

1.12 ENVIRONMENTAL NUISANCE AND POLLUTION CONTROL (OVS. 5)

1.12.1 One of the key objectives of Structure Plan Policy OS1 in seeking sustainable development is to minimise pollution. This approach is embodied in the Structure Plan chapter on limiting the impact of development. Structure Plan policy LD1 and paragraph 4.5(iv) refers to minimising the harm to human health and to the environment from noise, vibration, effluent, fumes and other pollution including gas rising from land fill sites. The Council needs to be satisfied that proposals for development will not have significant adverse environmental impacts. Structure Plan policy LD3 states: development proposals will only be permitted where they do not give rise to an unacceptable impact on the environment, including serious harm to the character or appearance of an area, or the amenities of neighbouring land uses.

1.12.2 Structure Plan policy EN2 seeks protection from environmental nuisance. Development should not give rise to unacceptable levels of noise, smell, dust, fumes, light or noxious emissions affecting areas beyond the site boundary, or to unacceptable levels of air or water pollution. In addition, uses sensitive to disturbance such as new houses, schools or hospitals should not be located in areas already subject to unacceptable levels of environmental nuisance. In areas affected by high noise levels, developments should be designed to minimise the nuisance which may be caused to future occupiers.

1.12.3 The Structure Plan indicates that unacceptable levels of environmental nuisance will be defined through the local plan process and by building upon studies such as the former County Council's State of the Environment Report.

1.12.4 PPG23 Planning and Pollution Control issued in July 1994, provides advice on the relationship between planning and pollution control legislation. In this respect the planning system is defined as having two distinct roles:

- (i) to determine the location of development which may give rise to pollution, and
- (ii) controlling development in close proximity to pollution sources. The control of pollution itself is not a function of the planning system. This is the responsibility of the various pollution control agencies under the 1990 Environmental Pollution Act.

1.12.5 PPG24 Planning and Noise issued in September 1994 gives guidance on the use of planning powers to minimise the adverse impact of noise. Noise can have a significant effect on the environment and quality of life enjoyed by individuals and communities. The planning system should ensure that, wherever practicable, noise sensitive developments are separated from major sources of noise. Housing, hospitals and schools should generally be regarded as noise sensitive development but others may be included depending on local circumstances and priorities. Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest (SSSIs) or which would affect the quiet enjoyment of AONBs.

1.12.6 The Berkshire First State of the Environment Report of January 1995 contains base line county wide information on various aspects of pollution including noise. The former Newbury District's State of the Environment Report of 1994 deals with a similar range of issues at a District level including water quality, the environmental effects of transport and air pollution levels.

1.12.7 The potential risk of pollution or the possibility that nuisance might be caused as a result of development will be important concerns to the Council when assessing the environmental suitability of proposals. In particular, the Council will seek to ensure that appropriate measures are taken in developments to minimise environmental impacts.

1.12.8 In terms of the Local Plan it is considered appropriate to introduce local plan policies that deal with the Council's concerns regarding:

- unacceptable levels of environmental nuisance
- noise sensitive developments
- hazardous substances.

1.12.9 A policy to define unacceptable levels of environmental nuisance can only be considered in general terms. It is impossible to define unacceptable levels of nuisance in all circumstances, given different types of development, locations and land use and their relative sensitivity.

POLICY OVS.5 The Council will only permit development proposals where they do not give rise to an unacceptable pollution of the environment. In order to minimise the adverse impact on the environment or loss of amenity proposals should have regard to:

- (a) the need to ensure the adequate storage and disposal of waste materials; and
- (b) the installation of equipment to minimise the harmful effects of emissions; and
- (c) the hours, days or seasons of operations; and
- (d) locating potential nuisance or pollution activities onto the least sensitive parts of the site or where the impacts can be best contained by physical or other appropriate measures.

1.12.10 The Council will consult closely with the various pollution control agencies and environmental health services when considering proposals for potentially polluting developments, and other development near to a source of pollution.