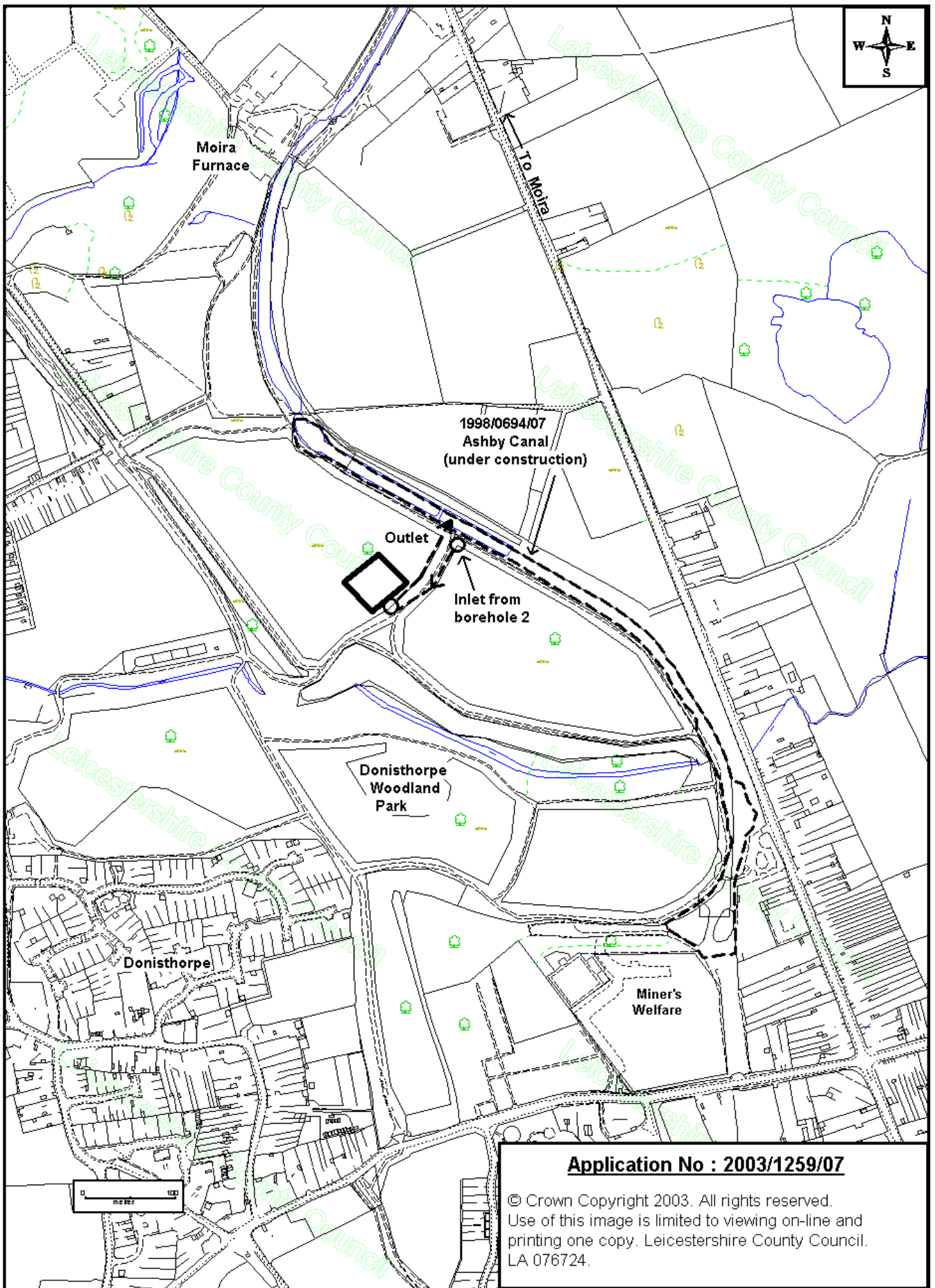


**DEVELOPMENT CONTROL AND REGULATORY BOARD****18<sup>TH</sup> SEPTEMBER 2003****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****APPLICATION UNDER REGULATION 3 OF THE TOWN AND  
COUNTRY PLANNING GENERAL REGULATIONS****LEICESTERSHIRE COUNTY COUNCIL – CREATION OF REED BED, WETLAND  
TREATMENT AND CONSERVATION AREAS, DONISTHORPE WOODLAND  
PARK, OFF MEASHAM ROAD, DONISTHORPE (NORTH WEST  
LEICESTERSHIRE DISTRICT)****2003/1259/07 – 1<sup>st</sup> August 2003****Background**

