Hull City Council

Hull Local Plan: 2016 to 2032

Environmental Quality
Supplementary Planning Document 3

March 2019

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INTRODUCTION

1.1 This Supplementary Planning Document (SPD) supplements policies in the Hull Local Plan 2016 to 2032. It provides additional planning guidance on Policy 47 - Atmospheric Pollution, Policy 48 - Land Affected by Contamination, Policy 49 - Noise Pollution and Policy 50 - Light Pollution.

1.2 The quality of the physical environment is vitally important for human health. The National Planning Policy Framework (NPPF) states that the planning system should contribute to, and enhance the natural and local environment by:

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air and water quality : and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

1.3 Air pollution and poor air quality are known to have a detrimental impact on human health and a damaging effect on ecosystems. It has been estimated that outdoor air pollution causes around 40,000 early deaths a year in the UK (source: Royal Colleges of Physicians and Paediatricians and Child Health - 2016). For Hull, following research carried out by the Committee on the Medical Effects of Air Pollution in 2015, it is estimated that 4.8% of deaths among those aged 30+ years are attributable to air pollution (compared to 4.7% for England). Emissions of some airborne pollutants are known to damage the health of ecosystems, often in a subtle and long term way. Many sensitive areas of the UK are still adversely affected by air pollution and are in an unfavourable condition, despite the reduction in national emissions of SO_2 and NO_2. The Government is supportive of the World Health Organisation’s aim to tighten controls for Particulate Matter. Air

pollution and better air quality are therefore crucial issues and national planning guidance suggests that the planning system should support effective air quality management.

1.4 The reusing of land that has been previously developed (brownfield land) is a core planning principle of the NPPF and is central to its ambition of delivering sustainable development. When brownfield land has been affected by contamination, its successful remediation ensures that any unacceptable risk to health or the environment is dealt with appropriately, so that the land is made suitable for use again. The urban nature and industrial past of Hull means that this reuse of potentially contaminated land is crucial for the city's continued economic growth.

1.5 Noise and light pollution can have a harmful effect on the local environment and compromise human health and wellbeing. Typically, exposure to excessive noise and intrusive light nuisance can lead to an individual's stress and discomfort and the wider community's annoyance.

1.6 This SPD has been prepared to guide applicants through the planning process to ensure that Hull's physical environment is not harmed by a planning proposal and that any significant adverse impacts of a development scheme are addressed at the most appropriate stage of the planning process. It should be noted that the control of processes or emissions themselves and pollution control are under the remit of other agencies, including the Environment Agency, the Health and Safety Executive and the Council through its environmental health responsibilities. The planning policies covered by this SPD are only concerned with ensuring that a development is an acceptable use of land and buildings and that the predicted impacts of a proposal's implementation have been considered appropriately.

1.7 Certain planning applications by virtue of their nature, size or location are likely to have significant effects on the environment and as such

may fall within the scope of the Environmental Impact Assessment (EIA) Regulations 2017. Where this is considered to be the case, the applicant will be required to comply with the Environmental Impact process under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Although this requirement is a separate process and the EIA will be considered along with any other information required by this SPD. Alongside the aforementioned EIA process requirements, for such developments, and particularly where major developments are proposed, a Transport Impact Appraisal on the SRN will also be required to support the development proposals where appropriate.

POLICY BACKGROUND

2.1 The NPPF requires that Local Plan policies and development management decisions should ensure that new development is appropriate for its location in order to prevent unacceptable risk from pollution. Paragraph 180 states that:

- new development should take into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. For Hull, particular regard should be made of the Humber Estuary International Site as it is a sensitive receptor.

Air Quality

2.2 The planning system has an important role to play in helping to manage local air quality. Paragraph 181 of the NPPF states that planning policies should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and

enhancement. Planning decisions should ensure that any new development, particularly one in an Air Quality Management Area is consistent with the local air quality action plan.

