

8. ENVIRONMENTAL IMPACTS

8.1 The Council as local planning authority has a duty under European, national, regional and local directives, policies and guidance to protect the local environment from development and seek sustainable development.

8.2 New development can have both a minor or major impact on the local environment. The way a scheme minimises or off-sets its impact and contributes positively to its surroundings, whether in an urban setting or more rural, green environment, will determine how acceptable a proposal is likely to be. As a first priority adverse environmental impacts should always be avoided. Only where there are no suitable alternatives and reasons for the development that outweigh any avoidance of damage should planning obligations be considered.

8.3 Funding for environmental improvements required as a result of incremental growth will be provided through CIL. The following guidance outlines the circumstances in which planning obligations will be sought on a site specific basis to offset the potential adverse impacts in relation to the areas listed below.

- Biodiversity and Nature Conservation;
- Landscape and Trees;
- Land Contamination;
- Recycling and Waste Management; and
- Flooding.

Biodiversity and Nature Conservation

8.4 A planning obligation may be sought where a development has a potentially damaging impact on the nature conservation or biodiversity value of a SSSI, species, habitat, site or area of regional or local importance and this impact cannot be satisfactorily mitigated by design or on-site measures covered by planning conditions or other controls. Planning obligations will be used where appropriate to:

- restrict uses so as not to damage or harm existing features or assets or visual amenity;
- secure works necessary to protect and enhance existing features and ensure necessary works to create new compensatory features or other mitigation measures are implemented;
- secure contributions for works and mitigation measures necessary to protect and enhance existing features of nature conservation or biological importance and existing landscape feature and ensure necessary works to create replacement compensatory features;

- support requisite land management and maintenance plans; and
- address public accessibility.

8.5 New habitats can be created to help achieve the protection and encouragement of habitat and species under threat. In such cases The North London River Restoration Plan, the emerging Hillingdon Biodiversity Action Plan and Strategic Flood Risk Assessment (SFRA), and other emerging parts of the Local Documents Plan should be referred to for opportunities for the creation of new habitats.

8.6 Examples of areas where obligations may be required are:

- resolution of land management issues;
- arrangements for the monitoring of the effectiveness of mitigation measures and remedial measures when necessary;
- provision of hydrological or other offsite surveys / monitoring;
- provision of land to be used as a nature reserve;
- new habitat creation schemes;
- the preservation or creation of buffer zones free from built development between watercourses and development;
- provision of information or interpretive facilities and access;
- financial provisions for ongoing management and revenue costs; and
- only in exceptional circumstances will habitat or species translocation schemes be considered.

8.7 Some developments may result in increased activity and affect the value of both designated and non-designated nature conservation areas. In these circumstances where appropriate, in addition to the provision of information or interpretive facilities and access management routes, the developer will be expected to contribute towards the management and maintenance of these areas in order to minimise adverse impacts. Developers will be required to make proper provision for the long-term future and maintenance of the site and this will be secured through a planning obligation.

8.8 The Council will, therefore, seek a contractual arrangement possibly supported by a commuted payment prior to the grant of an associated planning permission. A management plan or any other obligation involving landscape or nature conservation, may also require the involvement of, and consultation with, the appropriate agency, such as the Environment Agency, Natural England and London or Herts and Middlesex Wildlife Trust or Local Nature Reserve management groups.

Landscape and Trees

8.9 The nature of impacts and the required mitigation or compensation measures will depend on the nature and scale of proposals and the character of areas that are affected but they will need to meet the following objectives:

- maintain and enhance landscapes and waterscapes in terms of their ecological, conservation, amenity and historic value;
- improve the integration, relationship and visual impact of new development to areas of acknowledged importance and environmental sensitivity;
- safeguard existing areas of landscape, nature conservation or historic interest from inappropriate and poorly designed development;
- preserve nature conservation assets through the protection and management of habitats and geological features; and
- provide accessible facilities and opportunities for recreation and passive enjoyment which do not compromise the protection of habitats of acknowledged importance and environmental sensitivity.

8.10 In certain circumstances, where landscape requirements cannot be achieved or trees retained onsite through design or conditions, planning obligations could be required to ensure the provision of compensatory landscape or replacement trees off-site, but in close proximity to the scheme e.g. a local park or nature reserve that could benefit from improvement. Replacement planting must be of suitable species (ideally of locally native species), size and density to the local context and character.

