conservation through design, orientation and construction. Where the introduction of solar panels (in existing or proposed development) constitutes

development, proposals will be assessed, taking into account the effect on local amenity. In the case of conservation areas, listed buildings or other sensitive settings, particular care should be given to ensure that the proposed development is compatible with its surroundings.

#### *Landscaping*

- 4.28 The appearance and treatment of the spaces between and around buildings is of comparable importance to the design of buildings. The District Council is firmly committed to the principle of incorporating generous landscaping as an integral element of development proposals. This is particularly important bearing in mind the scale of development proposed in parts of the District and having regard to the generally flat topography of the Plan area.
- 4.29 Landscaping schemes should ensure the retention of existing site features such as individual or groups of trees, hedges and shrubs. Schemes should enhance existing vegetation and offer opportunities for habitat creation. The District Council will consider the position of trees in relation to new buildings, and their effect on future occupiers, when examining proposals. Where appropriate, schemes should also embrace the treatment of boundaries, pavements and street furniture.
- 4.30 Specific policies dealing with strategic landscaping, (POLICY ENV20), and the District Council's general requirements with regard to landscaping, (POLICY ENV21) are included in Section Three LANDSCAPE.

#### *Capacity of services and local facilities*

- 4.31 In considering proposals, account will be taken of the capacity of existing utilities such as drainage, sewers or water supply. It is important that any new development does not place undue pressure on existing infrastructure, such as water and sewerage services, to the detriment of existing users or the environment. However, it is recognised that all development envisaged in the Plan cannot be accommodated within existing infrastructure capacities, and improvements will be required before some developments can proceed. In such cases, development will only be acceptable where the provision of adequate infrastructure can be achieved in advance of or in connection with development schemes.
- 4.32 Much of the Plan area is low lying and is subjected to seasonal flooding. Development will not be permitted where it would put people or property at increased risk, unless adequate mitigating measures are undertaken. (See also Section on Flood Risk below – POLICY ENV5).
- 4.33 Where appropriate, access to local facilities such as shops, play space or other services will also be taken into account, particularly when new development would place significant demand on already strained resources.
- 4.34 A number of policies in the Plan provide guidance on the District Council's expectations with regard to design, and the creation and enhancement of attractive environments. Where appropriate, additional information and advice may be provided through Supplementary Planning Guidance. Major

proposals for development will be expected to conform to a planning brief approved by the Council indicating specific requirements in relation to such matters such as scale, density, height, layout, landscape, access and open space requirements.

**ENV1 Proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of:**

- 1) The effect upon the character of the area or the amenity of adjoining occupiers;**
- 2) The relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking;**
- 3) The capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure;**
- 4) The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping;**
- 5) The potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area;**
- 6) The extent to which the needs of disabled and other inconvenienced persons have been taken into account;**
- 7) The need to maximise opportunities for energy conservation through design, orientation and construction; and**
- 8) Any other material considerations**

### **Environmental Assessment**

4.35 Certain types of developments require the submission of an environmental impact assessment (EIA) in the light of E.C. Directive 85/337. In England, this requirement was introduced by the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988. The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 revoked and superseded the original 1988 regulations. Circular 2/99 (Environmental Impact Assessment) gives policy guidance on the implementation of the amendments.

4.36 The procedures provide a systematic method of assessing the environmental implications of developments that are likely to have significant effects. The local planning authority will judge planning

applications on their merits within the context of the Development Plan, taking account of all material considerations, including environmental impacts.

- 4.37 Generally it will fall to the local planning authority (LPA) to consider whether a proposal requires EIA. For this purpose the LPA will first need to consider whether the development is described in Schedule 1 or Schedule 2 to the Regulations (see Appendix 5 of this Plan). Development of a type listed in Schedule 1 always requires EIA. Developments listed in Schedule 2 requires EIA if they are likely to have significant effects on the environment by virtue of factors such as their size, nature or location. This includes changes or extensions to Schedule 1 and Schedule 2 development.

### **Environmental Pollution and Contaminated Land**

- 4.38 Industrial, agricultural and other commercial activities can give rise to environmental problems associated with noise, smell, disturbance and traffic generation. The Plan area contains a number of existing and potential sources of pollution ranging from noisy activities associated with airfields to dust/emissions attributable to the Selby Coalfield and coal fired power stations. Problems have also been encountered with waste disposal sites.
- 4.39 The District Council attaches great importance to controlling and minimising pollution under available Environmental Health legislation and through the planning system. Where appropriate, the advice of relevant pollution control agencies, including the Environment Agency, will be sought. Development proposals likely to give rise to an unacceptable level of environmental pollution will be resisted, unless it can be demonstrated that adequate, enforceable measures will be taken to ensure environmental acceptability. Similarly, residential and other sensitive forms of development will not be permitted in locations where they are likely to be affected by existing sources of environmental pollution to an unacceptable degree, unless satisfactory mitigating measures are proposed.

#### *Air Pollution*

- 4.40 Where noise is likely to be an important factor applicants will be required to provide information about noise levels.
- 4.41 Potential for pollution also exists where development would affect air quality perhaps through smoke or dust. Although there is a myriad of existing pollution controls, which the planning system should not seek to duplicate, the effect on other land uses and loss of amenity are material considerations.
- 4.42 Proximity to sewage treatment works can subject residential properties and other development to odour and other problems associated with sewage treatment. Each proposal will be considered on its merits, taking into account local circumstances, such as climate and topography. Careful consideration will be given to, for example, types of business use which would be inappropriate in such locations.



### *Contaminated Land*

- 4.43 Contaminated land such as former industrial sites or waste disposal sites can also have serious implications for the health and safety of the local population and the environment. When contamination is known or suspected, developers will be required to undertake proper investigations to assess the nature and extent of contamination and applicants will be required to provide sufficient information to enable the Authority to determine the application. Effective measures must be incorporated to protect the public, property and natural resources from potential harmful effects.

### *Groundwater Protection*

- 4.44 Groundwater stored in aquifers is a principal source of drinking water supply in the Plan area. Groundwater is also widely used by industry and agriculture, as well as feeding rivers and supporting wetlands which provide wildlife habitats. Both the quality and quantity of groundwater are legally protected. If groundwater becomes polluted it is very difficult (sometimes impossible) and expensive to clean up again. It is therefore better to prevent or reduce the risk of groundwater contamination in the first place, rather than deal with the consequences.
- 4.45 Whilst it is the duty of the Environment Agency to monitor and protect groundwater, the way land is used and developed is one of the threats to the quality of groundwater. Land use planning can therefore play a key role in protecting groundwater. To assist in this process, the Environment Agency has published Groundwater Vulnerability Maps which show the areas that are most vulnerable to groundwater pollution.
- 4.46 The Sherwood Sandstone Aquifer in the Selby area has been subject to high levels of abstraction. Groundwater levels have been decreasing steadily. The issue has been recognised by the Environment Agency and is currently being investigated as part of its Catchment Abstractions Management Strategy.
- 4.47 The Sherwood Sandstone underlying the Selby area is particularly sensitive to contamination due to the area of exposed aquifer. It is important that aquifers within sensitive areas are protected from potentially polluting land uses. In addition to publishing Groundwater Vulnerability Maps, the Environment Agency is in the process of producing and amending the definition of Groundwater Protection Zones around major borehole supplies, for which a degree of protection is afforded against a range of activities.

- ENV2 A) Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.**

- B) Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary.**

#### *Light Pollution*

- 4.48 Outdoor lighting is needed in certain areas in the interests of security and pedestrian/traffic safety and convenience. It is also used, on occasion, for the enhancement of historic or architecturally important buildings. However, without adequate safeguards, outdoor lighting can be intrusive (particularly in largely unlit rural areas), detrimental to residential amenity, and prejudicial to highway safety. A further consideration is the potential waste of energy involved through use of over-bright, misdirected or unnecessary illumination and the resultant consequences for the environment.
- 4.49 It is often possible, through good design and time controls, to significantly reduce the detrimental effects of outdoor lighting. By ensuring that lighting is properly directed (with minimum levels of upwards lighting), is only as bright as is absolutely necessary and is only illuminated when required, the negative impacts of outdoor lighting can be significantly reduced. Further advice on the operation of the policy and the design considerations to be taken into account will be provided in Supplementary Planning Guidance.

#### **ENV3 Proposals involving outdoor lighting will only be permitted where lighting schemes:**

- 1) Represent the minimum level required for security and/or operational purposes;**
- 2) Are designed to minimise glare and spillage;**
- 3) Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; and**
- 4) Would not detract significantly from the character of a rural area.**

**Proposals for development involving outdoor lighting should incorporate details of lighting schemes as part of applications for development.**

#### *Hazardous Substances*

- 4.50 The Plan area contains a number of sites that contain installations handling or storing notifiable hazardous substances. There are also a number of notifiable high pressure natural gas transmission pipelines.

- 4.51 Hazardous substances are subject to stringent controls under the Planning (Hazardous Substances) Act 1990 which requires hazardous substances consent to be obtained for the use or storage of certain materials. It is equally appropriate to exercise careful planning controls over development involving hazardous substances in order to ensure that installations are kept separate from housing and other sensitive land uses such as schools and hospitals with which they may be incompatible.
- 4.52 In determining whether a risk is unacceptable in considering proposals, account will be taken of the proposed amount, type and location of hazardous substances and the need for special precautions or restrictions to protect future uses of the site or adjoining land. Advice is contained in Annex B of Circular 11/92 which also outlines the issues of risk considered by the Health and Safety Executive in giving advice to Local Planning Authorities. The District Council will take particular account of advice from the Health and Safety Executive in relation to the potential risks involved within the “advised consultation distances” for any individual installation. Development likely to lead to a concentration of people close to existing hazardous installations or storage facilities will be resisted unless it can be shown that there is no special risk.