2.3 National Planning Practice Guidance (PPG) also refers to why planning should be concerned about air quality. The 2008 Ambient Air Quality Directive sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health such as particulate matter (PM_{10} and $PM_{2.5}$) and nitrogen dioxide (NO_2). And Defra carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with national limits. In addition local authorities carry out reviews and assessments of their area and compare the findings to the national air quality objectives. If these objectives are not met, or at risk of not being met, the local authority concerned, must declare an Air Quality Management Area and prepare a Local Air Quality Action Plan. This identifies measures that will be introduced in pursuit of the objectives and can have implications for planning.

2.4 In terms of plan making the PPG stresses that it is important to take into account air quality management areas and other areas where there could be specific requirements or limitations on new development because of air quality. The PPG goes on to give examples of local air quality management regime issues that the Local Plan may need to consider including:

- the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments;
- the impact of point sources of air pollution (pollution that originates from one place); and,
- ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development, including supporting measures in an Air Quality Action Plan or a Low

Emissions Strategy, where applicable.

2.5 Local planning policy for Hull is contained in the Hull Local Plan 2016 to 2032. The relevant policy concerning air quality management is contained in Policy 47 and is repeated below.

Policy 47
Atmospheric Pollution

1. Applications for residential development within the Air Quality Management Area as shown on Map 1(see Appendix A) must be accompanied by an assessment of air quality. Residential development in the NO_2 Area of Exceedance as shown on Map 1 will not be allowed unless it can be demonstrated how the air quality within the building will be brought within acceptable limits.

2. An assessment of air quality must accompany applications for major development which could individually, or cumulatively with planning permissions and/or developments under construction:

   a. worsen air quality within an Air Quality Management Area;
   b. lead to the creation of a new Air Quality Management Area;
   c. increase the number of sensitive receptors within an Air Quality Management Area; or
   d. have a detrimental impact on local air quality anywhere in the city.

3. The scope of any assessment of air quality should be agreed prior to the submission of a planning application and will be required to:

   a. identify the site, development proposal and area in which the impacts will be assessed;
   b. assess the existing air quality;
   c. assess the impact of the proposal on air quality individually and in conjunction with any outstanding planning permission or development under construction; and
   d. identify mitigation measures and quantify the impact of those measures.

4. In additional to criteria 2 and 3 above, if the development is located within 200m of the Humber Estuary SAC, the application should specifically address the impact of the proposal on the SAC designated saltmarsh. Where effects cannot be avoided, appropriate mitigation measures should be provided to ensure that there is no adverse effect on the integrity of the Humber Estuary SAC.

5. Development which cannot appropriately mitigate air quality concerns, including dust and odour, will only be supported where the social and economic benefits significantly outweigh the negative impact on air quality.

2.6 Hull Local Transport Plan (LTP) 2011- 2026 also sets out an objective of improving Air Quality. Local Transport Objective 4 is 'To promote a healthier city through improving air quality and encouraging active travel'. The LTP identifies the A63/A1033 Trunk Road as a particular concern, highlighting that the Castle Street section as one of the busiest roads in the city region and one of the highest flow non-motorway dual carriageway routes in the country. Congestion has been a major problem on this route for over 20 years (this is demonstrated by the fact that the peak hour flows have not been able to increase for the last 10 years as the road has been effectively "at capacity"). The route has been classified by the Highways Agency as suffering severe "stress" (flow/capacity ratio) which is its worst classification category. High congestion levels and the mix of heavy vehicles on this section of the trunk road has led to unacceptable levels of traffic pollution, with NO_2 levels above the European threshold and hence its subsequent declaration in August 2005 as an **Air Quality Management Area** (AQMA).

2.7 This AQMA was declared as a result of the requirements of the Local Air Quality Management (LAQM) process as set out in Part IV of the Environment Act (1995) and subsequent Regulations. The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the national and local air quality objectives are likely to be achieved.

