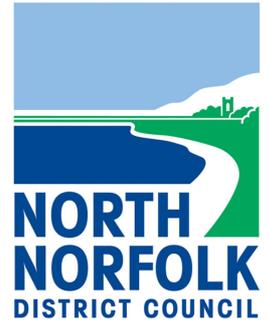


# Planning and Pollution in Norfolk

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**Norfolk Environmental Protection Group**



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# 1 Introduction

This document applies in Norfolk and was developed by Norfolk Environmental Protection Group (NEPG). It was developed to ensure that pollution aspects are considered as part of the planning process in accordance with the policies set down in the National Planning Policy Framework (NPPF).

This document advises that:

- any consideration of the quality of land, air or water and potential environmental impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any permitted land use;
- local policies and decisions should ensure that new development is appropriate for its location and takes account of the potential sensitivity of the area or proposed development to adverse effect from pollution.
- the planning system plays a key role in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution;
- where pollution issues are likely to arise, intending developers should hold informal pre-application discussions with the Local Planning Authority (LPA), the relevant pollution control authority and/or the environmental health departments of local authorities (LAs), and other authorities and stakeholders with a legitimate interest;
- the controls under the planning and pollution control regimes should complement rather than duplicate each other and
- where it will save time and money, consideration should be given to submitting applications for planning permission and pollution control permits in parallel and co-ordinating their consideration by the relevant authorities

## **2 Development Plans and Control**

- 2.1 Local Development Documents (LDD's), or their equivalents, are prepared by the Local Planning Authority (LPA's) as part of the local development scheme to apply national policies stated by the Government. LDD's should consider the effect on or of the environment on developments as a material consideration.
- 2.2 In considering individual planning applications, the potential for pollution to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering or producing pollution during development.

## **3 Air Quality**

- 3.1 Potential and existing development can adversely affect the quality of air for potential and existing residents. Therefore, air quality and the release of pollutants to the air are considered material planning consideration for any proposed development. The land owner/developer is considered responsible for assessing the potential effects of the development on the local air quality and to include mitigating factors into the proposed development where necessary. Further information is presented in Technical Guidance: Air Quality and Land use Planning.
- 3.2 The National Planning Policy Framework states that 'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'

## **4 Contaminated land**

- 4.1 Land affected by contamination may pose an unacceptable risk to human health, the environment, the built environment and economic activities, through its impacts on the users of the land, and on neighbouring users. Land contamination, or the possibility of it, is therefore a material planning consideration in the preparation of development plan documents and in taking decisions on individual planning applications.
- 4.2 NPPF advises that local policies and decisions should ensure that the site is suitable for its new use taking account of ground conditions, pollution arising from previous uses and any proposals for land remediation.
- 4.3 As a minimum the proposed development should not be capable of being determined as contaminated land, as defined in Part 2A of the Environmental Protection Act 1990, once development has been completed.
- 4.4 It remains the responsibility of the landowner or developer to identify land affected by contamination and to ensure that remediation is undertaken to secure a safe development and that the land is suitable for its proposed use.
- 4.5 The planning process should ensure that the development is viable taking into account information currently available on contamination. If the development is not considered viable then planning permission should be refused until such time as sufficient information has been provided.
- 4.6 Technical Guidance: Development on Land Affected by Contamination gives details of the roles of the different parties in the development process, on the relationship between planning control and the contaminated land regime and on the requirements and good practice in dealing with these issues through planning control.

## **5 Water Quality**

- 5.1 Potential and existing development, both residential and commercial, can have an adverse effect on water quality; for that reason water quality is a material planning consideration. Water quality should be considered during the preparation of local development documents and also when taking decisions on individual planning applications. The landowner/developer is considered responsible for considering the effects of the development on water quality and to include any mitigating factors into the proposed development where necessary

## **6 Noise & Light and other Amenity Issues**

- 6.1 Proposed developments can be detrimental to the local amenity with impacts including potential noise, light, odour or dust. All applications that have the potential to produce any of these impacts will need to be adequately controlled. The landowner/developer should provide as much detail as possible when submitting the application (e.g. lighting detail, noise surveys, and odour control details).
- 6.2 There is also the possibility that the proposed development might be affected by existing land uses nearby (e.g. new housing close to an industrial unit/estate) as such mitigating measures would be expected to protect the proposed development from the existing, already permitted or planned land uses to prevent complaints in the future.
- 6.3 Most of these impacts can normally be adequately controlled by condition, however at times the impact might be too detrimental to the amenity which could lead to the recommendation of refusal, therefore pre application discussions about any proposals would be recommended and welcomed.

## **7 Conclusion**

- 7.1 In accordance with national policies, the NEPG expects the Norfolk LPAs to adopt a strategic approach to integrate their land use planning processes with plans and strategies for the control, mitigation and removal of pollution, as far as it is possible and practicable to do so. The overall aim of planning and pollution control, as detailed in this document, is to ensure the sustainable and beneficial use of land while not adversely affecting human health and/or the wider environment.