

Building with Nature: Standards Framework 2.0 (BwN, 2021)
www.buildingwithnature.org.uk

Policy LE9: Pollution Control

POLICY LE9: POLLUTION CONTROL

- 1. Planning permission will be granted for proposals where the projected levels of pollution generated by the development, including air, odour, noise and light pollution, do not have a significant adverse impact upon existing and future occupiers, neighbouring occupiers, and the wider built and natural environment.**
- 2. Where pollution is a material consideration proposals should submit an appropriate impact assessment. Where impacts are likely to occur during the construction phase a Construction and Environmental Management Plan should be submitted.**
- 3. Development proposals which include provisions to reduce or mitigate existing pollution will be supported.**

Air pollution

- 4. Development proposals will not be permitted when they are likely to:**
 - a) exceed current national or local standards or objectives (individually or in-combination) with other land uses; and/or**
 - b) be adversely affected by existing poor air quality.**

Noise pollution

- 5. Development proposals which are noise-sensitive will not be permitted if the users would be significantly adversely affected by noise from existing or permitted noise-generating uses within the local area.**
- 6. Development proposals which are noise-generating will not be permitted if the noise arising would have a significant adverse impact upon local amenity or sensitive habitats.**

Light pollution

- 7. Development proposals which include external lighting will be**

permitted provided that there is no significant adverse impact from increased levels of light pollution on the environment or local amenity.

EXPLANATION OF POLICY LE9

Overall approach (Points 1, 2 and 3 of Policy LE9)

- 10.84 While many types of development will generate some form of pollution such as noise, the NPPF is clear that planning policies and decisions should seek to prevent and minimise the impacts of pollution on people and the environment. The Council will seek to ensure that new development does not generate adverse levels of pollution, particularly near sensitive uses and habitats. This includes ensuring development is suitably located, designed and laid out, and where necessary effective mitigation measures are incorporated.
- 10.85 Applicants should seek to direct development away from sites where existing or permitted operations create significant levels of pollution to which the occupiers of the proposal could be sensitive too. Where such instances occur, the Council will apply the NPPF's 'agent of change' principle, and the provision of suitable mitigation measures prior to occupation may be required. Planning conditions and covenants may also be sought to protect existing uses and businesses from complaints about existing and foreseeable nuisances arising from their operation.
- 10.86 Proposals where pollution is likely to be a material consideration will be required to submit an appropriate impact assessment undertaken by a competent person. Where proposals could cause significant noise or air quality impacts or create significant disturbance or intrusion during the demolition and construction phases, a Construction and Environmental Management Plan (CEMP) will be required to be submitted. Where appropriate these will be expected to include assessments of vehicle movements associated with the construction site and measures to prevent unreasonable impact on local parking and public transport services.
- 10.87 Wherever possible, developments should seek to reduce existing levels of pollution. Such proposals will be supported by the Council where suitable evidence can be supplied that a reduction in pollution will occur.
- 10.88 The impact of water pollution is considered in Policy LE13 while Policy D9 addresses amenity impacts. Policy C5 considers the amenity impacts from hot food takeaways and fast food outlets, including through noise, odours and vibrations.

Air pollution (Point 4 of Policy LE9)

- 10.89 The Council seeks to protect the Borough's air quality standards through regular air quality monitoring. This data helps form the Joint Annual Air Quality Reports³⁴³, which are produced in partnership with Fareham Borough Council.
- 10.90 There are currently no major industries in the Borough that are significant generators of air pollution, with the main sources of air pollution being road traffic with some contribution from shipping. There are currently no Air Quality Management Areas (AQMAs) in the Borough. There were two AQMAs in Fareham Borough which included the area surrounding the Quay Street Roundabout on the A32, the main access road serving Gosport. In 2024, the two AQMAs were revoked due to pollution continuing to comply with Government objectives. Fareham Borough Council will continue to review and assess local air quality and report to DEFRA annually³⁴⁴.
- 10.91 Development that would contribute to a reduction in air quality, such as generators of significant levels of new traffic, will be refused where air quality standards are likely to be breached and the effects cannot be mitigated. It will also be necessary to demonstrate that major schemes in combination with other development will not have a detrimental impact on internationally important habitats within the area. All major planning applications should be supported by suitable information to allow full consideration of the impact on the air quality, both on the site and in the wider area.
- 10.92 The Council's Development Strategy (Policy D2) aims to ensure that sustainable development is achieved in the Borough by focusing development in locations which can be served by sustainable transport modes (bus, walking and cycling) and where residents are served by appropriate facilities and employment opportunities. This overall approach aims to reduce the need to travel by car and therefore reduce air pollution. It is recognised however that additional mitigation measures may also be required. National planning guidance sets out a number of examples of possible pollution mitigation options. Where mitigation is considered necessary the type of measure will depend on locationally-specific factors, the type of development and whether the mitigation measures are proportionate to the likely impact. Mitigation measures could include:
- ensuring the design and layout of the development allows sufficient separation distances from sources of air pollution;
 - using green infrastructure, in particular trees or hedges, to create a barrier from pollution;
 - incorporating means of filtration and ventilation;

