

Chapter 11

Pollution

CORPORATE OBJECTIVES

The following Corporate Objectives are relevant to the delivery of the planning objectives related to the environmental issues discussed in this chapter of the Local Plan:

- **To work towards a safer and more caring community;**
- **To promote a green and sustainable environment;**
- **To encourage a thriving community; and**
- **To improve the quality of life for people in the District.**

PLANNING OBJECTIVES

- P1 To ensure a high level of environmental protection throughout the district.**
- P2 To ensure that new development or uses have no adverse impact on land, water or air pollution.**
- P3 To ensure that existing development and uses are safeguarded from potentially polluting development.**

11.1 There are a number of key environmental issues that relate to pollution throughout the district. The issue of pollution needs to be addressed from two perspectives. Firstly, that of previous pollution (i.e. has the previous use or development contaminated the land?) and secondly, is the proposed use or development likely to cause pollution. There is a need in the interest of securing redevelopment on brownfield land to ensure that such sites are either free from contamination and that proposed development does not cause pollution in terms of its emissions to land, water or air. Both of these factors are vital in working towards more sustainable development.

11.2 Some areas that are related to pollution are covered within other chapters in the Replacement Local Plan. Policies (EB7, TP13 and LT24) and explanatory text can be found in the Employment, Transport and Leisure and Tourism chapters respectively. The local planning authority's position with regard to potentially polluting uses is as follows:

POLICY PN1 - POTENTIALLY POLLUTING USES

Development that may be liable to cause pollution of water, air or soil or pollution through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, or heat, electromagnetic radiation or other polluting emissions will only be permitted if:

- The health, safety and amenity of users of the site or surrounding land are not put at significant risk;**
- The quality and enjoyment of the environment would not be damaged or put at risk; and**
- National air quality objectives would not be breached.**

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DEVELOPMENT AND CONTAMINATED LAND

11.3 Contaminated land is an issue that has come to the forefront of the development process in recent years. The draft *Technical Advice Note – Development on Land Affected by Contamination*¹ states that the key planning objectives for land which may be affected by contamination are:

- **to encourage the redevelopment and beneficial re-use of previously-developed land, and also to reduce unnecessary development pressures on greenfield sites; and**
- **to ensure, that any unacceptable risks to human health, buildings and the environment from contamination are identified and properly dealt with, as new development and land-uses proceed.**

11.4 Planning Policy Guidance Note (PPG) 23 *Planning & Pollution Control* states that, the principle of sustainable development means that where practicable, brownfield sites, including those affected by contamination, should be recycled into new uses, thereby reducing pressures for greenfield sites to be converted to urban, industrial or commercial uses.

11.5 Current policy advocates a “suitable for use” approach. This recognises that risk can only be satisfactorily assessed in the context of a specific use with the aim of maintaining an acceptable level of risk at minimum cost.

11.6 Responsibility for assessing whether or not land is suitable for a particular use, including whether or not it is contaminated, rests primarily with the developer. Where it is known or suspected that land is contaminated, the developer will be required to undertake a detailed site survey in this respect and the results submitted with the planning application.

11.7 Similarly, the developer should set out any remedial measures necessary to bring the land into use at this stage. Where contamination is suspected or known to be slight, planning conditions may be imposed requiring investigative work to be carried out and remedial measures to be implemented before development begins. The developer will be required to submit a completion certificate on completion of the agreed remediation measures. The local planning authority will consult with the Environment Agency on such developments.

¹ *Technical Advice Note – Development on Land Affected by Contamination* - Office of the Deputy Prime Minister (2002)

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POLICY PN2 - CONTAMINATED LAND

Planning applications for development on, or adjacent to, land which may have been contaminated by a previous use must include evidence that the possibility of contamination has been investigated and proposals for dealing with any remediation works contamination are included.

Development will only be permitted where:

- i. it would not give rise to significant harm or significant risk of significant harm to health or the environment or cause pollution of controlled waters; and**
- ii. it safeguards users or occupiers of the site or neighbouring land; and**
- iii. it protects the environment and any buildings or services from contamination during its implementation and in the future.**

Where appropriate, applicants will be expected to sign an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that remedial measures necessary to allow the development to proceed are carried out.