Where exceedences are considered likely, the local authority must then declare an AQMA and prepare a **Local Air Quality Action Plan** (AQAP) setting out the measures it intends to put in place in pursuit of the objectives. A city wide Action Plan has been developed in consultation with other key stakeholders including the Highways Agency, to address the NO_2 issue. The draft Action Plan was subsequently reviewed by DEFRA and the changes that they recommended were included in the final plan which was adopted by the Council in autumn 2007. This has since been amended and incorporated into the Council's Air Quality Strategy. Defra have said they strongly support this as it shows the LA's commitment to improving air quality.

2.8 Air Quality Progress Reports are required to be produced by the Council to maintain continuity in the LAQM process. They are not intended to be as detailed as the Action Plan, however if the progress report identifies the risk of exceedence of an Air Quality Objective, the Council must undertake a Detailed Assessment immediately, and not wait until the next round of the Action Plan process. The last Air Quality Progress Report was prepared in June 2017 and based on monitoring data collected by KHCC and DEFRA. The report showed the following headline trends:

- most recent assessments have revealed no significant changes in measured levels or predicted emissions;
- the situation is as previously reported, with the AQMA remaining in place along the A63, and no other AQMAs are proposed; and
- the primary single source of 'exceedence generating' in the AQMA is traffic related, and measures are being progressed by the Highways Agency (HA) which are hoped to address this.

2.9 In addition to these measures in the LA Air Quality Strategy and those being progressed by the HA, the LTP aims to limit congestion in the

AQMA so any planning application that has a potential impact upon traffic levels or composition should take into account policies within the LTP and how they relate to air quality.

2.10 The air quality objectives applicable to LAQMs in England are set out in the Air Quality (England) Regulations 2000 (SI 928), The Air Quality (England) (Amendment) Regulations 2002 (SI 3043) and are shown in Table 1(below). This table shows the objectives in units of micrograms per cubic metre µg/m^3 (milligrammes per cubic metre, mg/m^3 for carbon monoxide) with the number of exceedences in each year that are permitted (where applicable).

Table 1 - Air Quality Objectives included in Regulations for the purpose of LAQM in England*

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured by	
Benzene	16.25 µg/m^3	Running annual mean	31.12.2003
	5.00 µg/m^3	Annual mean	31.12.2010
1,3-Butadiene	2.25 µg/m^3	Running annual mean	31.12.2003
Carbon monoxide	10 mg/m^3	Running 8-hour mean	31.12.2003
Lead	0.50 µg/m^3	Annual mean	31.12.2004
	0.25 µg/m^3	Annual mean	31.12.2008
Nitrogen dioxide	200 µg/m^3 not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 µg/m^3	Annual mean	31.12.2005
Particulate Matter (PM^{10}) (gravimetric)	50 µg/m^3, not to be exceeded more than 35 times a year	24-hour mean	31.12.2004
	40 µg/m^3	Annual mean	31.12.2004
Sulphur dioxide	350 µg/m^3, not to be exceeded more than 24 times a year	1-hour mean	31.12.2004
	125 µg/m^3, not to be exceeded more than 3 times a year	24-hour mean	31.12.2004
	266 µg/m^3, not to be	15-minute mean	31.12.2005

	exceeded more than 35 times a year		

* These are the latest national air quality objectives contained in the Air Quality Progress report for Hull City Council - June 2017 but these objectives could be subject to change.

Land affected by contamination

2.11 Failing to deal adequately with land contamination can be damaging to human health, property and the wider natural environment. It could also limit or preclude new developments and undermine EU Directives. National planning guidance gives clear advice that planning policies and decisions should ensure that sites are suitable for their new use taking account of ground conditions. Land can be contaminated by natural hazards or more usually for an urban area such as Hull, former activities, including industrial and commercial usage and the land-filling of waste, pollution arising from these activities and land remediation or impacts on the natural environment arising from that remediation. Paragraph178 of the NPPF adds:

- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, should be prepared by a competent person.