**ENV4 Proposals involving the storage or use of hazardous substances, or developments in the vicinity of sites where hazardous substances are being stored or used, will only be permitted where the District Council is satisfied that:**

- 1) There is no unacceptable risk to the public or the natural environment; and**
- 2) Opportunities for the development of land in the vicinity will not be severely restricted.**

#### **Development and Flood Risk**

- 4.53 The Plan area is generally low lying and is crossed by four main rivers; the Aire, Derwent, Ouse and Wharfe. Significant areas of land are protected by tidal and fluvial defence infrastructure and are at risk from flooding in the event of overtopping or breaching of these defences. Other areas are at risk from secondary flooding when, in times of flood, water cannot discharge from streams and dykes into the main rivers.
- 4.54 The susceptibility of land to flooding is a material planning consideration which is likely to become more important as the risk of flooding increases in future years due to the effects of global warming, climate change and rising sea levels. The District Council, the Environment Agency and the Internal Drainage Boards are therefore concerned to ensure that flood risk is properly taken into account in the planning of new development and in the operation of the development control process.
- 4.55 PPG25 (Development and Flood Risk, 2001) advocates the adoption of a sequential approach to development. Priority should be given to development in areas of least risk and development in functional flood plains avoided (i.e. in unobstructed areas adjacent to watercourses where

water regularly flows in times of flood or would flow but for the presence of flood defences).

- 4.56 In order to assist this process the Environment Agency has produced flood risk maps identifying the areas at highest risk (defined as having an annual probability of 1% or greater for fluvial flooding and 0.5% or greater for tidal flooding). The plans, which may be viewed on the Agency's website ([www.environment-agency.gov.uk/flood](http://www.environment-agency.gov.uk/flood)), have been generated using a generalised computer technique in order to identify land that could potentially be at risk of flooding and are therefore indicative only.
- 4.57 In order to allow for the possibility of overtopping or breaching of existing defences, the plans assume that there are no flood defences in place. This means that while a very small amount of land allocated for development in the Local Plan (in Selby/Barlby) was affected by the November 2000 flood event, significant parts of the Plan area fall within the indicative flood plain, including a number of the more sustainable settlements that are otherwise capable of absorbing continued growth. Conversely those parts of the District that are subject to less risk tend to correspond with areas of Green Belt or where future development would be unsustainable. PPG25 (Development and Flood Risk, 2001) specifically acknowledges that in low lying parts of eastern England where extensive areas of land fall into high risk zones, consideration of development proposals will need to be balanced with other factors such as social and economic regeneration objectives.
- 4.58 The approach adopted by the District Council in higher risk areas, in line with national guidance, is therefore to restrict development to existing settlements, where, in consultation with the Environment Agency, it can be demonstrated that there is an appropriate standard of flood defence that can be maintained or provided for the lifetime of the development.
- 4.59 Residential, commercial and industrial development will be strictly controlled outside built-up areas, where, in consultation with the Environment Agency, there is considered to be a significant flood risk. Within the indicative flood plain, outside built-up areas, development will generally be restricted to essential transport and utilities infrastructure, agriculture related development and job related residential development or open uses associated with recreation. Within functional flood plains, although some forms of recreation, sport, amenity and conservation uses may be acceptable, built development will be permitted only exceptionally and limited to essential transport and utilities infrastructure. In all cases it will be essential to ensure that development does not increase the risk of flooding elsewhere by impeding flood flows or reducing the capacity for flood plain storage.
- 4.60 Within areas at risk from flooding, developers will be required to undertake site specific flood risk assessments in consultation with the Environment Agency in accordance with the requirements set out in PPG25. This may include hydrological surveys and other technical investigations to allow proposals to be properly evaluated.

- 4.61 Development permitted in high risk areas will be dependent on the incorporation of appropriate measures to manage the risk of flooding including:
- Incorporating flood warning procedures and means of escape,
  - Avoiding development on undeveloped land adjacent to existing flood defences,
  - Directing development away from the lowest lying areas where significant depth of flooding could occur,
  - Allowing for the storage and/or evacuation of flood water,
  - Using flood resistant construction and incorporating raised floor levels,
  - Incorporating sustainable urban drainage systems within the design.
- 4.62 It is also important that the integrity, stability and continuity of existing and proposed tidal and fluvial flood defences is maintained by resisting inappropriate development and ensuring adequate access for maintenance and emergency purposes. Developments should also be designed to serve a range of environmental benefits including public access to the waterside wherever possible.
- 4.63 A significant proportion of the District's biodiversity occurs in flood plain areas, for example, five of the UK Biodiversity Action Plan priority habitats are associated with flood plain areas in the District. These are: lowland meadow, fens, reed beds, wet woodland and grazing marsh. In addition flood plain and seasonally flooded areas in the District provide habitats for internationally important bird and plant communities. It is recognised that these flood plains and their associated habitats have high water-retention capabilities and hence contribute significantly to the control of flood risk.
- 4.64 The Council therefore advocates the prevention of development which impedes functional flood plains, as defined in Paragraph 23 of PPG25, unless it can be shown that no material harm to the flood plain will occur as a result of the development. Compensatory measures will be required where necessary. The Council advocates developments that will restore areas of flood plains in the District, improving water-retention capacity of the catchments. This will assist with the reduction of flood risk and the delivery of Biodiversity Action Plan targets.
- 4.65 Further guidelines on the Council's requirements for the management and mitigation of flood risk will be provided through supplementary planning guidance based on the Council's Strategic Flood Risk Assessment and which will incorporate up-to-date details of identified areas of flood risk.

**ENV5 In areas with a high risk of flooding<sup>1</sup> proposals for new development will only be permitted where:**

- 1) Exceptionally, within functional flood plain areas, it relates to essential transport or utilities infrastructure**

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<sup>1</sup> Areas identified as having an annual probability of flooding (with defences where they exist) of 1% or greater for fluvial flooding and 0.5% or greater for tidal flooding, in the latest Environment Agency indicative flood plain map.

**which cannot be located in a lower risk area, and which is designed to remain operational even in times of flood.**

- 2) Within or adjacent to existing settlements, an appropriate standard of flood defence can be maintained or provided for the lifetime of the development, and proposals incorporate appropriate flood management and mitigation measures, including flood resistant construction, the provision of flood warning and evacuation procedures, laying out development to ensure that non-critical area flood first, and the incorporation of sustainable urban drainage systems.**
- 3) Elsewhere within undeveloped flood plains, proposals relate to agriculture, essential transport and utilities infrastructure, job related residential accommodation, or exceptionally, non-residential development with particular locational requirements for which an alternative lower risk location is not available, and for which associated compensatory flood storage measures are provided.**

**Development proposals which impede the functional flood plain and flood flows, adversely affect the stability and continuity of or access to flood defences, or which materially increase the risk of flooding elsewhere will not be permitted.**

**All proposals in areas subject to a risk of flooding must be accompanied by a flood risk assessment appropriate to the scale and nature of the development, prepared in consultation with the Environment Agency.**

### **Renewable Energy**

- 4.66 PPG22 (Renewable Energy, 1993) and subsequent Annexes advise that local authorities should consider what contribution their area can make in meeting the need for the increased use of renewable energy within the context of sustainability.
- 4.67 The District Council acknowledges the national commitment to stimulate the development of new and renewable energy sources wherever they have prospects of being economically attractive and environmentally acceptable. This will contribute to the provision of diverse, secure and sustainable energy supplies; to reducing the emission of pollutants; and to encourage internationally competitive industries.
- 4.68 There is a wide range of renewable energy technologies now available. These include municipal solid waste schemes, landfill gas/anaerobic digestion, wind power, biogas, energy from crops and forestry, solar energy, hydro-electricity, wave and tidal power, and geothermal energy. The Secretary of State is empowered to make orders requiring the regional electricity companies to secure a specified capacity of their electricity

supply from non-fossil fuel sources. This requirement, known as the Non-Fossil Fuel Obligation (NFFO) provides the main stimulus for the exploitation of renewable energy.

- 4.69 Whilst the District is unlikely to be a suitable location for some types of renewable energy schemes (average wind speeds for example may be insufficient to make wind turbines viable), planning consent has been granted for a biomass powered gasification plant, south of Roall Lane Waterworks, Eggborough, which has been offered a contract under NFFO-3, and other proposals may come forward.
- 4.70 Proposals to harness renewable energy can display a variety of factors peculiar to the technology involved. Moreover, such schemes can have particular locational constraints since, in many cases, the resource can only be exploited where it occurs. The District Council will need to consider both the immediate impact of renewable energy projects on the local environment and their wider contribution to reducing emissions of greenhouse gases.
- 4.71 Proposals for renewable energy schemes will need to be balanced with the need to protect other important environmental features. PPG22 makes it clear for example that renewable energy proposals in designated areas will be subject to rigorous examination, and in the case of the Green Belt, very special circumstances will be needed to justify development. In addition, other Local Plan policies to protect nationally and locally important features will be taken into account when considering proposals. These will include Locally Important Landscape Areas, historic parks and gardens, archaeological sites, listed buildings, scheduled monuments, conservation areas, nature conservation sites and historic battlefields.

**ENV6 Proposals for the development of renewable energy will be permitted provided that:**

- 1) The scheme will not have a significant adverse effect on the immediate and wider landscape;**
- 2) The scheme is located in close proximity to the electric grid or user buildings in order to keep new power lines to a minimum;**
- 3) The proposal would not give rise to nuisance by virtue of noise, vehicular movements, emissions and electromagnetic interference;**
- 4) The proposal would achieve a high standard of design, materials and landscaping; and**
- 5) Adequate measures are incorporated to safeguard local amenity and highway safety during construction.**

**Where appropriate, planning conditions will be used to secure the restoration of the site in the event of subsequent decommissioning.**

## **SECTION TWO: NATURE CONSERVATION**

- 4.72 The importance of environmental considerations in maintaining and improving the quality of life now is widely recognised. The UK Biodiversity Action Plan, which resulted from the Rio Earth Summit 1992, focuses attention on species and habitats in both a local and global context. The District Council recognises the principles set out in both the Action Programme and national planning guidance in PPG9 (Nature Conservation, 1994) for safeguarding and promoting biodiversity. In order to achieve sustainable forms of development it is important that nature conservation issues should not be viewed as subsidiary to social and economic needs but should now be a key part of all land use policies and proposals. The District Council is keen to promote biodiversity in the local environment and is working with the County Council, and a local steering group, to produce a Biodiversity Action Plan for the District.
- 4.73 A key component of the Biodiversity Action Plan (BAP) process has been the identification of 'natural areas' by English Nature. Natural areas contain a particular geology, wildlife, land use and cultural heritage which distinguish them from other natural areas in the UK. In Selby District three Natural Areas have been identified; the Humberhead Levels, the Southern Magnesian Limestone Area and the Vale of York and Mowbray Natural Area. The distinctive nature of each area generates specific objectives for habitat restoration and protection and the profiles will form an important reference point for the production of the BAPs.
- 4.74 Whilst approved Structure Plan Policy E6 affords protection to sites of national nature conservation importance, the District Council wishes to ensure that the value of the local environment is not overlooked, particularly since less than 4% of the Plan area is covered by semi-natural habitats. In accordance with PPG9 (Nature Conservation, 1994) the Local Plan acknowledges the relative significance of international, national and local designations. In all cases proposals for development will be assessed by weighing the grounds in favour of development against the nature conservation value of the site. Thus any development that would harm a site of national or international status would have to be of such fundamental national importance that it would outweigh the irreplaceable nature of the resource.
- 4.75 In addition to land use policies contained in this Local Plan it is proposed to supplement the conservation of natural habitats through positive measures such as countryside management, the management of Council owned land, the use of development briefs and by effective development control and enforcement procedures.

### **International Wildlife Sites**

- 4.76 The extensive series of flood meadows, pastures and wet woodlands in the lower Derwent Valley are acknowledged for the international importance of the wetland and water fowl habitats. This includes designation as a



RAMSAR site<sup>1</sup>, a Special Protection Area<sup>2</sup> and Candidate Special Area of Conservation (SAC<sup>3</sup>). The highest possible level of protection will be afforded to these habitats which contain rare and valuable species of migratory birds. The river Derwent and Skipwith Common are also Special Areas of Conservation which have been included in the Register of European Sites as they contain habitat types and/or species which are rare or threatened within a European Context.

**ENV 7 Proposals for development within or which may affect a European wildlife site, a proposed European wildlife site or a Ramsar site, will be subject to the strictest control. Development not directly connected with or necessary to the management of the site and which is likely to harm the site's nature conservation interest will only be permitted if there is no alternative solution and there are imperative reasons of overriding public interest.**

### **National Wildlife Sites**

- 4.77 Nationally important sites are designated as National Nature Reserves or Sites of Special Scientific Interest (SSSIs) by English Nature. The District Council has a duty to consult English Nature where proposals are submitted for development affecting such sites.
- 4.78 There are currently 13 designated SSSIs in the Plan area which are defined on the Proposals Map and listed in Appendix 6. They represent some of the best remaining semi-natural habitats, including areas of grassland, woodland, heathland and geological importance.
- 4.79 In addition to its acknowledged international importance, the Derwent Valley has SSSI status. Part of the area is also owned and managed by English Nature as a National Nature Reserve. Skipwith Common SSSI, which is managed by Yorkshire Wildlife Trust, represents the largest, stretch of lowland heath in the north of England, and is considered by English Nature to be worthy of National Nature Reserve status. Tadcaster Mere is the only site notified because of its geological importance.
- 4.80 SSSIs are afforded a very strict level of protection and, under the terms of the Wildlife and Countryside Act 1981, owners and occupiers of land have a duty to give English Nature four months notice of their intention to carry out potentially harmful operations.

**ENV8 Proposals for development within, or which may affect, sites of special scientific interest or national nature reserves will be subject to strict control. Development which is likely to harm the site's nature conservation or geological interest**

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<sup>1</sup> Ramsar Site (Wetland of International Importance) – The convention on Wetlands of International Importance, especially waterfowl habitats, was adopted by the international community at a meeting held at Ramsar, Iran in 1971.

<sup>2</sup> Special Protection Area (EC Birds Directive) – A Directive issued in April 1979 concerning the protection of Wild Birds.

<sup>3</sup> Candidate Special Area of Conservation – Part of the European Natura 2000 series derived from the Habitats Directive and Birds Directive which aims to provide protection for the rarest sites in Europe with regards to a particular habitat.

**will not be permitted unless there are no reasonable alternative means of meeting the development need and the reasons for the development clearly outweigh the value of the site itself and the national policy to safeguard the intrinsic nature conservation and geological value of the national network of such sites.**

### **Sites of Importance for Nature Conservation**

- 4.81 In addition to internationally important and statutory wildlife sites there are many other sites of county wide or local nature conservation significance that are worthy of protection. The most important sites have been identified in a field by field (Phase 1) habitat survey, undertaken by the Yorkshire Wildlife Trust and completed in 1988. This survey information is held by the District Council in a 'directory of Nature Conservation Sites', which will be available for public inspection.
- 4.82 Sites are graded from 1 to 5; Grade 5 representing the very best sites harbouring rare species and Grade 4 supporting particularly fine examples of habitat type and/or uncommon species. Most replanted ancient woodlands and sites which represent the only remaining local examples of a habitat type were classified Grade 3. Grade 1 and 2 include lesser areas of conservation interest, primarily of local interest or sites with wildlife potential or areas which could be improved given better management. Sites classified as Grade 4 or 5 which constituted the most valuable 25% of identified sites (including SSSIs), together with Grade 3 ancient semi-natural woodland and ancient replanted woodland, were considered worthy of protection by previous planning policy in the adopted Rural Areas Local Plan. Information is becoming available regarding Regionally Important Geological Sites (RIGS), which will be incorporated in future reviews.
- 4.83 Because of the continuing concerns over the loss and damage to wildlife habitats, the District Council commissioned a complete resurvey of Grade 3 sites. The study was undertaken in 1993/94 by the Yorkshire Wildlife Trust and funded jointly by the Trust, the District Council, English Nature and the World Wildlife Fund. The survey has helped establish whether sites still exist, and provides more up-to-date information in order to enable regradings to be made where appropriate. In particular, it demonstrates the continuing deterioration, especially of Grade 3 sites, which relate mainly to areas of ancient woodland and sites representing the only remaining local examples of habitat types.
- 4.84 The District Council remains committed to the protection of locally significant nature conservation sites. On the basis of more up-to-date information it is considered appropriate to extend protection to all Grade 3 sites. A total of 144 currently identified sites of importance for nature conservation are defined on the Proposals Map and listed in Appendix 7. The views of the Yorkshire Wildlife Trust will be taken into account in connection with proposals affecting such sites.
- 4.85 The Council will encourage further survey and monitoring of the wildlife resources of the District having regard to the budgetary implications of this work.

- 4.86 One of the ways in which Local Authorities may contribute toward the maintenance and enhancement of locally important habitats is through the designation and management of Local Nature Reserves. There are currently two Statutory Local Nature Reserves in the Plan area, namely Fairburn Ings and Barlow Common. Fairburn Ings comprises a series of lakes and surrounding low-lying wetland which has resulted from mining subsidence. This is managed by a consortium of Local Authorities and the Royal Society for the Protection of Birds.
- 4.87 The District Council also owns and manages the site of a former quarry and railway sidings at Barlow Common, for both nature conservation and countryside recreation purposes. With regard to this site, the area designated as a statutory Local Nature Reserve incorporates a series of lakes, woodland and remnants of the original common. A number of other sites are managed by the Yorkshire Wildlife Trust.
- 4.88 The District Council will investigate the potential for establishing additional reserves in consultation with English Nature, the Yorkshire Wildlife Trust, the Countryside Agency and other agencies.

**ENV9 Proposals for development which would harm a local nature reserve, a site of local importance for nature conservation or a regionally important geological/geomorphological site, will not be permitted unless there are no reasonable alternative means of meeting the development need and it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic local nature conservation value of the site or feature.**

#### **General Nature Conservation Considerations**

- 4.89 The District Council is concerned that all development proposals should minimise the effect on nature conservation interests. On the rare occasions when the need for development overrides the nature conservation interests on designated sites, the District Council will, through the use of planning obligations, ensure that appropriate measures are undertaken to minimise disturbance or to create new habitats elsewhere.
- 4.90 In addition to acknowledged sites of nature conservation importance, the Plan area contains a rich variety of habitats, including sites with recreational and amenity potential. Whenever any potentially damaging development is allowed, care must be taken to minimise the harm caused and it may be appropriate to incorporate arrangements for managing the remaining nature conservation interest. The following policy is intended to apply across the whole of the Plan area not just to designated sites.

