

3.14 Pollution, Health and Safety

Reasoned Justification

- 3.91 Planning decisions should take account of whether the location and site has (or is capable of) suitable environmental conditions for the development proposed. Development management decisions will focus on whether the development is an acceptable use of the land and the impacts of the proposed use, rather than the control of processes or emissions which are subject to approval under pollution control and permitting regimes¹. Planning decisions will assume that environmental regulatory regimes operate correctly.
- 3.92 The planning process plays an important role in determining the location of new development that might give rise to pollution problems. It is important that site conditions and the potential direct and indirect affects of development on health, the natural environment and general amenity are assessed and appropriate mitigation identified. However, the responsibility of securing the safe development of the land clearly rests with the developer or landowner.
- 3.93 Three aspects of pollution and safety are addressed in more detail below (although this is not intended as an exclusive list) and regard should also be given to Policy DM3.13 that addresses amenity more generally.

Contaminated land

- 3.94 Land should be suitable for the new use, ensuring that both human health and the environment are safeguarded from unacceptable risk. Sites which are known or suspected to be contaminated should be identified at an early stage.
- 3.95 For such sites, an assessment by a competent person should be submitted with the application determining whether or not the site is contaminated and demonstrating adequate remediation as appropriate for the proposed use. Where the extent or existence of contamination is unclear a precautionary approach should be taken.

Air quality

- 3.96 Air quality in South Norfolk is generally good and whilst there are currently no declared **air quality management areas** there are several areas of concern which are approaching air quality 'limits'. Development should not worsen air quality in any air quality management area that is designated.

- 3.97 Equally, development should not be permitted where it is likely to result in the inappropriate location of a sensitive use into a problematic area, and specifically, the need for the designation of an area as an air quality management area.
- 3.98 Where development is permitted (whether by the Council or Secretary of State) a section 106 agreement will be required to provided a percentage contribution towards appropriate local air quality management activities of the Council.

Water quality and the impact of water abstraction on water courses

- 3.99 It is an offence under the Water Resources Act 1991 to pollute ground or surface water; the Water Framework Directive requires there to be no deterioration in 'water status'.
- 3.100 Part of South Norfolk falls within Ground Water Source Protection Zones 1, 2 & 3 with principal and secondary aquifers are present. These are identified by the Environment Agency and their definition is subject to change over time as a result of the updating of technical modelling.
- 3.101 There is also the need to protect ground water sources from abstraction which would impact on wildlife conservation in the area. Given the close proximity of The Broads Area and other sensitive areas such as **Sites of Special Scientific Interest** and **County Wildlife Sites** it is important that consideration is given to this when formulating development proposals and these sites are protected from over-abstraction and pollution.
- 3.102 Developers will need to be mindful of the potential for such changes in definition and seek advice from the Council's environmental services and the Environment Agency as necessary.

Health and Safety

- 3.103 There are a number of installations within South Norfolk that are used for handling hazardous substances including high pressure gas and oil pipelines. Whilst these installations are subject to control under stringent Health and Safety legislation it is prudent to avoid locating new development on or within the vicinity of them.
- 3.104 Where appropriate the advice of the Environment Agency and Health and Safety Executive should be taken to assess any additional public risk created by a proposed development. The installations that have been identified to the Council are shown on the Policies Map.

Policy DM 3.14 Pollution, health and safety

- a) All development should minimise and where possible reduce the adverse impact of all forms of emissions and other forms of pollution, and ensure that there is no deterioration in water quality or water courses.
- b) When assessed individually or cumulatively, development proposals should ensure that there will be no unacceptable impacts on:
 - i. Air quality
 - ii. Surface and ground water quality
 - iii. Land quality and condition
 - iv. Health and safety of the public
- c) Permission will only be granted on or near contaminated land if it is subject to remediation which will make it safe for the proposed use. On a contaminated site or one suspected to be contaminated or within 250 metres (or on more if considered appropriate on a risk based approach) of an existing or disused landfill site, applications will need to be accompanied with an assessment of the extent of contamination on the site and any possible risks.
- d) Developments which may impact on air quality will not be permitted where they have an unacceptable impact on human health, sensitive designated species or habitats, and general amenity, unless adequate mitigation can be ensured. Development will not be granted in locations where it is likely to result in an Air Quality Management Area being designated or the worsening of air quality in an existing Air Quality Management Area.
- e) Permission will not be granted for development on or in the vicinity of hazardous installations including high pressure gas and oil pipelines unless the development would not give rise to additional public risk.

Notes

- The Environment Agency have produced *Guidance for developments requiring planning permission and environmental permits under the Environmental Permitting* (England and Wales) Regulations 2010 (EPR). Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution. Further advice is also available in a *Guide for Developers* and on the Environment Agency's web pages.
http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_7260_bba627.pdf
 Additional Guidance available from the Environment Agency in *Groundwater protection: policy and practice (GP3)*
- The **National Planning Policy Framework** section on Conserving and Enhancing the Natural Environment provides further guidance. This is consistent with **Joint Core Strategy** Policy 7.
- The **National Planning Policy Framework - Technical Guidance** addresses development affected by contamination in detail.
- Policy DM 3.14 addresses Amenity and noise.
- Anglian Water's 'Asset Encroachment' guidance should be consulted at <http://www.anglianwater.co.uk/developers/encroachment.aspx>
- Further specialist advice and guidance on the assessment and mitigation of pollution is available (or is now being prepared) from the *Norfolk Environmental Protection Group*:
 - Land Contamination Reports
 - Planning and pollution in Norfolk
 - Land Contamination Reports – Advice for Consultants and Developers
 - Technical Advice: Air quality and land use planning
 - Technical Guidance: Development on Land Affected by Contamination – (final draft of the specific guidance relating to contaminated land)
 - Technical Guidance: Planning and noise (incl. wind turbine) is being drafted but will be based on PPG24 assessment methodology

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- ¹See **National Planning Policy Framework** paragraph 121 - 2 which summaries the position in legislation. It is important that planning does not duplicate other environmental regulatory regimes or unnecessarily burden development. The Penfold Review is considering this interface of planning and environmental regulatory regimes further.