



## Energy, water, pollution and waste - a sustainable way forward

- 2.1 Development proposals all too often focus on just one need, usually a social or economic need, for example, the need for a business site or for additional housing. Whilst it is important to address these issues, it is imperative that it is not done at the expense of the environment or other social and economic needs. Social, economic and environmental factors are all inextricably linked and proposals should take account of all three in a co-ordinated manner, adopting an integrated approach in order to avoid conflicts.
- 2.2 It is essential for quality of life and human wellbeing, that what is trying to be achieved in one area, is not undone in another. As recognised in the White Paper entitled 'This Common Inheritance - Britain's Environment Strategy' the way energy is produced, natural resources are used and waste is produced threaten to fundamentally change the balance of the global environment. One country's pollution can be every country's predicament and prevention is more often better and cheaper than cure.
- 2.3 The environmental impact of a proposal must be taken into consideration. Applicants should not only seek to minimise the harmful impacts but also provide environmental enhancements. All development proposals must be designed and located to reflect the aim of achieving sustainable development.



## SU1 Environmental impact assessment

~~Applicants will be required to submit a formal environmental statement for all development proposals exceeding the relevant thresholds or meeting at least one of the criteria set out in Schedule 2 of the Environmental Impact Assessment Regulations<sup>1</sup>. Proposals below these thresholds may also be required to submit a comprehensive environmental statement where there is potential for significant impacts on people or the built and natural environment.~~

- 2.4- ~~In order to help assess a proposal and its impact on the locality, communities and the environment in general, the planning authority will require the preparation of a formal environmental statement under the terms of the Environmental Impact Assessment (EIA) Regulations. Due to the high population density of Brighton & Hove and the sensitivity of the environment (both natural and built) the planning authority considers that any proposal which exceeds the indicative thresholds set out in Schedule 2 of the EIA regulations will have the potential for significant impacts, by virtue of its nature, size and location.~~
- 2.5- ~~The environmental statement in particular should seek to minimise impacts on the environment, propose mitigation measures when impacts are unavoidable and consider alternatives including that of doing nothing. The planning authority also wishes to see full consideration of social and economic impacts in the statement. Applicants should also pay particular attention to the production of an accessible non-technical summary to accompany the full environmental statement.~~
- 2.6- ~~A number of proposals contained in this Plan are likely to require the production of formal environmental statements, including:~~
- ~~● Brighton Station~~
  - ~~● Proposed Stadium at Falmer~~
  - ~~● Shoreham Harbour~~
- 2.7- ~~Due to the density of population and the sensitivity of the environment there may be circumstances where proposals are beneath the thresholds set out in the EIA regulations, yet the potential remains for significant environmental impacts about which the planning authority requires comprehensive information in order to determine any planning application. In these circumstances the planning authority will require the submission of a comprehensive environmental statement akin to that required under the EIA regulations.~~
- 2.8- ~~The presentation of environmental information in a systematic way will also assist the local planning authority's task of appraising the application and drawing up appropriate planning conditions thus enabling swifter decisions to be reached.~~

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<sup>1</sup>TCP (EIA) Regulations, (S.I. 1999 No.293) and any subsequent amendments. NB Development listed in Schedule 1 always requires EIA. Development listed in Schedule 2 requires EIA if it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location.

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## SU2 Efficiency of development in the use of energy, water and materials

Planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials provided that they are otherwise in accordance with the other policies of the development plan.

Proposals will be required to demonstrate how the following factors have been integrated into their siting, layout and design:

- a. measures that seek to reduce fuel use and greenhouse gas emissions;
- b. the incorporation / use or the facilitation of the use, of renewable energy resources;
- c. measures that seek to reduce water consumption;
- d. measures that enable the development to use grey-water and rainwater; and
- e. the use of materials and methods to minimise overall energy and / or raw material inputs.

When considering these factors, particular regard should be given to the following:

- i. daylight / sunlight;
- ii. orientation;
- iii. building form;
- iv. materials;
- v. the use of natural ventilation;
- vi. fenestration;
- vii. landscaping;
- viii. provision of space within each planning unit and general facilities for refuse, waste recycling and composting; and
- ix. suitable space for occupier and visitor cycle parking.

- 2.9 This benchmark policy seeks to promote a sustainable approach to energy, water and materials used in all new development in Brighton & Hove. An example of how this policy can be implemented is provided by the Brighton Station site where efficiency issues are being successfully incorporated within the proposed development.