**ENV10 Where development proposals, which affect a site of nature conservation interest, are acceptable in principle, any harm to the nature conservation interest should be kept to a minimum. Where appropriate the developer will be expected to incorporate compensatory measures including the implementation of schemes for habitat creation and/or enhancement within the site or locality, and proposals to ensure future management.**

## **Ancient Woodland**

- 4.91 Ancient woodlands have existed from at least medieval times without ever having been cleared for uses other than wood or timber production. Many are relics of Britain's prehistoric woods which developed after the last ice age representing the last direct links with the lost lowland forests. Ancient woodlands are important for nature conservation because their wildlife communities are generally richer than those of recently planted woodlands, often containing a high proportion of rare and vulnerable species which require the stability afforded by the continuity of woodland cover. Existing plant communities include the tree and shrub layer, the ground vegetation, lichens and mosses and undisturbed soils. Even when felled and replanted they retain much of their special wildlife interest. English Nature estimated that ancient woodlands represent only 1.8% of the total Plan area, the majority of which are under 10 hectares in size (Inventory of Ancient Woodlands 1987). In view of the small number of remaining ancient woodlands, their small extent as a proportion of land area and their high nature conservation value it is important that remaining ancient woodlands and ancient replanted woodlands are protected and managed sympathetically.

**ENV11 Development will not be permitted where it is likely to cause loss of, or damage to, an ancient woodland, unless the reasons for the development outweigh the nature conservation value of the woodland.**

## **River and Stream Corridors**

- 4.92 Linear features such as rivers, streams and canal corridors provide important amenity and wildlife resources. The importance of such features cannot be underestimated, since it is increasingly recognised that wildlife cannot survive in isolated sites separated by development or hostile environments. This is particularly relevant in Selby District which has been subjected to intensive farming practices for several decades.
- 4.93 In addition to providing important resources for nature conservation, many river and stream corridors provide valuable opportunities for informal recreation, outdoor relaxation and education. Within urban areas, particularly where they are tree-lined, they also contribute to the visual character and general amenity of an area.
- 4.94 It is important to ensure that the nature conservation, recreational and general amenity of river and stream corridors is not impaired by new development. Existing features may be enhanced and new links provided in association with specific development allocations and through other proposals for development.

**ENV12 Proposals for development likely to harm the natural features of or access to river, stream and canal corridors will not be permitted unless the importance of the development outweighs these interests, and adequate compensatory measures are provided.**

## **Ponds**

- 4.95 A National Survey carried out by DeMontfort University between 1983 and 1992 indicates that 65% of ponds (approximately 500,000) have been lost in Britain in the last 100 years. According to this research, ponds are still being lost at a rate of 1.5% (4,000 ponds) per year. Changes in agriculture, pollution, increased land drainage, neglect and development have all contributed to this loss.
- 4.96 Many ponds provide wildlife habitats supporting a wide variety of wetland plants and animals, although their value has often been overlooked and undervalued. Ponds can also be important for the contribution they can make to village character and landscape in the wider countryside. Proposals for development which may have an impact on such features will be assessed in consultation with English Nature, the Yorkshire Wildlife Trust and the Pond for People Conservation Trust.

### **ENV13 Proposals for development which would harm the landscape, townscape, historical or wildlife value of a pond will not be permitted unless:**

- 1) The need for a particular development outweighs the particular value of the pond;**
- 2) An equivalent habitat can be created on site or elsewhere in the locality which will provide the same landscape, townscape or wildlife value of the existing pond; and**
- 3) Appropriate management measures are incorporated in the scheme.**

## **Protected Species**

- 4.97 Part 1 of the Wildlife and Countryside Act 1981 establishes the level of protection which may be afforded to wild plants and animals. Legislation such as the Badgers Act 1992 exists to allow special protection to certain species. Such legislation is reinforced by the 1992 EC Habitats and Species Directive. Clearly it would be unacceptable for planning permission to be implemented where this would be detrimental to the habitats of protected species. PPG9 (Nature Conservation, 1994) advises that the presence of a protected species is a material planning consideration and suggests precautionary measures such as the use of planning conditions or planning obligations to secure their protection. Consultation with English Nature will be undertaken on all occasions when development may affect protected species.

### **ENV14 Development and other land use changes which may harm badgers and other species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981, as amended, or the EC Habitats and Species Directive will not be permitted.**

**To avoid harm to the species the local planning authority may consider the use of conditions and planning obligations which seek to:**

- 1) Facilitate the survival of individual members of the species;**
- 2) Reduce disturbance to a minimum; and**
- 3) Provide adequate alternative habitats to sustain at least the current levels of population.**

### **SECTION THREE: LANDSCAPE**

- 4.98 Virtually the whole of the Plan area is low lying. It comprises generally open, sparsely wooded, arable landscapes dissected by a number of major watercourses, including the rivers Ouse, Wharfe, Aire and Derwent (which forms the eastern boundary of the Plan area) and numerous drainage ditches.
- 4.99 To the east, the landscape is formed by a series of drainage basins and associated washlands and is typified by large open fields with low intermittent hedges. It is dominated by extensive views of industrial development around Selby and coal fired power stations along the Aire Valley to the south. To the west, a north-south running outcrop of magnesian limestone has produced a generally undulating lowland ridge, giving extensive views over adjacent lowlands.
- 4.100 As in other areas, the impact of modern agricultural practices, road building and urban development has had a profound effect with extensive loss of hedgerows, woodland, grassland and other features. Surviving woodlands (many of which are of ancient origin), parklands, copses, hedgerows and individual trees contribute significantly to the appearance of the countryside particularly in the absence of prominent topographical features. The District Council recognises the need to resist proposals that will further erode traditional landscapes and surviving tree cover and to promote the re-establishment of landscape structure. Policies and proposals in this section are intended to ensure that new development enhances the landscape and promote sound management practices.

#### **Locally Important Landscape Areas**

- 4.101 A Landscape Assessment of the District was undertaken by consultants on behalf of the District Council in 1998, which identifies 10 Local Landscape Character Areas reflecting the Countryside Agency's classification of Countryside Character. These areas are based on the three Regional Character Areas (RCAs) which affect the District. These RCAs comprise:
- The Vale of York
  - Southern Magnesian Limestone, and
  - The Humberhead Levels

Of the 10 identified character areas, 8 lie within the Humberhead Levels RCA, whilst the 'York Fringe Character Area' lies within the Vale of York RCA and the 'Selby Limestone Ridge Character Area' lies within the Southern Magnesian Limestone RCA. Any proposals for development and associated landscaping will need to have regard to the various characteristics of each area.

- 4.102 Unlike other parts of North Yorkshire, the Plan area contains no landscape features worthy of national or regional recognition. The most attractive landscapes are associated with the belt of limestone country in the western part of the Plan area. Here, the landscape exhibits a more undulating topography and richer tree cover than that encountered elsewhere, including remnants of ancient woodland and parkland. Settlements are characterised by the use of local limestone in traditional buildings, including a number of prominent stone walls. In order to help conserve the landscape character of this area, additional controls are proposed to ensure that development proposals achieve a high standard of design although these controls are not intended to restrict development.
- 4.103 Two other landscape features are considered worthy of local recognition in an otherwise low lying landscape. These comprise Hambleton Hough and Brayton Barff located to the south-west of Selby. Their significance is attributable to the outcropping of Triassic sandstone above the glacial till of the surrounding area. Both are extensively wooded, further enhancing their prominence.
- 4.104 The above areas have been defined as Locally Important Landscape Areas, the boundaries of which are defined on the Proposals Map. In considering proposals for development, the District Council will resist schemes that would be harmful to their character and scenic quality.

**ENV15 Within the locally important landscape areas, as defined on the proposals map, priority will be given to the conservation and enhancement of the character and quality of the landscape. Particular attention should be paid to the design, layout, landscaping of development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area.**

#### **Historic Parks and Gardens**

- 4.105 The Plan area contains a number of historic parks and gardens that make a significant contribution to the landscape quality and character and appearance of the countryside. Nun Appleton Hall is included within the national register of Parks and Gardens of National Historic Interest. This Register is maintained by English Heritage.
- 4.106 Other sites of local importance have been identified following research carried out by the District Council in collaboration with the Institute of Advanced Architectural Studies at York University. These sites are significant because of their local historical interest or because they contain significant open space, nature conservation and/or archaeological features. Many represent a potential education resource although not all are publicly accessible. The views of English Heritage and the Garden History Society

will be sought regarding development proposals which may affect an historic park or garden, whether in the national register or of more local interest.

- 4.107 The following policy is intended to safeguard the character, appearance and historic value of both nationally and locally important sites. In its application, greater weight will be attached to sites on the national register than to sites of local importance. The sites are defined on the Proposals Map and listed in Appendix 8. Whilst sources of funding may be limited, the Countryside Stewardship Scheme, currently administered by DEFRA, may assist appropriate works. Proposals for the restoration of historic parks and gardens should be based on thorough historical research.

