

Eastleigh Borough Local Plan (2016-2036)

Adopted April 2022



Management Plan identifies the areas likely to be affected by both erosion and flooding over the years 2005-2105. The policy seeks to prevent development that would worsen these conditions, or give rise to a need for new flood defence or coast protection measures. This is due to the need to preserve the rare invertebrate communities that colonise the Netley cliffs.

Notes:

- i. Applications for dredging will be determined by the Marine Management Organisation and lie outside of the planning jurisdiction of the Borough Council.
- ii. Water supply and waste water infrastructure are addressed in a general policy relating to public utilities – see policy DM9.

Pollution

Relevant issues and objectives

Issues (Chapter 2): G9

Objectives (Chapter 3): i, v, vi, viii

Related local and national strategies/policies (see Appendix B)

Source	Reference/title
Eastleigh Borough Council	Eastleigh Air Quality Management Area M3 Air Quality Management Area
	Hamble Lane Air Quality Management Area
	Botley Air Quality Management Area
Environment Agency	South East River Basin Management Plan
NPPF	Paragraphs 120-125

- 5.42 The Borough is subject to various types of pollution, in particular air pollution from traffic, noise from major roads and the airport, and land contamination from industrial activity and the tipping of waste.

Policy DM8, Pollution

1. **Development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through:**
 - a. **air pollution (including odours or particulate emissions);**
 - b. **pollution of surface, underground, coastal waters or other watercourses;**
 - c. **noise or vibration;**
 - d. **light intrusion, both generally and with respect to the South Downs National Park's status as an International Dark Night Skies reserve; or**
 - e. **land contamination.**

2. **Development susceptible to particular forms of pollution will not be permitted:**
 - a. where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects; or
 - b. where it would inhibit existing economic or other activities giving rise to acceptable polluting effects.
3. **Where a development site is known or suspected to be contaminated, before the site is developed the Borough Council will require the contamination to be remediated to a standard where as a minimum it cannot be defined as 'contaminated land' under Part IIA of the Environmental Protection Act 1990.**

- 5.43 Government advice in the NPPF makes it clear that the prevention of pollution is a planning concern. The Borough Council will give considerable weight to ensuring that new development does not give rise to new pollution, suffer from existing sources of pollution, or inhibit legitimate economic activities giving rise to otherwise acceptable polluting effects (e.g. noise). Development proposals that may adversely impact upon European designated sites must comply with Habitats Regulations. The Council will prepare a Supplementary Planning Document providing guidance on assessing pollution, criteria that will be used in assessing the likely pollution impacts of development proposals, and preferred measures to prevent, minimise or mitigate impacts.
- 5.44 Developers will be required to undertake the necessary surveys and provide information about how pollution impacts will be managed with their proposals. This includes providing a Construction Environmental Management Plan (CEMP) to address any impacts during construction phases. For development that is likely to give rise to pollution, or be susceptible to existing pollution, and sites that are known or suspected to be polluted, developers are advised to undertake early consultation with the Environment Agency and the Council's Environmental Health Service. Pollution includes effects likely to arise from demolition or construction activities on the site. Where permission is only given on the basis that polluting effects will be mitigated or remediated, the Council may remove permitted development rights from the site.
- 5.45 Where development sensitive to or likely to generate pollution is proposed, adequate information in the form of site reports and assessments carried out by a competent person must be supplied with the planning application to allow the potential or actual impacts to be assessed. Details of any mitigation required should be supplied to the Council for approval prior to commencement of the scheme. Further assessments and reports will also be required to show that the polluting effects have been controlled to the agreed standard, and that the mitigation or remediation measures taken will remain effective for the lifetime of the pollution risk identified. Where the risk of pollution is severe, the Council may restrict occupation of the development until satisfied that the pollution has been addressed.
- 5.46 The standard of investigations, assessments, including risk assessments, remedial schemes, and verification reporting must be that of current UK good practice. The intended SPD will provide further guidance and advice on the investigation and assessment of pollution effects.
- 5.47 **Air quality:** The Council has an on-going duty to review and assess air quality, and has declared a number of air quality management areas (AQMAs) associated with traffic. Air quality will be a material consideration:
- within and adjacent to such areas, or
 - where the development could give rise to the need for such an area to be designated, or
 - where the development would prevent an air quality action plan being implemented.

The Borough Council will require developers to address means of mitigating air pollution, in particular measures to reduce traffic congestion (including the implementation of Travel Plans by businesses and developers). While the provision of green infrastructure such as trees has been shown to have some beneficial effects on ambient air quality (and the Council will seek the replacement of at least two trees for each one lost in Eastleigh), this cannot be regarded as a measure that will be effective on its own in addressing air pollution in the designated AQMAs. Planning Practice Guidance states that measures should be specific to the location and development and proportionate to the likely impact. It provides a list of examples of mitigation that could be used to address air pollution.

- 5.48 **Water:** the legal requirements of the Water Framework Directive require full consideration to the quality and quantity of ground and surface water bodies in order to meet at least 'good' status or 'good ecological potential' in all water bodies by 2027. The Council has a role in supporting the delivery of these objectives. It is essential that development does not cause deterioration in the status of water bodies. Where possible, schemes to enhance the status of the water bodies should be undertaken.
- 5.49 **Noise:** The adverse effects of exposure to excessive noise and vibration on health and quality of life are well documented and recognised as a material planning consideration. The Council supports the approach of the Noise Policy Statement for England in relation to the effective control of noise within the context of sustainable development. Any proposals likely to generate noise (including demolition and construction noise) will be expected to take account of the impact of this on any noise sensitive population, including those using recreational areas. 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. In doing so, developers must avoid significant adverse noise impacts to residential amenities. Development proposals should ensure that they mitigate and minimise adverse noise impacts and, where possible, contribute to the improvement of health and quality of life. Where necessary, the Council will require a noise assessment which will be expected to:
- identify all significant sources of noise;
 - assess the likely short and long term impacts of noise generated or exposure to noise; and
 - propose noise protection measures.