- 2.10 The conservation of energy, water and materials and the use of renewable resources can make a significant contribution toward sustainable development objectives by reducing the need for finite resources, greenhouse gas emissions and other harmful environmental impacts. Energy conservation measures can also improve the home environment and in so doing, can help to deliver improvements in health and alleviate fuel poverty. Efficiency in energy and water use should also lead to financial benefits, for both homeowners and businesses, by virtue of reduced fuel and water bills. In addition to this, energy conservation can be assisted by locating development so that the consumption of energy resources, particularly those which are non renewable, is minimised. The strategy of this Plan is therefore, for new development to be located wherever possible where it will keep to a minimum the need for travel, especially by private motor vehicle.
- 2.11 As the main objective of Policy SU2 is to help deliver sustainable development, the planning authority will seek a high standard of 'efficiency' in proposals and require the measures adopted to be sustainable in themselves. For example, where appropriate, renewable energy resources should be suitably designed and incorporate filters and other such measures in order to ensure they do not generate significant quantities of pollution harmful to the environment and human health.
- 2.12 The Local Plan is part of a network of opportunities for securing improved energy efficiency set out in the council's Home Energy Efficiency Strategy. Promoting energy efficiency and the use of renewable energy sources as an integral part of all development is consistent with national policy in the form of PPS22 'Renewable Energy' and the 'Home Energy Conservation Act' 1995.
- 2.13 The Department of the Environment Transport and the Regions (DETR) publication 'Planning for Sustainable Development: Towards Better Practice' (1998) states that Local Plans should clarify the full range of energy efficiency measures that would be expected in developments and also advises that it is important that planners take the opportunity to secure the incorporation of energy efficient measures in their scrutiny of design issues. Similarly the improvement of energy efficiency and the prudent use of natural resources is promoted in 'A better quality of life - A strategy for sustainable development for the UK' (DETR, 1999).
- 2.14 The factors that need to be taken into account when considering any development proposal include: siting with respect to micro-climate; passive solar heating; the use of low energy lighting; automatic controls; making best use of natural ventilation; window size in relation to orientation in order to maximise natural light and solar gain; the use of recyclable and / or recycled materials; landscaping to provide effective shelter; grey water recycling; making use of rainwater; environmentally acceptable Combined Heat and Power systems within individual buildings and schemes. It should be noted that the reference to fenestration relates more to the design, number and size of windows and should not be construed as being a general encouragement of double glazing. When considering orientation and daylighting / sunlighting, regard will be given to the Building Research Establishment report entitled 'Site layout planning for daylight and sunlight - a guide to good practice' (1991) and any subsequent revisions. Adequate sunlight and daylight should be achieved without the need to remove existing trees on the site.

- 2.15 Applicants will also be expected to have taken into account the Building Research Establishments Energy Assessment Methodology (BREEAM) within their proposals. The DETR has set up a 'Design Advice' service to enable developers to obtain free advice on energy efficient environmental improvements and the potential commercial benefits of such improvements / developments. The advice uses the BREEAM analysis to determine the energy efficiency of a project.
- 2.16 The planning authority will require applicants to incorporate 'efficiency' measures appropriate to the building, its design and the locality. For example, UPVC double glazing will rarely, if ever be appropriate on a listed building. Where listed buildings are concerned, efficiency measures should be sought that are in keeping with, and appropriate to, the building's historical and architectural importance.
- 2.17 In accordance with the Waste Local Plan, major developments, or developments employing or attracting a large number of people, will be expected to include as an integral part of the development:
- facilities for the public to recycle / compost waste; and
  - facilities within individual or groups of properties or premises for the source separation and storage of waste for collection.
- 2.18 Applicants should therefore ensure there is sufficient space to make it easy for households to separate and store recyclable waste such as paper, glass, cans and to compost other waste. Consideration must also be given to the minimisation of overall energy inputs, for example, generally the re-use of existing buildings is preferable to their redevelopment. (See Policy SU13 Minimisation and re-use of construction industry waste.) New developments should be designed and located in order to reduce the need to travel.
- 2.19 The implementation of Policy SU2 will be supported by the council's Home Energy Efficiency Strategy and greater use of Design Advice and BREEAM analysis.
- 2.20 It will be further assisted by application of energy efficiency assessment procedures such as the Standard Assessment Procedure (SAP) and the National Home Energy Rating (NHER). It will also require close liaison with building control services and architects. In addition to this, one of the requirements of Private Finance Initiatives (PFIs) is that they must have a very strong environmental element. Policy SU2 affects all proposals and has links with all other policies of the development plan. The efficient and effective use of land is addressed in Policy QD3 'Design: efficient and effective use of sites'.

Planning permission will not be granted for proposals that have not taken into account efficiency in the use of energy, water and materials and incorporated measures suitable to the proposal.

## SU3 Water resources and their quality

**Planning permission will not be granted for proposals which will result in an unacceptable risk of pollution of existing and / or proposed water resources, including surface and groundwater resources and the sea, or affect such resources by having an adverse impact on their:**

- a. water quality;
- b. water quantity / potential yield;
- c. nature conservation;
- d. environmental value; and / or
- e. recreation value.

**Proposals within sensitive aquifer protection zones will be not be granted if they pose an unacceptable risk of pollution to the aquifer or an adverse impact on the water quality / potential yield of the aquifer.**

**In the interests of minimising the risk of pollution, the planning authority will impose conditions on planning permissions to ensure that adequate pollution control measures are incorporated into new developments.**

- 2.21 Water is an essential resource. Growing demand for supplies and the need to safeguard against the problems of drought makes it particularly important that existing resources are protected. Drinking water for Brighton & Hove is supplied mainly from groundwater sources in the form of underground chalk aquifers. Sea water quality is of equal importance in terms of environmental quality and its value as a key recreational asset. Similarly other surface water resources, such as ponds, provide a range of uses and habitats.
- 2.22 Damage to such water resources can occur from physical disturbance and pollution. The protection of these resources from development likely to cause such problems is particularly important and relies heavily on the planning system. Once damage has been caused, the water resource can be lost for many years. It is preferable, therefore, to prevent or reduce the risk of harm rather than deal with its consequences. This may require the use of planning conditions to ensure adequate and appropriate protection measures or where necessary, refusal of planning permission. In operating this approach, the planning authority will have regard to advice given by the Environment Agency and Southern Water.
- 2.23 Policy SU3 has particular links with the following in this Plan: the policies relating to coastal defences; efficiency in development; infrastructure; surface water run-off and flood risk; surface water and foul sewage disposal infrastructure; polluted land; pollution; and nature conservation. However, Policy SU3 affects all proposals and thus has links with all the other policies of the development plan.

## SU4 Surface water run-off and flood risk

Development will not be permitted if:

- a. it would increase the risk of flooding;
- b. it is located in an area at risk from flooding; and / or
- c. the additional surface water run-off would be liable to harm people, property or the environment.

