

■ INTRODUCTION

7.1 More than ever before there is an awareness at all levels about the damaging effects of pollution on people's health and the environment. The Government in its White Paper 'This Common Inheritance' makes clear its commitment to strong pollution control policies. Despite the increased scope and effectiveness of pollution controls, PPG23 advises that the planning system has an important role in determining the location of potentially polluting development as well as controlling other development close to polluting or potentially polluting uses.

7.2 The Council attaches great importance to controlling and minimising pollution. It will protect, as far as possible, under the planning system, the environment, other land uses and the health, safety and amenity of the general public from being subjected to the undue threat of pollution. The Council's aim is to avoid potential conflicts by keeping polluting developments and vulnerable land uses well away from each other. The military aerodromes of RAF Leeming and RAF Linton on Ouse are sources of noise pollution of particular concern to the Council. The Council will ensure that new 'noise sensitive' development is not allowed too close to these bases.

OBJECTIVES

7.3 The Pollution and Hazards Policies of the Plan have the following main objectives:

1. To protect land uses, the public and the environment in general from the adverse effects of pollution or from being subjected to an unacceptable level of risk from hazardous development.
2. To ensure that pollution sensitive development and potentially polluting or hazardous developments are kept separate in order to avoid potential conflicts.

POLLUTION AND DEVELOPMENT

POLICY PH1

GENERAL POLICY ON POLLUTION

Development with the potential to pollute will be refused where any likely pollution will have an unacceptable impact which cannot be overcome by planning conditions. In considering proposals the following will be taken into account:

1. The impact on the health, safety and amenity of the general public;
2. The impact on other development or land uses;
3. The impact on other policies and proposals of the Plan;
4. The impact on the natural environment;
5. The advice of the pollution control authorities.

JUSTIFICATION

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| <p>7.4 The damage to the environment and the threat posed to public health and safety by potentially polluting development is assuming greater importance. It is the Council's intention to protect the environment and reduce the chances of the public being subjected to undue pollution.</p> | <p>7.6 In determining the acceptability of proposals with the potential to pollute, the Council will seek advice from the pollution control authorities to ensure that the best technical information is available on the potential impact.</p> |
| <p>7.5 The Council will require sufficient information on the environmental impact of a proposal to enable it to determine whether or not planning permission should be granted. In some cases an environmental statement will be required.</p> | <p>7.7 Subject to compliance with other policies of the Plan, the Council will adopt a positive approach towards development designed to reduce the risk of pollution.</p> |

POLICY PH2

DEVELOPMENT SENSITIVE TO POLLUTION

Development which is sensitive to pollution will not be permitted in areas where the existing levels of pollution are likely to cause significant harm to the proposal.

JUSTIFICATION

- 7.8 The purpose of the Policy is to prevent the location of sensitive developments such as housing, schools, hospitals, hostels and nursing homes in the vicinity of existing sources of pollution in order to avoid potential conflicts.
- 7.9 The encroachment of such developments may lead to pressure for the imposition of higher standards of pollution control at considerable expense to the industry or revocation or refusal to renew the authorisation or licence under the pollution control legislation and so lead to the closure of the business.

POLICY PH3

NOISE GENERATING DEVELOPMENT

Developments generating high noise levels should be sited well away from 'noise sensitive'* development unless there are measures which would effectively control the level of noise and keep increases in ambient noise levels around 'noise sensitive' development to acceptable levels. Developments likely to cause a noise nuisance will not be permitted. In considering proposals, the creeping growth of ambient noise levels will be taken into account, particularly in areas where, and at times when, peace and quiet can reasonably be expected.

* *Dwellings, hospitals, hostels, nursing homes, residential homes, educational establishments and hotels.*

JUSTIFICATION

- 7.10 New developments likely to cause a noise nuisance should not be sited near 'noise sensitive' development. Where this is not possible, the Council will consider whether conditions can be imposed to control noise and enable a development to go ahead.
- 7.11 Generally within the District, ambient noise levels are low and the introduction of noisy activities may be especially intrusive. The Council will, therefore, pay particular attention to any likely increase in the ambient noise level when determining applications and with all new noise generating developments will consider the impact of the creeping growth of noise levels.
- 7.12 The likelihood of complaints about noise from new industrial development will be assessed using the guidance in BS 4142:1990 'Method of rating industrial noise affecting mixed residential and industrial areas'.

