

11.0 CONTAMINATION AND POLLUTION

National Context

- 11.1 The planning system has an important role to play in protecting the environment, biodiversity, local residents, businesses and the public in general from all forms of development that could give rise to pollution. Pollution can be in many forms and includes all solid, liquid and gaseous emissions to air, land and water (including groundwater) from all types of development. Pollution includes noise, light, vibration, smell, smoke and fumes, soot, ash, dust or grit which has a damaging effect on the environment and the public's enjoyment, health or amenity.
- 11.2 Pollution control regimes (including noise), are governed by legislation outside the planning process⁶.
- 11.3 The National Planning Policy Framework emphasises the planning system's role in working towards a healthy and natural environment. This includes preventing both new and existing development from contributing to or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability⁷.

Local Context

- 11.4 Three Rivers District enjoys a generally high environmental standard (Strategic Environmental Assessment/Sustainability Appraisal Scoping report, 2006). However, whilst air pollution levels are below national targets, biological water quality has fallen in recent years. Also light pollution and loss of tranquillity have increased across Hertfordshire. The minimisation of pollution and contamination remains a key local priority. The Council will consider the possible polluting effects of a development proposal on aspects such as amenity and surrounding land-uses.

Contaminated Land

- 11.5 The Council wishes to ensure that sustainable development is achieved through securing the regeneration and the redevelopment of previously developed sites. However, the risk of pollution arising from contamination and the impact on human health, property and the wider environment also needs to be considered. The Council maintains a register of contaminated land. The information stored on the formal register is that relating to regulatory action and remediation that has been undertaken at sites within the District. At the time of writing, no sites within Three Rivers had been determined as "contaminated land" or as "special sites" and so there are no entries in the register.
- 11.6 In order to establish the risks that a site poses, it is necessary for applicants to use a competent and suitably experienced consultant to investigate and, where necessary, remediate contamination to reduce the risk to an acceptable level. Guidance on the information required is available from the Environment Agency. For sites on previously developed land or that pose a risk of contamination to controlled waters, applicants are encouraged to refer to the risk framework outlined in Model Procedures for the Management of Contaminated Land-Contaminated Land Report 11:
<http://publications.environment-agency.gov.uk/pdf/SCHO0804BIBR-e-e.pdf>.

⁶ Pollution Prevention and Control Act 1999, Pollution Prevention Control Regulations 2000, Environment Act 1995.

⁷ National Planning Policy Framework

Air Quality

- 11.7 Air pollutants (including dust and odours) have been shown to have an adverse effect on health and the environment. Emissions arising from any development including indirect emissions, such as those attributable to associated traffic generation, must therefore be considered in determining planning applications. It is important to ensure developments sensitive to air pollutants are located where future occupiers would not be subject to unacceptable levels of air pollutants from existing sources.
- 11.8 The District Council is required to carry out a review and assessment of air quality across the District. This involves measuring air pollution and trying to predict how it will change in the next few years. The aim of the review is to make sure that the national air quality objectives are achieved by the relevant deadlines. These objectives have been put into place to protect public health and the environment. In locations where the objectives are not likely to be achieved, the Council will designate an Air Quality Management Area and will put together a plan to improve the air quality through a Local Air Quality Action Plan. Further information regarding Air Quality Management Areas can be obtained from the Council's Environmental Health Department.

Noise

- 11.9 It is important to ensure noise-sensitive developments are located away from existing sources of significant noise and that potentially noisy developments are located in areas where noise will not be such an important consideration or where its impact can be minimised. When assessing a proposal for residential development near a source of noise, the Council will have regard to Appendix 4.

Lighting Proposals

- 11.10 In common with all other built-up areas, artificial lighting is essential for safety and security within the District. There may also be some opportunities to add to the amenity of the built environment by highlighting buildings and open spaces of character. However, it is important to avoid insensitive lighting (light pollution) which can have a negative effect on the amenity of surrounding areas and have a negative impact on biodiversity by influencing plant and animal activity patterns. In particular, light pollution can be harmful to birds, bats, and other nocturnal species that avoid overly lit areas.