Where appropriate, conditions will be imposed or a planning obligation sought in order to ensure that effective preventative measures are provided. The preventative measures used must be environmentally friendly, without detriment to the site, land elsewhere, people, animals, property and nature conservation.

Sustainable urban drainage systems should be utilised and 'green' or 'alternative' roofs and other measures to minimise surface water run-off from sites should be incorporated where practicable and appropriate.

In the exceptional circumstances that development on the rural fringes of the city and within rural areas of the town is otherwise acceptable, it will be required to take account of flooding and the seasonal appearance of streams in apparently 'dry' valleys.

Where insufficient information is available regarding suspected surface water runoff and / or flood risks, the applicant will be required to carry out a detailed technical investigation to evaluate the extent of the risk.

- 2.24 Surface water can be polluted with oil, pesticides, silt, leaves, bacteria etc. Heavy rainfall accelerates run-off, thus flushing all these contaminants rapidly into drains and then into the sea. Similarly fire water run-off, which is often polluted, gets flushed rapidly into the drainage system. Because the natural settling out process is bypassed, the common result is localised contamination of bathing waters. It is important to ensure that new development does not worsen the situation. This can be done by slowing the speed of run-off to allow settlement, filtering and infiltration, reduce the amount of run-off and provide natural ways of treating collected surface water before it is either discharged to the sea or infiltrated into land (thus assisting ground water reserves to replenish themselves).
- 2.25 There is a wide range of options to choose from when dealing with surface water which are usually cheaper than conventional systems. For example; grass swales and filter strips; infiltration basins, trenches or other infiltration devices; detention ponds; retention ponds; wetlands; and porous surfaces. Further guidance on these Best Management Practices / Sustainable Urban Drainage Systems can be obtained from the Environment Agency (EA) and from a more detailed EA document entitled 'Nature's Way - designs that prevent water pollution'. Applicants will be required to address the future maintenance requirements of facilities like retention ponds and flow controls. When designing new development, applicants should seek to minimise the surface water run-off from sites.

- 2.26 Proposals must not adversely affect the potential yield of aquifers. For example, schemes designed to enable rainwater capture and use. It has also been suggested that grassed flat roofs would help to slow surface water run-off, would help to green the environment, would provide wildlife gain, lower microclimate temperatures and could, where appropriate, provide garden space.
- 2.27 New developments may result in a substantial increase in surface water run-off as permeable surfaces are replaced by impermeable surfaces such as roofs and paving. This can result in increased risk of flooding within the development site itself and elsewhere including at a considerable distance away from the development. It is essential that the risk of flooding is taken into account when considering development proposals because of the potential impact on people and property. Developers seeking to develop a site at risk from flooding will be expected to demonstrate that the proposal and any proposed preventative measures will not create significant harm.
- 2.28 Proposals should be designed to ensure that water flows are not diverted or added to in a way that causes flooding either within the site or elsewhere. Proposed development on the edge of the city, within the rural fringes of the city or within the rural areas will be required to ensure measures are taken to prevent damage to the site and adjacent land from flash flooding, including mud slides. In such locations a suitably landscaped buffer zone and/or other measures should be included within the proposal. In order to assess these risks, applicants should investigate and submit information on the surrounding land and how it is managed, for example, what agricultural practices are in operation and intended for the future. Where relevant this information will also be required for the development site itself and sustainable practices, that minimise the risks, will be sought. Where possible, agreements should be entered into with adjacent landowners in order to secure sustainable land management practices, which minimise the risk of flash flooding and mud slides. It should be noted that Policy SU4 will be applied and development refused where the risks from flooding relate to mud slides and/or other impacts that are directly or indirectly caused due to flooding or surface water run-off.
- 2.29 Flooding of commercial and residential property from recreational and agricultural land is a recurrent problem for Brighton & Hove. Careful consideration of the effects of a development in terms of surface water run off and the seasonal appearance of streams and floodwater within the development itself as well as on surrounding property will ensure its long term sustainability.
- 2.30 Policy SU4 has particular links with the following in this Plan: the policies relating to efficiency in development; water resources and their quality; infrastructure; coastal defences; development within the coastal zone; surface water and foul sewage disposal infrastructure; polluted land and buildings; unstable land; and pollution and nuisance control. However, this Policy affects all proposals and thus has links with all the other policies of the development plan.

## SU5 Surface water and foul sewage disposal infrastructure

**In order to ensure that adequate surface water and foul sewage drainage / treatment is available prior to development commencing, planning permission may be granted subject to the development being phased in step with such provisions.**

**Where surface water sewers of adequate capacity are not available and where ground conditions, aquifer protection considerations and building clearances permit, applicants will be required to use soakaways of suitable design for the disposal of surface water.**

- 2.31 Southern Water is the statutory sewerage and water undertaker for Brighton & Hove and is empowered by the 1991 Water Industry Act to collect infrastructure charges associated with new developments. In general, where wastewater treatment infrastructure required by new developments accords with Local Plans, this will be planned for and provided by Southern Water. Where it is not physically possible to provide new capacity as soon as developers might wish, the planning authority may restrict the occupancy of new development.
- 2.32 New development should seek to avoid draining surface water to combined foul sewers because of the energy costs of pumping and treating this surface water once it enters foul sewerage systems (and also to avoid overloading the existing sewers). Where surface water sewers of adequate capacity or other storm water retention measures are not available and where permitted by ground conditions, aquifer protection considerations and building clearances, (and also depending on the advice from the Environment Agency), developers will be encouraged to use suitably designed soakaways for the disposal of surface water.
- 2.33 New development proposals may also require existing public sewers and water mains on site to be diverted by Southern Water at the developer's expense. Existing sewers and water mains are afforded statutory protection under section 18 of the Buildings Act 1984 (as amended) and section 174 of the Water Industry Act 1991 respectively. Southern Water has constructed a storm water storage tunnel along Brighton seafront to store storm water overflows from the combined sewerage system. Storm water from this tunnel is pumped back into the foul sewer and this will eventually connect to a new wastewater treatment works.
- 2.34 Policy SU5 has particular links with the following in this Plan: the policies relating to efficiency in development; water resources and their quality; surface water run-off and flood risk; and infrastructure. However, this Policy affects all proposals and thus has links with all the other policies of the development plan.