8.11 In order to safeguard the sustainability of development, obligations may be sought to cover the provision of on-site landscape including natural landscape features such as trees, hedgerows and ponds and where appropriate, the Council will seek to secure their administration through management agreements.

8.12 Developers may be required to enter into a planning obligation to safeguard provision of landscape or replacement planting and its subsequent maintenance, security and insurance. In some cases, where the measures secured are predominantly for the benefit of the users of the associated development it may be appropriate for developers to make a commuted sum payment for maintenance in perpetuity.

Land Contamination

8.13 Land affected by contamination due to the presence of metals, liquid chemicals and vapours and/or air may give rise to hazards that put at risk occupiers or other users of the land, and may cause damage to buildings and infrastructure. The contaminants may also migrate to and affect nearby land by polluting surface and ground waters and/or having a detrimental impact on

ecological systems. Land affected by contamination that remains untreated can therefore restrict development potential in the developed area of the Borough or prevent the introduction of uses involving public access e.g. open-air recreation in the green belt.

8.14 Where a planning obligation is considered appropriate, the Local Planning Authority will seek to secure measures or contributions towards site investigation and/or remediation works on land affected by contamination. In particular these could include the following:

- review / verification of such works carried out at the development site under condition, where necessary;
- site investigation and remediation works for other affected land related to the development;
- monitoring works following the completion of the development. Examples include measuring gas and/or water contamination in boreholes and/or installing permanent monitoring equipment;
- the management of contaminated land, including a requirement for certain operations and activities to be carried out, such as the maintenance of remedial works. Examples include landscaping improvements and maintenance, gas protection and/or leachate treatment facilities (e.g. water treatment barriers);
- restrictions on the development or use of the land;
- any other measures deemed appropriate, for example independent monitoring / investigation during remediation works to ensure there are no off-site affects as a result of contamination; and
- performance bonds (surety) to ensure the implementation of obligations.

8.15 Land contamination issues must be sufficiently addressed in any environmental assessment to accompany a planning application, including consideration of the fact that contamination may have spread beyond the development site boundary and that a wider area may require monitoring and/or treatment.

Recycling and Waste Management

8.16 European and government policy and directives require both substantial reductions in the use of landfill and increases in recycling and composting. The relevant landfill directive targets are statutory and must be met. The Council aims to encourage the recycling of waste materials by providing a range of both local and major recycling facilities and services. Additional provision may have to be made where the existing recycling facilities cannot meet the demands for waste disposal and recycling requirements of new development. As more development takes place and the need to improve recycling performance arises, additional

facilities will be needed. These include facilities for materials recycling, inert waste recycling, composting, waste treatment and energy recovery, and reprocessing of recyclables.

8.17 In the majority of development proposals, it will be possible to deal with the issue of waste disposal management on-site through design or planning conditions. Where special or additional facilities are required to meet new demands generated by a proposed development, e.g. a new shopping centre or large housing scheme, a planning obligation may be required for land and infrastructure for waste collection and management (including recycling facilities such as collection points for glass, cans, paper and textiles).

8.18 Where a need is identified and where design and planning conditions will not suffice, planning obligations will be sought to:

- secure contributions towards the provision of additional local recycling facilities and services; and
- secure contributions towards major recycling facilities; and, encourage large employers to make provision for recycling facilities within their development.

8.19 Where a need is identified for new facilities there will also generally be a requirement for payment of a commuted sum towards the maintenance of the facility or service for a specified period, usually five years.

Flooding

8.20 Hillingdon's Strategic Flood Risk Assessment (SFRA) identifies areas of the Borough at risk of flooding which are ranked according to their probability of flooding. It refers to considerations for different types of development seeking planning permission within these areas. If having taken advice from the Environment Agency and any other relevant operating authority, flooding engineering works are required and these cannot be appropriately secured through planning conditions or other controls, a planning obligation will be sought for:

- works or contributions towards improving flood defences and mitigation works such as works to river banks, bridge / culvert widening, improving watercourse bed gradients or general widening of watercourses as appropriate;
- sustainable drainage systems (SUDS) or other measures to reduce surface water run-off; and
- implementation of future flood alleviation schemes and making space for water. For more information please refer the emerging SFRA.

8.21 Flooding from all potential sources must be fully assessed within a site specific Flood Risk Assessment in any environmental assessment or statement to

accompany a planning application for development with flooding implications. Even smaller schemes, which may fall outside the thresholds of the Environmental Impact Assessment Regulations, can generate impacts beyond its immediate site and may require the implementation of measures to off set those impacts.