POLICY PH4**'NOISE SENSITIVE' DEVELOPMENT**

Subject to Policy PH5, proposals for 'noise sensitive'* development in locations where existing or anticipated levels of noise would materially detract from the amenity of occupiers or users of the development will be required to incorporate measures to mitigate noise levels to an acceptable level.

Proposals will not be permitted where noise levels cannot be reduced sufficiently so as to provide a satisfactory environment.

* *Dwellings, hospitals, hostels, nursing homes, residential homes, educational establishments and hotels.*

JUSTIFICATION

- 7.13 Uses such as housing, schools and hospitals can be badly affected by high noise levels. PPG24 on 'Planning and Noise' states that the Government is concerned to reduce the impact of noise on people especially when they are at home, at school or in hospital. The Council will ensure that as far as is practical new 'noise sensitive' development is sited away from sources of high noise levels. Particular attention will be paid to night time noise levels. In applying the Policy, proposals will be assessed against the Noise Exposure Categories defined in PPG24 and other guidance appropriate to the type of development and source of noise.
- 7.14 Where noise is likely to be an important factor, applicants will be required to provide information about the impact of noise on the development. The Council will take account of both the noise levels at the time of the application and any change that may reasonably be expected in the future.
- 7.15 It may be possible to keep noise within acceptable limits through the careful design and layout of development and by requiring sound insulation. However, these measures may not be successful out of doors, for example in gardens, where people are entitled to expect a degree of peace and quiet.

POLICY PH5**'NOISE SENSITIVE' DEVELOPMENT AROUND MILITARY AERODROMES**

Proposals for 'noise sensitive'* development, except for extensions to existing development, will not be permitted within or adjacent to the Noise Exclusion Area surrounding the military aerodrome of RAF Leeming, as shown on the Proposals Map and Inset Maps.

'Noise sensitive' development in the form of conversions, infilling and small scale development may be permitted in exceptional circumstances within the Development Limits of settlements located in the Noise Restriction Area as shown on the Proposals Map and Inset Maps.

When permission is granted for 'noise sensitive' development about RAF Leeming or RAF Linton on Ouse in locations subject to noise nuisance, an adequate level of insulation against noise will be required.

* *Dwellings, hospitals, hostels, nursing homes, residential homes, educational establishments and hotels.*

JUSTIFICATION

7.16 There are two main military aerodromes within the District from which jet aircraft operate. These are RAF Leeming and RAF Linton-on-Ouse. RAF Leeming is an important fighter base equipped with Tornados F3 aircraft. PPG24 'Planning and Noise' advises that where land is subject to significant levels of aircraft noise it should not be used for 'noise sensitive' development, above all housing, and it recognises that military jet aircraft are particularly noisy. The Council considers that because of the potential nuisance around RAF Leeming there is a need for a specific noise policy to cover this area.

7.17 Planning permission will be refused for 'noise sensitive' development, with the exception of extensions to existing property, within or adjacent to the Noise Exclusion Area which is defined by the 81 dBLA eq 16 hour noise contour around RAF Leeming, produced by the MoD. Within the Development Limits of villages situated within the Noise Restriction Area, which lies between the 73 and 81 dBLA eq 16 hour noise contours, new residential development may be permitted in the

following circumstances:

1. It is essential that the development takes place on the site proposed; or
2. There are no other suitable alternative quieter sites available; or
3. The development will provide facilities which are needed to serve a local community; or
4. The development will result in improvements to the local environment.

Outside Development Limits in the Noise Restriction Area other policies of the plan control development in the countryside (see Policies L1, H23 - H27).