## SU6 Coastal defences

**Planning permission will not be granted for development which would:**

- a. **require enhanced coastal defences; unless adequate coastal defences, of a design and appearance in keeping with their surroundings, are provided and maintained as part of the development;**
- b. **be detrimental to existing and proposed coastal defences;**
- c. **inhibit the maintenance of existing coastal protection works; and / or**
- d. **run contrary to the findings and recommendations of the shoreline management plan.**

**Where appropriate, planning conditions will be imposed and / or a planning obligation sought in order to secure necessary requirements.**

- 2.35 Recent research has identified certain trends in the climate which are likely to result in a gradual rise in sea level accompanied by an increase in storm severity. Allied with increased storminess, this is likely to result in the sea defences being 'overtopped' and damaged more frequently. Consequently, an increasing level of maintenance and repair will be required to ensure the integrity and effectiveness of the defences. The importance of access to the coastal defences is therefore going to increase. Development which will require enhancements to the defences will not be permitted without the developer funding the full costs of such enhancements and of future maintenance.
- 2.36 If development is permitted in the vicinity of coastal and flood defences, the planning authority, following consultation with the Environment Agency, will require appropriate measures to be incorporated into the scheme in order to ensure that the stability and continuity of the defences is maintained. Developers will be expected to cover the costs of any such measures, including their long term monitoring and management.
- 2.37 Policy SU6 has particular links with the following in this Plan: the policies relating to water resources and their quality; infrastructure; surface water run-off and flood risk; development within the coastal zone; seafront recreation; West Pier; King Alfred / RNR site; and Black Rock Site.

## SU7 Development within the coastal zone

Planning permission for development will only be granted within the coastal zone, which is otherwise in accordance with the other policies of the development plan, where it:

- a. takes account of the particular conditions experienced within this area, for example, in the layout, design, landscaping and materials proposed;
- b. incorporates, where appropriate, adequate flood protection and mitigation measures;
- c. respects or enhances the appearance and character of the seafront environment;
- d. does not adversely affect existing sea views; and
- e. does not reduce public access to the coast.

**Where appropriate, planning conditions will be imposed and / or a planning obligation sought in order to secure the necessary requirements.**

- 2.38 Planning applications must demonstrate that account has been taken of the particular conditions experienced within the coastal zone. Proposals that include basements, cellars and other enclosed areas below ground level will be particularly scrutinised. Applicants should ensure that habitable rooms are not at risk from flooding. There must be safe access to and from the north of the building in order to help ensure people can escape in the event of tidal flooding. Where openings are proposed on the southern elevation they must minimise the risk from flooding.
- 2.39 It should be noted that the coastal zone boundary identified on the Proposals Map may be subject to change. A study of the sea defences was undertaken between the Marina and the River Adur ('Brighton Marina to River Adur Tidal and Coastal Defence Strategy Plan' 2003). The study involved flood mapping. One of the main objectives of defining a coastal zone boundary is to minimise the risk to buildings and human health, upon which flooding will have a major impact.
- 2.40 Policy SU7 has particular links with the following in this Plan: the policies relating to design; landscape design; seafront recreation; Black Rock Site; King Alfred/RNR; West Pier; water resources and their quality; infrastructure; surface water run-off and flood risk; and coastal defences.

## SU8 Unstable land

**Development of unstable or potentially unstable land will be permitted provided that:**

- a. **the site can be developed and used safely without adding to the instability of the site or surrounding land; and**
- b. **the development of the site and any necessary stabilisation measures are environmentally acceptable.**

**Development that is likely to make land elsewhere unstable, will not be permitted unless it can be demonstrated that the concern is unfounded or environmentally acceptable remediation measures are to be carried out. The applicant may be required to submit a slope stability report before an application can be determined. Where a slope stability report is required it should take account of ancient landslides, geological fault lines, water courses / ditches and natural ground water routes.**

**Stabilisation works may invoke the need for an Environmental Impact Assessment and will be secured by the use of planning conditions or by legal agreement.**

- 2.41 This Plan seeks full and effective use of land. Sites which have been damaged by industrial activities or which are naturally unstable can often be put into productive use. However, it is important to ensure that developers take into account the full implications of building on unstable land at an early stage in the development process. If unstable land is developed without appropriate stabilisation measures, landslides can result creating significant risks to the occupiers of the development and adjacent land.
- 2.42 The stability of the ground is a material consideration, to be taken into account when determining a planning application. The responsibility for determining whether land is suitable for a particular purpose rests primarily, however, with the applicant. The liability for safe development and secure occupancy of a site rests with the applicant / developer and / or landowners. It is not the responsibility of the planning authority to investigate the ground conditions of any particular development site (unless it owns or intends to develop the land).
- 2.43 Policy SU8 therefore seeks to ensure there is appropriate control over development on unstable land so as to avoid any unnecessary risks. Indeed it is in accordance with government guidance set out in PPG14 'Development on Unstable Land' which advises that the possibility of ground instability should be taken into account when preparing development plans.
- 2.44 Where applicants feel land stability will be an issue, expert advice should be sought. Applicants are encouraged to contact the planning authority at an early stage to ensure that the requirements of both Planning and Building Regulations can be included within the scheme satisfactorily.
- 2.45 Policy SU8 has particular links with the following in this Plan: the policies relating to design; to extensions and alterations; to surface water run-off and flood risk; to coastal defences; polluted land; to development densities; landscaping; trees and hedgerows; and the protection and integration of nature conservation features.

