

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

WRITTEN STATEMENT – REVISED WITH EFFECT FROM 28 SEPTEMBER 2007

As a result of a Direction issued by the Secretary of State for Communities and Local Government, from 28 September 2007 some of the policies in the UDP continue to have effect ('saved policies') and some do not as they were not saved. This updated version of the UDP contains explanatory text for each not saved policy. Further information about policy saving can be found on the Kirklees website at

<http://www.kirklees.gov.uk/business/regeneration/udp/savedPolicies.aspx>

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5. ENVIRONMENTAL PROTECTION

STRATEGY

- 5.1 Environmental protection is a wide ranging topic covering issues which are of both global and local significance. The policies in this section deal with matters related to the quality of land as a resource for food production, air and water quality and the prevention of flooding, excessive noise, visual intrusion and other nuisance. Wherever possible, the plan seeks to limit, and where possible prevent, damage to the environment which might be caused by development, in so far as planning powers permit. In some instances, such as development for renewable energy, there is a potential conflict between possible adverse local affects of the proposed activity and the wider environmental benefits it would bring, for example, through a reduction in the burning of fossil fuel.

~~EP1 DEVELOPMENT PROPOSALS WILL BE CONSIDERED TAKING INTO ACCOUNT CONSEQUENCES FOR:~~

- ~~i LAND QUALITY;~~
- ~~ii AIR AND WATER QUALITY;~~
- ~~iii NOISE LEVELS; AND~~
- ~~iv VISUAL INTRUSION~~

EP1 was not saved because it repeats national policy and policies elsewhere in this document.

Agricultural land quality is addressed in PPS7, see EP2 below.

With regard to land, air and water quality PPS23, paragraph 2 states:¹

– any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use;

¹ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

With regard to noise PPG24, paragraph 1 states:²

The impact of noise can be a material consideration in the determination of planning applications. The planning system has the task of guiding development to the most appropriate locations. It will be hard to reconcile some land uses, such as housing, hospitals or schools, with other activities which generate high levels of noise, but the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise (such as road, rail and air transport and certain types of industrial development). It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses.

Visual intrusion is covered in policy D2 (see chapter 2) which seeks to ensure that development does not prejudice visual amenity.

- 5.2 The Council will consult the appropriate regulatory bodies, particularly the Environment Agency, to ascertain what preventative measures will be required to ensure that any emissions to the atmosphere, discharges to surface and underground water and noise or other nuisance likely to be caused by a proposed development will be within acceptable standards.
- 5.2a A particular concern will be the protection of groundwater resources which are essential to the public water supply and the base flow of many rivers. The whole of Kirklees is designated as a minor aquifer for groundwater protection purposes. The use and development of land can lead to serious ground water contamination which is difficult and expensive to remove. Strict control will therefore be required over development likely to pose a risk to groundwater resources and it will be necessary to refuse planning permission where a development carries a risk which is judged to be unacceptable.

DEVELOPMENT AFFECTING AGRICULTURAL LAND

- 5.3 It is national policy that considerable weight should be given to protecting the best and most versatile agricultural land (ie grades 1, 2 and 3a). Such land is a national resource which should not be depleted. Most of the agricultural land in Kirklees is moderate or poor quality (grades 3b, 4 and 5). Losses of land of this quality to other uses are not likely to be critical unless the cessation of agricultural practices in a particular area would prejudice local agricultural viability (for example, because winter pasture would be seriously depleted) or be detrimental to the local landscape or ecology because the land is no longer tended in the same way. In a landscape of river valleys and undulating

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topography such as that which predominates in Kirklees agricultural, environment and the rural economy are closely interconnected. Therefore, proposals to develop land outside the built up area should be considered taking into account the effect of the development on agricultural operations; the operation of businesses and the provision of jobs; and the impact on the landscape quality and local wildlife.

- 5.4 Proposals which would bring about the loss of agricultural land of grades 1,2 or 3a will not be acceptable unless it can be demonstrated that there is a particular need for the development, that no alternative site of a lower grade is available, and that the proposal would not result in the severance, fragmentation or reduction in size of farm holdings which would prejudice their continuing viability. These considerations will be applicable to all proposals including those involving little or no built development, such as golf courses, because any later restoration to agricultural use of the land concerned is unlikely to be capable of reproducing the original soil quality

~~**EP2 PROPOSALS FOR THE DEVELOPMENT INCLUDING, CHANGE OF USE, OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3a) WILL ONLY BE PERMITTED IN EXCEPTIONAL CIRCUMSTANCES. PROPOSALS INVOLVING LAND OF MODERATE OR POOR QUALITY (GRADES 3b, 4 AND 5) WILL BE PERMITTED UNLESS THE CESSATION OF AGRICULTURAL USE WOULD PREJUDICE THE VIABILITY OF LOCAL FARMS, LANDSCAPE QUALITY OR LOCAL WILDLIFE.**~~

This policy was not saved because the issues it refers to are covered in PPS7, the relevant text of which follows:³

Best and most versatile agricultural land

28. The presence of best and most versatile agricultural land (defined as land in grades 1, and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations (e.g. biodiversity; the quality and character of the landscape; its amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil quality) when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. Little weight in agricultural terms should be given to the loss of

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agricultural land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practices may themselves contribute in some special way to the quality and character of the environment or the local economy. If any undeveloped agricultural land needs to be developed, any adverse effects on the environment should be minimised.

DEVELOPMENT AFFECTING WASHLAND

- 5.5 Washland is essential to flood control as it absorbs floodwater and helps to regulate river flow. If the water storage capacity of washland is reduced, which would be the case where development raised the height of the land or created a barrier to floodwater, there will be more serious flooding problems elsewhere, possibly affecting built-up areas. The Government looks to local authorities to use their planning powers to guide development away from areas that may be affected by flooding, and to restrict development that would itself increase the risk of flooding or would interfere in the ability of the Environment Agency or other bodies to carry out flood control works and maintenance. However, not all development is precluded. For example, the use of washlands for playing fields, public open space, or allotments is likely to be acceptable. The acceptability of any change of use will depend upon the frequency of flooding.

EP3 DEVELOPMENT WILL NOT BE PERMITTED WITHIN DESIGNATED WASHLAND SHOWN ON THE PROPOSALS MAP EXCEPT WHERE:

- i IT WOULD NOT SIGNIFICANTLY AFFECT THE FUNCTION OF THE WASHLAND OR IT INCORPORATES ADEQUATE ALTERNATIVE FLOODWATER STORAGE CAPACITY; AND**
- ii THERE WOULD BE NO SERIOUS RISK TO THE DEVELOPMENT FROM FLOOD DEBRIS OR POLLUTION.**

- 5.5a Provision for surface water to run off from development will be assessed and the Environment Agency will be consulted, where appropriate, to determine any resultant flooding risk and the implications for the capability of the washland to deal with any likely additional flows.

Culverting and Canalisation

- 5.5b Culverting or canalising of open watercourses represent major threats to wildlife habitats and the amenity of green space. They can also lead to significant problems in times of high rainfall. Therefore proposals for culverting and canalisation of open watercourses will not normally be acceptable. However, in some circumstances culverting or canalisation will be necessary in the interests of public safety. The Council will promote the reopening and restoration of existing culverts and canalised watercourses.

EP3A CULVERTING OR CANALISATION OF WATERCOURSES WITHIN OR RELATED TO DEVELOPMENT SITES WILL NOT NORMALLY BE PERMITTED, UNLESS THERE ARE PUBLIC SAFETY CONSIDERATIONS. IN APPROPRIATE LOCATIONS DEVELOPMENT PROPOSALS SHOULD INCORPORATE REOPENING OF CULVERTS AND RESTORATION OF CANALISED WATERCOURSES TO A MORE NATURAL STATE.

NOISE

- 5.6 Although noise sources will vary, there are two main categories which should be taken into account; transport noise, and noise generated by industry. The perception of noise as a negative feature of a proposal may be a major factor when planning permission is under consideration. The presence of noise generating uses close to a developable site may fundamentally affect any decision made as to its future use. Similarly, proposals to locate noise-generating uses adjacent to potential development sites should not prejudice the long-term development prospects of those sites.