Wherever possible, developments should use site and building layout and design to manage levels of noise on development sites. Where acceptable internal noise levels cannot be met with open windows, alternative ventilation will be required. Where the development site is affected by air pollution in addition to noise, early consideration of the location of air ventilation inlets is recommended. The following standards will be used to assess the acceptability of development proposals affected by steady external noise sources:

In respect of the Solent and Southampton Water SPA and Ramsar sites and supporting habitat, construction noise should be kept below 69dBA max either alone or in combination with other developments (measured at the sensitive receptor which is the nearest point of the SPA/Ramsar or supporting habitat) during the bird overwintering period, or works timed so that they do not coincide with the wintering bird season. Natural England will provide advice on a case by case basis where construction noise exceeds 69dBA max.

Standards for Maximum Ambient Noise Levels (in spaces when they are unoccupied) for Dwellings Subject to Transport-Related Noise			
Living Area	Night-Time (2300-0700) LAeq, 8hr	Daytime (0700-2300) LAeq, 16hr	Additional Requirements
Bedrooms	30	35	1. Individual noise events must not normally exceed 45 dB LAmax (measured with fast time-weighting) during the night time. 2. Provision of suitable means of sound attenuating ventilation to allow for the fact that opening windows will render noise insulation ineffective.
Living Rooms	-	35	Provision of suitable means of sound attenuating ventilation to allow for the fact that opening windows will render noise insulation ineffective.
Gardens ^a	-	55	Balconies will need to meet the same standard unless it is clear that they are not intended to be an outdoor living area, for example due to their small size.

Note – Levels based on Table 4 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. Where development site affected by non-steady noise source, commercial or industrial noise, or noise that does not follow a typical diurnal pattern, the acceptability of noise levels will be determined on a case by case basis.

a – This standard applies to main gardens (usually rear gardens) only, but not communal gardens.

- 5.50 **Light:** Lighting can have a significant impact on people's perception of their environment and the South Downs to the north east of the Borough is specifically designated as a Dark Sky reserve due to its low levels of light pollution (the areas of the National Park closest to the Borough are designated as Dark Sky Zone E1 (b) Transition Zone in the South Downs Local Plan dark night skies policy). At night, the main distinction between urban and rural areas is that the former are lit and the latter are not. Light spillage is a material consideration because it can cause discomfort and loss of privacy and obscure the night sky. However, well designed lighting can improve people's perception of public safety and the environment. Lighting to the sky, onto hedgerows and directly into waterways can cause impacts on bats, nocturnal species and migratory fish. The Council will seek to ensure that lighting from development does not cause unacceptable environmental or amenity impacts, whilst also providing appropriate illumination (for example in respect of highway and community safety or sporting facilities).
- 5.51 **Land contamination:** Where a proposed development site is known or suspected to be contaminated, or where sensitive development is proposed, the responsibility lies with the developer to demonstrate that it can and will be made suitable for the proposed use with a satisfactory standard of residential amenity provided. This means that the developer must be able to assure the Council that there is no unacceptable short or long term risk of harm to human health, the environment, property and/or pollution of controlled and designated waters.
- 5.52 Assessments of land contamination are expected to follow the advice contained in CLR11 Model procedures for the management of contaminated land, and British Standard BS 10175:2011 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice', and BS 8576:2013 Guidance on investigations for ground gas, permanent gases and Volatile Organic Compounds (VOCs) or as subsequently updated. A typical site assessment would be

carried out by a competent person and would include:

- **Site Characterisation** – desk study and/or site investigations that allow for the previous use, contaminant, pathway and receptor linkages to be identified and develop a conceptual model of the site;
- **Risk Assessment** – characterisation and assessment of the impacts of the risks posed to proposed and existing receptors from the hazards identified; and
- **Remediation Scheme** – identification of appropriate risk management measures (remedial works or protective measures) to mitigate unacceptable risks. This will include appropriate verification, validation and certification to ensure compliance with the scheme.

Public utilities and communications

Relevant issues and objectives

Issues (Chapter 2): P11, G11

Objectives (Chapter 3): v, xi, xii

Related local and national strategies/policies (see Appendix B)

Source	Reference/title
PfSH	Economic Development Strategy 2010
	Integrated Water Management Strategy
Solent Local Enterprise Partnership	Solent LEP Vision July 2011
Hampshire County Council	Hampshire Faster Broadband Initiative
Southern Water	Water Resource Management Plan
Portsmouth Water	Water Resource Management Plan
NPPF	Paragraphs 42-46

Policy DM9, Public utilities and communications

1. The development of new and improvement of existing utilities infrastructure essential to meet the needs of new and existing communities will be encouraged and permitted subject to the other policies of this plan. In the event of conflict with other policies of this plan the Borough Council will require a full justification including an assessment of alternative means of provision.
2. New development will only be permitted if the essential utilities infrastructure including communications infrastructure required to serve it is available. Where off-site utilities infrastructure is not adequate to serve a development site, developers will be required to contribute to the costs of new off-site provision in consultation with the utilities providers.