



# South Wiltshire Core Strategy

**Topic Paper 12 Addendum 2:**

*Waste and Pollution*

July 2009

**SALISBURY DISTRICT COUNCIL**

**LOCAL DEVELOPMENT FRAMEWORK**

**TOPIC PAPER 12 SECOND ADDENDA:  
WASTE AND POLLUTION**

**FEBRUARY 2009**

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## 1. Introduction

- 1.1. This topic paper brings together the national, regional and local planning evidence on waste and pollution in order to inform policy development of the South Wiltshire Core Strategy. The topic paper builds on the previous topic papers and takes into account the changes to the RSS which have been made by the Secretary of State which were published after the preferred options consultation.
- 1.2. This topic paper includes a summary of the relevant responses to the preferred options (February – April 2008) and preferred options II consultation (September – October 2008) on the South Wiltshire Core Strategy. The topic paper includes details of waste, pollution control and contaminated land and the approach that should be taken in the South Wiltshire Core Strategy.

## 2. The previous rounds of consultation

- 2.1. Both the issues and options consultations and the preferred options consultations included questions relating to waste and pollution.
- 2.2. The Issues and Options consultation contained one question relating to the possibility of building recycling facilities into new developments. This yielded 411 responses of which just over 82% of respondents either agreed or agreed strongly with the option. There were few free text comments which relate to waste or pollution.
- 2.3. The preferred options consultation contained few references to waste and pollution. These references were contained within the following preferred options...
  - PO3
    - Objective A: *A place with a sustainable future, which has made great progress in addressing the causes of climate change*
    - Objective L: *A place where challenges such as flood risk, waste and reducing pollution and providing transport choices have been tackled head-on and no longer represent a major difficulty for the area*
  - PO28c- *We should insist that developers contribute to the provision of recycling facilities in new development*
  - PO39e- *A single Air Quality Management Area should be designated and managed in Salisbury to alleviate pollution caused by motor vehicle fumes.*
- 2.4. In respect of waste, the responses to the preferred options consultation were limited, with general support being expressed and few free text comments being received. Those free text comments that were received, highlighted that pollution can take many forms, and is not limited to air pollution from transport as suggested in the consultation document. The potential for noise, light and pollution of the water environment were all highlighted by the respondents.
- 2.5. The preferred options II consultation which took place between September and October 2009 did not include any specific questions relating to waste, pollution control or

contaminated land. This round of consultation did not yield any significantly different issues within the free text comments.

### **3. Updates to national regional and local Policy**

- 3.1. National guidance on waste and pollution control within the planning system is contained within Planning Policy Statements 10 (Planning for Sustainable Waste Management) and PPS 23 Planning and Pollution Control. Planning Policy Guidance Note (PPG) 24: planning and noise is also relevant.
- 3.2. Since the publication of the preferred options consultations, the Secretary of State, (SoS) published changes to the draft Regional Spatial Strategy (RSS). The RSS contains a number of policies which are relevant to the both waste management and pollution control.

#### **Pollution Control**

- 3.3. The control of pollution involves a number of organisations and regulation at the national and local level. The duty for the control of pollution rests with the Council's Environmental Protection Service and the Environment Agency. In terms of planning, the main guidance is located within PPS 22 and PPG 24. This guidance has remained unchanged since the production of the preferred options and there is no need to update the original topic paper.
- 3.4. The planning guidance separates the issue of pollution control into a number of elements. These include the location of new or expanded potentially polluting uses, the location of sensitive development near polluting uses and the potential for contaminated land.
- 3.5. The SoS has made a number of changes to policies within the RSS which relate to pollution. Other than Air Quality, there is no specific policy which relates to pollution control but the topic is covered in a number of different regional policies. These include...
  - SD3 The Environment and Natural Resources
  - RE6 Water Resources
  - RE9 Air Quality
- 3.6. The changes proposed by the SoS were not significant compared to the original text of the draft RSS. The emphasis is on ensuring that development strives to protect the natural environment and public health which is an objective of the national guidance also.