Sensitive Locations

- 5.7 Some uses of land are particularly sensitive to noise. Although houses, educational establishments and care institutions (hospitals, old peoples homes etc) are likely to be the premises of most concern, in some cases the consideration will be extended to public buildings (eg libraries and museums) or offices. Measures to restrict noise will be imposed by means of planning conditions, although if any off-site works are needed to ensure the implementation of noise reduction measures, the applicant will be required to enter into a legal agreement with the Council.

EP4 PROPOSALS FOR NOISE SENSITIVE DEVELOPMENT IN PROXIMITY TO EXISTING SOURCES OF NOISE, OR FOR NOISE GENERATING USES OF LAND CLOSE TO EXISTING NOISE SENSITIVE DEVELOPMENT, WILL BE CONSIDERED TAKING INTO ACCOUNT THE EFFECTS OF EXISTING OR PROJECTED NOISE LEVELS ON THE OCCUPIERS OF THE EXISTING OR PROPOSED NOISE SENSITIVE DEVELOPMENT.

Transport and Noise

- 5.8 Highways are a major source of noise nuisance. Noise is also generated on a more localised basis by railways and airfields. Although noise will vary throughout the day, there are maximum levels which are considered reasonable. These levels can be achieved by incorporating sound reduction measures in new development if normal construction will not achieve the required internal noise limits. Externally, recreation areas should either be sited sufficiently distant from highways to avoid excessive noise, or should be protected by planting, mounding or fencing. Sites adjacent to existing transport uses which are noisy may not be suitable for noise sensitive development. However, if the proposal is acceptable in principle, and appropriate sound reduction measures can be

incorporated to achieve a reasonable degree of amenity for future occupiers, permission may be granted. In exceptional cases, local considerations may allow higher noise levels to be accepted, particularly for outdoor recreation areas which may be difficult to protect. Maximum noise levels stated in policy EP5 are those recommended in the DoE Design Bulletin 'New Housing and Road Traffic Noise' (1972) in respect of internal noise levels. Those for external areas are based on the recommendations of the Noise Insulation Regulations 1975 (amended 1988), where it is recognised that highways development which will generate noise in excess of these levels will require the payment of a grant to secure noise reduction measures.

~~**EP5 PROPOSALS FOR DWELLINGS, EDUCATIONAL ESTABLISHMENTS, CARE INSTITUTIONS, PUBLIC BUILDINGS OR OFFICES LOCATED CLOSE TO SOURCES OF TRANSPORT RELATED NOISE SHOULD BE DESIGNED SO THAT THE MAXIMUM L10 (18 HOUR) NOISE LEVEL DOES NOT EXCEED 50 dB (A) FOR INTERNAL HABITABLE ROOMS AND 68 dB (A) FOR EXTERNAL RECREATION AREAS.**~~

This policy was not saved because it repeats government advice and the supporting text references out of date information. The latest guidance is provided in a *Noise Design Advice* note⁴ available from Kirklees Environmental Services on 01484 226436.

Development and Noise

- 5.9 Proposals for industrial development or other uses such as waste disposal which may have noise implications need to be individually assessed. Locational characteristics need to be taken into account before consideration can be given to the need for sound reduction. The applicant must be able to demonstrate that either the proposed building will be constructed to such a standard, or the development will incorporate noise reduction measures which will ensure that the resulting noise levels at specified locations will not exceed the acceptable maxima.

~~**EP6 EXISTING AND PROJECTED NOISE LEVELS WILL BE TAKEN INTO ACCOUNT IN CONSIDERING APPLICATIONS FOR DEVELOPMENTS WHICH ARE, OR HAVE POTENTIAL TO BE, NOISE GENERATORS. PREDICTIONS OF CORRECTED NOISE LEVELS AT THE BOUNDARIES OF THE APPLICATION SITE SHOULD BE SUBMITTED WITH THE APPLICATION.**~~

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ENERGY PRODUCTION FROM RENEWABLE RESOURCES

The Need for Renewable Energy Sources

- 5.10 Historically, energy production in the UK has been derived predominantly from burning fossil fuels. Kirklees is gradually recovering from the effect this has had on its environment by reclaiming old colliery spoil heaps and cleaning smoke blackened buildings. There are wider problems associated with the combustion of fossil fuels which will not be as straightforward to overcome. There is a growing acceptance that an increasing proportion of energy used will need to be produced from renewable resources, such as sun, wind and water. Whilst not strictly 'renewable', the use of waste materials to generate power is also considered under this heading. The Council supports these initiatives and, wherever reasonable, the aim will be to assist the utilisation of renewable energy.
- 5.11 Proposals for developing alternative energy sources have to be seen in the wider context of a long term change in society's attitudes to energy as a commodity. There is no single answer to the world's long term energy problems. Finding new ways to generate power is only one element of a solution. Given that current use of energy is wasteful, conservation measures are likely to have greater effect particularly in the short term.
- 5.12 A new alternative energy industry is emerging, and gaining public support because of international concern over the effects of burning fossil fuels. In particular, technology has now reached the point where domestic or commercial use of wind and solar power is likely to be a viable long term proposition. Although their contribution at present is small, there is a case to support their utilisation in the national, if not global interest. It should, however, be acknowledged that at best, present alternative means of energy generation can only be regarded as erratic and minor contributors to national energy needs. The need for such means of power generation should not override other considerations. Particularly visual amenity, when considering planning applications.
- 5.13 The government's policy for renewable energy is set out in PPG22. This indicates that renewable energy sources offer the best hope for the developed world in increasing diversity and security of supply, whilst reducing harmful emissions to the environment. Development plans should take account of renewable resources, whilst continuing to recognise the fundamental importance of policies to protect the landscape and wildlife. In particular, in line with PPG2, very special circumstances are needed to justify such proposals in green belts, unless the particular proposal constitutes a use appropriate to a rural area. In these circumstances, the development should not injure the visual amenities of the green belt.

Wind Power

- 5.14 In Kirklees, wind power is the most likely source of renewable energy. There are areas within the District with sufficiently high average wind speed to make the establishment

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of wind turbines viable. These are large structures which can dominate a landscape not only by size (as large as an electricity pylon) but by the fact that whilst working they introduce constant movement into a landscape which can be obtrusive and distracting. Because of the 'hill and dale' topography of the District, and dispersed settlement pattern, it is unlikely that wind turbines will ever be able to be sited completely out of public view. However, what should be avoided is a proliferation of individual turbines across a landscape. Proposals for wind farms, (groups of wind turbines specifically erected to utilise wind energy on a commercial basis by feeding power to the national grid) can therefore be viewed more favourably, provided that no serious harm is caused to any landscape of special character or importance.

- 5.15 Wind turbines may be categorised as small, medium, or large. The main determinant is blade diameter and type of use. Small turbines typically have 6 blades of 2 - 3m diameter, which can rotate quite rapidly (200 - 400 rpm). The height of the tower varies but rarely exceeds 10m. These supply sufficient amounts of DC power to charge batteries, so that small appliances can be used in remote locations, e.g. for caravans, canal boats, or for agricultural uses like electric fences. Medium turbines have 2 or 3 blades with a diameter of about 30m. These are mounted on a tower of about 25m height, and will rotate around a horizontal axis at a speed of 40 - 50 rpm. Maximum generating power is in the region of 300 - 400 KW. These are used either to supply power direct to a user (e.g. for space heating or cooling) or can be connected to the electricity company's 415 volt 3 phase network. Medium turbines are the most likely structures to be used in wind farms. Large turbines capable of generating 3MW have been constructed with blades 60m in diameter mounted on 40m high towers. These are used only to supply power to the national grid.

Small Turbines

- 5.16 Small wind turbines are relatively inconspicuous, have low noise levels and will not create a prominent feature in the landscape. Proposals will require individual assessment, but to minimise the likelihood of noise being a source of disturbance to occupiers of adjacent land, a separation distance of approximately 5 times the tower height between the turbine and neighbouring occupied buildings will normally be required.

EP7 SMALL WIND TURBINES WILL BE PERMITTED PROVIDED THERE WILL BE NO SERIOUS ADVERSE EFFECT ON OCCUPIERS OF ADJOINING LAND OR ON ANY CONSERVATION AREA OR LISTED BUILDING.

Medium and Large Turbines

- 5.17 The generation of significant amounts of power from wind energy requires the erection of large structures which will inevitably form distinctive and prominent features in the landscape. Any proposals for large or medium sized wind turbines should have regard to the need to protect the landscape, particularly in areas of high landscape value.

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- 5.18 In locations where there are historic buildings, the modern appearance of a wind turbine would create an incongruous feature which would detract from the setting of the buildings. Therefore, the erection of wind turbines in such locations will be inappropriate.
- 5.19 Wind turbines can be a significant source of noise and as a result, a separation distance is needed between turbines and houses. Noise levels will vary from site to site depending on topography, surface texture, and prevailing wind direction. As noise increases with blade diameter, a guide to achieving adequate separation distance from neighbouring dwellings is 10 times blade diameter. This may vary if local circumstances indicate that a greater or lesser distance is more appropriate. Proposals should be accompanied by a report setting out the noise levels expected at the boundary of the nearest noise sensitive location.
- 5.20 Any permission granted for wind turbines will include a requirement for them to be dismantled and the site cleared of ancillary roadways, buildings and other structures when the use of the turbines has ceased.
- 5.21 Wind farms present the best opportunity to make significant contributions to clean energy generation at the least visual cost to the environment, provided that suitable sites can be found. Specific sites have not been identified, as it is acknowledged that site assessment is a process which can be affected by the state of technology, availability of grant aid, contracts and agreed prices for the sale of power to electricity companies. Individual proposals will, therefore, be judged on their merits. As the proximity of a suitable high voltage national grid line is likely to be a consideration in the choice of wind farm sites, cable connections should be relatively short. However, in order to minimise the visual impact, such connections should be underground.

EP8 WIND TURBINES WILL BE PERMITTED PROVIDED THE DEVELOPMENT, INCLUDING ANCILLARY BUILDINGS, ACCESS TRACKS AND CONNECTIONS TO THE ELECTRICITY SUPPLY GRID, WILL NOT CAUSE SERIOUS HARM TO:

- i THE CHARACTER, RECREATIONAL VALUE AND VISUAL AMENITY OF THE GREEN BELT OR LANDSCAPE;**
- ii THE CHARACTER, APPEARANCE OR SETTING OF A LISTED BUILDING OR CONSERVATION AREA;**
- iii THE AMENITY OF OCCUPIERS OF LAND IN THE VICINITY;**
- iv THE ECOLOGY OF THE AREA;**

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- v **AREAS DESIGNATED AT NATIONAL, REGIONAL OR LOCAL LEVEL AS OF NATURE CONSERVATION, SCIENTIFIC OR ARCHAEOLOGICAL INTEREST;**
- vi **HIGHWAY SAFETY; OR**
- vii **EXISTING TRANSMITTING OR RECEIVING SYSTEMS BY REASON OF ELECTROMAGNETIC DISTURBANCE**

AND PROVIDED SPECIAL REGARD IS PAID TO THE VISUAL RELATIONSHIPS WITH OTHER EXISTING OR PROPOSED WIND TURBINES.

- 5.22 Full consideration needs to be given to all implications of a wind farm development, including any likely shadowing of TV signals, electromagnetic effects, and construction of access roads. This can best be achieved by the submission of a full statement of the environmental effects of the proposal at the time the application is submitted. Kirklees Council has agreed a joint statement with 12 other local authorities in the South Pennines area on the approach to wind power proposals in the area, " Inter Authority Planning Policy Principles for Wind Power Development". This document will be taken into account when proposals for wind power developments are considered.

EP8A PERMITTED OR OPERATIONAL WIND TURBINES GENERATING POWER TO THE GRID WILL BE SAFEGUARDED FROM DEVELOPMENT WHICH WOULD PREJUDICE THEIR OPERATION THROUGH A REDUCTION IN ELECTRICAL POWER OUTPUT.

Solar Power

- 5.23 Solar power could provide a significant long term contribution to energy needs. As yet, the technology limits the application of this source of energy so that it cannot be a contributor to the national grid and is only available to individual householders or businesses as a supplement to other energy sources. External fixtures needed to collect solar power are limited to flat black panels which are often fixed to roofs, causing minimal visual impact. Their effect on historic buildings, or conservation areas, will however, need to be carefully and sensitively controlled.

~~**EP9 WHERE PLANNING PERMISSION IS REQUIRED FOR PROPOSALS TO UTILISE SOLAR ENERGY, APPLICATIONS WILL BE CONSIDERED TAKING ACCOUNT OF THE VISUAL EFFECT OF THE STRUCTURES PROPOSED, AND THE NEED TO PROTECT LISTED BUILDINGS AND PRESERVE CONSERVATION AREAS.**~~

Policy EP9 was not saved because the issues it covers are addressed in policy D2 (chapter 2) and PPG15 as described under BE3, and BE5 (chapter 4).

Power Generation from Waste Material

- 5.24 A further potential source of energy is the generation of electricity from waste. At present, some of the District's waste is incinerated. It is possible to combine the burning of the waste with generation of heat and power, and some incinerators are already capable of this. Such schemes will need to be located where there will be no adverse effect on residential amenity and where there is satisfactory access for vehicles transferring waste. The operation of the plant will need to avoid harmful or offensive emissions which may require the utilisation of high chimneys. Locations in industrial areas are likely to be most appropriate, Proposals may need authorisation under the provision of the Environmental Protection Act 1990.
- 5.25 It is also possible that power could be generated from methane produced in landfill sites. It is likely that proposals to generate power from landfill gas will be located within the confines of landfill sites, which may well have been completed and possibly landscaped. Installations needed to generate electricity from methane will generally be acceptable on landfill sites, provided that no detrimental effect would result to any neighbouring land use. In situations where it is desirable to retain the open character of the land, the installation of equipment or erection of buildings will be inappropriate, and the operator will be encouraged to seek an alternative site to which the gas can be piped.
- 5.26 Proposals for the generation of heat and power from waste materials and for generation of power from land fill gas will be considered in the context of the criteria in policy WD7.

ENERGY EFFICIENT SITE DEVELOPMENT

- 5.27 The conservation of energy can be assisted where the layout of development sites provides opportunities to take full advantage of solar heating and natural lighting and incorporates measures to shelter buildings from prevailing cold winds. As a result of such measures the potential demand for energy for space heating and lighting within the proposed buildings will be reduced. In preparing planning briefs, and in considering planning applications, the Council will seek to secure development layouts which, by measures such as siting, orientation and type of buildings, earth sculpting and tree planting, will maximise opportunities for solar heating and natural lighting and minimise exposure to wind chill.

EP10 IN CONSIDERING PLANNING APPLICATIONS, ACCOUNT WILL BE TAKEN OF THE EXTENT TO WHICH MEASURES HAVE BEEN INCORPORATED TO:

- i MAXIMISE OPPORTUNITIES FOR SOLAR HEATING; AND**

ii MINIMISE EXPOSURE, TO WIND CHILL.

ECOLOGICAL LANDSCAPING

- 5.28 The main aim of requiring the landscaping of new development is to improve the visual appearance of a development, or to reduce the impact of a proposal on an area by providing screening. The value of new planting, or site contouring, may be significantly enhanced by the application of ecological principles to the design and choice of landscaping elements, thereby creating schemes which have the required visual effect and can be ecologically sustainable.
- 5.29 Where proposals involve alterations to land, whether by new works or a change of use, it will be necessary to take into account the ecological value of the site, and to consider how this can be reflected in proposed landscaping work. Often this will involve incorporating ancillary features in proposals which otherwise involve no new buildings, such as car parks, access roads, and amenity areas. There will also be a general requirement to submit landscaping schemes as an integral part of planning applications, so that they can be considered concurrently with other issues raised by the proposal.

EP11 APPLICATIONS FOR PLANNING PERMISSION SHOULD INCORPORATE AN INTEGRAL LANDSCAPING SCHEME WHICH PROTECTS OR ENHANCES THE ECOLOGY OF THE SITE.

OVERHEAD POWER LINES

- 5.30 Electricity is distributed to consumers via the national grid. The primary distribution network is carried on steel pylons, of differing heights depending on the voltage. An overhead line may not be installed without consent from the President of the Board of Trade, unless an exemption applies as indicated in the Electricity Act 1989. Part of the process to obtain consent requires the electricity undertaking involved to consult the district council, which may object to the proposal. In this case, there must be a public inquiry before the application is decided. In many cases, objections may be overcome by early discussions between the Council and the applicant.
- 5.31 Although they have been an element in the countryside for many years, electricity pylons are still seen as being intrusive features. The Council considers that there are certain locations where such features are inappropriate and will object to their use. In considering whether or not to object to a proposal for an overhead line the Council will have regard to the effect on:
- i any listed building, conservation area or area of high landscape value;
 - ii important views; and

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- iii the amenity of occupiers of any dwellings which overlook the proposed line.