7.18 In addition, all 'noise sensitive' development within the Noise Insulation Area that is within the 68 dBLA eq 16 hour noise contour around RAF Leeming and the night time 82 dBLA max. contour around RAF Linton-on-Ouse will be required to provide an adequate level of insulation against noise.

POLICY PH6**THE PROTECTION OF WATER QUALITY**

Development will not be permitted which would prejudice the quality of surface or ground water.

JUSTIFICATION

- 7.19 The quality of surface and ground water is vitally important to a wide range of uses and users including domestic, industrial and agricultural. It is also of great importance to general amenity, water based recreation, fisheries and nature conservation. The Council in conjunction with the Environment Agency will seek to resist development which threatens water quality and will generally encourage initiatives that result in an improvement in water quality.
- 7.20 The Environment Agency has a duty to protect the quality of inland and coastal waters. This includes a responsibility to consider applications for discharge consent. Discharge consent will not be granted where a proposed discharge is likely to cause a breach of standards. The ground water reserves in aquifers can offer a source for public water supply and the Environment Agency has published an Aquifer Protection Policy to minimise the risk of contamination of underground water from the effects of development. The Council will consult with the Environment Agency on such possibilities.
- 7.21 There could be a need to upgrade sewage treatment works or construct new facilities to meet discharge regulations. Such works would have a beneficial effect on water quality.

POLICY PH7**DEVELOPMENT NEAR SEWAGE TREATMENT WORKS**

New development in the vicinity of sewage treatment works will not be permitted if it would result in the public being exposed to an unacceptable nuisance caused by odour or insects. Subject to other policies of the Plan, development may be permitted if it provides for effective remedial measures to deal with nuisance.

Within the Exclusion Zone surrounding the Romanby and the Northallerton Sewage Treatment Works, as shown on the Proposals Map and the Inset Map, new residential development will not be permitted.

JUSTIFICATION

- 7.22 Sewage treatment works can subject property to odour and other nuisances and in particular can spoil the enjoyment that householders could reasonably expect to have. Development within 400m of a sewage treatment works will be given particular scrutiny.
- 7.23 The Council will not apply a rigid distance to the separation of sewage treatment works and development. Each proposal will be looked at on its merits taking into account the advice of the Water Company, prevailing winds, landform and the degree of nuisance.
- 7.24 At Northallerton, however, an Exclusion Zone has been defined about the Romanby and the Northallerton Sewage Treatment Works where new residential development will not be permitted. Here odours can be offensive and the Council regularly receives complaints.

HAZARDS AND DEVELOPMENT

POLICY PH8

HAZARDOUS DEVELOPMENTS AND HAZARDOUS SUBSTANCES

Proposals for the presence of hazardous substances on a site or development involving the storage or use of hazardous substances will not be permitted if the proposal:

1. Poses an unacceptable level of risk to the public or the natural environment; or
2. Will seriously prejudice the development of neighbouring land or the policies and proposals of the Plan.

JUSTIFICATION

7.25 The Planning (Hazardous Substances) Act 1990 requires hazardous substance consent to be obtained for the use or storage of hazardous substances above certain quantities. In addition, planning consent may be required for development involving hazardous substances.

Council's aim will be to keep hazardous installations and hazardous substances separate from housing and other land uses with which they may be incompatible from a safety view point. The Council will seek the advice of the Health and Safety Executive on the risks such developments might pose.

7.26 The development of hazardous installations and the storage and use of hazardous substances must not increase the risks to persons in the area, the wider community or the environment to an unacceptable degree. In general the

7.27 When both planning permission and hazardous substance consent are required the Council will normally wish them to be submitted and dealt with together.

POLICY PH9

DEVELOPMENT NEAR HAZARDOUS INSTALLATIONS

Development in the vicinity of a hazardous installation will not be permitted if the proposal would result in more of the public being exposed to an unacceptable level of risk. In considering proposals the following will be taken into account:

1. The likelihood of an accident at the installation and its consequences;
2. The size and nature of the proposed development;
3. The number of people who will be exposed to risk and their inherent vulnerability;
4. The ease and effectiveness of evacuation and other emergency procedures.