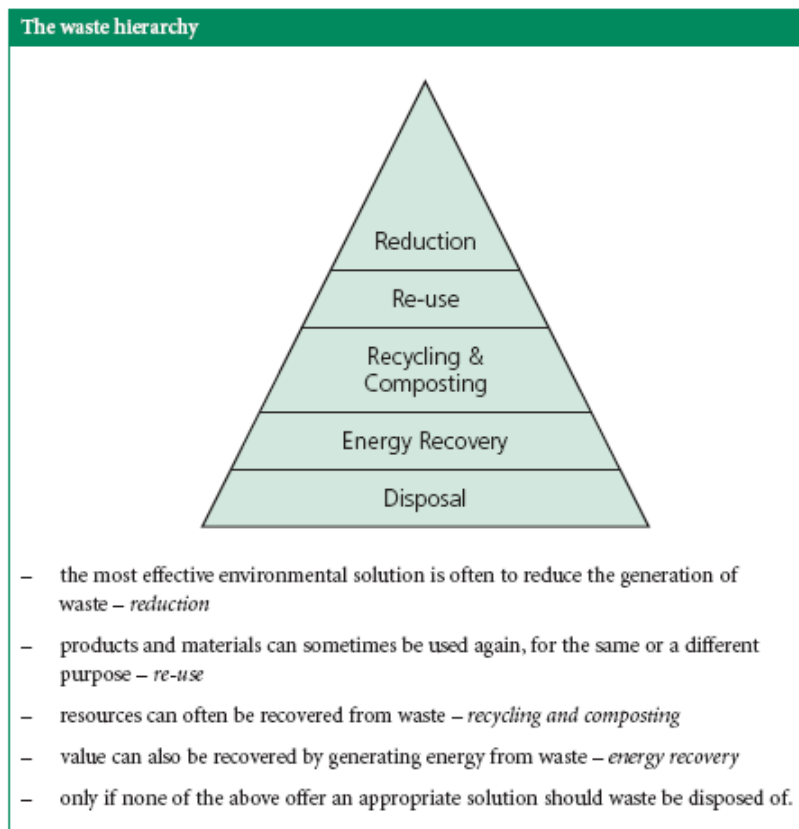
#### **Waste**

- 3.7. In two tier authorities, the waste functions are within the remit of the County Council. In the case of South Wiltshire, Wiltshire County was responsible for the production of the waste local development framework (LDF), whereas the district council was responsible for the household (municipal) waste collection and recycling. Since the publication of the Core strategy preferred options, Wiltshire County Council along with Swindon, has been preparing the Waste and Minerals Development Framework. The waste core strategy was subject to an independent examination in public in late 2008.

After scrutinising the waste core strategy, the inspector found the policies therein sound. As such, the waste core strategy is a material consideration during the production of the south Wiltshire core strategy and when determining planning applications.

- 3.8. It should also be noted that, as of the 1<sup>st</sup> April the district councils in Wiltshire will merge into a unitary council. This will mean that responsibility for the waste and minerals LDF and the spatial planning LDF become the responsibility of the same organisation.
- 3.9. PPS 10 sets out the waste hierarchy (figure 1) which planning documents should implement in order to achieve the overall objective of reducing the amount of waste produced and using it as a resource wherever possible. In this hierarchy, the option to send waste to landfill is viewed as the last option.

#### The Waste Hierarchy



**Figure 1: The Waste Hierarchy (PPS 10)**

- 3.10. As well as PPS 10, policies W1 to W4 of the RSS describe the regional approach to waste management. The policies cover the following areas...
- W1: Provision of waste sites
  - W2: Waste sites and the waste hierarchy
  - W3: Hazardous waste
  - W4: Controlling, reducing and recycling waste in development

- 3.11. Most of the over arching aims of PPS 10 and the RSS are concerned with ensuring that there are sufficient opportunities for the provision waste management facilities across the region. The waste core strategy covers many of the above policy areas and these need not be covered within the South Wiltshire core strategy. Details of the Wiltshire waste core strategy and associated documents can be viewed via the Wiltshire County Council website<sup>1</sup>.
- 3.12. Policy W4 of the RSS highlights the need ‘Waste Audits’ to be undertaken as part of major developments. This is underpinned by Policy WCS6 of the Wiltshire Waste Core Strategy which seeks to ensure that waste audits are required for certain types of development.
- 3.13. The purpose of a waste audits is to ensure that waste/recycling is considered during the design of both new residential and non residential developments. The waste audit seeks to ensure that the provision of space for recycling/waste facilities within developments is considered early in the design stage. The waste audit also seeks to ensure that opportunities to reduce and reuse the waste generated during the construction are considered.

**WCS6: Waste Reduction and Auditing**

Proposals for developments that meet the criteria below will be required to design and provide facilities for occupiers of the development to recycle / compost waste (bring systems) and / or facilities within individual or groups of properties or premises for the source separation and storage of different types of waste for recycling and / or composting.