The electricity undertaking will be expected to indicate in its submission to the Council:

- i what measures will be taken to minimise the impact of the proposal (including design of transmission towers and use of tree planting).
 - ii how the proposed route has been selected to cause minimum visual impact.
- 5.32 Any proposals for housing on land which is close to overhead electricity lines will be considered taking into account the effect the towers and cables will have on future residents. Where appropriate, buffer zones will be required, along with appropriate building orientation, to minimise the adverse impact of the structures. Such considerations could be extended to other types of development where amenity is likely to be adversely affected by an overhead line.

EP12 APPLICATIONS FOR DEVELOPMENT CLOSE TO OVERHEAD POWER LINES SHOULD TAKE INTO ACCOUNT THE EFFECT OF THE TRANSMISSION TOWERS AND CABLES IN THE VICINITY OF THE SITE ON THE AMENITY OF OCCUPIERS OF THE PROPOSED DEVELOPMENT.

TELECOMMUNICATIONS

Domestic Situations

- 5.33 Many telecommunications structures have little environmental effect, and the General Permitted Development Order permits certain types of equipment. The main categories of development for domestic use are satellite antennae and amateur radio masts. In most cases, except in conservation areas, one satellite dish of 90cm diameter will not need planning permission when mounted on a house. There are no permitted development rights for freestanding amateur radio masts more than 3.0m in height. A second satellite dish antenna would be likely to detract from the residential appearance of the premises, unless a discreet location not generally open to public view can be found. Ground mounted antennae will be less obtrusive than any mounted on the wall or roof of a dwelling, and therefore there should be no reason for objection provided that suitable measures have been taken. if necessary, to screen the equipment from public view.
- 5.34 The government's general policy on telecommunications is to facilitate the growth of new and existing systems. The government is also fully committed to environmental objectives, including the protection of green belts. Some telecommunications development is granted permission by the General Permitted Development Order, but in certain cases a requirement is placed on developers to obtain the views of the Council before the proposal is implemented. This is known as 'prior approval' and is requested at the discretion of the Council.

~~**EP13 WHERE PLANNING PERMISSION IS REQUIRED FOR THE ERECTION OF A SATELLITE ANTENNA ON A DWELLING, THE APPLICATION WILL BE CONSIDERED TAKING ACCOUNT OF:**~~

- ~~**i ANY EXISTING ANTENNA ON THE BUILDING;**~~
- ~~**ii THE SIZE, WHICH SHOULD NOT NORMALLY EXCEED 1.8M IN DIAMETER;**~~
- ~~**iii THE LOCATION OF THE PROPOSED ANTENNA ON THE BUILDING, AND THE VISUAL EFFECT ON OCCUPIERS OF ADJACENT LAND; AND**~~
- ~~**iv THE EXTENT TO WHICH THE PROPOSAL CAN BE SCREENED FROM PUBLIC VIEW.**~~

This policy was not saved because it is superseded by Government advice in PPG8 and PPS1, the relevant text of which follows:⁵

PPG8 para 79. It is important that a dish blends in with its background; it should be sited, so far as practicable, so as to minimise its impact on amenity and on the external appearance of the building (see paragraph 47). The installation of dishes in close proximity to the windows and doors of neighbouring houses is likely to lead to complaints and should generally be avoided. In respect of blocks of flats, the installation of shared systems can help avoid the impact of an otherwise likely proliferation of dishes on walls and roofs. Further details on the siting of satellite television antennas can be found in "A Householder's Planning Guide for the Installation of Satellite Television Dishes" available from PO BOX 236, Weatherby, West Yorkshire, LS23 7NB, Tel: 0870 122 6236.

PPS1 para 19. Planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. In line with the UK sustainable development strategy, environmental costs should fall on those who impose them – the "polluter pays" principle.

⁵ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

- 5.35 A tall freestanding radio mast with a complicated aerial array is an alien feature in most residential areas. However, provided that its impact can be minimised no objections are likely to be raised. Whilst it is acknowledged that amateur radio transmission equipment is strictly controlled, less technically precise domestic receiving equipment may be in use in the vicinity of the site, and it would not be reasonable to allow one person's hobby to disrupt neighbours' enjoyment of radio and television. Initially therefore, only a temporary planning permission will be appropriate for an amateur radio mast. If interference has been a problem during the temporary approval, and no technical solutions appear possible, planning permission will not be renewed.
- 5.36 In general, 'rear garden' or similar locations will be preferred, and the height of the mast should not exceed the height of the roof of the nearest dwelling (or be capable of retraction to such a height when not in use). The aerial array should be minimised in its complexity to reduce its visual impact. Normally, there will be a requirement to site the aerial, if within a domestic curtilage, closer to the user's dwelling than any other in the vicinity of the site, to reduce the potential impact on adjacent residents. Initially, temporary permissions of one year only will be granted to enable the acceptability of the proposal to be assessed, particularly with regard to the incidence of interference with other domestic receiving apparatus in the area.

~~EP14 PROPOSALS FOR AMATEUR RADIO MASTS WILL BE CONSIDERED TAKING ACCOUNT OF THE VISUAL IMPACT AND THE EFFECT ON SURROUNDING BUILDINGS AND OCCUPIERS OF ADJOINING LAND.~~

This policy was not saved because it is superseded by Government advice in PPG8 and PPS1 the relevant text of which follows:⁶

PPG8 para 76. In seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape.

PPG8 para 78. In considering the design of an individual development, and particularly any mast development, careful consideration should be given to screening and planting. Care should be taken to accommodate the implications of seasonal leaf-fall. The boundaries of the site should be drawn large enough to accommodate the necessary landscaping.

⁶ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

Kirklees Unitary Development Plan, Written Statement

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PPG8 para 80. Applications for planning permission to install the masts often used by amateur radio operators, radio taxi firms and other private and commercial users, usually present few potential planning problems in terms of size and visual impact over a wide area. Such masts need to be high enough for technical efficiency and located as far as possible from other antennas, in order to minimise the possibility of interference. However, they will not normally be of such a scale as to have a serious impact on local amenity. Such applicants will generally have less scope for using alternative sites or for sharing sites, and masts will often need to be located on the premises.

PPS1 para 19. Planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. In line with the UK sustainable development strategy, environmental costs should fall on those who impose them – the "polluter pays" principle.

Commercial Purposes

5.37 Of necessity, telecommunications devices for commercial purposes will be larger and potentially more prominent than domestic installations. Provided that an area is primarily industrial or commercial, this should not be a significant problem. However, it is necessary to prevent harm to the amenities of any residents who may overlook the site.

~~**EP15 WHERE PLANNING PERMISSION OR PRIOR NOTIFICATION IS REQUIRED, PROPOSALS FOR THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT WITHIN THE CURTILAGE OF INDUSTRIAL OR COMMERCIAL PREMISES WILL BE CONSIDERED TAKING ACCOUNT OF:**~~

- ~~**i THE SCALE OF THE EQUIPMENT IN RELATION TO ITS SURROUNDINGS;**~~
- ~~**ii THE EFFECT ON VIEWS FROM PUBLIC AREAS AND ON THE AMENITY OF OCCUPIERS OF ADJACENT LAND; AND**~~
- ~~**iii THE EXISTENCE OF SIMILAR EQUIPMENT IN THE VICINITY OF THE SITE.**~~

This policy was not saved because it is superseded by general Government advice in PPG8.

- 5.38 There has been a demand from some business premises, particularly betting offices, to install satellite-receiving antennae in prominent locations which are incongruous. Large antennae on business premises should be unobtrusively located so that they are largely hidden from public view. Ground mounting will usually provide the best solution.

