

**Test Valley Revised Local Plan DPD  
2011 – 2029  
Regulation 22 – Submission to  
Secretary of State**

**Policies LHW4 (Amenity) and E8  
(Pollution) Topic Paper**

June 2014

# REVISED LOCAL PLAN

## TOPIC PAPER – POLICIES LHW4 AND E8 AMENITY AND POLLUTION

### 1 Introduction

- 1.1 The purpose of this paper is to provide background justification to the inclusion of the policies on pollution and amenity within the Test Valley Revised Local Plan. These policies appear within different chapters within the plan but have strong links between them.

### 2 Policy Context

- 2.1 The National Planning Policy Framework (NPPF)<sup>1</sup> establishes that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6). Pollution and, to a lesser extent, amenity considerations can have implications on all three dimensions of sustainable development. The importance of amenity and pollution matters are noted within the core planning principles set out within paragraph 17 of the NPPF.
- 2.2 Section 11 of the NPPF relates to conserving and enhancing the natural environment, this includes guidance on the approach to addressing pollution. Paragraph 109 highlights the role for the planning system in preventing development from contributing to, being put at risk from or be adversely affected by unacceptable levels of pollution. Opportunities to remediate and mitigate contaminated land should also be considered. This paragraph refers to pollution in relation to the soil, air and water, as well as noise pollution. Paragraph 110 also notes the aim to minimise pollution on the local and natural environment when preparing plans.
- 2.3 Within paragraph 120 of the NPPF, the role for planning policies in preventing unacceptable risk from pollution is set out, noting that development should be appropriate to its location. It goes on to state:
- “The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and / or landowner.”<sup>2</sup>*
- 2.4 Paragraphs 121 and 122 provide further advice in relation to remediation of contaminated land and the approach to pollution control. Paragraph 123 notes

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<sup>1</sup> National Planning Policy Framework, Department for Communities and Local Government (DCLG), 2012.

<sup>2</sup> National Planning Policy Framework, DCLG, 2012, paragraph 120, page 28.

criteria that should be considered in relation to noise both through planning policies and in decision making, with paragraphs 124 and 125 relating to air quality and light pollution respectively. With regard to paragraph 124, it is noted that at present there are no Air Quality Management Areas within the Borough; however there are such areas in close proximity to the Borough.

- 2.5 The National Planning Practice Guidance<sup>3</sup> includes a number of sections linked to pollution and amenity, including light pollution, noise, air quality, the water environment and contaminated land. The guidance recognises the need to consider planning matters in the context of other legal controls and requirements. Also regard should be had to overlapping issues, such as contaminated land and water quality. The section focusing on design also notes the need to take account for privacy and private spaces<sup>4</sup>, sunlight and daylight levels<sup>5</sup>.
- 2.6 Amenity considerations (including levels of light and concerns of overlooking / loss of privacy) are regularly highlighted by those commenting on planning applications of varying scales, indicating the importance of such matters to local residents.

### **3 Revised Local Plan**

- 3.1 In light of the national guidance on pollution and amenity, as well as the importance given to these matters by those commenting on planning applications, it was considered appropriate to provide policies on these matters.
- 3.2 In relation to pollution matters, a policy that establishes the approach to addressing all types of pollution (including to the land, air, soil, and water environment) was considered to be most appropriate. This would need to recognise the need to reduce the risk of pollution from new development but to also take account of the location of potentially polluting development when considering more sensitive new uses.
- 3.3 Additional amenity considerations include ensuring the availability of adequate private open space, the retention of privacy for new and existing occupants and ensuring appropriate levels of light (daylight and sunlight) are available. It was not considered to be necessary to establish standards for private open space to provide some flexibility in approach; however this remains an important consideration.

### **4 Proposed Way Forward**

- 4.1 The proposed wording of the policies on pollution and amenity has been prepared having regard to national guidance and the importance of these matters to residents.

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<sup>3</sup> Available: <http://planningguidance.planningportal.gov.uk/>.

<sup>4</sup> Reference ID: 26-024-20140306

<sup>5</sup> Reference IDs: 26-025-20140306, 26-026-20140306.

- 4.2 The proposed policy wording is set out below.
- 4.3 To aid in the understanding and application of the amenity policy, the supporting text sets out the intention to prepare a guidance note on the assessment of levels of daylight and sunlight.

### **Policy E8: Pollution**

Development will be permitted provided that it does not result in pollution<sup>6</sup> which would cause unacceptable risks to human health, the natural environment or general amenity.

Development that would or could potentially generate pollution will only be permitted if it can be demonstrated that there would not be any adverse impact on human health, the natural environment or general amenity.

Development which is sensitive<sup>7</sup> to pollution will only be permitted if the intended users are not subject to unacceptable impact from existing nearby uses having taken account of proposed mitigation measures.

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### **Policy LHW4: Amenity**

Development will be permitted provided that:

- a) it provides for the privacy and amenity of its occupants and those of neighbouring properties;
- b) in the case of residential developments it provides for private open space in the form of gardens or communal open space which are appropriate for the needs of residents; and
- c) it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels.

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<sup>6</sup> Pollution is defined as anything that affects the quality of land, air, water or soil, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light (NPPF Glossary).

<sup>7</sup> This includes housing, hospitals, schools and residential care and nursing homes.