

SU9 Pollution and nuisance control

Development that may be liable to cause pollution and / or nuisance to land, air or water will only be permitted where:

- a. human health and safety, amenity, and the ecological well-being of the natural and built environment is not put at risk;
- b. it does not reduce the planning authority's ability to meet the Government's air quality and other sustainability targets; and
- c. it does not negatively impact upon the existing pollution and nuisance situation.

All proposed developments that have a potential to cause pollution and / or nuisance, will be required to incorporate measures to minimise the pollution / nuisance and may invoke the need for an Environmental Impact Assessment. Where appropriate, planning conditions will be imposed and / or a planning obligation sought in order to secure the necessary requirements.

Planning permission will only be granted for development on a site adjacent to an existing pollution / nuisance generating use and / or within an air quality 'hotspot' or potential 'hot spot' where:

- i. the effect on the proposed development, its occupiers and users will not be detrimental; and
- ii. the proposed development will not make the pollution and / or nuisance situation worse and where practicable, helps to alleviate the existing problem(s).

In applying this policy, particular attention will be given to a proposal's location and its impact on other development, land uses and nature conservation.

- 2.46 For the purposes of Policy SU9, pollution and nuisance include noise, dust, dirt, PM10, fumes, gases, steam, smell, radiation, vibration, light, smoke, heat and other polluting and nuisance emissions. Policy SU9 therefore applies to anything that can be deemed to be pollution and / or a nuisance. This includes greenhouse gases and ozone layer damaging gases. It also applies to electromagnetism where the effects are likely to cause ill health or have other adverse affects.
- 2.47 Road transport is one of the main pollution and nuisance generators and any air quality 'hot spots' in Brighton & Hove are likely to be the result of motor vehicle pollution. The planning authority will expect, therefore, the impact from traffic to be included with any assessment of pollution and nuisance. The planning authority may seek to control the volume and flow of traffic to and from a proposed development to comply with this policy (see also Policy TR1: 'Development and the demand for travel'). Sensitive developments such as housing, schools and hospitals are felt to be inappropriate next to significant pollution and / or nuisance generating uses, except where measures are to be taken to alleviate effectively the existing problems prior to occupation.

- 2.48 The council has declared one AQMA which encompasses sections of London Road, Ditchling Road, Preston Circus, Viaduct Road, Lewes Road and the surrounding area of the Vogue Giratory. Any additional Air Quality Management Areas (AQMA's) will be identified and declared, if required. Within these areas, the planning authority will expect any development to help alleviate the air quality problems, in accordance with the relevant Action Plan and council strategies.
- 2.49 In applying Policy SU9, particular attention will be given to a proposal's location and impact on other development and land uses. PPS23 'Planning and Pollution Control' states that the government attaches great importance to controlling and minimising pollution. It advises that the government's approach to pollution issues is a precautionary one. Where there are significant risks of damage to the environment, pollution controls will take into account the need to prevent or limit harm even where scientific knowledge is not conclusive. It also advises that some proposals will require the preparation and submission of an Environmental Impact Assessment. In addition to this, regard must be given to Part I of the Environmental Protection Act 1990, which is the main legislation that controls air pollution and authorisation of certain industrial processes.
- 2.50 Policy SU9 will be assisted and complemented by the powers and duties exercised under Environmental Health legislation, including the National Air Quality Strategy and the Local Authority Pollution Prevention Control (LAPPC), in accordance with Part IV of the Environment Act 1995 and the Pollution Prevention and Control Regulations 2000. In addition to the above, regard must be given to Part I of the Environmental Protection Act 1990, (which is the main legislation that controls air pollution with respect to the authorisation of certain industrial process) and to the Building Regulations legislation as well as to other agencies, for example, the Environment Agency, the Health and Safety Executive, English Nature and the Fire Authority. Implementation of this Policy will also be assisted and complemented by the Local Agenda 21 Strategy and by the council's voluntary involvement in a regional and national radiation monitoring scheme.
- 2.51 Policy SU9 has particular links with the following in this Plan: the policies relating to development and the demand for travel; polluted land and buildings; water resources and their quality; surface water run-off and flood risk; noise nuisance; species protection; protection and integration of nature conservation features; remote and tranquil areas; external lighting and floodlighting.