~~**EP16 THE ERECTION OF SATELLITE ANTENNAE ON BUSINESS PREMISES WILL NORMALLY BE PERMITTED WHERE:**~~

- ~~**i THE PROPOSAL IS LOCATED SO THAT IT WOULD NOT BE VISIBLE FROM PUBLIC AREAS; AND**~~
- ~~**ii THE PROPOSAL WOULD NOT BE VISIBLE FROM ANY HABITABLE ROOM WINDOW OF A DWELLING WHICH OVERLOOKS THE SITE**~~

~~**UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES THE MAXIMUM SIZE OF SUCH ANTENNAE SHOULD BE 1.8M IN DIAMETER.**~~

This policy was not saved because it is superseded by general Government advice in PPG8.

- 5.39 Radio and television masts are invariably tall prominent structures, and will be likely to be proposed in elevated locations. Each should be considered on its merits, depending on location and the effect on the landscape. Alternatives, such as mast sharing, should be considered as an alternative to a new mast. However this consideration should take account of the national policy on telecommunications to facilitate the growth of new and existing systems, the provisions of the Telecommunications Act 1984 and the limitations imposed by the nature of Telecommunications networks and technology.
- 5.39a The installation of equipment should be avoided in environmentally sensitive areas and where features of local amenity value would be adversely affected. The most sensitive areas are those visible from the Peak District National Park, those areas defined on the proposals map as being of high landscape value and adjacent to historic structures or townscapes. The most suitable locations for the installation of new equipment are in established industrial areas and in locations which are well screened and not visible over a wide area.

~~**EP17 IN DETERMINING WHETHER APPROVAL OF SITING AND APPEARANCE IS REQUIRED OR CONSIDERING APPLICATIONS FOR PLANNING PERMISSION FOR THE ERECTION OF TELECOMMUNICATION NETWORK MASTS THE COUNCIL WILL NEED TO BE SATISFIED THAT:**~~

- ~~**i THE PROPOSAL IS PART OF A ROUTING STRATEGY TO AVOID INSTALLATIONS IN AREAS OF RECOGNISED ENVIRONMENTAL SENSITIVITY AND AT SITES OR FEATURES OF LOCAL AMENITY VALUE;**~~

- ~~ii THE PROPOSAL IS PART OF A ROUTING STRATEGY TO DIRECT INSTALLATIONS TO AREAS WHERE MASTS WILL BE IN KEEPING;~~
- ~~iii THERE IS NO REASONABLE POSSIBILITY OF ERECTING THE ANTENNAS ON AN EXISTING BUILDING, MAST OR OTHER STRUCTURE; AND~~
- ~~iv THE SITING AND EXTERNAL APPEARANCE OF APPARATUS, TAKING INTO ACCOUNT EXISTING AND PROPOSED LANDSCAPING, HAVE BEEN DESIGNED TO MINIMISE WITHIN TECHNICAL LIMITATIONS THE IMPACT ON AMENITY, INCLUDING WHERE THE PROPOSAL IS IN A RESIDENTIAL AREA THE IMPACT ON OUTLOOK FROM PROPERTIES AND THE IMPACT DUE TO NOISE AND DISTURBANCE.~~

This policy was not saved because it is superseded by general Government advice in PPG8.

- 5.40 The appearance of modern telecommunications devices is not compatible with the character of historic structures or townscapes. However taking into account the limitations imposed by the nature of telecommunications networks and technology planning permission could be granted if it can be shown that the proposal has a minimal effect on its surroundings.

~~EP18 THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT ON BUILDINGS WHICH ARE LISTED AS BEING OF ARCHITECTURAL HISTORIC INTEREST, OR WITHIN CONSERVATION AREAS, OR ON AN SITE WHICH WOULD AFFECT THE SETTING OF SUCH BUILDINGS OR AREAS, WILL NOT BE PERMITTED UNLESS THE SITING AND APPEARANCE CAN BE DESIGNED SO THAT THE PRESERVATION OF THE LISTED BUILDING, ITS SETTING OR THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA ARE NOT JEOPARDISED~~

This policy was not saved because it is superseded by Government advice in PPG8, the relevant text of which follows:⁷

⁷ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

81. All telecommunications development is subject to the normal statutory procedures insofar as listed building consent is concerned. No exceptions have been made to the requirement to obtain such consent under Sections 7, 8 and 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 before executing works affecting a listed building. Any operator intending to carry out work which is likely to affect the character or appearance of a listed building is advised to consult the local planning authority. When installing equipment at a listed building, it is important to note that internal as well as external works, even if small in scale, may require consent. Further advice on listed building consent can be found in Planning Policy Guidance 15: Planning and the Historic Environment (PPG15). Similarly, any works to, or on the site of, a scheduled ancient monument require scheduled monument consent from the Department for Culture, Media and Sport under Section 2 of the Ancient Monuments and Archaeological Areas Act 1979. Advice on discovery of archaeological remains during works is contained in Planning Policy Guidance 16: Archaeology and Planning (PPG16).

CARAVAN STORAGE

- 5.41 When caravans are not being used it is an increasingly common practice to keep them on commercial storage sites instead of at home. In some respects, this is to be welcomed, as a caravan permanently parked in a drive can be unsightly, particularly if in front of the house, and takes up a car parking space which may result in an increase in on-street parking. The disadvantages of large scale storage are mainly related to the appearance of a large number of brightly coloured caravans, particularly if widely visible, and in a rural landscape. Also, the highway implications of regular movements of vehicles towing caravans into and out of the site need to be considered. A careful assessment will be required of the effect of such proposals on the local highway network.
- 5.42 The appearance of a proposed caravan storage site will usually be the main factor in determining a planning application particularly where it is overlooked from residential areas. Sites which are located away from residential areas will therefore be more likely to be acceptable. If overlooked, or in rural areas, screening will be needed to minimise the impact of the development. Caravan storage is not compatible with the traditional appearance of the District's conservation areas. Similarly, such a use would detract from the setting of listed buildings. It is most unlikely that sites in such locations could be made acceptable.
- 5.43 Proposals within conservation areas, or in close proximity to listed buildings, will generally not be viewed favourably if it is considered that the proposal would affect the character or appearance of the conservation area, or the setting of the listed building. Sites in predominantly industrial or warehousing areas will be favoured, provided that other policies can be complied with. Caravan storage in green belt areas is not a use considered to be appropriate to a rural area.

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

~~EP19 PLANNING APPLICATIONS FOR THE STORAGE OF CARAVANS WILL BE CONSIDERED TAKING ACCOUNT OF:~~

- ~~i EXISTING OR PROPOSED PERMANENT SCREENING FROM PUBLIC VIEW OF THE STORED CARAVANS; AND~~
- ~~ii THE ADEQUACY AND SAFETY OF THE VEHICULAR ACCESS TO THE SITE FROM THE LOCAL HIGHWAY NETWORK.~~

The policy was not saved because it simply repeats the general considerations set out in other visual amenity and transport policies.

ADVERTISEMENTS

Control of Advertisements Regulations

5.44 Many advertisements are given consent by the Control of Advertisements Regulations. These have specified classes indicating those applications which either do not need consent, or have deemed consent. There will, however, be instances when consent will be required because the advertisement is not one included within any of the specified classes.

5.45 Outdoor advertising can take many different forms. No attempt has been made to categorise the type of advertisements. General principles which relate to location are applicable, with the main determinant being in every case the effect of the proposal on visual amenity and public safety. Exceptionally permissions may be considered appropriate if innovative types of advertisement are proposed particularly in town centres, where they would make a positive contribution to the townscape.

Signs on Business Premises

5.46 Signs can have a dramatic effect on buildings, similar to carrying out alterations to the building itself. Careful regard must be had to the site and its surroundings when signs are proposed. Internal illumination of the whole of a sign can turn it into a garish and offensive feature. This can be avoided if other forms of illumination are used. Internal illumination of letters only or external illumination have the potential to be softer and less glaring.