## SU9 Pollution and nuisance control

Development that may be liable to cause pollution and / or nuisance to land, air or water will only be permitted where:

- a. human health and safety, amenity, and the ecological well-being of the natural and built environment is not put at risk;
- b. it does not reduce the planning authority's ability to meet the Government's air quality and other sustainability targets; and
- c. it does not negatively impact upon the existing pollution and nuisance situation.

All proposed developments that have a potential to cause pollution and / or nuisance, will be required to incorporate measures to minimise the pollution / nuisance and may invoke the need for an Environmental Impact Assessment. Where appropriate, planning conditions will be imposed and / or a planning obligation sought in order to secure the necessary requirements.

Planning permission will only be granted for development on a site adjacent to an existing pollution / nuisance generating use and / or within an air quality 'hotspot' or potential 'hot spot' where:

- i. the effect on the proposed development, its occupiers and users will not be detrimental; and
- ii. the proposed development will not make the pollution and / or nuisance situation worse and where practicable, helps to alleviate the existing problem(s).

In applying this policy, particular attention will be given to a proposal's location and its impact on other development, land uses and nature conservation.

- 2.46 For the purposes of Policy SU9, pollution and nuisance include noise, dust, dirt, PM10, fumes, gases, steam, smell, radiation, vibration, light, smoke, heat and other polluting and nuisance emissions. Policy SU9 therefore applies to anything that can be deemed to be pollution and / or a nuisance. This includes greenhouse gases and ozone layer damaging gases. It also applies to electromagnetism where the effects are likely to cause ill health or have other adverse affects.
- 2.47 Road transport is one of the main pollution and nuisance generators and any air quality 'hot spots' in Brighton & Hove are likely to be the result of motor vehicle pollution. The planning authority will expect, therefore, the impact from traffic to be included with any assessment of pollution and nuisance. The planning authority may seek to control the volume and flow of traffic to and from a proposed development to comply with this policy (see also Policy TR1: 'Development and the demand for travel'). Sensitive developments such as housing, schools and hospitals are felt to be inappropriate next to significant pollution and / or nuisance generating uses, except where measures are to be taken to alleviate effectively the existing problems prior to occupation.

- 2.48 The council has declared one AQMA which encompasses sections of London Road, Ditchling Road, Preston Circus, Viaduct Road, Lewes Road and the surrounding area of the Vogue Giratory. Any additional Air Quality Management Areas (AQMA's) will be identified and declared, if required. Within these areas, the planning authority will expect any development to help alleviate the air quality problems, in accordance with the relevant Action Plan and council strategies.
- 2.49 In applying Policy SU9, particular attention will be given to a proposal's location and impact on other development and land uses. PPS23 'Planning and Pollution Control' states that the government attaches great importance to controlling and minimising pollution. It advises that the government's approach to pollution issues is a precautionary one. Where there are significant risks of damage to the environment, pollution controls will take into account the need to prevent or limit harm even where scientific knowledge is not conclusive. It also advises that some proposals will require the preparation and submission of an Environmental Impact Assessment. In addition to this, regard must be given to Part I of the Environmental Protection Act 1990, which is the main legislation that controls air pollution and authorisation of certain industrial processes.
- 2.50 Policy SU9 will be assisted and complemented by the powers and duties exercised under Environmental Health legislation, including the National Air Quality Strategy and the Local Authority Pollution Prevention Control (LAPPC), in accordance with Part IV of the Environment Act 1995 and the Pollution Prevention and Control Regulations 2000. In addition to the above, regard must be given to Part I of the Environmental Protection Act 1990, (which is the main legislation that controls air pollution with respect to the authorisation of certain industrial process) and to the Building Regulations legislation as well as to other agencies, for example, the Environment Agency, the Health and Safety Executive, English Nature and the Fire Authority. Implementation of this Policy will also be assisted and complemented by the Local Agenda 21 Strategy and by the council's voluntary involvement in a regional and national radiation monitoring scheme.
- 2.51 Policy SU9 has particular links with the following in this Plan: the policies relating to development and the demand for travel; polluted land and buildings; water resources and their quality; surface water run-off and flood risk; noise nuisance; species protection; protection and integration of nature conservation features; remote and tranquil areas; external lighting and floodlighting.

## SU10 Noise nuisance

**Proposals for new development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment. Applicants may be required to submit a noise impact study or to assess the effect of an existing noise source upon the proposed development, prior to the determination of a planning application.**

**Developments likely to generate significant levels of noise will be permitted only where appropriate noise attenuation measures are incorporated which would reduce the impact on the surrounding land uses, existing or proposed, to acceptable levels in accordance with government guidance.**

**Where necessary, planning conditions will be imposed and / or a planning obligation sought in order to specify and secure acceptable noise limits, hours of operation and attenuation measures.**

**Planning permission for noise-sensitive development, such as housing, schools and hospitals, will not be granted if its users would be affected adversely by noise from existing uses (or programmed development) that generate significant levels of noise.**