**ENV16 Development proposals affecting historic parks or gardens will only be permitted where the appearance, setting, character or amenity of an historic park or garden would not be harmed.**

#### **Historic Battlefields**

- 4.108 English Heritage has compiled a Register of Historic Battlefields, based on archaeological remains and other records, in relation to sites associated with significant battles. Towton Battlefield (as defined on Inset Map 63 and the main Proposals Map) was the site of an historic battle which took place on 29 March 1461 in which it has been estimated that around 28,000 men were killed. The Battle represents a decisive point in the War of the Roses, and resulted in a significant victory for the Yorkists over the Lancastrians.
- 4.109 The designation is a material planning consideration which will need to be taken into account in any proposal for development which may affect this site, and any future designations. In assessing proposals for development, the Council will consult English Heritage.

**ENV17 Development proposals likely to harm the historical, archaeological or landscape interest of a registered historic battlefield will not be permitted.**

#### **Landscape Enhancement**

- 4.110 In recognition of the considerable pressures acting on the countryside, the County Council adopted a Conservation Strategy in 1991 identifying priorities for countryside conservation. The Strategy aims to ensure that the most valuable habitats and landscapes are protected. Encouragement is also given to the development of new landscapes and landscape restoration in those areas which have experienced greatest landscape change.
- 4.111 Many woodland features such as hedgerows and trees have been lost through the incremental effects of intensive agricultural practices over a prolonged period of time. More recently the effects of urbanisation and improvement in road infrastructure have had a significant impact. In many areas there is little remaining landscape structure worthy of restoration. Positive action will be needed to create new landscapes and to encourage



the conservation and maintenance of remaining features such as trees, hedges, ponds and woodlands.

- 4.112 The Conservation Strategy incorporates a number of initiatives to combat these problems including promoting woodland planting, management and hedge restoration and complementary work by other agencies and landowners. The countryside around Selby has been especially targeted for concerted action. Other priorities include efforts to upgrade the landscape along key road corridors, including the A19 south of York, and in association with the proposed upgrading of the A1 to motorway status.
- 4.113 The maintenance and improvement of the rural character of the area is important to both the quality of life and environment enjoyed by residents and visitors. It is also important as a stimulus to inward investment. The District Council supports the measures proposed by the County Council and will concentrate its own resources to help bring about improvements. Where appropriate, initiatives undertaken by other agencies which make a positive contribution to the quality of the landscape will be supported.

### **Countryside Management**

- 4.114 Following Local Government Reorganisation in North Yorkshire in 1996, the District Council is no longer able to provide a District-wide Countryside Management Service. Resources will continue to be directed toward the management of Barlow Common Nature Reserve and to other individual projects which will enhance the countryside heritage and landscape of the District. Continued support will also be given to organisations and individuals who wish to make a positive contribution to the conservation and enhancement of the landscape and wildlife interest of the District.

### **Trees and woodland**

- 4.115 The North Yorkshire Conservation Strategy (1991) has highlighted the deficiencies that exist within the Selby District with regard to both woodland and hedgerow cover. Less than 5% of the total area is covered by woodland, including new plantations, a figure which is approximately half the national average. Surviving woodlands and hedgerows, however, form a key component of the landscape, particularly in view of the generally flat topography and absence of other prominent features. Many are also significant in terms of the wildlife habitats they provide, particularly woodlands of ancient origin, and the District Council acknowledges the importance of resisting further losses and promoting new planting initiatives where possible. Smaller woodlands, copses and even individual trees also contribute to the character and appearance of the countryside, and the many towns and villages within it.
- 4.116 The District Council carries out tree planting principally at Barlow Common Nature Reserve. Other schemes operating within the urban areas have concentrated on estate and town centre enhancement, for example, tree planting around Selby Abbey.
- 4.117 Grants for new woodland and tree planting are available from various organisations including the Forestry Authority, DEFRA, the County Council, English Nature, the Countryside Agency and the Country Landowners'

Association. The Farming and Wildlife Advisory Group provides advice on sources of grant aid and preparing detailed plans for planting schemes. The British Trust for Conservation Volunteers provides practical help for planting and conservation schemes.

- 4.118 In carrying out or supporting proposals for new tree planting, the District Council will try to ensure the use of native species, where appropriate, according to the need to protect a site's nature conservation and landscape qualities. Similarly, when consulted by the Forestry Authority on applications in connection with Woodland Grant Schemes it will seek to ensure the replacement of felled trees with native, broadleaved species where appropriate. Care will be taken to avoid new planting within areas of existing wildlife interest or on sites of archaeological interest.

### **Tree Preservation Orders**

- 4.119 The District Council is empowered to protect individual trees, groups of trees or woodland areas by making Tree Preservation Orders and can prevent the removal without prior consent of protected trees which have amenity, landscape or nature conservation value. Individual trees of known importance for roosting or hibernating bats are also eligible for protection under schedule 5 of the Wildlife and Countryside Act 1981. As at April 1997 there were 237 confirmed Tree Preservation Orders in force throughout the Plan area. Additional protection is afforded to trees within the boundary of a conservation area.
- 4.120 Any individuals, groups, Parish Councils or the District Council may request that a Tree Preservation Order be placed upon a tree, group of trees or woodland area regardless of whether the tree is under threat either by felling or subject to planning permission.
- 4.121 In appropriate circumstances, consent may be granted for works required to achieve proper pruning, topping or even removal of a tree provided there are sound arboricultural reasons. These may include measures to ensure the wellbeing of any particular tree, such as the need to remove dead wood to reduce the weight of the crown of large mature trees, or to remedy earlier injudicious pruning. The removal of a tree may be justified where it is overcrowding and suppressing other trees, and in other exceptional circumstances. In the event of the loss of a tree subject to a Tree Preservation Order, the District Council will normally require replacement trees to be planted to an appropriate scale and standard.
- 4.122 In considering development proposals adjacent to trees which will be retained, the Council will be guided by the system, produced by the Greater Yorkshire Tree Officers Group (GYTOG), for calculating minimum distances between trees and new residential development.

**ENV18 When determining applications to fell or to carry out other works to trees subject to tree preservation orders, the council will take into account the health and stability of the trees, their likely future lifespan and the continuing contribution of the trees to public amenity.**

## **Hedgerows**

- 4.123 Hedgerows make an important contribution to the quality of the environment in terms of both their landscape and nature conservation value, for example, acting as wildlife corridors. Hedgerows have a significant part to play in conserving and enhancing biological diversity since well-established hedgerows often contain a great diversity of plants and wildlife species. The Government estimates that between 1984 and 1993 approximately 68,000 kilometres of hedgerow were grubbed out from the countryside of England and Wales. A regulatory regime which came into force in 1997 was designed in response to the problem of hedgerow destruction.
- 4.124 The Hedgerow Regulations 1997 came into force on 1 June 1997 and are likely to be amended following a review of the Regulations announced in July 1998. The Regulations aim to protect important hedgerows in the countryside by controlling their removal through a system of prior notification. The key element of the hedgerow protection system is the criteria which define importance. These criteria are based upon landscape, wildlife, archaeological and historical criteria.
- 4.125 The District Council will seek to protect important hedgerows through the operation of the Regulations and will support measures which improve the existing Regulations giving greater protection to remaining hedgerows. Grants for the voluntary restoration and management of hedgerows are available through the Countryside Stewardship Scheme operated by DEFRA.

*POLICY ENV19 is deleted*

## **Strategic Landscaping**

- 4.126 The scarcity of tree cover and other landscape features in parts of the Plan area has resulted in a very harsh, and in some cases, insensitively developed edge to many settlements. Landscaping on the edge of settlements can make a positive contribution to the proper assimilation of new development in the countryside. Such landscaping can provide a positive backcloth and distinctive edge to built-up areas whilst softening the appearance of development.
- 4.127 In identifying sites for new housing and employment related development, care has been taken to select locations where development would not spoil the setting of existing settlements. At the same time, new development proposals may present opportunities for landscape enhancement including the incorporation of new tree belts, copses and hedgerows. Where development schemes are acceptable in principle, and taking account of the circumstances of the site, the District Council will require the incorporation of fully integrated landscaping proposals on a scale which will provide effective screening and enhancement of development, particularly along the approaches to settlements. This may include a specific requirement for 'strategic landscaping' of native species as part of any proposal for large-scale development or development at the edge of a built-

up area. Proposals may also incorporate provision of off-site planting. However, bulk planting or high quality landscaping should not be seen as a substitute for a well located or designed scheme.

**ENV20 Where it is necessary because there is inadequate landscaping related to large-scale development or development at the edge of settlements, such proposals will be required to incorporate a substantial element of strategic landscaping (which may be off-site) as an integral part of the scheme.**

### **Landscaping Requirements**

- 4.128 POLICY ENV1 emphasises the importance that will be attached to landscaping in considering proposals for development. Where appropriate, high quality landscaping proposals should be incorporated as an integral part of development schemes. The purpose of the following policy is to give more detailed guidance in order to ensure that proper consideration is given to the retention, replacement and planting of trees, hedgerows and other landscape features. As well as strengthening existing landscape structure, the quality of new development can be greatly enhanced by the imaginative use of such features.
- 4.129 The District Council will require the early submission of landscaping proposals, including maintenance arrangements, as an integral part of applications for planning permission. In assessing new development proposals, where appropriate, conditions will be imposed to ensure that landscape features are retained or created by new planting. New tree planting and other landscaping should use native, locally occurring species as far as possible. Adequate protection should also be afforded to trees and hedgerows during construction.
- 4.130 Landscaping schemes which are required to be submitted as part of any application for development should specify the following:
- Areas to be grass seeded, turfed or landscaped;
  - The positions and species of all trees, hedgerows and shrubs to be retained;
  - The numbers, species and heights of all trees, hedgerows and shrubs to be planted;
  - The location and type of all proposed means of enclosure and hard landscaping;
  - Means of access for watercourse maintenance when schemes are situated in the vicinity of watercourses; and
  - The way in which landscaping will reflect and enhance local character.