~~EP20 SIGNS ON BUSINESS PREMISES SHOULD REFLECT AND RESPECT THE SCALE, ARCHITECTURAL STYLE AND DETAILING OF THE PREMISES AND ITS SURROUNDINGS.~~

This policy was not saved because it is superseded by Government advice in PPG19. Particular regard should be given to the following paragraphs:⁸

Criteria for dealing with advertisement applications

9. *The general approach to dealing with advertisement applications is similar to the process of dealing with planning applications. But there are two important differences from ordinary planning procedures. First, the display of outdoor advertisements can only be controlled in the interests of "amenity" and "public safety". What is meant by these two terms in the Regulations is explained in paragraphs 11 to 16 of this Guidance. Secondly, it is accepted that (with one minor exception in Areas of Special Control, as specified in Regulation 19(2)(b) of the Regulations, where an applicant needs to show a reasonable requirement for an advertisement) anyone proposing to display an advertisement "needs" that advertisement in that particular location, whether for commercial or other reasons.*

10. *The control system is concerned with the visual effect on its surroundings of an advertisement. The subject matter of the advertisement may not be controlled by LPAs, though it may sometimes be regulated by other means.*

Consideration of "amenity"

11. *In assessing an advertisement's impact on "amenity", LPAs should have regard to its effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. They will therefore consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality. When it is appropriate to consider how brightly advertisements should be illuminated, LPAs should have regard to the Institute of Lighting Engineers Technical Report Number 5 (Second Edition) available from the Institute of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby CV21 2DZ.*

12. *Where there is a group of buildings, whether in a city, town or village, the scale and massing of existing structures, the predominant land-use in the locality, the presence of "listed" buildings or a designated conservation area and any proposals (for example, in*

⁸ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

the development plan) for land-use change in the area will be relevant considerations. For instance, a large, brightly illuminated sign, which would appear appropriate on a department store and contribute colour, interest and vitality to some High Street shopping areas, may well be unacceptable on a corner shop in an otherwise residential locality. In the open countryside, the land-form and quality of the immediate surroundings, and whether the advertisement respects natural contours, landscape character and background features against which it will be seen, will be amongst the relevant factors. Whilst businesses located in the countryside will expect to be able to advertise their whereabouts, especially to visitors, care should be taken to ensure that signs are designed and sited to harmonise with their setting; and that a proliferation of individually acceptable advertisements does not spoil the appearance of open countryside. Wherever practicable, businesses in the same general location, or in by-passed communities, should be encouraged to combine their essential advertising needs so as to avoid a proliferation of advance signs. By-passed communities may wish to consider whether an officially approved highway sign can be produced to meet the needs of the whole community.

13. Large poster hoardings, which are often part of the fabric of commercial and industrial areas, are usually out of place anywhere else. Since 1984 published guidance has been available about the criteria for deciding applications involving poster-sites. This guidance remains relevant and is included as the Annex to this Note.

14. Amenity considerations may sometimes appear to be based on a subjective judgement. It is thus important for the LPA to be consistent in assessing visual impact in similar surroundings, so as to minimise the scope for prospective advertisers to criticise apparently inconsistent or unreasonable decisions.

Considerations of "public safety"

15. In assessing an advertisement's impact on "public safety", LPAs are expected to have regard to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), on or over water, or in the air. LPAs will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. LPAs will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, LPAs will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people

in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in DOE Circular 5/92 (WO 14/92).

16. When considering public safety factors, LPAs will usually consult other relevant organisations who have an interest in the display of the advertisement. For example, they will consult the highway authority about an advertisement which is to be displayed alongside a trunk road or within view from a motorway, or where they consider that the safety of people using the highway may be affected.

5.47 Within predominantly residential areas, general advertising is an unnecessary and unreasonable encroachment on the amenity of residents. Only signs needed to identify business premises within predominantly residential areas will be appropriate.

~~**EP21 GENERAL ADVERTISING WITHIN PREDOMINANTLY RESIDENTIAL AREAS WILL NOT NORMALLY BE PERMITTED.**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above.

5.48 The Control of Advertisements Regulations permit some projecting signs on business premises. In most cases, these should be the maximum allowed in the interests of amenity, although exceptions may be appropriate, for example, in the case of public houses which traditionally display projecting signs at a higher level than permitted by the Regulations.

~~**EP22 WHERE CONSENT IS REQUIRED, APPLICATIONS FOR PROJECTING SIGNS ON BUSINESS PREMISES WILL BE CONSIDERED HAVING REGARD TO THE NUMBER OF EXISTING PROJECTING SIGNS ON THE PREMISES. CONSENT WILL NORMALLY ONLY BE GRANTED FOR ONE PROJECTING SIGN AT FASCIA LEVEL FOR EACH ELEVATION OF THE PREMISES.**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above.

Outdoor Advertising Hoardings

5.49 Large scale outdoor advertising has a significant impact on its surroundings and is not appropriate in areas where it would be clearly out of scale, or where it would be directly overlooked by dwellings.

~~**EP23 APPLICATIONS FOR POSTER PANELS WILL BE CONSIDERED HAVING REGARD TO:**~~

~~i THE PREDOMINANT CHARACTER OF THE AREA;~~

~~ii THE SCALE OF SURROUNDING BUILDINGS;~~

~~iii THE VISUAL IMPACT ON HIGHWAY USERS AND OCCUPIERS OF PREMISES WHICH OVERLOOK THE SITE; AND~~

~~iv THE INTERESTS OF PUBLIC SAFETY.~~

~~POSTER ADVERTISING WILL NOT NORMALLY BE PERMITTED IN THE OPEN COUNTRYSIDE OR IN PREDOMINANTLY RESIDENTIAL LOCATIONS.~~

This policy was not saved because the issues it refers to are covered in PPG19 Annex 1 and to Communities & Local Government Circular 03/2007 Appendix E, the relevant text of which follows:⁹

PPG19 Annex 1

CRITERIA FOR DECIDING APPLICATIONS AND APPEALS INVOLVING POSTER-SITES

General

1. Any application to a local planning authority, or appeal to the Secretary of State, which involves the display of a poster is to be considered on its own merits with regard to the general characteristics of the locality in which it is to be displayed. Although other material factors may be taken into account in determining the application or appeal, the Control of Advertisements Regulations require that powers of control shall only be exercised in:-

(1) the interests of amenity (which means the visual amenity of the neighbourhood where the poster is to be displayed); and

(2) the interests of public safety (which means the safety of people using any form of travel likely to be affected by the poster display).

2. In applying the expression "in the interests of amenity" to any particular application or appeal, account should be taken not only of factors which may be detrimental to amenity but also of factors which may be to the advantage of the amenity of a locality, such as adding appropriate colour and interest to a drab area, or screening an eyesore.

⁹ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

3. *While they are to have regard to the general characteristics of a locality (including any feature of historic, architectural, cultural or similar interest), and they may disregard existing advertisements in the locality in assessing its general characteristics, local planning authorities should nevertheless seek to ensure consistency in their general approach towards the determination of applications in particular localities; and the Secretary of State should ensure the same approach is taken to appeals.*

4. *Poster-panels should respect the scale of their surrounding location: when they are displayed on a paved forecourt, or in a pedestrianised area, their dimensions should be in scale with other street furniture and the effect of the display should not be overwhelming upon pedestrians in the area; but when they are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location. Good quality hard or soft landscaping, properly maintained, can significantly enhance the appearance of a poster display and help it to blend with its surroundings.*

Open countryside

5. *Poster advertising is out of place in the open countryside and should not normally be allowed. There may be temporary exceptions, eg agricultural shows and similar events, but the duration of the display should be limited to a suitable period leading up to, and the duration of, the event being advertised.*

Villages

6. *In villages large-scale poster advertising is normally out of place; but the smaller sizes may be appropriate, depending on the character of the village and the position of the proposed display in relation to surrounding buildings and features.*

Residential areas

7. *Poster advertising is out of place in any predominantly residential locality and should not normally be allowed. If a locality is in a mixed use - with shops or offices interspersed with residential development, or sharing the same premises in former dwellinghouses - some poster advertising may be acceptable when it is carefully related to the scale of surrounding buildings and designed and positioned so as not to intrude upon or interrupt existing features or landmarks*

Predominantly commercial areas

(i) General

8. *In predominantly commercial surroundings, the scale of the buildings may be sufficiently large to accommodate larger poster displays without any adverse effect upon visual amenity. But the scale of commercial surroundings can vary greatly, even*

Kirklees Unitary Development Plan, Written Statement

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within short distances in the same town; and it is to be expected that decisions on applications or appeals in commercial areas will seek to match the scale of poster displays with the scale of adjacent buildings.

9. In mixed commercial/residential areas much greater care should be taken in the siting of poster advertising than in a wholly commercial area, in precisely the same way as greater care should be taken with the siting of other commercial activities.

