

LP15 - Environmental Protection and Conservation

Policy background and explanation

- 15.01 The aim of this policy is to ensure that all developments are sustainable and will seek to prevent and mitigate against adverse environmental impacts and climate change, irrespective of the size of the development. Development proposals must take into account a broad range of environmental issues such as land and resources; land contamination and instability; pollution and environmental amenity; and water quality.
- 15.02 Land and air pollution are subject to regulatory controls under Environmental Health Legislation including the Environmental Protection Act 1990, Pollution Prevention Act 1999 and the Environment Acts of 1995 and 2021. Applications within an Air Quality Management Area (AQMA) and major planning applications, may be required to submit an air quality impact assessment to assess and quantify the impact on local air quality and to identify appropriate mitigation measures to ensure that development is acceptable on the grounds of air quality. Contributions may also be required towards the cost of air quality mitigation measures.
- 15.03 Lighting needs to be appropriate for the design and scale of development and location. It is important that lighting is designed to illuminate the target only and not detract from the night sky's natural state and thereby avoid light pollution and its associated impact on wildlife.
- 15.04 In line with the National Planning Policy Framework the Plan seeks to protect high quality agricultural land where possible. Whilst in some cases meeting wider objectives will necessitate the loss of agricultural land, particularly considering the relatively limited amount of brownfield land available for development in the Districts, the policy seeks to ensure that loss of agricultural land is a consideration.
- 15.05 The Plan will encourage proposals that help bring contaminated sites into productive use. Where a site is affected by contamination, responsibility for securing safe development rests with the developer and/or landowner.
- 15.06 Where it is anticipated that contamination may be present near or on a proposed development area a precautionary approach is essential to ensure there is no unacceptable risk to health, or to the environment or amenity. The applicant will be required to demonstrate by way of adequate site investigation information, prepared by a competent person, that there is no unacceptable risk to health, or the environment and where unacceptable contamination is found there will be a requirement for mitigation/remediation/verification, as agreed with the Councils.
- 15.07 In accordance with Government guidance for land contamination and land stability, all planning decisions should give appropriate weight to any recommendations of regulators within the Councils and the Environment Agency. All measures must also be compatible with the relevant National and International Standards or any subsequent more recent legislation. Where appropriate potentially contaminated land should be investigated and remediated prior to development and/or during construction to a level appropriate to its proposed use. Where mitigation / remediation cannot be satisfactorily achieved, development will be refused.

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1. Development proposals must demonstrate appropriate consideration of the following:

2. LAND

Efficient and Effective Use of Resources/Land

- a. Previously developed land will be prioritised. Where development needs to take place on greenfield land, avoidance of the best and most versatile agricultural land should be prioritised.
- b. Make more efficient use or re-use of existing resources and reducing the lifecycle impact of building materials used in construction.
- c. Must not prejudice the ability of future allocated sites to come forward by, for example, restricting or blocking access to services such as water, gas, electricity, drainage, the free flow of air, and daylight.

Land Contamination and Instability

- d. Where necessary, development will include measures to remediate land affected by contamination and avoid unacceptable proximity to hazardous sources.
- e. Where necessary, development will include measures to address land instability issues where identified.

3. POLLUTION

Pollution and Environmental Amenity

- a. Prevent, or where not practicable, mitigate and reduce to a minimum all forms of possible pollution including, but not limited to: air, land, ground and surface water, waste, odour, noise, light and any other general amenity, including public amenity and visual amenity impacts. This must be convincingly demonstrated by impact assessments where appropriate.
- b. Significant adverse amenity impacts are avoided where a proposal is located adjacent to or close to existing uses. This would include an assessment of any identified amenity impacts that have a significant adverse effect and how the continued operation of existing use(s) would not be prejudiced.

4. WATER

- a. Comply with the relevant SCC Construction Surface Water Management Plan.
- b. Demonstrate, in a water supply management statement, protection and where practicable enhancement of groundwater, surface water features and must not lead to a deterioration in the quality of the environment to help achieve the objectives²⁵ of the Water Framework Directive.

²⁵ The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (or relevant updates)