- any development providing 10 or more dwelling units;
- any new development of shopping centres or facilities where the total gross floorspace amounts to 500 square metres or more;
- any development of business, industrial, distribution or storage development where the gross floorspace / increase in gross floorspace amounts to 300 square metres or more;
- transport, leisure, recreation, tourist, community, or educational facilities including public car parks and park and ride facilities.

Such provision will be expected to have regard to the existing capacity of facilities already available and to the existing Recycling Plan or Municipal Waste Management Strategy relevant to the area.

Proposals for the developments identified above must also be accompanied by a waste audit, which must include:

- a) the type and volume of waste that the development process will generate (the development process comprises the construction process and any other operations necessary to bring the development into being);
- b) the steps to be taken to reduce, re-use and recycle any waste that is produced through the development process;
- c) the steps to be taken to reduce the production of hazardous wastes in the development process;
- d) the steps to be taken to minimise the use of raw materials in the development process;
- e) the steps to be taken to reduce the use of hazardous materials in the development process;
- f) the steps to be taken to minimise the pollution potential of unavoidable waste;
- g) the steps to be taken to dispose of unavoidable waste in an environmentally acceptable manner;
- h) the steps to be taken to ensure maximum waste recovery (e.g. recycling and composting) once the development is completed/occupied; and
- i) proposals for the transport of waste created during the development process and subsequent use of the site.

Development proposals outside of the thresholds above will be required to demonstrate that they have had sufficient regard to minimising waste produced as part of the development process and to the waste hierarchy in identifying a chosen management method for wastes that are produced as part of the development process.

**Figure 2: Policy WCS6 of the Wiltshire Waste Core Strategy**

<sup>1</sup> [www.wiltshire.gov.uk/environment-and-planning/planning-home/waste-core-strategy-examination.htm](http://www.wiltshire.gov.uk/environment-and-planning/planning-home/waste-core-strategy-examination.htm)

### **Contaminated Land**

3.14. National planning guidance on contaminated land is contained within PPS 23 and its associated documents. These planning documents compliment Part IIA of the Environmental Protection Act 1990 (EPA) which defines contaminated land as...

*“any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on, or under the land that:*

*(a) significant harm is being caused or there is a significant possibility of such harm being caused; or*

*(b) pollution of controlled waters is being, or is likely to be caused”.*

3.15. The main principle of the legislative regime is to ensure that the condition of land and its future use is protected from potential hazards. If appropriate consideration is not given to the presence of substances that have the potential to harm human health, property or the environment, the potential to development land might be limited or even ruled out.

3.16. The contaminated land regime is based on risk assessment which considers contaminants, receptors and pathways. If these are combined, a ‘pollutant linkage’ can be said to exist and this forms the basis for the definition of contaminated land. Receptors can include human beings, livestock, crops, ecological systems or buildings and their uses. The statutory guidance includes a description of ‘significant harm for each receptor. Significant harm includes disease or death, structural building failure, diminished crop yield or specified effects on an ecological system amongst others.

3.17. Whilst the EPA places a responsibility on a Local Authority to identify existing contaminated land within their areas and secure its remediation, it is not directed to future uses. This is left to the planning system which should take into account the existing use and potential for contamination and whether this poses and unacceptable risk to the future use (i.e. receptor).

3.18. Given the different scope of planning control the planning guidance uses the wider definition of ‘land affected’ by contamination rather than the very specific definition of contaminated land used in the EPA. This ensures that all cases where the actual or suspected presence of substances in, on or under the land that may cause risks to people, property, human activities or the environment, are covered regardless of whether or not the land meets the statutory definition of contaminated land in Part IIA of the EPA.

3.19. The approach is designed to ensure voluntary remediation of land affected by contamination rather than a regulatory action. Remediation work is often funded by redevelopment of land so early engagement is important to ensure that potential contamination is not a barrier to development.

3.20. The RSS does not have a specific policy which relates to the treatment of contaminated land. However, policy SD3 includes emphasises the need to reduce contamination and the role this plays in sustainable development.