2.12 And Paragraph 179 reminds applicants that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

2.13 The guidance highlights that the planning system works with other agencies and other Local Authority controls in dealing with the issue of contaminated land, including the Environment Agency who are a statutory consultee for planning applications involving contaminated or potentially contaminated sites and regulate the Environmental Permitting Regulations (which are normally required to cover the treatment and/or redeposit of contaminated soils, if the soils are ‘waste’). Local Building

Control Regulations also require reasonable precautions to be taken to avoid danger to health and safety caused by contaminants, in ground to be covered by buildings.

2.14 Local planning policy concerned with land affected by contamination is contained in Policy 48 of the Hull Local Plan 2016 to 2032 and repeated below.

Policy 48
Land Affected by Contamination

1. Developments which:
   a. involves the development of land known or suspected to be contaminated; and/or
   b. would have a vulnerable end user; and/or
   c. could create a new pathway between a contamination source and a vulnerable receptor (including local, national and internationally designated wildlife sites and the groundwater aquifer) must be accompanied by an appropriate contamination assessment.
2. Development will be supported where it has been demonstrated that appropriate mitigation can be carried out and will have conditions attached to require the appropriate works to be carried out.

2.13 All site assessments should be carried out in accordance with the **Investigation of potentially contaminated sites – Code of practice** (British Standard 10175: 2011+A2: 2017) and by a competent person as stated in Paragraph 178 of the NPPF. The NPPF defines a 'competent person' as a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution, and membership of a relevant professional organisation.

2.14 The Code of practice contains recommendations and guidance applicable to the investigation of all potentially contaminated sites and also to land with naturally elevated concentrations of potentially harmful substances.

Noise and light pollution

2.15 Noise and its impact on those affected by it are a subjective issue. At its lowest level, together with the time of day it occurs, noise can be deemed as unnoticeable, however change the type of noise it is, how continuous and how often it happens, and if it occurs at night, it can easily be considered as intrusive and unwanted to those near its source and as such classed as 'noise pollution'. As noise pollution exposure increases it can cause changes in behaviour and/or attitude of those affected by it and be judged to have a significant impact on human health and wellbeing. Paragraph 180 of the NPPF contains specific reference to noise pollution and new development and advises that planning policies and decisions should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise from giving rise to significant adverse impacts on health and the quality of life; and
- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

2.16 The **Noise Policy Statement for England** (NPSE) published by the Government in 2010 sets out the long term vision of government noise policy to *'Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'.* This vision is supported by the following aims:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimize adverse impacts on health and quality of life; and
- where possible, contribute to the improvement of health and quality of life.

It is intended that these three aims should be considered within the

context of ‘sustainable development’ acknowledging that there is a need to take into consideration the economic and social benefits of development alongside the possible adverse environmental effects, i.e. noise should not be judged in isolation from the economic, social and environmental dimensions of development proposals. Further details on the NPSE are available on the Governments website at: http://www.gov.uk/government/publications/noise-policy-statement-for-england

2.17 In addition to the above to the controls, for Hull there is the potential for noise generating development to have an adverse impact on ecological receptors, particularly birds in the Humber Estuary International Site.

2.18 Likewise light pollution or ‘obtrusive light’ can be a serious source of annoyance to people and harmful to the natural environment, again, especially along the Humber frontage where lighting could have detrimental impact on wildlife in the Humber Estuary International Site.

2.19 Paragraph 180 of the NPPF adds when considering the impacts of new development on the wider area in which it is located planning policies and decisions should:

- limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

2.20 National planning policy guidance for light pollution highlights that not all modern lighting is suitable in all locations and that as lighting schemes are often costly and difficult to change, getting the design right and setting appropriate conditions at the planning stage is particularly important.

2.21 Local planning policies for Hull are contained in the Hull Local Plan 2016 to 2032. The relevant policies concerning light and noise pollution are Policy 49 - Noise Pollution and Policy 50 - Light Pollution and are repeated below.

Policy 49
Noise Pollution

1. Development which would site noise sensitive receptors in proximity to noisy uses or areas should demonstrate that there would be an acceptable level of amenity for end users. Where this has not been demonstrated, development will not be allowed.

2. Development of noisy uses should demonstrate that adverse impacts of noise can be mitigated and that there would be an acceptable impact on the amenity of surrounding land uses, including the Humber Estuary International Site.