- 2.52 Noise as a source of nuisance has been recognised by the government and was identified by consultees during the initial consultation period on this Local Plan as an issue that should be taken into consideration when dealing with planning applications. Policy SU10 relates to all forms of noise whether it originates from traffic and roads, railways, aircraft, factories and other land uses, or even the proposed means of ventilation. It is important to note that it therefore applies to all types of development, including changes of use. Noise can have significant effects on the environment whether it occurs continuously in the background, at regular intervals or at irregular intervals. These effects can vary depending on the pitch, tone and frequency of the noise and on where the source is located.
- 2.53 It is not practicable, therefore, to give a concise indication as to when noise impact studies will be expected. Any noise assessment must be carried out in accordance with BS4142 'Method for rating industrial noise affecting mixed residential and industrial areas' or any other appropriate methodology to be agreed with the planning authority. Planning Policy Guidance Note 24, Planning and Noise gives guidance on the control of noise and introduces the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.
- 2.54 Potentially noisy development should be located in areas where noise will not be a significant consideration, for example, industrial areas and should ensure that its impact is minimised. It should be noted that the reference to 'surrounding environment' and 'surrounding land uses' should be taken to be all encompassing, thus they include factors such as: people, animals and areas prized for their tranquillity (e.g. the countryside). The importance of protecting areas which have remained relatively undisturbed by noise nuisance and thus prized for their tranquillity, from noise generating proposals is recognised because such areas are often of significant amenity and recreational value.

Particular regard will be given to protecting the specially sensitive 'remote and tranquil areas', (defined in this Plan in Chapter 7 'An integrated approach to nature conservation and the countryside'), from noise impacts.

- 2.55 Developments which are sensitive to noise, such as housing, schools and hospitals, should normally be located away from existing or programmed sources of noise, such as immediately adjacent to railways, heavily trafficked roads or noisy industrial premises.
- 2.56 When considering such applications regard will be given to the noise exposure categories detailed in PPG24 Planning and Noise (or subsequent revisions). Where necessary, planning conditions may be imposed to secure adequate noise attenuation measures, such as sound insulation, and / or to restrict the hours of operation of noise generating activities or the specification of an acceptable noise limit based on government guidance and/or policy.
- 2.57 Regard should also be given to the provision of appropriate measures to minimise the impacts on development or uses that may be sensitive to noise at certain times of the day and days of the week, such as offices and churches.
- 2.58 Policy SU10 seeks to take into account the information set out, in relation to local environmental quality, in the DETR document entitled 'Monitoring Progress - Indicators for the strategy for sustainable development in the United Kingdom' (1999). One of the key objectives identified by the DETR is that of 'attractive streets and buildings, with low levels of traffic, noise and pollution and green spaces'.
- 2.59 The implementation of this Policy will be assisted by and where appropriate have regard to the Local Agenda 21 Strategy; Public Entertainment Licences (applications for new and extensions in size of licensed premises); and also Noise Abatement Zones.
- 2.60 Policy SU10 has particular links with the following in this Plan: the policies relating to pollution and nuisance control; design; traffic calming; traffic free routes for children; car free housing; development in the countryside / downland; and nature conservation.

## SU11 Polluted land and buildings

Proposals for the development of known or suspected polluted land and / or premises will help to ensure effective and productive use is made of brownfield sites and will be granted, in accordance with the other policies of the development plan, where the following can be met:

- a. the application is accompanied by a site / building assessment and detailed proposals for the treatment, containment and / or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses, and to prevent leaching of pollutants;
- b. the proposal will not give rise to an increase in contamination and atmospheric pollution; and
- c. conditions can be imposed and / or a planning obligation sought in order to ensure the fulfilment of any necessary remediation measures and / or future monitoring.

Planning permission will not be granted for the development of polluted land or land adjacent where the nature and extent of contamination is such that even with current methods of remediation the proposed development, people, animals and / or surrounding environment will be put at risk.

**Where the suspected contamination is not felt to be significant or not of a high risk, permission may be granted subject to conditions requiring site investigation and any necessary remedial measures.**

- 2.61 The re-use of polluted land and buildings will be promoted, where it is practicable, in order to promote the re-use of brownfield sites; reduce the need for the development of greenfield sites; and reduce the threats posed by contamination to health, safety or the environment. It offers a sustainable approach to redevelopment and a means of regenerating specific areas and has the potential for delivering significant environmental benefits. Very few sites are so badly polluted that they cannot be re-used at all, but the contamination and the cost of dealing with it may restrict the choice of new uses. The preferred approach is that contamination be dealt with on the site itself.
- 2.62 The council intends to achieve the following target: the remediation of all polluted land prior to development and / or during its construction, as appropriate to its future use. Where a site may possibly be contaminated, the planning authority may grant planning permission which is conditional upon the developer, firstly, carrying out an investigation and assessment; and secondly, carrying out remedial measures; prior to and / or during development, as appropriate. The future monitoring of sites, where there may be a risk from landfill gas or similar in the future, may also be required.

- 2.63 Policy SU11 will be assisted and complemented by the powers and duties exercised under Environmental Health legislation (in accordance with the Environmental Protection Act and Environment Act 1995), Building Regulations legislation, the Land Contamination Act, and by other agencies, for example, the Environment Agency.
- 2.64 Policy SU11 has particular links with the following in this Plan: the policies relating to pollution and nuisance control; water resources and their quality; surface water run-off and flood risk; and unstable land.