Further Guidance for Applicants

- 11.11 **Contaminated Land:** When submitting applications for development on, or near to, former landfill sites or on land which is suspected to be contaminated applicants will be required to submit details of an investigation of the site detailing any remedial measures that need to be carried out. The approved remedial measures will be secured through the use of planning conditions.
- 11.12 **Air Quality:** Applicants should have regard to any emissions arising from the proposed use/development and seek to minimise those emissions to control any risks arising and prevent any adverse impact on local amenity. Proposals that raise issues of odour emissions e.g. extraction systems for restaurants/takeaways, must be accompanied by details of the equipment to be installed including odour abatement measures.
- 11.13 Where significant increases in emissions covered by the nationally prescribed air quality objectives are proposed, the applicant will need to assess the impact on local air quality by undertaking an appropriate modelling exercise to show that the national objectives will still be achieved. Environmental Health will be consulted on applications which may affect air quality.

- 11.14 Noise and Light Pollution: Where proposals may create additional noise or are in noise sensitive areas, applicants may be required to submit a noise impact assessment at the time of an application. Conditions will be used to mitigate potential impacts where necessary.
- 11.15 Proposals involving the provision of publicly accessible developments in the vicinity of residential property, a Listed Building or a Conservation Area or open countryside where external lighting would be provided or made necessary by the development, are required to be accompanied by a Lighting Impact Assessment prepared by a lighting specialist. Again, conditions may be used to mitigate any significant impact; for example by limiting the times of use and restricting illumination levels.

DM9 Contamination and Pollution Control

a) Amenity and Pollution

The Council will refuse planning permission for development, including changes of use, which would or could give rise to polluting emissions to land, air and/or water by reason of disturbance, noise, light, smell, fumes, vibration, liquids, solids or other (including smoke, soot, ash, dust and grit) unless appropriate mitigation measures can be put in place and be permanently maintained.

b) Contaminated Land

The Council will only grant planning permission for development on, or near to, former landfill sites or on land which is suspected to be contaminated, where the Council is satisfied that:

- i) There will be no threat to the health of future users or occupiers of the site or neighbouring land; and
- ii) There will be no adverse impact on the quality of local groundwater or surface water quality.

c) Air Quality

Development will not be permitted where it would:

- i) Have an adverse impact on air pollution levels, particularly where it would adversely affect air quality in an Air Quality Management Area and/or
- ii) Be subject to unacceptable levels of air pollutants or disturbance from existing pollutant sources.

d) Noise Pollution

Planning permission will not be granted for development which:

- i) Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development
- ii) Has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation; or
- iii) Would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.

The Council will ensure that noise from proposed commercial, industrial, recreational or transport use does not cause any significant increase in the background noise level of nearby existing noise-sensitive property such as dwellings, hospitals, residential institutions, nursing homes, hotels, guesthouses, schools and other educational establishments. When assessing proposals for residential development near a source of noise we will have regards to Appendix 4 which indicates the appropriate response to the level of noise by source.

e) Lighting Proposals

Development proposals which include external lighting should ensure that:

- i) Proposed lighting schemes are the minimum required for public safety and security
- ii) There is no unacceptable adverse impact on neighbouring or nearby properties
- iii) There is no unacceptable adverse impact on the surrounding countryside
- iv) There is no dazzling or distraction to road users including cyclists, equestrians and pedestrians
- v) Road and footway lighting meets the County Council's adopted standard
- vi) There is no unacceptably adverse impact on wildlife
- vii) Proposals in the vicinity of habitats and habitat features important for wildlife ensure that the lighting scheme is sensitively designed to prevent negative impacts on use of these habitats and habitat features.

Policy Links

National Policy (others may also be relevant)	National Planning Policy Framework
Related Core Strategy Policies	CP1: Overarching Policy on Sustainable Development CP9: Green Infrastructure CP12: Design of Development
Core Strategy Strategic Objective	S1, S2, S3, S9

Further Guidance

Communities and Local Government: 'Lighting in the Countryside: Towards Good Practice' <http://www.communities.gov.uk/documents/planningandbuilding/pdf/158352.pdf>.
(The advice is applicable in towns as well as the countryside)

The Institution of Lighting Engineers: Guidance Notes for the Reduction of Obtrusive Light (2005) www.theilp.org.uk/.

Lighting against crime - A Guide for Crime Reduction Professionals
http://www.securedbydesign.com/pdfs/110107_LightingAgainstCrime.pdf

Reasoned Justification

- 11.16 Policy DM9 is in accordance with national and regional policy frameworks and reflects local priorities to maintain protect and enhance the quality of the environment in relation to pollution and contamination. This approach will contribute directly to Core Strategy Objective 3: to reduce impact on the environment by reducing pollution and conserving water resources.
- 11.17 The Council will consult with the Environment Agency, British Waterways and other authorities as appropriate and have regard to their views when determining applications.