(ii) On buildings

10. A poster panel on a building should be in scale with the particular building. It should not cut across any architectural features of the building unless there are exceptional circumstances, eg windows of a disused building awaiting redevelopment. Large-scale poster advertising will normally be inappropriate on listed buildings.

11. Poster panels may be acceptable on the flank-walls of buildings, but they should not be unduly dominant, and should be so designed and positioned as to be seen as an integral feature of the building.

12. In determining whether, on grounds of amenity, the display of a poster panel is appropriate on a building, the most important criterion is the overall visual effect of the display upon the entirety of the building and its surroundings. In judging this effect, the actual use of the building may matter less than the purpose for which the building was originally designed and built.

(iii) Free-standing roadside displays

13. Free-standing roadside panels should always be in scale with the buildings on either side and in the surrounding area, in precisely the same way as any other commercial development. Large poster hoardings situated at the back-edge of the pavement, or in other prominent locations, usually have a dominant visual impact upon their surroundings, and they therefore need to be sited with particular care to ensure that their effect on pedestrians is not overwhelming.

Conservation areas

14. Poster advertising may be appropriate in the predominantly shopping and business parts of conservation areas, though particular care to ensure that the method of presentation of any posters displayed in a conservation area is compatible with the area's architectural or historic features is essential. In some areas, the smaller sizes of poster panel will be more appropriate to the scale of the buildings. Similar considerations apply in areas which, though not formally designated as conservation areas, nevertheless contain buildings of considerable architectural or historic merit, or where the "group-value" of a number of buildings is outstanding.

Open spaces and civic buildings

15. Poster advertising may be appropriate when seen in juxtaposition with parks and open spaces, or with civic buildings, if other forms of commercial activity, eg modern shop buildings, are also seen in juxtaposition with those spaces or buildings. However, where any form of commercial activity would detract from the dignity or character of an area, poster advertising would be equally inappropriate.

Appendix E Circular 03/2007

Criteria for deciding applications and appeals involving poster-sites.

GENERAL

1. Any application to a local planning authority, or appeal to the Secretary of State, which involves the display of a poster is to be considered on its own merits with regard to the general characteristics of the locality in which it is to be displayed. Although other material factors may be taken into account in determining the application or appeal, the Control of Advertisements Regulations require that powers of control shall only be exercised in:

*(1) the interests of amenity (which means the visual amenity of the neighbourhood where the poster is to be displayed and where noise is a consideration); and
(2) the interests of public safety (which means the safety of people using any form of travel likely to be affected by the poster display; crime prevention and drug abuse are also considerations).*

2. In applying the expression "in the interests of amenity" to any particular application or appeal, account should be taken not only of factors which may be detrimental to amenity but also of factors which may be to the advantage of the amenity of a locality, such as adding appropriate colour and interest to a drab area, or screening an eyesore.

3. While they are to have regard to the general characteristics of a locality (including any feature of historic, architectural, cultural or similar interest), and they may disregard existing advertisements in the locality in assessing its general characteristics, local planning authorities should nevertheless seek to ensure consistency in their general approach towards the determination of applications in particular localities; and the Secretary of State should ensure the same approach is taken to appeals.

4. Poster-panels should respect the scale of their surrounding location: when they are displayed on a paved forecourt, or in a pedestrianised area, their dimensions should be in scale with other street furniture and the effect of the display should not be overwhelming upon pedestrians in the area; but when they are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their

location. Good quality hard or soft landscaping, properly maintained, can significantly enhance the appearance of a poster display and help it to blend with its surroundings.

OPEN COUNTRYSIDE

5. Poster advertising is out of place in the open countryside and should not normally be allowed. There may be temporary exceptions, e.g. agricultural shows and similar events, but the duration of the display should be limited to a suitable period leading up to, and the duration of, the event being advertised.

VILLAGES

6. In villages large-scale poster advertising is normally out of place; but the smaller sizes may be appropriate, depending on the character of the village and the position of the proposed display in relation to surrounding buildings and features.

RESIDENTIAL AREAS

7. Poster advertising is out of place in any predominantly residential locality and should not normally be allowed. If a locality is in a mixed use – with shops or offices interspersed with residential development, or sharing the same premises in former dwelling houses – some poster advertising may be acceptable when it is carefully related to the scale of surrounding buildings and designed and positioned so as not to intrude upon or interrupt existing features or landmarks.

PREDOMINANTLY COMMERCIAL AREAS

(i) General

8. In predominantly commercial surroundings, the scale of the buildings may be sufficiently large to accommodate larger poster displays without any adverse effect upon visual amenity. But the scale of commercial surroundings can vary greatly, even within short distances in the same town; and it is to be expected that decisions on applications or appeals in commercial areas will seek to match the scale of poster displays with the scale of adjacent buildings.

9. In mixed commercial/residential areas much greater care should be taken in the siting of poster advertising than in a wholly commercial area, in precisely the same way as greater care should be taken with the siting of other commercial activities.

(ii) On buildings

10. A poster panel on a building should be in scale with the particular building. It should not cut across any architectural features of the building unless there are exceptional circumstances, e.g. windows of a disused building awaiting redevelopment. Large-scale

poster advertising will normally be inappropriate on listed buildings.

11. Poster panels may be acceptable on the flank-walls of buildings, but they should not be unduly dominant, and should be so designed and positioned as to be seen as an integral feature of the building.

12. In determining whether, on grounds of amenity, the display of a poster panel is appropriate on a building, the most important criterion is the overall visual effect of the display upon the entirety of the building and its surroundings. In judging this effect, the actual use of the building may matter less than the purpose for which the building was originally designed and built.

(iii) Free-standing roadside displays

13. Free-standing roadside panels should always be in scale with the buildings on either side and in the surrounding area, in precisely the same way as any other commercial development. Large poster hoardings situated at the back-edge of the pavement, or in other prominent locations, usually have a dominant visual impact upon their surroundings, and they therefore need to be sited with particular care to ensure that their effect on pedestrians is not overwhelming.

CONSERVATION AREAS

14. Poster advertising may be appropriate in the predominantly shopping and business parts of conservation areas, though particular care to ensure that the method of presentation of any posters displayed in a conservation area is compatible with the area's architectural or historic features is essential. In some areas, the smaller sizes of poster panel will be more appropriate to the scale of the buildings. Similar considerations apply in areas which, though not formally designated as conservation areas, nevertheless contain buildings of considerable architectural or historic merit, or where the "groupvalue" of a number of buildings is outstanding.

OPEN SPACES AND CIVIC BUILDINGS

15. Poster advertising may be appropriate when seen in juxtaposition with parks and open spaces, or with civic buildings, if other forms of commercial activity, e.g. modern shop buildings, are also seen in juxtaposition with those spaces or buildings. However, where any form of commercial activity would detract from the dignity or character of an area, poster advertising would be equally inappropriate.

5.50 Within commercial areas, or in conjunction with business premises, it is reasonable to allow a degree of advertising where this is related to the scale of the surrounding buildings and is not detrimental to the amenities of any residents who may overlook the site.

~~**EP24 SMALL SCALE ADVERTISEMENTS NOT EXCEEDING 1.6 SQUARE METRES WILL NORMALLY BE PERMITTED IN PREDOMINANTLY COMMERCIAL LOCATIONS, OR IF DISPLAYED IN CONJUNCTION WITH EXISTING BUSINESS PREMISES. THE NUMBER AND SIZE OF THE ADVERTISEMENTS SHOULD BE IN PROPORTION TO THE SIZE OF THE BUSINESS PREMISES AND THE EXTENT OF ROAD FRONTAGE. GENERAL ADVERTISING WILL NOT BE PERMITTED WHERE SUCH SITES ARE DIRECTLY OVERLOOKED BY DWELLINGS.**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above.

Directional Signs

- 5.51 Motorists already have numerous distractions on highways, including legitimately displayed direction signs. Only signs which are acceptable in terms of both amenity and road safety will be appropriate.

~~**EP25 SIGNS INTENDED TO DIRECT PEDESTRIANS OR ROAD USERS TO PARTICULAR SITES OR LOCATIONS NOT VISIBLE FROM THE PUBLIC HIGHWAY WILL NORMALLY BE PERMITTED WHERE THEIR DISPLAY WOULD NOT BE DETRIMENTAL TO VISUAL AMENITY OR HIGHWAY SAFETY**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above.