## SU12 Hazardous substances

**Proposals which involve the storage or use of hazardous substances, including extensions to existing sites, will only be permitted where:**

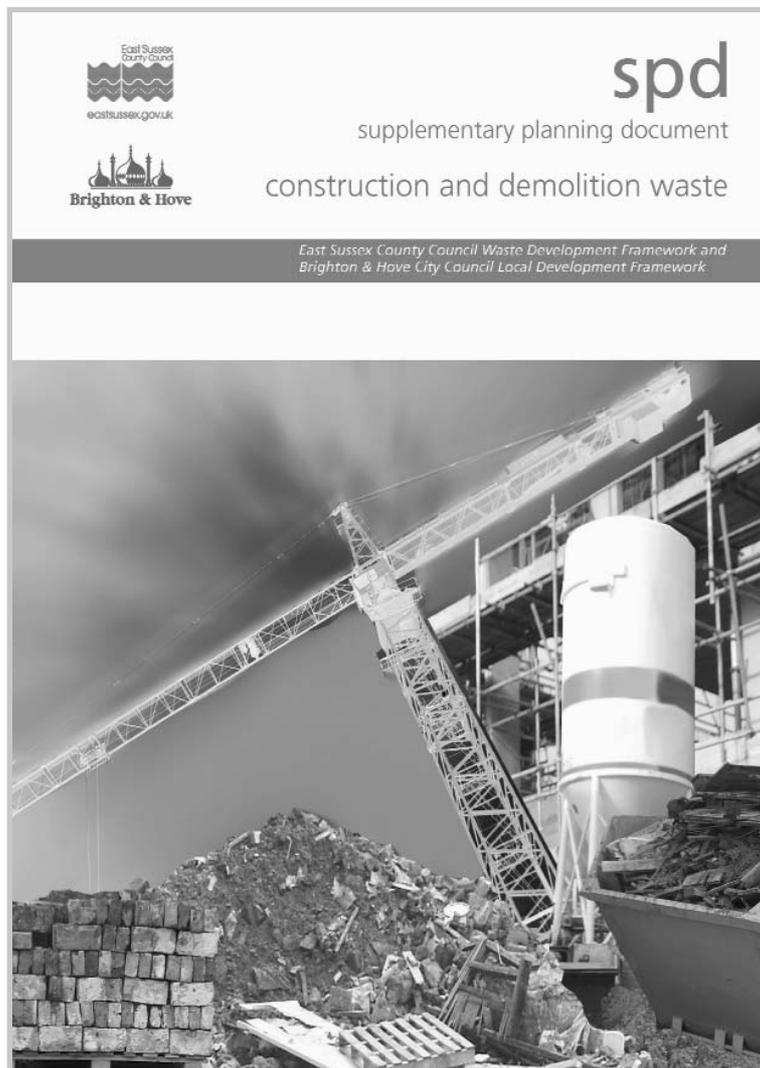
- a. the location is appropriately distanced and / or buffered from uses which may be adversely affected by potential hazard or pollution which may occur; and**
- b. the design and layout of the site makes adequate provision for necessary or appropriate measures designed to minimise the potential for, and impact of, fire or pollution.**

**Planning permission will not be granted for proposals on sites that lie near or adjacent to a hazardous substance site or installation, or within the consultation distance of a notifiable installation, if:**

- i. the amenities of the future occupants of the proposal would be adversely affected by the normal permitted operations of the existing uses; and / or**
- ii. the existing uses might have to compromise their current or future operations as a result of the proximity of the proposal.**

- 2.65 The Planning (Hazardous Substances) Act 1990 provides for the control of the presence or use of hazardous substances. Whilst it is not the role of the planning system to enforce legislation covered by other bodies, it is appropriate to consider the land use issues. For example, regard needs to be given to the site implications of accommodating necessary pollution control measures and the desirability of a proposal, requiring planning permission, being allowed in a particular location.
- 2.66 The storage of hazardous substances can increase the risk of fire explosion or toxic or atmospheric pollution. Where hazardous substances are involved, the council is required to assess the risk of an accident and its consequences for the health and safety of people in the surrounding area. The Policy is therefore concerned with reducing the risk of harm being caused by hazardous substances as well as minimising the possibility of a hazardous occurrence. It is relevant for the planning authority to consider the ability of proposals to deal effectively and safely with potential risks and to ensure that they are appropriately distanced or buffered from adjacent uses.
- 2.67 In determining what provision needs to be made within the site layout to accommodate appropriate measures, the planning authority will consult with the relevant bodies concerned with controlling hazardous substances. There may be cases where additional provisions are needed to satisfy general planning considerations. Where possible and practicable, such uses will normally be restricted to existing industrial, commercial and / or polluted sites.

- 2.68 Certain sites and pipelines (e.g. British Gas High Pressure Pipelines) are designated as notifiable installations by virtue of the quantities of hazardous substances that are stored or used in them. Whilst they are subject to stringent controls under existing health and safety legislation, it is considered prudent to control the kinds of development permitted in the vicinity of these installations. The planning authority will consult with the relevant bodies concerned with controlling hazardous substances where applications are received within the vicinity of any notifiable installation (the distances vary according to the substances involved).
- 2.69 It is important to make sure that where existing hazardous substances are appropriately located and have taken proper measures to prevent pollution or hazardous occurrences, they are not hindered by new development which is incompatible. This is important because suitable new sites for hazardous substances are hard to find.
- 2.70 Policy SU12 will be assisted and complemented by the powers and duties exercised under Environmental Health and Building Regulations legislation and by other agencies, for example, the Health and Safety Executive and Environment Agency. It has particular links with the following in this Plan: the policies relating to pollution and nuisance control; water resources and their quality; surface water run-off and flood risk; polluted land and buildings; and unstable land.