WATER POLLUTION

- 11.8 Water pollution is a factor throughout the district. Whilst major incidents are rare, minor incidents contributing to diffuse pollution are likely to be widespread, as for any area of the United Kingdom. Major new potentially polluting development or uses will be tightly controlled and the local planning authority, in conjunction with the Environment Agency and Health and Safety Executive will take all necessary steps to ensure that such development is as safe as possible. Developments or uses that cannot be rendered safe by good planning and design will not be considered acceptable in the district.
- 11.9 Diffuse water pollution can arise from many sources. These are generally dispersed and diverse in nature. Individually the sources may be small, but their collective impact can be damaging. Diffuse pollution can be derived from current and past land use in both agricultural and urban environments. It can also include atmospheric deposition.
- 11.10 Diffuse water pollution is mainly related to the way we use and manage land and soil. It can affect rivers, lakes, coastal waters and groundwaters. Groundwaters are vulnerable from, and affected by, leaching of pollutants from the land surface and from areas of contaminated land, while surface waters are affected by rainfall that washes over and off the land (run-off). Rivers can also be influenced by the contribution to their flow that comes through springs and seepages from groundwater. Where the groundwater connection with surface waters is high, pollution can pass from one to affect the other. Run-off has increased as agriculture has intensified and as more roads and houses have been built, particularly where the natural permeability of the landscape has been degraded and reduced its capacity to retain water.

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11.11 The following policy therefore applies with regard to potential sources of water pollution:

POLICY PN3 - PROTECTION OF WATER QUALITY

Development affecting the water environment and associated lands will only be permitted where:

- i. **The provision of water is not detrimental to existing abstractions, river flows, fisheries, amenity or nature conservation; and**
- ii. **It would not lead to an unacceptable deterioration in the quality or potential yield of coastal, surface and ground water resources.**

DEVELOPMENT AND AIR QUALITY

11.12 The Government has adopted the UK National Air Quality Strategy² as a statement of its policies with respect to the assessment and management of the quality of air. Local Authorities are required to carry out periodic reviews of air quality in their areas, and to assess present and likely future quality against statutory air quality standards. Where the objectives are not likely to be achieved, an Authority is required to designate an Air Quality Management Area (AQMA), and then make an Action Plan for improvements in air quality in that area.

11.13 Air quality in Rochford District has been assessed in accordance with current legislation and no exceedence of National Air Quality Strategy objectives have been found. Planning has a role to play in maintaining this good level of air quality by separating potentially polluting land uses from other existing or proposed land uses and in ensuring that new development is not allowed where it would exacerbate already poor air quality conditions.

11.14 Where development proposals are likely to involve emissions into the air or where a sensitive development is proposed near an existing source of emissions, the Council will require the submission of appropriate details to enable a full judgement of the impact of the development to be made.

POLICY PN4 - AIR QUALITY

The Council will consider the potential effects of a development on local air quality when determining planning applications. Consideration will be given to the impact caused by both the construction and operation phases of the development, together with the traffic generated by it. Development that significantly increases air pollution will not be permitted.

² *The Air Quality Strategy for England, Scotland, Wales and Northern Ireland* - Department of Environment, Transport and the Regions (2000)

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Where development proposals are likely to involve emissions to air, submission of appropriate details will be required.

Where development proposals are near an existing source of air pollution, submission of details will be required to enable a full judgement of the impact on the development to be made. Development will not be approved if the acceptable levels as set out in the national air quality strategy are likely to be exceeded.

PLANNING AND NOISE

- 11.15 The impact of noise on the environment can be detrimental to quality of life. There is, therefore, a need to control the introduction of noise sources into the environment, and also to ensure that new noise-sensitive developments are located away from existing sources of significant noise. The District Council accepts current Government advice as set out in PPG24 *Planning and Noise*.
- 11.16 The background noise levels in many parts of the District are quite low which means that the introduction of noisy activities into these areas will be especially disruptive to local residents. As a result, the Council will seek to prevent noisy uses locating in sensitive areas without proper safeguards on their activities. Where it is not possible to achieve separation of land uses, the Council will require developers to take measures to mitigate any nuisance by controlling noise levels.
- 11.17 The Council will impose controls to limit the overall amount of noise that can be generated by new developments and restrict the hours of operation so that the amenities of adjoining neighbours and residents are not adversely affected.
- 11.18 The impact of noise upon new residential schemes can be reduced by the careful design of the scheme including the appropriate siting of garages and gardens, maximising the distances between dwellings and noise sources, and orientating living accommodation away from potential noise. In some cases it may be necessary to limit the type of housing permitted to ensure that family houses which require the enjoyment of outside amenity space are not permitted in areas with high levels of ambient noise.
- 11.19 Background noise levels are low in many parts of the District, which means that the introduction of noisy activities into these areas will be especially disruptive to local residents. Therefore, noisy uses will not be permitted in sensitive areas without adequate noise mitigation measures. Where it is not feasible to adequately mitigate the noise, permission will not be granted.
- 11.20 In assessing potential noise impacts the Council will have regard to guidance provided in PPG24 Planning and noise and other specific best practice guidance such as *Clay Target Shooting Guidance on the Control of Noise* and *Code of Practice on Noise from Model Aircraft*.