It is proposed to publish supplementary guidance for developers and the general public elaborating the Council's precise requirements with regard to

landscaping and subsequent maintenance having regard to Circular 11/95 (The Use of Conditions in Planning Permissions).

- ENV21 A) Where appropriate, proposals for development should incorporate landscaping as an integral element in the layout and design, including the retention of existing trees and hedgerows, and planting of native, locally occurring species.**
- B) The District Council may make tree preservation orders, impose planting conditions, or seek an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure the protection and future maintenance and/or replacement of existing trees, hedgerows and proposed new planting.**

#### **SECTION FOUR: BUILT ENVIRONMENT**

- 4.131 The built environment of the Plan area encompasses the three towns of Selby, Tadcaster and Sherburn in Elmet, and numerous villages and smaller hamlets in the surrounding countryside. The identity of many of these settlements is reflected in the local vernacular architecture which stands as a record of their ecclesiastical, agricultural and industrial heritage. The Local Plan seeks to protect the historic framework of settlements, the character of which is made up of buildings, open spaces, passage ways, land boundaries and backland areas.
- 4.132 Many settlements exhibit considerable environmental quality and character which has been acknowledged through the designation of 23 conservation areas. There are also over 610 listed buildings of special architectural or historic importance.
- 4.133 Policies in this section are aimed at safeguarding the built heritage of the area, including archaeological remains and preserving and enhancing the character and appearance of existing settlements.
- 4.134 Historic buildings are one aspect of today's environment. The open spaces around such buildings are also important. They provide the setting for buildings and settlements, and thus contribute to their character. Considerable emphasis is placed on the quality of new development, including the impact of advertisements, in order to enhance the built heritage of the Plan area.

#### **Protection of Listed Buildings**

- 4.135 The Plan area contains many buildings of special architectural and historic interest which make a substantial contribution to the quality of the environment. The majority reflect the agricultural and ecclesiastical history of the area, although there are some examples of more unusual building types, such as Hazlewood Castle, Steeton Hall Gatehouse, Tadcaster Viaduct and the group of Victorian and Edwardian warehouses along the Ouse frontage at Selby. Over 610 buildings are included in the list of buildings of special architectural or historic interest and therefore protected

under the provisions contained in the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4.136 PPG15 (Planning and the Historic Environment, 1994), which provides guidance on Listed Buildings and Conservation Areas, emphasises that listed buildings are a finite resource which should be preserved. Annex C of PPG15 provides detailed guidance on alterations to listed buildings. Listed Building Consent is required prior to works that would materially affect the character of a listed building. It is a criminal offence to carry out any works of alteration including partial demolition without first obtaining Listed Building Consent.
- 4.137 The entire fabric, both internal and external, of a listed building is protected. This includes internal features such as doors, skirting and fireplaces. Similarly, the setting of a building of special architectural or historic interest is often an essential feature of its character, and listing encompasses any boundary walls, fences, curtilage buildings and associated land. Proposals for development within the garden or grounds of a listed building or within the locality should be sympathetic in scale, proportion, design and materials. This principle may extend well beyond the immediate surroundings depending on the significance of the building in the streetscene or on the skyline. Special regard will be paid to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest they possess.

**ENV22 Development will not be permitted where it would have a detrimental effect on the character, fabric or setting of a listed building.**

#### **Demolition of Listed Buildings**

- 4.138 PPG15 (Planning and the Historic Environment, 1994) emphasises that there must be a general presumption in favour of preserving listed buildings.
- 4.139 This means that demolition of a listed building is always an exceptional circumstance. Whilst works of alteration to Grade II buildings are usually within the control of the District Council, alterations to Grade II\* and Grade I buildings, and proposals for full demolition are considered by the Secretary of State.
- 4.140 Proposals for demolition will not be allowed unless applicants can demonstrate that realistic efforts have been made to continue the present use or find a suitable alternative use. In considering proposals the Council will also take into account the merits of alternative proposals for the site including the planning benefits for the community or environment.

**ENV23 The total or substantial demolition of a listed building will only be permitted where it can be demonstrated that:**

- 1) All reasonable and imaginative efforts have been made to retain the existing use or find compatible alternative uses; or**

- 2) **Redevelopment would produce substantial planning benefits for the community or environment that would decisively outweigh the building's loss.**

**Where a listed building is allowed to decay to the point where it is in danger of structural collapse, or is in an extremely poor state of repair, the district council will, where appropriate, exercise its powers to secure the preservation of the building.**

### **Alterations to Listed Buildings**

- 4.141 The special historical or architectural interest of a listed building reflects the completeness of its structure and fabric. A distinction must be made between works necessary to keep a building in good repair or to facilitate its future use, and alterations attributable to the personal requirements of the owner or changes in fashion that are not necessary to secure the future use of the building. Any proposal that would result in the loss or irreversible damage to the historic fabric of a listed building will be resisted. Annex C of PPG15 (Planning and the Historic Environment, 1994), gives guidance on alterations to Listed Buildings and the Council will pay particular regard to this advice when determining applications for the alteration of a listed building.
- 4.142 Proposals to extend a listed building should be sympathetic in scale, proportion, design and materials to the existing building and should not detract from the character or setting of the building.
- 4.143 Economic and social factors have resulted in certain building types, such as barns and dovecotes, falling into disuse. These are often subject to proposals for conversion and change of use for other purposes. Proposals must have regard to the overriding requirement to preserve the fabric and special interest of the building. The best use will often be the use for which the building was originally designed and this should be the first option. However, where the continuation or reinstatement of that use is not viable or appropriate, the aim should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the historic building. This may not be the most profitable use.

**ENV24 The conversion, alteration, extension or change of use of a listed building will only be permitted where it can be demonstrated that the proposal:**

- 1) **Would not have any adverse effect on the architectural and historic character of the building, and its setting;**
- 2) **Is appropriate in terms of scale, design, detailing and materials; and**
- 3) **Would not harm the historic fabric of the building.**

## **Maintenance of Listed Buildings**

- 4.144 A national survey of “Buildings at Risk” undertaken on a voluntary basis by Local Authorities in 1991 revealed that 3% of the listed buildings in the Plan area were in need of urgent repair, with a further 7% likely to be in need of attention in the longer term. The continuing deterioration of the structural condition of many buildings is a matter of concern.
- 4.145 The District Council’s responsibility with respect to listed buildings extends to consideration of the proper maintenance of such buildings. PPG15 (Planning and Historic Environment, 1994) emphasises that Local Authorities should make full use of the powers available to them, including serving notices requiring repair or urgent works of maintenance, on owners of listed buildings, where it is considered that the building is falling into a state of urgent disrepair, such that the structural wellbeing of the property is likely to be jeopardised.
- 4.146 It is appreciated that works to maintain or repair a listed building are often more difficult and expensive than equivalent works to buildings not on the statutory list. The District Council will continue to actively encourage the repair of buildings of special architectural or historic interest by providing advice and financial aid for eligible works, under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, the District Council will seek repair where appropriate, through powers to serve Repairs Notices and other statutory methods.

## **Designation of Conservation Areas**

- 4.147 Conservation areas are defined as areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The power to designate conservation areas is embodied in the Planning (Listed Building and Conservation Areas) Act 1990. Conservation area status acknowledges an area’s special character, declares confidence in its future and affirms that the planning authority will apply stringent control over development and demolition of property to retain its essential character and appearance. There are currently 23 designated conservation areas in the Plan area. The District Council has produced a detailed character statement for Selby Conservation Area and will carry out further assessments as necessary and as resources permit.
- 4.148 Local Authorities are required to keep under review the need for additional conservation areas. In preparing the Local Plan a number of potential new designations have been identified, which will be investigated in more detail as resources permit.
- 4.149 Village appraisals revealed a number of anomalies in existing conservation area boundaries, particularly in long standing designations. A review of Selby Conservation Area which was designated in 1969 was undertaken in 1996 and the boundary has been consequently amended<sup>1</sup>. It is proposed

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<sup>1</sup> Following a detailed review in 2003 the Selby Conservation Area was further revised and split into four separate Conservation Areas to reflect their individual characters. The four new areas: Selby Town, Leeds Road, Armoury Road and Brook Street, and Millgate are shown on the Inset Proposals Map.



to review, rationalise and/or extend boundaries of other conservation areas where appropriate, and in so doing, to take into account refinements in the legislation since original designations were undertaken.