## SU13 Minimisation and re-use of construction industry waste

Planning permission will be granted for developments which reduce the amount of construction waste, which are otherwise in accordance with the other policies of the development plan. Development proposals should show that regard has been given to the minimisation and reuse of construction waste by:

- a. site selection and the design of the development which minimises the need for excavation;
- b. maximising the re-use of buildings and promoting standards of design and construction which increase the life-span of the development;
- c. utilising construction methods which minimise the use of raw materials and maximise the use of secondary aggregates, recyclable and recycled materials, where feasible on site; and
- d. incorporating waste material into the design of the development.

Where site conditions permit and no adverse impacts on amenity will be created, applicants will be expected to provide temporary on site facilities for the recovery, separation and processing of the development's construction industry waste.

As part of the planning application, the planning authority wishes to see a detailed waste management statement included that outlines how the above points have been met. The report should show how the amount of potential waste arisings will be reduced and managed during the development project.

**Planning permission will not be granted for developments which cannot demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner.**

- 2.71 Construction industry waste consists of excavated soils and rock together with materials arising during the construction, demolition and maintenance of buildings and roads. It is the single largest 'waste stream' and takes up valuable space at landfill sites which reduces capacity for other types of waste that are less able to be recycled / reused. Measures to improve construction practices and the design of new development, when linked to the reuse of buildings rather than demolition and the careful siting of development to reduce excavation, could potentially significantly reduce the generation of construction industry waste.
- 2.72 Policy SU13 will be assisted and complemented by the Waste Strategy and the Waste Local Plan. It has particular links with the following in this Plan: the policies relating to efficiency in development; waste management; demolition, including Listed Buildings and in conservation areas; and buildings of local interest. To assist developers, the council has produced a Supplementary Planning Document 'Construction and Demolition Waste'. This policy affects all development proposals and thus has links with many other policies in the Plan.

## SU14 Waste management

**Applicants proposing large-scale developments or developments that employ or attract a large number of people, such as supermarkets or industrial units, will be required to provide appropriately designed facilities for the recycling or re-use of the waste that they, their customers and staff generate. Hard surfaced, screened and landscaped areas will be required to be provided by developers in safe and convenient locations in substantial new housing developments within which recycling facilities, appropriate for waste generated by households, can be located if adequate facilities do not exist in the vicinity.**

- 2.73 The land use planning system has an important role to play in helping to achieve the goal of sustainable waste management. The waste management hierarchy set out in the government's document entitled 'Making Waste Work' is as follows: Reduction; Re-use; Recovery - recycling/composting/incineration; Disposal. Policy SU14 therefore seeks to facilitate the re-use and recovery of waste whilst Policy SU13, relating to construction industry waste seeks to facilitate the reduction, re-use and recovery of waste.
- 2.74 The planning authority will expect the facilities to be provided by virtue of this Policy to be appropriately located within the development and to form an integral part of the design. They must be easily accessible whilst at the same time they must not detract from the area or adversely affect the amenities of the area, for example, they must not be visually harmful or create a significant noise nuisance to surrounding occupiers. Policy SU14 will be assisted and complemented by the Waste Strategy and the emerging Waste Local Plan. It has particular links with the following in this Plan: the policies relating to design, including landscape design; efficiency in development; minimisation and re-use of construction industry waste; and major shopping, residential, commercial and leisure developments.



## SU15 Infrastructure

**Planning permission will only be granted for development where adequate services and infrastructure either already exist or will be provided in time to serve the development without detriment to existing users or the environment.**

**Where appropriate, the planning authority will impose conditions and / or seek a legal agreement in order to:**

- a. require development to be phased with the provision of programmed services or infrastructure; and / or**
- b. secure an appropriate contribution towards, or the direct provision of, the necessary services or infrastructure.**

- 2.75 In order to enable new development, particularly major development to take place, the appropriate services and infrastructure will be necessary. The planning authority may require the services and infrastructure to be in place before development commences, or the phasing of the development with the provision of services and infrastructure. For the purposes of this policy, services and infrastructure include water resources, sewerage and land drainage, electricity, gas, roads / public transport, open space, and in appropriate cases, coastal defences, hospitals, local retail outlets, and community facilities including schools and surgeries.
- 2.76 Policy SU15 has particular links with the following in this Plan: the policies relating to coastal defences; efficiency in development; water resources and their quality; surface water run-off and flood risk; and surface water and foul sewage disposal infrastructure. However, this Policy affects all proposals and thus has links with all the other policies of the development plan.



## SU16 Production of renewable energy

**Planning permission for power generation installations based on energy from renewable resources, will be permitted provided that the proposal will not have a significant detrimental impact on:**

- a. the environment;**
- b. the amenities of nearby occupiers;**
- c. the general character of the area; and**
- d. the aims of the other policies in the Development Plan.**

- 2.77 A significant amount of the global carbon dioxide emissions come from current power generation methods, which are largely based on the burning of fossil fuel. Therefore, in the interests of combating climate change, alternative power generation methods need to be encouraged that are clean and do not involve the burning of fossil fuels. For example, alternative power generation methods such as from wind, the sea, the sun, agricultural and / or forestry waste. This approach is in keeping with government guidance provided in PPS22 'Renewable Energy'. Assistance towards renewable energy generating developments, which conserve and enhance the environment and/or enable farming, forestry and other rural business and communities to adapt to changing circumstances and to develop, may be available via the England Rural development Programme ERDP or any successor programme, as detailed in Chapter 7 'An integrated approach to nature conservation and the countryside', paragraph 7.23.
- 2.78 However, care needs to be taken to ensure that the wider environmental benefits of such installations are balanced against the local impacts. Attention must be given to ensuring they are appropriately located not only in respect to the function they are to perform but also in environmental and amenity terms.
- 2.79 Policy SU16 has particular links with the following in this Plan: the policies relating to efficiency in development; water resources and their quality; and pollution and nuisance, including noise nuisance.

