

Environmental Assessment

- 4.35 Certain types of developments require the submission of an environmental impact assessment (EIA) in the light of E.C. Directive 85/337. In England, this requirement was introduced by the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988. The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 revoked and superseded the original 1988 regulations. Circular 2/99 (Environmental Impact Assessment) gives policy guidance on the implementation of the amendments.
- 4.36 The procedures provide a systematic method of assessing the environmental implications of developments that are likely to have significant effects. The local planning authority will judge planning applications on their merits within the context of the Development Plan, taking account of all material considerations, including environmental impacts.
- 4.37 Generally it will fall to the local planning authority (LPA) to consider whether a proposal requires EIA. For this purpose the LPA will first need to consider whether the development is described in Schedule 1 or Schedule 2 to the Regulations (see Appendix 5 of this Plan). Development of a type listed in Schedule 1 always requires EIA. Developments listed in Schedule 2 requires EIA if they are likely to have significant effects on the environment by virtue of factors such as their size, nature or location. This includes changes or extensions to Schedule 1 and Schedule 2 development.

Environmental Pollution and Contaminated Land

- 4.38 Industrial, agricultural and other commercial activities can give rise to environmental problems associated with noise, smell, disturbance and traffic generation. The Plan area contains a number of existing and potential sources of pollution ranging from noisy activities associated with airfields to dust/emissions attributable to the Selby Coalfield and coal fired power stations. Problems have also been encountered with waste disposal sites.
- 4.39 The District Council attaches great importance to controlling and minimising pollution under available Environmental Health legislation and through the planning system. Where appropriate, the advice of relevant pollution control agencies, including the Environment Agency, will be sought. Development proposals likely to give rise to an unacceptable level of environmental pollution will be resisted, unless it can be demonstrated that adequate, enforceable measures will be taken to ensure environmental acceptability. Similarly, residential and other sensitive forms of development will not be permitted in locations where they are likely to be affected by existing sources of environmental pollution to an unacceptable degree, unless satisfactory mitigating measures are proposed.

Air Pollution

- 4.40 Where noise is likely to be an important factor applicants will be required to provide information about noise levels.

4.41 Potential for pollution also exists where development would affect air quality perhaps through smoke or dust. Although there is a myriad of existing pollution controls, which the planning system should not seek to duplicate, the effect on other land uses and loss of amenity are material considerations.

4.42 Proximity to sewage treatment works can subject residential properties and other development to odour and other problems associated with sewage treatment. Each proposal will be considered on its merits, taking into account local circumstances, such as climate and topography. Careful consideration will be given to, for example, types of business use which would be inappropriate in such locations.

Contaminated Land

4.43 Contaminated land such as former industrial sites or waste disposal sites can also have serious implications for the health and safety of the local population and the environment. When contamination is known or suspected, developers will be required to undertake proper investigations to assess the nature and extent of contamination and applicants will be required to provide sufficient information to enable the Authority to determine the application. Effective measures must be incorporated to protect the public, property and natural resources from potential harmful effects.

Groundwater Protection

4.44 Groundwater stored in aquifers is a principal source of drinking water supply in the Plan area. Groundwater is also widely used by industry and agriculture, as well as feeding rivers and supporting wetlands which provide wildlife habitats. Both the quality and quantity of groundwater are legally protected. If groundwater becomes polluted it is very difficult (sometimes impossible) and expensive to clean up again. It is therefore better to prevent or reduce the risk of groundwater contamination in the first place, rather than deal with the consequences.

4.45 Whilst it is the duty of the Environment Agency to monitor and protect groundwater, the way land is used and developed is one of the threats to the quality of groundwater. Land use planning can therefore play a key role in protecting groundwater. To assist in this process, the Environment Agency has published Groundwater Vulnerability Maps which show the areas that are most vulnerable to groundwater pollution.

4.46 The Sherwood Sandstone Aquifer in the Selby area has been subject to high levels of abstraction. Groundwater levels have been decreasing steadily. The issue has been recognised by the Environment Agency and is currently being investigated as part of its Catchment Abstractions Management Strategy.

4.47 The Sherwood Sandstone underlying the Selby area is particularly sensitive to contamination due to the area of exposed aquifer. It is important that aquifers within sensitive areas are protected from potentially polluting land uses. In addition to publishing Groundwater Vulnerability Maps, the Environment Agency is in the process of producing and amending the

definition of Groundwater Protection Zones around major borehole supplies, for which a degree of protection is afforded against a range of activities.

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A) Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Such measures should be carried out before the use of the site commences.

B) Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary.