

12 POLLUTION

List of policies:

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Pollution Facts:

- The Environment Agency (EA) was created to bring together the responsibilities of Her Majesty's Inspectorate of Pollution, the National Rivers Authority and the waste regulation functions of local government, and came into being on 1 April 1996.
- Many pollution control functions are outside of the jurisdiction of the planning system.

Introduction

12.1 The control of pollution generally falls under legislation other than the Town and Country Planning Acts, and Government advice is that the planning system should not be operated so as to duplicate controls which are the statutory responsibility of other bodies. However, close co-operation between controlling authorities and other agencies should ensure that decisions can be based on adequate information and a proper understanding of the issues.

12.2 From a planning point of view, planning decisions relating to the choice of sites, related land uses and access measures must reduce the potential hazard arising from any pollution incident and the likely effect on the population of establishments of a locality.

12.3 Pollution can arise from a variety of sources, including particular industrial activities, refineries, power generation and agriculture, as well as from the construction of development itself. It can also arise from waste storage, treatment and disposal facilities and is present in contaminated land.

12.4 Planning Policy Guidance Note 23 Planning and Pollution Control (PPG23), and PPG24 Planning and Noise, give guidance on the relevance of pollution controls to the planning function, and provides advice on the relationship between planning responsibilities and the separate

statutory responsibilities exercised by local authorities and other pollution control agencies and bodies, principally under the Environmental Protection Act 1990 and the Water Resources Act 1991.

12.5 PPG23 states that:

In order to achieve sustainable development, Government will apply policies to prevent pollution at source; minimise the risk to human health and the environment; encourage the most advanced technical solutions that can be cost-effectively applied and apply critical loads approaches to pollution, in order to protect the most valuable environments.

12.6 Such pollution controls are administered by a number of organisations, through a variety of mechanisms, including licensing and authorisation procedures. Planning can complement the pollution control policies by regulating the location of development and the control of operations in order to avoid or minimise adverse effects on the use of land and on the environment; and what happens after any development or use of land, ie restoration once any development or use of land has ceased.

12.7 Noise pollution is covered by PPG24, which again states that additional powers to control noise exist outside of the planning system. Development plans should contain

policies to ensure that as far as is practicable, 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.

Objectives:

The objectives of this section of the plan are as follows:

- to locate development so as to minimise any possible contamination;
- to encourage the appropriate restoration of contaminated land;
- to encourage the location of development so as to minimise any adverse effects of noise generation;
- to enable the Council to carry out close co-operation with other controlling authorities and agencies.

Pollution and Development

P1 Before granting planning permission for development which may have the potential for causing pollution, the Council will wish to be satisfied that the chosen location, site and proposed operation together with any protection measures, will avoid adverse effects on the use of land and the environment.

12.8 Pollution in the above policy is intended to include the release or escape of smoke, particulates, chemicals or fumes into the air, water or ground where the air or water quality is likely to be adversely affected. In addition, the policy will also be applied when considering potential sources of noise

pollution. Some protection measures required to allow the successful operation of such development may also impact upon the visual amenity of the location and will also need to be taken into account.

Minimise Contamination from Development

P2 Where a proposed development could lead to the contamination of land or the risk of pollution, the Council will seek, prior to granting of permission, the inclusion of adequate measures to minimise such risk and aid restoration should contamination occur.

12.9 When considering proposals for development with an inherent risk of contamination of land or the water table, the Council will expect the proposal to include details of related development or operational practices to minimise such risk. The proposal should address how contamination might be controlled, contained or removed and identify

potential subsequent land uses for the site. The Council will support the use of the best available technology to minimise the risk of pollution. The advice of the Environment Agency should be sought by developers to ensure that remedial works are included in proposals to minimise the risk of pollution.

Restoration of Contaminated Land

P3 Planning applications for the restoration and appropriate re-use of sites which have been contaminated by their former use will be considered favourably. Planning permission will, however, not be granted until the Council are satisfied that adequate remedial measures are available to deal with the physical and chemical contamination of the site in order to prevent the pollution of the environment and to safeguard public health.

12.10 The Council wishes to encourage the restoration of contaminated land and its future beneficial use. Any reuse should be in accordance with the development policies of this plan and appropriate for the site at the proposed level of restoration. Development

proposals should indicate how contamination is to be dealt with, whether by neutralisation, removal or containment, and how the spread of contamination is to be prevented.

Restoration of Derelict Land and Removal of Eyesores

P4 The Council will seek to protect the public amenity and ensure that sites are kept in a tidy and well maintained condition, and may use its powers to seek the removal of eyesores, the tidying of sites and the restoration of derelict land. Appropriate new uses for derelict or degraded land which will lead to the site's restoration, appropriate management and beneficial use and will not create new and/or unacceptable conflicts will be approved.

12.11 The presence of derelict land, eyesores or untidy sites within the urban fabric or rural areas detracts from the character and amenity of the surrounding location. The restoration and beneficial reuse of derelict sites will be encouraged, particularly where this may reduce the pressure for developing greenfield sites. It is also considered important that land and building owners should be encouraged to

maintain their property in good order to retain or improve the visual character and amenity value of the Island. Many derelict sites have in effect returned to nature due to neglect and provide valuable habitats so should not be considered as candidates for restoration but should be managed as part of the amenity and wildlife resource of the Island.

Reducing the Impact of Noise

P5 The Council will only approve proposals for development which are sensitive to noise where these are located away from sources of noise and conversely where proposals for potentially noisy activities are likely to adversely impact upon sensitive development, details of mitigating measures will need to accompany planning applications and may become subject of conditions of approval.

12.12 The planning system has the task of guiding development to the most appropriate locations. The consideration of the relationship between sensitive developments and activities which have the potential to generate high levels of noise is a material consideration in this task. Where practicable it is important to ensure that where uses could conflict because of noise levels and tolerance that they should be physically

separated to minimise potential conflict. It is equally important that new development which has the potential to create a noise nuisance should be separated from existing noise sensitive activities or that adequate and practical controls are put in place to reduce noise levels by insulation, screening, design, layout or operational controls.