1. Donisthorpe Woodland Park was created on the site of the former Donisthorpe Mine spoil tip, following the grant of planning permission in 1994. It now forms an established recreation facility in the heart of the National Forest and has been undergoing an extensive tree planting programme. The route of the former Ashby Canal passes along the east side of the Park, linking up with Moira terminus and the National Forest Visitors' Centre in that vicinity.
2. Sections of the canal between Moira and the Woodland Park were re-opened in 2000 and 2002, following the grant of planning permissions to the County Council and District Council. The latest section of the Canal at the Moira end includes the new lock under Shortheath Road and the Canal basin at the National Forest Centre. Planning permission was granted for a further section of the canal between the Park and Donisthorpe Miners' Welfare in November 1998 (ref. no. 98/0694/07), which is currently under construction to the west side of Measham Road.
3. The water to supply the Canal is drawn from local bore-holes in the area, which must be cleansed after extraction and before entering the canal itself. It is intended that this water be treated by means of a new reed-bed filtration system, providing a sustainable and environmentally friendly means of cleansing. As such, it will remove the necessity to chemically treat the water supply before it enters the Canal.

**Description of Proposal**

4. This proposal affects some 0.4ha in the centre of Donisthorpe Woodland Park, being an area of restored woodland between existing pathways. The site occupies a relatively elevated position, overlooking the surrounding park and with views across countryside to the south and west. It is intended to construct an irregular shaped lagoon surrounded by a bund, using soils from the adjacent Canal construction works.



**Application No : 2003/1259/07**

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5. The lagoon would have a depth of up to 1.6m, whilst the surrounding bank would be set at 0.5m above the water level. On the south-east side of the lagoon, it is intended to provide a series of 4 wetland reed-beds, feeding water progressively into the lagoon. This water would be first extracted from the local borehole by a small submersible pump into underground water storage tanks, from where it would feed into the system of filtration reed beds. The tank would require a draw off facility for the removal of sludge.
6. Once the extracted water has been passed through the filtration system into the lagoon, it would be drawn off for discharge into the Canal itself. The lagoon and filter beds would be placed over a clay capping liner, constructed of selected granular material and topped off with a 300mm layer of top soil. All pipework, pumps and storage tanks would be placed underground.

### **Planning Policy**

7. The application site is subject to *Policy 37e* of the adopted Local Plan for North-West Leicestershire (2002), which relates to the former Donisthorpe Colliery Tip. It states that this site will be reclaimed as heath woodland and associated informal recreation use (which of course has been implemented by the creation of Donisthorpe Woodland Park). *Policy E31* of that Local Plan states that development will not be permitted which would adversely affect either the quality and ecology of surface water courses or the quality and quantity of groundwater. Satisfactory arrangements will be required for the disposal of foul water, trade effluent and surface water.
8. *Policy T16* of the Local Plan relates specifically to the Ashby Canal and seeks to prevent development that would prejudice its re-opening. Once it has been re-opened, development outside the defined limits (as shown on the Proposals Map) will be permitted only where it is strictly ancillary to the use of the canal as a navigable waterway.

### **Consultations**

#### **North West Leicestershire District Council (Planning)**

9. Reply not received at the time this report was published

#### **Oakthorpe, Donisthorpe and Acresford Parish Council**

10. No objections

#### **British Waterways**

11. No comment

#### **Heritage Services (Ecology)**

12. Ponds and lakes are a priority habitat within the national and local Biodiversity Action Plans. The creation of water treatment reed bed and amenity area, with appropriate management regime, is likely to increase the biodiversity of the site and is, therefore, a commendable proposal.

