
POLICY PO1 - POTENTIALLY POLLUTING DEVELOPMENT

OBJECTIONS: 072/6 Frank Field MP

Summary of Objection

21.1 Potentially polluting developments should only be permitted where the harmful effects are as material considerations outweighed by positive benefits to the community likely to bear the harm. The balance of considerations in favour of permission should be understood and acknowledged by the community before permission is granted. Policy PO1 should reflect this approach.

Assessment and Conclusions

21.2 The factors which in terms of pollution or potential pollution might result in material harm to any local community are in my view expressed fairly fully in Policy PO1. These factors will include not only the effects of the development proposed but also the effect of any measures required to comply with relevant pollution control legislation. The process of pollution control is a largely separate one, and the Council as local planning authority will take a decision on a planning application in terms of the land use implications, not necessarily having to consider the detailed pollution control aspects which will bear upon the separate statutory system of pollution control.

21.3 The views of local communities should be an important part of the process by which the Council makes decisions on planning applications. Insofar as those views relate to land use planning matters, they will be material considerations and the Council (or any other decision maker) has a duty to take them into account. Information, openness, choice and consultation are principles incorporated by the Citizen's Charter into today's planning system¹. In the final event it is the decision maker who will have to weigh the advantages of a development against the harmful effects. In the case of the Council, the decision will have regard to not only upon the view of the community but also upon technical and professional advice from officers and outside bodies. This will include bringing not only Policy PO1 to bear but other relevant policies of the UDP as well. In cases of potentially polluting development Policy PO1 will be a very important consideration, especially upon the eventual adoption of the UDP. In my view its provisions do not contradict the points the Objector is making, and I do not therefore consider that the Policy needs to be changed.

Inspector's Recommendation

21.4 I recommend that no modification be made to the UDP in response to Objection 072/6.

¹ See PPG1 *General Policy and Principles* (1997), paragraphs 57-59 and 60-61.

POLICY PO3 - NOISE

OBJECTIONS: 212/3 Tesco Stores Ltd

Summary of Objection

21.5 Policy PO3 is highly subjective, and cannot sensibly be applied to the assessment of development proposals. PPG24 *Planning and Noise* states that development plans should give developers and local communities a degree of certainty about whether particular types of development will be acceptable and in what circumstances special measures may be required to mitigate the impact of noise¹. The Policy should therefore be redrafted.

Assessment and Conclusions

21.6 The Council accept that consideration of the noise generating effects of new development, and the effects of siting new development near existing sources of noise, should fully take into account the guidance in PPG24, and in particular the detailed guidance it provides on the assessment of noise from different sources². What Policy PO3 appears to do is to identify the main considerations which are likely to be brought to bear in the consideration of any relevant case; in that respect the Policy gives clear direction without being rigid. It would be impracticable in my view for the Policy to include reliable guidance about every detailed circumstance which could arise in the assessment of noise effects.

21.7 The Council consider it necessary to propose a new Policy (PO3a)³ relating to noise-sensitive development. This adopts a similar style to Policy PO3, but should in my view extend the understanding of both developers and the local community as to what considerations will be brought to bear in the assessment of planning applications for noise-sensitive development where noise is an issue.

21.8 Thus Policies PO3 and PO3a should be used in close alliance with PPG24. The reasoned Justification for Policy PO3a introduces Noise Exposure Categories, which provide further help to developers in assessing whether their proposal are likely to be acceptable. In the foregoing circumstances I consider that Policy PO3 is acceptable and need not be changed.

Inspector's Recommendation

21.9 I recommend that the UDP be modified by the insertion of a new Policy (PO3a) in accordance with ALT/POLLUTION/001, but that no other modification be made in response to Objection 212/3.

¹ PPG24, paragraph 3.

² PPG24, Annex 3.

³ Policy PO3a - Noise Sensitive Development, as proposed under ALT/POLLUTION/001 (CD056, page 308).

POLICY PO4 - CRITERIA FOR THE DEVELOPMENT OF CONTAMINATED LAND
Written Statement Paragraph 21.13

OBJECTION: 036/2 National Rivers Authority (Welsh Region)
 070/131 GO-M 128/6 National Rivers Authority

Summary of Objections

- 21.10 The word 'normally' should be deleted from Policy PO4 (070/131). It is important that development which may result in land contamination should be subject to the appropriate controls in Policies WAT2 and WA3¹, and Policy PO4 should therefore be cross-referenced to those policies. Criterion (i) should be amended to refer to the contamination of any surface and ground waters (036/2).
- 21.11 Paragraph 21.13 of the Reasoned Justification should be expanded to emphasise the risks of major pollution to rivers and groundwater from contaminated leachates and drainage (draft suggested) (128/6).

Assessment and Conclusions

21.12 A published change to Policy PO4² omits 'normally' and includes reference to groundwater in Criterion (i). The change also includes the insertion of a new paragraph into the Reasoned Justification (21.12a). This would make a reference to the UDP's Water Chapter sufficient in my view to satisfy the spirit of Objection 036/2, and embody the text requested in Objection 128/6.

Inspector's recommendation

21.13 I recommend that the UDP be modified by the amendment of Policy PO4 and its Reasoned Justification in accordance with ALT/POLLUTION/003.

¹ Policy WAT2 - Protection of the Water Environment; Policy WA3 - Development and Groundwater Protection.

² ALT/POLLUTION/002 (CD056, page 309).

Part II: *Policy PO6 - Development on Unstable Land*
 Policy PO7 - Hazardous Installations and Substances
 Policy PO8 - Criteria for Development Near Notifiable Hazards

POLICY PO6 - DEVELOPMENT ON UNSTABLE LAND
POLICY PO7 - HAZARDOUS INSTALLATIONS AND SUBSTANCES
POLICY PO8 - CRITERIA FOR DEVELOPMENT NEAR NOTIFIABLE HAZARDS

OBJECTIONS: 036/3 National Rivers Authority (Welsh Region)
 070/132 to 070/134 GO-M

COUNTER-OBJECTION: 036/A National Rivers Authority (Welsh Region)

Summary of Objections

- 21.14 The word 'normally' should be deleted from Policies PO6, PO7 and PO8 (070/132 to 070/134). It is important that hazardous development should be subject to the appropriate controls in Policies WAT2 and WA3¹, and Policy PO7 should therefore be cross-referenced to those policies. An extra criterion should be added to Policy PO7 referring to the proximity of surface and ground waters (036/3).
- 21.15 The proposed amendment to Policy PO7² does not specifically recognise the need to have regard to the proximity of hazardous installations and substances to surface or ground waters. The protection of this valuable and vulnerable resource should be unequivocally stated by the insertion of the additional criterion requested (036/A).

Assessment and Conclusions

21.16 Published changes to Policies PO6³, PO7 and PO8⁴ omit 'normally'. The Council, after having initially been of the view that an additional criterion in Policy PO7 relating to surface and ground waters was not justified, have come to the view that the criterion should be included, and have published a further change to Policy PO7 accordingly⁵.

Inspector's Recommendation

21.17 I recommend that the UDP be modified by the amendment of Policies PO6, PO7 and PO8 in accordance with ALT/POLLUTION/003, ALT2/POLLUTION/001 and ALT/POLLUTION/005.

¹ Policy WAT2 - Protection of the Water Environment; Policy WA3 - Development and Groundwater Protection.

² ALT/POLLUTION/004 (CD056, page 311).

³ ALT/POLLUTION/003 (CD056, page 310).

⁴ ALT/POLLUTION/005 (CD056, page 312).

⁵ ALT2/POLLUTION/001 (CD057, page 39).