JUSTIFICATION

- 7.28 The Plan area contains a number of installations handling notifiable substances, including high pressure gas transmission pipelines and a Trans-Pennine Ethylene Pipeline. These are shown on the Proposals Map and Inset Maps.
- 7.29 Generally development likely to lead to a concentration of people close to such installations will be discouraged unless it can be shown that there will be no special risk. Circular 11/92 advises that particular care should be taken with developments involving the most vulnerable sections of the community such as the young, the sick, the disabled or the elderly who could be difficult to evacuate should an accident occur.
- 7.30 For each installation a consultation zone has been defined by the Health and Safety Executive. The GDPO* requires planning applications for development within the consultation zones to be referred for advice to the Health and Safety Executive. The zones do not necessarily carry a presumption against development but enable an assessment to be made of the risk of an accident and the consequences for people in the vicinity.

* *Town and Country Planning (General Development Procedure) Order 1995*

POLICY PH10**CONTAMINATED LAND AND LANDFILL SITES**

The development of, or in the vicinity of, closed or operative landfill sites or land which is known to be or may be contaminated will not be permitted unless all of the following criteria are met:

1. The proposal takes proper account of the nature and extent of contamination and the risks to the health and safety of the local population;
2. Any remedial measures necessary to deal with the contamination will be effective;
3. There will be no detrimental effect on the environment as a result of the disturbance of contaminants during and after development.

JUSTIFICATION

- 7.31 Contaminated land, such as former industrial sites, and closed and operative landfill sites can have serious implications for the health and safety of the local population and the environment. This Policy aims to strike a balance between the need to ensure the beneficial use of such land and the need to protect the health of future users and the wider environment. This reflects the advice contained in PPG23.
- 7.32 Before development takes place on such sites it is imperative that the nature and extent of contamination is properly assessed and understood. When contamination is known or suspected the developer will normally need to undertake an investigation. Effective measures must be incorporated into any development to protect people, buildings, services and other infrastructure against possible harmful effects. The choice of new uses for a site may be restricted by the nature and extent of the contamination.

7.33 The threat from contamination may also affect land adjacent to or in the vicinity of contaminated sites. In such circumstances developers of sites nearby must

demonstrate that ground conditions and topography will prevent any threat or that effective steps can be taken to protect their sites.

POLICY PH11

FLOOD PROTECTION

In areas at risk from flooding, new development including proposals involving the raising of land, will not be permitted. Where development is permitted as an exception, appropriate flood protection and mitigation measures, including the substitution of equivalent areas of land to compensate for the loss of any flood plain, will generally be required as part of the development. Development will also be resisted where it would materially increase the risk of flooding elsewhere, unless the development includes measures to prevent this occurring.

At sites suspected of either being at risk from flooding or of increasing the risk of flooding elsewhere, but for which adequate flood risk information is unavailable, developers will be required to carry out detailed technical investigations to evaluate the extent of the risk.

JUSTIFICATION

7.34 It is important to ensure that new development is not at risk from flooding which could endanger life, damage property or cause the wasteful expenditure of public resources on remedial works. Development in such locations may also increase the risk of flooding elsewhere by reducing storage capacity for the flood plain or by impeding the flow of flood water. Land raising in the floodplain may have a similar effect. The Council has information, in broad terms, on areas liable to flood and consults the Environment Agency on all proposals in such areas.

7.35 The Council will not permit development in the flood plains. In the exceptional cases where development is permitted it should include appropriate flood protection and mitigation measures which should be identified and provided in consultation with the Environment Agency at the developer's expense.

7.36 New development, though not at risk of flooding itself, may by accelerating run off, increase the risk of flooding elsewhere. In such cases hydrological/hydraulic surveys may be necessary and works may be required to control surface water run off. These measures should be identified in consultation with the Environment Agency or the appropriate Internal Drainage Board and be provided at the developer's expense.

CHAPTER 7 POLLUTION AND HAZARDS