³⁴³ www.fareham.gov.uk/licensing_and_inspections/air_quality/aqmanagementareas.aspx

³⁴⁴ www.fareham.gov.uk/licensing_and_inspections/air_quality/aqmanagementareas.aspx

- including infrastructure to promote transport with a low impact on air quality (such as electric vehicle charging points);
- controlling dust and emissions from construction, operation and demolition; and
- contributing funding to measures designed to offset the impact on air quality from new development.

Noise pollution (Points 5 and 6 of Policy LE9)

- 10.93 Noise from development can cause unacceptable impacts on the health and quality of life of local residents, occupiers and wildlife³⁴⁵. The Borough has significant transport movements within it and other noise-generating activities including industrial, aviation and maritime activities, and as such, the control and mitigation of noise pollution is a notable concern.
- 10.94 Under DEFRA's Noise Policy Statement for England³⁴⁶ and the associated Noise Action Plan³⁴⁷, the Borough is designated as a 'Noise Receiving Authority' as part of the Portsmouth Urban Area which covers Portsmouth, Gosport and parts of Fareham, Havant and East Hampshire. The provisions within the Noise Policy Statement and Noise Action Plan to manage additional significant sources of noise within the Borough therefore apply. The Noise Policy Statement has the following aims:
- avoid significant adverse impacts on health and quality of life from noise;
 - mitigate and minimise adverse impacts on health and quality of life from noise; and
 - where possible, contribute to the improvement of health and quality of life through effective management and control of noise.
- 10.95 In line with the Noise Policy Statement and the Noise Exposure Hierarchy³⁴⁸, where a development would generate significant levels of noise, or a sensitive development would be located in an area with noise above the Lowest Observed Adverse Effect Level (LOAEL) (see Box 26), suitable mitigation measures will be expected. Where noise levels would be above the Significant Observed Adverse Effect Level (SOAEL), development may be refused unless suitable mitigation is provided.

³⁴⁵ The NPPF emphasises the need to mitigate and reduce adverse impacts on health and quality of life from unacceptable levels of noise from new development including, where appropriate through the use of planning conditions.

³⁴⁶ www.gov.uk/government/publications/noise-policy-statement-for-england

³⁴⁷ www.gov.uk/government/publications/noise-action-plans-large-urban-areas-roads-and-railways-2019

³⁴⁸ www.gov.uk/noise--2

Box 26: Definitions of noise

What constitutes LOAEL and SOAEL will depend upon how various factors combine in a particular situation and can include, amongst other factors, the source and absolute level of noise, the time of day, the frequency and pattern of occurrence, and the sensitivity of the people affected.

Lowest Observed Adverse Effect Level (LOAEL)

Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Effects on the acoustic character of the area such that there is a small actual or perceived change in the quality of life.

Significant Observed Adverse Effect Level (SOAEL)

This is defined as when: noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.

10.96 Where noise is likely to be a material consideration, a noise impact assessment must be submitted with a planning application. The Council will expect any proposals likely to generate noise (including construction noise) to take account of the impact of this on any noise-sensitive populations. Similarly, in assessing proposals for noise-sensitive development, the Council will expect the developer to take into account existing noise levels and foreseeable changes to these. Where required, a noise assessment will be expected to:

- identify all significant sources of noise;
- determine the relevant noise exposure category;
- assess the likely short and long-term impacts of noise generated or exposure to noise;
- propose noise protection measures;
- demonstrate that there is no significant effect on the integrity of Protected Sites and other important nature conservation interests within the vicinity; and
- have regard to DEFRA's most up-to-date Noise Policy Statement and Noise Action Plan, and other relevant studies.

10.97 For flats and terraced houses, wherever possible developers should aim to achieve higher sound insulation standards than those stipulated within the

Building Regulations³⁴⁹ for the purposes of protecting residential amenities. Additional guidance on noise control can be found in the Further Information Box at the end of this section.

- 10.98 All marine proposals must seek, in order of preference to a) avoid, b) minimise, and c) mitigate any significant adverse noise impacts on mobile marine species, which can cause chronic stress and death at higher intensities. Further information can be found within the South Marine Plan (see Policies S-UWN-1 and S-UWN-2).