### **Control of Development in Conservation Areas**

- 4.150 The designation of a conservation area is a formal recognition of townscape quality. Many elements contribute towards the character and appearance of such areas, including the architectural and historic quality, character and coherence of the buildings, and the space around the buildings.
- 4.151 The conservation areas within the Plan area fall within 3 distinct types with respect to building materials:
- i) In the southern and western part of the Plan area, settlements sit on magnesian limestone and consequently all of the conservation areas along this belt have buildings of limestone. Throughout the remainder of the Plan area, brick is the traditional building material as the geology of the Vale of York includes an extensive drift deposit of boulder clay overlying the Bunter Sandstone.
  - ii) The villages in the eastern part of the Plan are of a dark red/brown brick which would be indicative of such clays.
  - iii) Conservation areas nearer to York have some buildings of much lighter Gault Brick, commonly found in the Cambridgeshire and Bedfordshire areas of the country.
- 4.152 It is important to ensure that proposals for new development are not detrimental to the character and appearance of a conservation area. National planning advice places the emphasis on control as opposed to the prevention of development. The continued prosperity of an area could be jeopardised if development was precluded by designation and it is not in the spirit of the legislation to create museum pieces. The recognition of the uniqueness of such areas does however necessitate that new development has due regard for the special architectural and visual qualities of that area.
- 4.153 Since the designation of an area as a conservation area is a recognition of its special character, it follows that such areas are sensitive to new development with respect to materials and design. Certain categories of minor development, which can normally be carried out without the need for planning permission under the General Permitted Development Order 1995, specifically require consent in conservation areas. These include various types of cladding, dormer windows and the erection of satellite dishes.
- 4.154 It is often not possible to assess the visual impact of a development proposal submitted in outline form. Planning legislation also empowers Local Planning Authorities to request further details of any or all reserved matters.

**ENV25 Development within or affecting a conservation area will be permitted provided the proposal would preserve or enhance**

**the character or appearance of the conservation area, and in particular:**

- 1) The scale, form, position, design and materials of new buildings are appropriate to the historic context;**
- 2) Features of townscape importance including open spaces, trees, verges, hedging and paving are retained;**
- 3) The proposal would not adversely affect the setting of the area or significant views into or out of the area, and**
- 4) The proposed use, external site works and boundary treatment are compatible with the character and appearance of the area.**

**Where necessary in order to be able to fully assess proposals, the council will require applications to be accompanied by detailed plans and elevations showing the proposed development in its setting.**

#### **Demolition in Conservation Areas**

- 4.155 Conservation area designation introduces additional control over the demolition of buildings. This is important because non-listed buildings within conservation areas often make an important contribution to townscape quality. Conservation Area Consent is therefore required for the total or substantial demolition of unlisted buildings within conservation areas. This enables proper assessment of the effect of demolition on the character and appearance of the conservation area.
- 4.156 PPG15 (Planning and the Historic Environment, 1994) indicates that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area, and proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. Consent for demolition will not be given unless there are acceptable and detailed plans for any redevelopment. It will often be appropriate to impose conditions requiring applicants to enter into contracts for the carrying out of works for development and to obtain planning permission for those works, prior to demolition.

**ENV26 Within conservation areas proposals for the total or substantial demolition of buildings or features which make a positive contribution to the special architectural or historic interest of the area will only be permitted when it can be demonstrated that:**

- 1) The building or feature is incapable of beneficial use; and**
- 2) Its removal and subsequent redevelopment of the site would benefit the character and appearance of the area. Consent for demolition will only be granted**

**where prior approval has been given for redevelopment of the site and a building contract has been let.**

#### **Article 4 Directions in Conservation Areas**

- 4.157 Additional control over development in conservation areas may be exercised by Local Authorities through the withdrawal of 'permitted development' rights for prescribed types of development covered by the General Permitted Development Order (GPDO). This may be appropriate where minor development, that can normally be carried out without the need for planning permission, is cumulatively leading to the erosion of the character of a conservation area, for example where original building features are replaced by inappropriate fittings.
- 4.158 The power to withdraw permitted development rights is embodied in Article 4 of the GPDO. Article 4(2) Directions apply to specified types of minor development that would materially affect the external appearance of dwelling houses such as replacement doors and windows, and roof materials. In making Directions, Local Authorities are required to publicise their proposals in advance and to have regard to the views of local people. The withdrawal of permitted development rights for other categories of development, through Article 4(1) Directions, requires the consent of the Secretary of State.
- 4.159 The District Council will consider making Directions in exceptional circumstances where the nature and/or extent of minor works is specifically undermining the character of a conservation area, particularly where publicly funded schemes of enhancement have been undertaken or are proposed. Subsequent applications for planning permission made necessary because of a Direction under Article 4 will be considered on their merits in the normal way.

#### **Conservation Area Enhancement Proposals**

- 4.160 The District Council has a statutory obligation under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to seek to preserve or enhance conservation areas. Government advice recommends the adoption of a positive scheme for each area at an early stage. The majority of the conservation areas in the Plan area are centred on a main street. Such areas rely on the floorscape as an intrinsic part of their overall character and have suffered over the years from the gradual loss of traditional York Stone paving. The remainder of conservation areas focus on a village green or less formal central open space, most of which would benefit from positive enhancement in the form of sympathetic boundary treatments and the replacement of incongruous street furniture. Enhancement schemes will seek to make the most of those existing features or characteristics within conservation areas that contribute towards their special character and appearance.
- 4.161 The District Council operates a grant scheme to aid conservation area enhancement. Schemes such as the reintroduction of Edwardian lamps on Stillingfleet bridge have already been undertaken and, as opportunities arise, further proposals will be designed and implemented. In such cases

the District Council will work with the Parish or Town Council to initiate and undertake such schemes.

- 4.162 A recent survey of conservation areas has revealed the potential for such improvement. Many Parish Council responses to a Key Issues Questionnaire undertaken during the preparation of the Local Plan also highlighted possible schemes. Improvement works to village greens, village ponds, floorscape schemes and the replacement of unsympathetic street furniture will form the basis of enhancement schemes to be undertaken within the Plan period.
- 4.163 The District Council will promote the preparation of schemes for the preservation and enhancement of conservation areas, particularly in association with Parish and Town Councils. It will also seek the cooperation of North Yorkshire County Council and other organisations responsible for the provision of utility services, to ensure that features of townscape importance are retained and all new works are sympathetic in scale, form and materials to the area.

### **Scheduled Monuments and Important Archaeological Sites**

- 4.164 Archaeological remains are a finite and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction. Appropriate management is therefore essential to ensure that they survive in good condition. In particular, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. They can contain irreplaceable information about the past and the potential for an increase in future knowledge. They are part of our sense of national identity and are valuable both for their own sake and for their role in education, leisure and tourism.
- 4.165 The Plan area is rich in archaeological remains. Today's landscape is the product of human activity over thousands of years. PPG16 (Archaeology and Planning, 1990) states that the desirability of preserving an ancient monument and its setting is a material consideration when determining planning applications, whether the monument is scheduled or not.
- 4.166 Nationally important sites of archaeological importance are afforded statutory protection as scheduled monuments. There are 52 scheduled sites in the Plan area, which are defined on the Proposals Map and listed in Appendix 9. These include upstanding monuments such as Cawood Castle and ruins such as Kyme Castle. However, many have no visible remains but contain evidence below the surface of monuments, burial grounds, religious buildings and settlements. National planning policy advice indicates that there is a presumption in favour of the preservation of such sites. Once scheduled, the consent of the Secretary of State is required before any works affecting the monument or its setting may be carried out.
- 4.167 In addition to scheduled monuments, many other sites of archaeological importance have been identified within the Plan area. These include the site of the battlefield at Towton, the Woodhall and Skipwith moated sites and the village of Ryther.

- 4.168 The fact that a site is not scheduled does not necessarily mean that it is not of national importance and worthy of preservation. English Heritage is currently reviewing monuments and important sites in North Yorkshire as part of its ongoing Monuments Protection Programme, and additional sites may be identified for scheduling in the course of the review.

**ENV27 Where scheduled monuments or other nationally important archaeological sites or their settings are affected by proposed development, there will be a presumption in favour of their physical preservation. In exceptional circumstances where the need for the development is clearly demonstrated, development will only be permitted where archaeological remains are preserved in situ through sympathetic layout or design of the development.**

### **Other Archaeological Remains**

- 4.169 The Country Sites and Monuments Record (SMR) contains information on both scheduled and unscheduled archaeological sites of national, regional and local importance as well as areas of archaeological potential. The SMR is continually being updated as sites are reassessed and new finds are made. Developers need to be aware that archaeological remains, including fossil spoil deposits, such as peat, river wash gravels and other alluvial soils, can occur almost anywhere and that the true nature and importance of remains cannot be established without appropriate archaeological evaluation.
- 4.170 Applications for development affecting sites of known or potential archaeological interest should be accompanied by an archaeological evaluation in order for the District Council to make a reasonable and informed decision. Such an investigation could take the form of a desk top study or a field evaluation and be carried out in accordance with detailed advice contained in Paragraphs 21 and 22 of PPG16 (Archaeology and Planning). Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.
- 4.171 Where the Council decides that development affecting archaeological remains should proceed, and in situ preservation is not justified, the Council will wish to satisfy itself that the developer has made appropriate and satisfactory provision for the excavation and recording of the archaeology either through a planning condition or voluntary legal agreement. However, there may be very rare occasions when the presence of archaeological remains only becomes apparent once development has commenced. Developers may wish to insure themselves against the risk of a substantial loss while safeguarding archaeological remains unexpectedly discovered on site.

**ENV28 (A) Where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application.**

- (B) Where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development.**
- (C) Where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.**

### **Local Amenity Space**

- 4.172 The built framework of settlements necessarily includes areas of open space, both public and private. This open space fulfils a number of important roles, for example, providing the setting for buildings or groups of buildings, or contributing to the character and townscape of settlements. In many instances such areas also provide opportunities for informal recreation. Village greens are particularly important having historical, townscape and local amenity value.
- 4.173 The scale of housing and employment growth required in the Plan period is likely to result in considerable pressure for development within settlements. In many circumstances, this may be preferable to development of green-field sites and consistent with acceptable principles of sustainable development. However, continued infilling may not only overload existing communities and services but may erode the character of settlements and result in the loss of valuable amenity space. It is therefore important that the most valuable open space, from an amenity or townscape point of view, is identified and protected from the outset.
- 4.174 The District Council has carried out a detailed appraisal of all settlements in the Plan area in order to identify spaces that contribute to the character and appearance of the built-up areas and which provide an important local amenity. These appraisals revealed sites in nearly all settlements that were worthy of protection. Parish Councils consulted during the preparation of the Plan have generally supported the view that such spaces be afforded special protection and many have put forward suggestions which have been incorporated, including village greens and common land as well as wide grass verges and the curtilages of religious and other buildings.