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11.21 Where it is not possible to adequately control the impact of noise development will not be permitted.

POLICY PN5 - NOISE GENERATING DEVELOPMENT

The District Council will expect noise generating development to be designed and operated in such a way that minimises the impact of noise nuisance on the environment.

In considering proposals, the following will be taken into account:

- i. the proximity of existing or proposed noise sensitive developments;**
- ii. the cumulative impact of noisy development;**
- iii. the time and nature of the noise; and**
- iv. the nature of the surrounding area.**

POLICY PN6 - NOISE SENSITIVE DEVELOPMENT

Noise sensitive development (including housing, schools and hospitals) should not be exposed to noise nuisance from existing noise generating sources, or programmed developments. In considering proposals for noise sensitive developments the District Council will take into consideration:

- i. the noise exposure categories set out in PPG24 – ‘Planning and Noise’;**
- ii. the proximity of existing or programmed noise generation developments; and**
- iii. the degree to which the layout and design of the proposals provides protection against noise.**

LIGHT POLLUTION

11.22 Light pollution can affect rural, coastal and urban areas, affecting ecology and wildlife, obscuring vision of the stars, introducing a suburban feel into rural areas thus affecting local character and cause stress and anxiety for those adversely affected. The pollution can take several forms including:

- SKY GLOW - the glow seen above urban areas caused by stray artificial light being scattered by dust particles and water droplets in the sky.
- GLARE - the uncomfortable brightness of a light source when viewed against a darker background.
- LIGHT TRESPASS - light spilling beyond an area intended to be lit.

11.23 There is a need to minimise the adverse impacts of illumination by avoiding unnecessary lighting, ensuring the level of lighting in new developments (including roads) is the minimum for public safety, is energy efficient and respects the character of the locality. In some cases, full horizontal cut-off (the prevention of light

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spillage into adjoining areas) and other forms of containment of the light source may be required to prevent spillage and glare.

11.24 Developers should also note the contents of Guidance Notes for the Reduction of Light Pollution³.

POLICY PN7 - LIGHT POLLUTION

The local planning authority will seek to minimise light pollution. Details of any lighting scheme required as part of any new development should be submitted as part of the planning application. Applicants will be expected to demonstrate to the local planning authority that the scheme proposed is the minimum needed for security and working purposes and that it minimises potential pollution from glare and spillage, particularly to:

- i. Residential and commercial areas;**
- ii. Areas of nature conservation interest; and**
- iii. Areas whose open and remote landscape qualities would be affected.**

READING LIST AND USEFUL LINKS

11.25 In preparing the policies and proposals in this chapter of the local plan account has been taken of the advice and guidance in a wide range of documents and publications. A list of these is provided below together with details of links to organisations that provide useful information about employment development on the web.

DOCUMENTS

PPG23 (Planning and Pollution Control)

PPG24 (Planning and Noise)

Essex and Southend-on-Sea Replacement Structure Plan (2001)

The Air Quality Strategy for England, Scotland, Wales and Northern Ireland - Department of Environment, Transport and the Regions (2000)

Clay Target Shooting Guidance on the Control of Noise - Chartered Institute of Environmental Health (2003)

Code of Practice on Noise from Model Aircraft - Chartered Institute of Environmental Health (1982)

WEBSITES

Chartered Institute of Environmental Health - <http://www.cieh.org>

Department for Environment, Food and Rural Affairs - <http://www.defra.gov.uk>

Institution of Lighting Engineers - <http://www.ile.org.uk>

Office of the Deputy Prime Minister - <http://www.odpm.gov.uk>

Royal Commission on Environmental Pollution - <http://www.rcep.org.uk>

Royal Town Planning Institute - <http://rtpi.org.uk>

³ *Guidance Notes for the Reduction of Light Pollution* - Institution of Lighting Engineers (undated)