Light pollution (Point 7 of Policy LE9)

- 10.99 Lighting provides valuable benefits to society including through increasing safety, extending opportunities for sport, recreation and commerce, and tackling crime and antisocial behaviour. Excessive and unnecessary lighting in inappropriate locations however can have negative impacts upon the appearance and amenity of an area and the natural environment.
- 10.100 When assessing proposals which include outside lighting it will be necessary to ensure proposals have a good standard of design which considers the following:
- the potential impact on the amenities of local residents and those particularly sensitive to light intrusion;
 - the need to reduce wasted light to limit light pollution and reduce energy consumption;
 - the need to maintain intrinsically dark areas for nature conservation or local character, where this is appropriate;
 - ensure that there is no significant effect on the integrity of Protected Sites for nature conservation within the vicinity;
 - the need to minimise impacts upon wildlife;
 - the need to ensure a safe environment for users at night; and
 - highway safety issues.
- 10.101 All lighting should be the minimum necessary to be effective and be designed to limit spillage above the horizontal plane. All major applications are required to submit a lighting assessment. In certain other cases it may also be appropriate to prepare a lighting scheme where the proposal may have a particular impact as outlined above.
- 10.102 Proposals for the lighting of buildings within conservation areas will be assessed against the relevant policies in the Local Plan, in particular Policy D10 and current best practice³⁵⁰.

³⁴⁹ Performance standards set out in the Building Regulations provided for England in Approved Document E (2015 as amended).

³⁵⁰ www.gov.uk/guidance/light-pollution

- 10.103 Proposals for outdoor lighting outside of the Urban Area Boundary will not normally be acceptable however there may be certain instances where schemes are necessary for particular functions and consequently it will be necessary to minimise the impact of any lighting.
- 10.104 Planning conditions regarding the use of lighting may be appropriate in some instances. Further advice relating to the consideration of light pollution is set out in national planning guidance³⁵¹ and the Institute of Lighting Professional's Guidance Note³⁵².

Further information

Planning Practice Guidance (MHCLG)

www.gov.uk/government/collections/planning-practice-guidance

Noise Policy Statement for England (DEFRA, 2010)

www.gov.uk/government/publications/noise-policy-statement-for-england

Noise action plans: large urban areas, roads and railways (DEFRA, 2019)

www.gov.uk/government/publications/noise-action-plans-large-urban-areas-roads-and-railways-2019

Noise Exposure Hierarchy (DEFRA, 2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820957/noise_exposure_hierarchy.pdf

Guidelines for Environmental Noise Impact Assessment (IEMA, 2014)

www.iema.net/event-reports/2016/01/07/Launch-Webinar-IEMA-Guidelines-for-Environmental-Noise-Impact-Assesment-2014/

ProPG: Planning & Noise – Professional Practice Guidance on Planning & Noise - New Residential Development (ANC, IoA and CIEH, 2017)

www.ioa.org.uk/sites/default/files/14720%20ProPG%20Main%20Document.pdf

Acoustic Ventilation and Overheating Residential Design Guide (ANC and IoA, 2020)

www.association-of-noise-consultants.co.uk/wp-content/uploads/2019/12/ANC-AVO-Residential-Design-Guide-January-2020-v-1.1.pdf

BS 8233:2014: Guidance on sound insulation and noise reduction for buildings (BSI, 2014)

www.thenbs.com/PublicationIndex/Documents/Details?DocId=306010

³⁵¹ www.gov.uk/guidance/light-pollution

³⁵² theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/

BS 4142: Methods for rating and assessing industrial and commercial sound (BSI, 2014)
www.bsigroup.com/en-GB/standards/bs-4142/

Guidance Notes for the Reduction of Obtrusive Light (ILP, 2020)
<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

Policy LE10: Contaminated and Unstable Land and Unexploded Ordnance

POLICY LE10: CONTAMINATED AND UNSTABLE LAND AND UNEXPLODED ORDNANCE

- 1. Where development proposals are submitted on or near a site that is known to be, or may be, contaminated an applicant should carry out a risk assessment and submit a report of the findings to establish the nature and extent of the contamination.**
- 2. Development proposals will not be permitted unless practicable and effective measures are proposed to treat, contain or control any contaminants so as not to:**
 - a) expose the future occupiers of the development and neighbouring land uses, including the users of gardens, to unacceptable risk;**
 - b) cause the contamination of adjoining land or allow such contamination to continue; and**
 - c) cause pollution of the water environment including groundwater, the River Alver, Portsmouth Harbour and the Solent.**
- 3. Where development proposals are submitted on land which is either unstable or has the potential to become unstable, the Council must be satisfied that any such instability can be reasonably overcome. In circumstances where unstable land may be present, the developer will be required to submit a stability report at the planning application stage.**
- 4. Where there is potential for unexploded ordnance to be present development proposals must be fully remediated. Planning applications should be accompanied by a Stage 1 Preliminary Risk Assessment as a minimum.**