

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.

NOISE POLLUTION

1.12.11 Noise can be a major 'nuisance'. Certain types of development are particularly sensitive to noise, for example housing, schools and hospitals. The background levels of noise in residential areas and the countryside are often low. The introduction of noisy activities into such areas can therefore be especially disruptive. The Council will pay particular attention to any likely increase in 'ambient' noise levels when considering planning applications. PPG24 gives advice on how the planning system can be used to reduce the impact of noise on people. It also introduces the concept of 'noise exposure categories' to assist in the appraisal of noise sensitive developments near to existing noise sources.

Policy OVS.6 The Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest or which would harm the quiet enjoyment of Areas of Outstanding Natural Beauty. Proposals for noise sensitive developments should have regard to the following.

- (a) existing sources of noise e.g. from roads, railways and other forms of transport, industrial and commercial developments, sporting, recreation and leisure facilities, and**
- (b) the need for appropriate sound insulation measures; and**
- (c) the noise exposure levels outlined in Annex 1 of PPG24. In the context of this policy noise sensitive uses are housing, schools and hospitals.**

HAZARDOUS SUBSTANCES

1.12.12 Local planning authorities have been able to exercise a degree of control over the presence of hazardous substances through the development control system, where such substances have been directly associated with a proposed development. There are situations, however, in which hazardous substances may be introduced into a site, or used differently within it, without there being any associated development requiring planning permission. Circular 11/92(4) fills the gap by enabling specific control to be exercised over the presence of hazardous substances whether or not associated development is involved. The Health and Safety Executive will need to be consulted on every application for 'hazardous substances consent'.

1.12.13 Annex B (paragraph B7) of Circular 11/92 states that local planning authorities should formulate, as appropriate, policies and proposals for the development and use of land at or near to hazardous installations and for the siting of future hazardous developments.

Policy OVS.7 The Council will not permit development which on advice from the Health and Safety Executive would cause unacceptable risk or harm to personal safety due to the presence of hazardous substances on the site or other land in the vicinity.