## 4. The core strategy approach and suggested policies

### Pollution Control

- 4.1. South Wiltshire does not have a history of widespread heavy industrial uses, nonetheless there are localised sites that have been put to a use that has left to a legacy of contamination. This will require consideration as and when these sites are redeveloped for new uses. These past uses include gasworks, petroleum storage, tanneries and landfills.
- 4.2. Development has the potential to harm the environment via pollutants to the air, soil or water courses. The Local Planning Authority (LPA) will need to consider the impacts of potentially polluting development on amenity and surrounding uses. This will compliment the Environmental Permitting (England & Wales) Regulations 2008 that operate outside of the planning process.
- 4.3. There is a legal duty not to allow or cause water pollution and the Environment Agency has the ability to control discharges to watercourses. Given the international SAC status of the River Avon, protecting the water environment is an important issue in South Wiltshire. Proposals which are likely to have an impact on the water environment will receive careful consideration by the LPA in consultation with the Environment Agency.
- 4.4. The Council has a responsibility for monitoring air quality within their area and where air pollution exceeds national standards, the Council can designate Air Quality Management Areas (AQMA). When an AQMA is designated, the Council also has the responsibility of producing an Air Quality Action Plan, which sets out what the council intends to do about poor air quality.
- 4.5. Within the South Wiltshire, there are problems with air pollution, particularly transport generated emissions, in Salisbury which has a designated AQMA. This is shown on the proposals map but covers the following areas...
  - Salisbury City Centre
  - Wilton Road / St Pauls Roundabout
  - London Road/ St Marks Road around St Marks Roundabout
- 4.6. The LPA will seek to ensure that new development, particularly commercial, industrial and traffic generating uses do not result in unacceptable levels air pollution. Developers will be expected to take air quality issues into account when designing their proposals. Within AQMA's, development will need to be accompanied by an air quality assessment which shows how the proposal contributes to air quality improvements.
- 4.7. Air quality can be an important issue outside AQMAs and development proposals for commercial, industrial and traffic generating uses may require an air quality assessment. Early liaison between the developer and the Council's environmental protection team will ensure that the appropriate level of consideration at the design stage.
- 4.8. Development can also cause pollution through excessive light, noise, smell or vibration. All of these types of pollution have the potential to be detrimental to the natural environment and human health. The LPA will also need to consider the impact of these

types of pollution and may have to use planning conditions/ or legal agreements to help limit the impact of pollution.

- 4.9. Although there is not a legacy of widespread heavy industry in South Wiltshire, there are commercial uses which are a source of noise and pollution. When considering a proposal for development, the presence of potentially polluting uses close to the site will be taken into account. Developers of potentially contaminated sites must carry out a risk assessment of the potential contamination having regard to the proposed end use. Where unacceptable risks are identified, the developer must demonstrate the measures they will employ to remediate contaminated sites and to prevent pollution of ground water.
- 4.10. Some uses, such as hospitals, housing and schools are particularly sensitive to noise. These sensitive uses should be steered away from existing noise generating uses, such as roads and railways. Where development is proposed near noisy areas, measures should be incorporated into the development which reduces the detriment to amenity to an acceptable level. These measures might include noise reducing construction materials, planting and the general layout of the development.

#### **Waste**

- 4.11. In a two tier local government system, the responsibility for ensuring that waste audits were submitted with planning applications rested with the district council's. However, given the move in April 2009 to a unitary authority, county and district councils will form one LPA.
- 4.12. Since the waste and minerals core strategy and subsequent documents will form a part of the Wiltshire wide LDF which the planning applications will have to be in accordance with it. As such, a separate policy on waste audits does not need to be provided within the South Wiltshire Core Strategy. However reference still needs to be made within the document to ensure that future developers are clear of the requirement for waste audits.
- 4.13. The wise use and reuse of resources during development, as advocated by waste audits are key principles of sustainable development. Successful implementation will only come about if early consideration is given to waste and recycling matters at the design stage. In light of this, it is considered that the requirement for waste audits should be sign posted within the sustainable design policies contained within the South Wiltshire core strategy.

#### **Contaminated Land**

- 4.14. As mentioned above, South Wiltshire does not have a particularly industrial past and does not therefore have large areas of potentially contaminated land. However, the reuse and redevelopment of brownfield land is an important element of the plan. There may be instances where brownfield land being proposed for redevelopment may be affected by contamination from the previous use of the site.
- 4.15. The developer of a site is responsible for ensuring that development is safe and suitable for the future use being proposed. On sites that are known or suspected of being contaminated the developer will be expected to provide a full assessment of contamination and details of any remediation works. Development will only be permitted where it can be demonstrated that contamination will not cause a risk to health, safety or the environment.

- 4.16. The industrial nature of Churchfields and previous uses at the site are likely to be affected by contamination. To a lesser extent, previous uses on the Central Carpark could also give rise to contamination issues. Early assessment of the potential for contamination at both of these sites is recommended to ensure that any remediation works are identified at the design stage.