Policy 50
Light Pollution

Development in proximity to sensitive receptors such as residential properties or the Humber Estuary International Site should ensure that lighting is designed in such a way as to avoid an adverse impact on those sensitive receptors.

APPLYING THE POLICIES

Policy 47 – Atmospheric Pollution

The need for an air quality assessment

3.1 Whether or not a planning application needs an air quality assessment will largely depend upon what type of development it is and where it is located. To this end, it is important that air quality issues are considered early in the planning process. A pre-application discussion between developers, agents and planning officers are recommended to ensure that an application is complete, meets the necessary air quality requirements and can be appropriately assessed. As assessments are costly to prepare, it is important that the Council and whoever is undertaking it reach agreement before it is undertaken regarding its scope and methodology.

3.2 In Hull, the highest concentrations of potentially harmful pollutants are

found along the main arterial route through the city, the A63/A1033 Trunk Road and as such this has been declared an AQMA. As described earlier, the area of greatest concern is the section of the trunk road, approximately running west to east from Rawlings Way to Myton Bridge (see Appendix A), where levels of NO_2 particularly harmful to sensitive receptors such as people. Therefore Policy 47 states that all planning applications for residential developments located in the AQMA will require the applicant to submit an assessment of air quality with their submission.

3.3 In addition to the AQMA, the Local Plan has produced a list of housing, employment and mixed-use allocation sites upon which a development proposal located within them would require an air quality assessment to be submitted with the proposal at project level. These are listed in Table 2 below (and see Appendix B, C and D for location maps of allocated sites). Alongside an air quality assessment, for all sites included in Table 2, a trip generation and distribution assessment will also need to be provided so that the Statutory Consultee Highways England can ascertain whether the associated traffic generation and distribution is not detrimental to the SNR. And if this assessment does demonstrate that the proposal would generate significant additional traffic, then appropriate mitigation measures should be submitted with any subsequent planning application

Table 2 - Allocations requiring an air quality assessment at project levels.

Allocation Site Number	Location
Employment Allocation 7	Neptune Street
Employment Allocation 8	St. Andrew's Dock
Employment Allocation 22	Land at Keystore, Earles Road, South of Hedon Road
Employment Allocation 44	Queen Elizabeth Dock North
Employment Allocation 45	Queen Elizabeth Dock South
Housing Allocation 195	Fruit Market Site B

Housing Allocation 371	Marina Recreation Centre, Commercial Road
Housing Allocation 373	Humber Quays
Housing Allocation 376	63 - 71 High Street
Housing Allocation 429	Land west of, and Burnett House, Castle Street
Mixed-use Allocation 4	Fruit Market Site A
Mixed-use Allocation 5	Fruit Market Site C
Mixed-use Allocation 7	Fruit Market Site D

3.4 Other areas of the city also have moderately high levels of pollution, which are constantly monitored (as per the requirements of the Air Quality Action Plan) to identify areas of air quality concern. These include the other main arterial routes into the city (for example, Anlaby Road and Holderness Road), the area around the Transport Interchange on Ferensway in the city centre, and the traditional employment areas around the Port of Hull, along Hedon Road, the River Hull Corridor and Stoneferry Road. In these sensitive areas all potentially polluting developments will need to consider air quality, both in terms of any increase in pollution levels but also in terms of the effect existing levels have on the development itself, as well as any new sensitive receptors created from the development.

3.5 Along with the location of a development, the type, function and size of a development can influence whether an application will need to be accompanied by an air quality assessment. Therefore, when considering applications for major development (major development meaning a residential development of 10 or more dwellings or 500 sqm or more new floorspace) Policy 47 lists the following criteria for triggering the need for an assessment to accompany the proposal:

a. if the development either individually, or cumulatively would worsen air quality within an AQMA;
b. if the development either individually, or cumulatively would lead to the creation of a new AQMA;
c. if the development either individually, or cumulatively would

increase the number of sensitive receptors within the AQMA; or

d. if the development either individually, or cumulatively would have a detrimental impact on the local air quality anywhere in the city.