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13. A survey of protected species and any necessary mitigation measures would be carried out before works begin. Compensatory planting should take place for the loss of existing saplings. The quality of water entering the Canal will need to be tested.

### **Publicity**

14. This proposal has been advertised by site notices, posted on 11<sup>th</sup> August 2003. No representations have been received in the specified period for response.

### **Assessment of Proposals**

15. This development relates to the establishment of a sustainable means of water cleansing to serve a section of the Ashby Canal, with beneficial consequences for improved biodiversity of the local ecological system. It is a commendable project that meets national and local biodiversity objectives. Subject to an appropriate management regime, the project will benefit the local environment.
16. The construction of the new lagoon and reed beds will have a marginal impact on the visual amenities of the country park, whilst the operational system for extraction and discharge of water is almost entirely contained underground. Therefore, the development will have little, if any, adverse impact on the visual appearance on the locality. Indeed, given future maintenance and landscaping, there will be benefits for the amenities of the area.
17. In the circumstances, the proposal accords with the intentions of the relevant policies of the Local Plan for Donisthorpe Woodland Park and Ashby Canal, particularly as it is ancillary to the re-opening of that feature. It is recommended for approval, subject to appropriate conditions.

### **Recommendation**

**Permit**, subject to the following conditions:

1. The development hereby permitted shall be completed within 1 year from the date of this permission. Written notification of the date of commencement shall be provided to the Director of Community Services within 7 days of such commencement.
2. The lagoon bund hereby permitted shall be formed solely from the excavation and deposit of uncontaminated soils, and other inert materials arising from the works within Donisthorpe Woodland Park. Unless otherwise agreed in writing by the County Planning Authority, no materials shall be imported to the site for the implementation of this part of the approved development.
3. Within 3 months of the commencement of development, a planting and aftercare scheme for the site shall be submitted to and approved in writing by the Director of Community Services. This scheme shall indicate the

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treatment proposed for all ground surfaces, together with the numbers, types, species of planted materials, the design and appearance of any new fencing, and their disposition.

4. The approved scheme shall be carried out during the first appropriate planting season following the date when the proposed development is ready for use and all planted material shall be maintained and replaced as necessary by the applicant(s) or owners of the land at the time for a period of not less than 10 years from the date of planting.
5. No development shall take place within the application area, including sites works of any kind, until the applicant (or their agent or successors in title) has secured the implementation of a scheme for ecological survey and appropriate mitigation measures. The scheme shall include reference to the following:
  - (i) A method of working to ensure that any existing features of ecological significance are not damaged;
  - (ii) provisions for a walk-over survey of protected species to be carried out prior to the commencement of works and suitable mitigation measures;
  - (iii) provisions for replacement planting in the immediate locality, using native plant species; and
  - (iv) the establishment of a management plan for the proposed habitat.

### **Reasons**

1. To ensure that the development is carried out within a reasonable period and the land restored at the earliest opportunity.
2. To ensure a satisfactory form of development and to restrict the importation of materials into the site in the interests of highway safety and the amenities of the surrounding locality.
3. To enhance the development and to safeguard the appearance of Donisthorpe Woodland Park.
4. To ensure that the work is carried out within a reasonable period and is properly maintained.
5. To ensure that appropriate measures are taken to protect species and habitats, and reduce the ecological impacts of the development.

### **Note to Applicant:**

The applicant should liaise with the East Midlands office of British waterways at The Kiln, Mather Lane, Newark, Nottinghamshire, NG24 1FB regarding discharge outflow into the Ashby Canal.

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**Policies and Proposals of the development plan relevant to the decision**

Policies E37; E31 and T16 of the adopted North-West Leicestershire Local Plan

**Circulation Under Sensitive Issues Procedures**

Mr. S. D. Sheahan, CC

**Officers to Contact**

Mr. C. J. Noakes (Tel: 0116 265 7053)

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## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all preceding applications.

### **EQUAL OPPORTUNITIES IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equal opportunities implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Education and the Director of Resources will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 54A OF TOWN AND COUNTRY PLANNING ACT 1990**

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.