## **Core Policy**

### **Contaminated Land**

#### **Core Policy 42 - Contaminated Land**

On land known to be or suspected of being contaminated, or where development may result in the release of contaminants from adjoining land, development will only be permitted where:

- It can be demonstrated that there is no significant harm, or risk of significant harm, to health or the environment or of pollution of any watercourse or ground water
- Any necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future.

### **Pollution Control**

#### **Core Policy 43 - Environmental Pollution**

Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that measures can be implemented to minimise emissions to levels that protect health, environmental quality and amenity. When determining planning applications, consideration will be given to the following issues

- The likelihood of noise, smell, vibration or other emissions that having an unacceptable affect on the amenity of local area.
- Whether there is a quantifiable risk that human health may be affected by the proposal.
- The potential impact on the environmental quality and quantity of ground water sources and water bodies, especially the River Avon SAC.
- The potential for unacceptable light pollution from sky-glow, glare or intrusion onto other property or land.
- The potential impact on designated AQMAs.

An appropriate impact assessment should be submitted with the planning application and should detail any mitigation measures needed to make the development acceptable.

### **Waste**

*Policies connected to waste development are contained within the Waste Core Strategy and Development Control Policies DPDs. In light of this, there is no need to repeat these policies within the South Wiltshire Core Strategy. However, reference to the need for waste audits in new developments should be made in the South Wiltshire Core Strategy Design policy.*

## **5. Changes as a result of Sustainability Appraisal, Strategic Environmental Assessment, Habitats Regulations Assessment and editing refinement**

### **The nature of the suggested changes**

- 5.1. The draft core strategy and the initial policy text shown above were subjected to a sustainability appraisal (SA) Strategic Environmental Assessment Regulations (SEA) and also appraisal under the Habitats Regulations,. These appraisals produced a number of recommendations for how to improve and strengthen the policy
- 5.2. At the same time as the SA, SEA and HRA assessments, the initial draft of the core strategy was subjected to editing to ensure that central and regional policy was not repeated and to take account of recommendations for Government Office of the South West (GOSW). These editing changes resulted in numerous structural changes to the document and also the removal of a number of policies.

### **The suggested changes: Contaminated land**

- 5.3. The SA/SEA appraisal of this policy concluded that it performs well against the sustainability criteria. In light of the fact that no adverse impacts were highlighted, the SA/SEA has not recommended any changes to the policy.
- 5.4. The HRA of the core strategy does not make any specific recommendations relating to the contaminated land policy. However, this policy was contained within the development management section of the core strategy, much of which has been removed following editing. These development management policies will now be delivered through the production of a Wiltshire wide DPD. As a result of this, the contaminated land policy will be deleted from the core strategy but further investigated during production Wiltshire wide development management DPD.

### **The suggested changes: Environmental Pollution**

- 5.5. The SA/SEA appraisal of the environmental pollution policy concluded that it performed well against the SA objectives. The appraisal concluded that the policy could result in long term benefits to human health and wellbeing, biodiversity and the protection of the countryside. As a result of the positive appraisal the SA/SEA has not recommended any changes to the policy.
- 5.6. The HRA notes that the environmental pollution policy provides an opportunity to better protect the River Avon SAC through the control of water quality. However the HRA highlights that the EA has control over discharges from point sources such as urban surface water. The HRA concludes that under the Water Resources Act 1991 it can be assumed that the potential effects of discharges from developments can be regulated at the project level. The HRA also highlights the potential impact of air pollution from increased road usage on sensitive N2K sites. The HRA has recommended that the policy is strengthened by making specific reference to the need to secure improvements in air quality at the application stage.
- 5.7. As with the contaminated land policy, this policy was contained within the development management section of the core strategy, much of which has been removed following editing. These development management policies will now be delivered through the

production of a Wiltshire wide DPD. Many of the elements within this policy, such as air quality noise and disturbance and light pollution, will be explored further in the development management DPD. Given that the HRA has concluded that the protection of water quality is adequately covered by legislation outside of planning, this element of the policy does not need to be carried forward in the core strategy.

**Conclusion**

- 5.8. In light of the above, both the contaminated land and pollution control policies (42 and 43 respectively) will be removed from the core strategy. This is in an effort to avoid repetition of other national or regional planning guidance or other legislation outside planning. The need for further policies that cover these issues will be further explored in the Wiltshire wide development management DPD.