**ENV29 Proposals for the development of local amenity space, as defined on the proposals map, will not be permitted.**

### **Street Furniture**

- 4.175 Street furniture in the form of benches, litter bins, lamp posts, bollards, signposts, planters and bus shelters may make a significant contribution to the character and appearance of an area. Some features, such as historic telephone boxes, lamps and Victorian and Edwardian post boxes, are

perceived as an integral part of the character of towns and villages, and many have been statutorily listed.

- 4.176 Street furniture is not necessarily a permanent feature. Outmoded design, vandalism and deterioration through use leads to the ongoing replacement of certain items with ones of more modern design or materials. In sensitive locations, particularly within conservation areas, it is important that the replacement or introduction of street furniture is properly coordinated and complements the existing character as far as possible. Too much street furniture can clutter the street scene and detract from the character of the area. Street furniture should be limited to what is useful or enhances the street scene. Superfluous furniture should be avoided.
- 4.177 Unfortunately, many conservation areas contain inappropriate and obtrusive street furniture in the form of concrete bus shelters, iron or concrete benches, plastic or concrete bins and other elements that detract from the character of the area. This is partly attributable to the past involvement of a number of different groups in the provision of street furniture, including the District Council, the Highways Authority and Parish and Town Councils. It is proposed to rectify this situation through a combination of good practice and enhancement schemes.
- 4.178 The District Council will seek the cooperation of the Highways Authority and Parish and Town Councils to promote the use of street furniture which is of a high quality and sympathetic in design, scale, materials and colour to the character of the area, particularly within conservation areas.

### **Floorscape**

- 4.179 The use of locally available materials including stone flags, cobbles and setts was the predominant surface treatment for roads and pavements up until the middle of the twentieth century. Since that time, ongoing replacement of traditional paving with modern materials such as tarmac and precast concrete kerbs has taken place. The provision and repair of services such as underground pipework and cables has also led to the gradual loss of traditional materials as surfaces are more usually reinstated with tarmac.
- 4.180 The floorscape of an area contributes greatly towards its overall character and appearance. In this respect, the retention and maintenance of the traditional paving materials, particularly in conservation areas, is preferable to their replacement by tarmac, a comparatively lifeless surface treatment. Unfortunately, there are few remaining examples of the traditional paving in the Plan area.
- 4.181 Proposals for new development, particularly within conservation areas, should acknowledge the desirability of enhancing or reinstating traditional floorscapes where appropriate. The use of modern brick pavers or concrete setts, cobbles and flags may be appropriate in such circumstances. The District Council will promote the reinstatement of traditional paving through conservation area enhancement schemes and grant aid. It will also seek the co-operation of the local highway authority to ensure that traditional floorscapes are retained and maintained, particularly in conservation areas.

## **Shopfronts**

- 4.182 Shopfront design has become a national issue in recent years. The introduction of standardised modern shopfronts has had a detrimental effect on the appearance of town centres, obscuring their historic character.
- 4.183 Revised PPG6 (Town Centres and Retail Developments, 1996) refers to the importance of sustaining and enhancing the vitality and viability of town centres. Good shopfront design is crucial to this and fulfils economic, civic design, conservation and tourism objectives.
- 4.184 The towns of Tadcaster and Selby have the largest concentration of retail outlets in the Plan area. There are many original Victorian shopfronts and a few that are late Georgian in both towns. These demonstrate how a shopfront can draw the eye of a customer while enhancing the character of the building it is part of and the streetscene, rather than detracting from it. The Council is committed to retaining these original shopfronts and having similar ones replicated where appropriate. However, well designed and innovative modern shopfronts will be welcomed and judged on their own merits.
- 4.185 Essentially, a shopfront should sit harmoniously with the building that it is part of. The District Council has published a Shopfront Design Guide which aims to give advice on shopfronts in order to improve the visual quality of commercial streets in the area. This Supplementary Planning Guidance will be used to assist in the assessment of proposals and the implementation of Policy ENV30.

### **ENV30 Proposals for new shopfronts, including the replacement of or alteration to a shopfront, will only be permitted where:**

- 1) The design would be sympathetic in size, period, proportion, materials and architectural detailing to the building of which it will form a part;**
- 2) The proposal would not detract from the character or appearance of the area as a whole; and**
- 3) An existing traditional shopfront would be retained and, where necessary, repaired or, as a last resort, reinstated in replica.**

## **Advertisement Control**

- 4.186 Advertisements have a powerful impact on the character of an area as well as the building of which they form a part. Their cumulative effect on townscape is self evident. Many modern fascias and projecting signs have little respect for the building of which they are a part. As well as modern materials, the use of internal illumination leading to bulky signage has done little to enhance town centre environments. The problem is likely to be exacerbated by increasing competition between corporate businesses and national companies leading to smaller traders and businesses being forced to compete with bold and garish advertising.



- 4.187 Control over the display of advertisements is embodied in the Town and Country Planning (Control of Advertisements) Regulations 1992, whilst further advice is contained in PPG19 (Outdoor Advertisement Control, 1992).
- 4.188 The control of advertisements principally relates to considerations of amenity and public safety. Advertisements are a necessary part of any commercial development whether it be a single retail outlet in a village, a larger shop in the commercial centre of Selby or Tadcaster, or a business on an industrial estate. However, their functional importance must not result in overstatement by way of size, colour, illumination or number.
- 4.189 The Plan area is predominantly rural in character and contains numerous settlements of an environmentally sensitive nature, where proposals for advertisements are likely to be intrusive. Advance warning signs for developments such as shops, petrol filling stations and public houses, and all advertisements, should be designed or located in a way which does not confuse or interfere with pedestrians or the movement of vehicular traffic or compromise road safety. The District Council will prepare Supplementary Planning Guidance for advance warning signs to encourage sensitive design and use of materials.
- 4.190 The illumination of advertisements, traditionally in the form of external lamps, is intended to enhance their visual prominence. The advent of new materials such as acrylic and other plastics has enabled the construction of fascias and projecting box signs independent from the building of which they are to form a part. Internal illumination allows for greater visual effect which, although making for successful advertising, can result in cumulative loss of amenity in the locality. For this reason, the use of internally illuminated signage is generally only appropriate within shopping or employment areas. In other more environmentally sensitive locations, such as in villages and conservation areas, the use of external illumination is likely to be more appropriate.
- 4.191 Where express consent is required, the Local Planning Authority will exercise control over the siting and form of advertisements in the interests of public safety and amenity by ensuring that the scale, siting, design and illumination of any advertisement does not detract from the character of the building or area.

#### **Advertisements in Conservation Areas**

- 4.192 Poorly designed advertisements are a serious threat to the intrinsic character and appearance of conservation areas. Selby town centre, for example, is dominated by advertisements along most frontages, a number of which detract from its conservation area status.
- 4.193 The majority of the conservation areas in the District include both traditional and modern buildings. Traditional forms of advertisements comprise hand painted wooden fascias or pin mounted letters. Hanging signs at fascia level are also common. Modern buildings, constructed in the latter half of the twentieth century, may not have been designed in a style and of proportions that would make such a traditional approach to advertisements appropriate. Advertisements on such buildings should have regard to the

character of the area as a whole. The District Council will expect a higher quality of design in conservation areas in order to preserve or enhance the historic character of appearance of the area. The following policy will be amplified through the publication of Supplementary Planning Guidance.

**ENV31 Within conservation areas proposals for the display of advertisements will be granted consent provided the advertisement would not detract from the character or appearance of the area and:**

- 1) The design, scale and materials of the advertisement are appropriate to the scale and character of the building on which it is located, and to surrounding buildings; and**
- 2) The proposal would not present a cluttered appearance with respect to existing signage on the building, and the overall streetscene.**

### **Advertisements and Listed Buildings**

4.194 Many commercial premises occupy listed buildings, particularly those dating from the Georgian and Victorian eras. Whilst commercial activities may ensure the continued use of a building, the retention of the historic fabric of the building, including any architectural detailing, remains paramount. Proposals for advertisements should be sensitive to the architectural design of such buildings. Where premises display original fascias, proposals for new advertisements should utilise traditional elements. In instances where little remains of the original fascia or other signage, it may be appropriate to replicate the original form of advertisement.

4.195 Proposals for advertisements on listed buildings require Listed Building Consent. Specific attention will be given to the visual effect of the proposed signage in relation to the architectural and historic importance of the building. The following policy will be amplified through the publication of Supplementary Planning Guidance.

**ENV32 Proposals for the display of advertisements on listed buildings will only be granted consent where:**

- 1) The proposed advertisement complements the architectural and historic character of the building and uses a high standard of materials;**
- 2) The scale and design respects the proportions of the building, with original fascia depths respected or reinstated and does not obscure the architectural detail of the building; and**
- 3) If it is proposed that the advertisement be illuminated, the design and the method of illumination would not detract from the character of the building.**