Signs Affecting Listed Buildings or Conservation Areas

- 5.52 The Council has a duty to pay special regard to preserving listed buildings and their settings and to enhancing the character and appearance of a conservation area. Inappropriate advertisements can have a detrimental effect on listed buildings and conservation areas.

~~**EP26 ADVERTISEMENTS WHICH AFFECT LISTED BUILDINGS OR CONSERVATION AREAS SHOULD RESPECT THE CHARACTER OF THE BUILDINGS AND BE COMPATIBLE WITH THE AREAS ARCHITECTURAL FEATURES. SIGNS ON BUILDINGS SHOULD BE OF A STYLE WHICH DOES NOT DETRACT FROM THE INTRINSIC VALUE OF THE PREMISES.**~~

This policy was not saved because it is superseded by Government advice in PPG19. See EP20 above and the following additional extracts from PPG19:¹⁰

Advertisements in Conservation Areas

22. LPAs have the power (in section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to designate conservation areas. It is reasonable to expect that more exacting standards of advertisement control will prevail in conservation areas. However, the designation of a locality as a conservation area does not necessarily justify its also being defined as an "Area of Special Control of Advertisements". Many conservation areas are thriving commercial centres where the normal range of advertisements on commercial premises is to be expected, provided they do not detract from visual amenity. LPAs should use advertisement controls flexibly in such areas, so as to conserve or enhance particular features of architectural or historic interest.

23. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area "... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts. This includes the control of outdoor advertisements. LPAs will therefore need to bear this provision in mind when considering any advertisement application in a conservation area.

"Listed" buildings and Ancient Monuments

24. Additional controls usually apply to advertisements for display on listed buildings, and on the site of a scheduled Ancient Monument. This is because almost all advertisements on listed buildings or scheduled monuments will constitute an "alteration" to the building or the monument's site and, therefore, require listed building or scheduled monument consent in addition to any advertisement consent. Special care is essential to ensure that any advertisement displayed on, or close to, a listed building or scheduled monument does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting.

Discontinuance Action

¹⁰ To assist applicants the Council has identified text from relevant sources which it considers provides the most appropriate guidance as to how the issues in this unsaved policy should be addressed in planning applications. However, the selected text is intended to provide general guidance only, is not necessarily exhaustive and does not constitute legal or other professional advice. The Council recommends that applicants should always obtain their own expert advice.

Kirklees Unitary Development Plan, Written Statement

Policies struck through ceased to have effect from 28 September 2007 (having been "not saved" by the Secretary of State). An explanatory note is provided for each not saved policy.

- 5.53 Major approach routes to towns create an impression of the locality for both residents and visitors alike. The amount and quality of outdoor advertising can have a significant influence on this impression. The Council will take steps to seek a reduction in the amount of outdoor advertising where it considers that this would improve environmental quality. Implementation programmes will be prepared which identify sites where advertisements should be removed as part of an overall road corridor improvement scheme. Consequently, the Council will take action under the Town and Country Planning (Control of Advertisements) Regulations in respect of advertisements that have been erected within main road corridors which are detrimental to the quality of the environment.

SPECIAL INDUSTRIAL USES

Hazardous Industry

- 5.54 Where processes which may be considered hazardous are carried out, the implications extend well beyond the boundaries of the site. The release of toxic chemicals, or the effects of an explosion, could be serious not only for people working on the premises, but also for those who live or work nearby. Proposals related to new hazardous industry will receive careful consideration, in consultation with the Health and Safety Executive, to determine the suitability of the site with regard to existing or proposed uses in the vicinity. The responsibility of showing, beyond all reasonable doubt, that the site is suitable for the proposal, and that the likely effects of any accident will have only a minimal impact on surrounding uses, will be placed on the applicant.

~~**EP27 HAZARDOUS INDUSTRIAL PROCESSES OR STORAGE FACILITIES WILL NORMALLY BE PERMITTED IN LOCATIONS WHERE IT CAN BE SHOWN THAT THERE WOULD BE NO ADVERSE EFFECTS ON EXISTING PROPERTIES OR POTENTIAL DEVELOPMENT LAND WITHIN ANY AREA THAT WOULD BE LIKELY TO BE AFFECTED IN THE EVENT OF ACCIDENT OR EMERGENCY ON THE SITE.**~~

Policy EP27 was not saved as there is a requirement under the Hazardous Substances Act 1990 for consent to be obtained for the storage and use of hazardous substances. This takes account of the likely impact on the local area, existing properties and allocated sites.

- 5.55 It will not be appropriate for new development to be permitted which could result in significant numbers of people living, working or congregating close to hazardous industry. Such proposals will be considered in consultation with the Health and Safety Executive.

~~**EP28 DEVELOPMENT PROPOSALS FOR ANY USE WHICH WOULD RESULT IN A SIGNIFICANT NUMBER OF PEOPLE LIVING, WORKING OR CONGREGATING IN THE PROXIMITY OF ANY INDUSTRY WHICH STORES HAZARDOUS SUBSTANCES OR UTILISES HAZARDOUS PROCESSES WILL NOT NORMALLY BE PERMITTED.**~~

Policy EP28 was not saved because the issue it addresses is a matter for the Health and Safety Executive (although the relevant powers have been delegated back to local authorities, specifically in Kirklees to minerals and waste planning officers). The HSE requires all planning applications within consultation zones it defines around hazardous sites to be assessed according to the HSE PADHII process. Consequently EP28 has no practical effect.

- 5.56 Some industrial uses are by their nature 'bad neighbours'. This is recognised by the Town and Country Planning (Use Classes) Order 1987, which categorises them into Special Industrial Groups. These include industries such as metal treatment, mineral smelting, refining oil, and processing animal wastes. Often the processes used are little different from those employed in most industry, in that deliveries, storage requirements, and the use of machinery will be common features. Special industrial uses therefore should be considered in the context of other policies which apply to industrial use of land or buildings, with the additional consideration that the proposal should not cause any nuisance to, or prejudice the development of, adjacent land.

~~**EP29 PROPOSALS FOR ANY USE IDENTIFIED AS A SPECIAL INDUSTRY IN THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 WILL BE CONSIDERED HAVING REGARD TO:**~~

- ~~**i THE EFFECT ON OCCUPIERS OF ADJOINING LAND OF THE OPERATION OF THE INDUSTRIAL USE PROPOSED;**~~
- ~~**ii THE METHODS OF CONTAINMENT AND DISPOSAL OF ANY WASTE ARISING FROM THE PROPOSED USE; AND**~~
- ~~**iii MEASURES PROPOSED FOR THE REMOVAL OF GROUND CONTAMINANTS AND THE RESTORATION OF THE SITE WHEN THE USE CEASES.**~~

Policy EP29 was not saved as the use classes to which it refers have been discontinued.

CONSTRUCTION SITES

- 5.57 Work on construction sites can be a significant source of nuisance to occupiers of nearby land. On large sites it may be many months before construction work is complete. Whilst it is acknowledged that the effects of building works are temporary, there are measures that can be taken to limit the disturbance that may result and, where appropriate, conditions can be imposed on any grant of planning permission to minimise potential nuisance.
- 5.58 Construction work is temporary and any controls over the work in progress must be effective, and be able to be actioned quickly if the need arises. Excessive noise is therefore most effectively dealt with under the Control of Pollution Act, and obstruction of the highway, or mud on roads, is best resolved by action under the Highways Acts. Planning controls may, however, assist in avoiding problems arising from construction work. These are most appropriately directed toward the location of contractors' compounds, and the provision of wheel washing facilities for vehicles using the site which will compliment the action taken under the Control of Pollution Act and the Highways Acts.

EP30 PLANNING PERMISSION FOR DEVELOPMENT PROPOSALS WHICH INVOLVE PROLONGED CONSTRUCTION WORK WILL NORMALLY BE SUBJECT TO CONDITIONS:

- i REQUIRING DETAILS OF THE LOCATION OF CONTRACTORS' COMPOUNDS TO BE AGREED BEFORE DEVELOPMENT COMMENCES WHERE DEVELOPMENT IS NEAR EXISTING NOISE SENSITIVE USES; AND**
- ii REQUIRING ON SITE WHEEL WASHING FACILITIES TO BE PROVIDED WHILST CONSTRUCTION WORK IS IN PROGRESS.**