Content of an air quality assessment

3.6 This SPD does not set out a prescribed methodology for conducting an air quality assessment. This is considered an appropriate approach for the guidance, as it allows the process of producing an assessment to be continuously improved upon. Current national guidance for producing an assessment is available in the Local Air Quality Management Technical Guidance (TG16)[1] published by Defra in February 2018 and can be assessed free of charge on the Defra website at laqm.defra.gov.uk and in the environmental protection UK (EPUK)/Institute of Air Quality Management (IAQM) publication 'Land-Use Planning & Development Control: Planning For Air Quality'[2] published in January 2017. This is available on the IAQM website at iaqm.co.uk/guidance but local air quality guidance should take precedence over nationally produced advice.

3.7 The intention of an air quality assessment is demonstrate the likely changes in air quality or exposure to air pollution, as a result of the proposed development, and in turn judge the significance of impacts. The 'Air Quality Guidance for Developers and Planners' has been produced to assist applicants with planning submission to the Council (see Appendix E). This document should always be referred to for technical guidance on the contents of an air quality assessment. Ultimately, the Council will use the information provided in the assessment to determine the 'significance' of the effects of air quality impacts, and thereby the priority given to air quality concerns in determining the application.

3.8 The basis of the air quality assessment is to compare the existing situation with the situation following completion of the development.

There are three basic steps in an assessment:

I. assess the existing air quality in the study area (this is the existing baseline). If background maps are to be used, the predicted levels should be qualified against local information;

II. predict the future air quality without the development in place (future baseline should include the contribution of committed development as Policy 47 states that future impacts should be calculated in conjunction with any outstanding planning permissions or development under construction);

III. predict the future air quality with the development in place.

3.9 In addition to these basic requirements, the policy requires that the assessment also identifies the site, where it is located, and an overview of the development proposal. And it should identify mitigation measures and quantify the impact of those measures. Mitigation options where necessary, will be locationally specific, will depend on the type of development proposed and should be proportionate to the likely impact. Planning conditions and obligations will be used to secure mitigation where the relevant tests are met.

3.10 As mentioned previously, agreement should be sought between the local planning authority and the assessor on the appropriate datasets and methodologies to be used in the assessment before the work is undertaken.

Assessing significance

3.11 Assessing the significance of any impact on air quality is a crucial part of the planning decision making process. At present there is no definitive Government guidance for assessing the significance, although the appended ‘Air Quality Guidance for Developers and Planners’ offers advice on reaching this judgement.

3.12 This guidance suggests that the significance of effect that any proposal might have will typically be judged at two separate stages of the development control process, as follows:

- the first stage will be contained within the air quality report accompanying the planning application (based on the professional judgement of the assessments authors using the relevant guidance highlighted above); and
- the second stage is when the relevant local authority officer makes his/her recommendations to the planning officer.

3.13 In the second stage of this process, when the local authority is to make an evaluation of significance, the Council is committed to improving the air quality in Hull to meet the stringent health based objectives set out by the Government and to meet the air quality objectives as part of the Council's obligations under the Local Air Quality Management Regulations. These national air quality objectives are set out in Table 1 and provide the upper limit for levels and the 'Air Quality Guidance for Developers and Planners' provides the basis for accessing significance. Any development that would interfere with the Local Air Quality Action Plan (see Appendix 6 of 2017 Air Quality Strategy available on Hull City Council website at cmis.hullcc.gov.uk) and Air Quality Strategy itself; result in a breach of any national and local air quality objectives; increase relevant pollutant concentrations particularly in the AQMA or create a new AQMA will be treated as significant.

Mitigating impacts

3.14 The 'Air Quality Guidance for Developers and Planners' (Appendix E) encourages developers and applicants to work with the Council to submit proposals that ensure that new development is appropriate for its location and that unacceptable impacts on air quality are prevented. In those situations where the assessment concludes that there will be a significant effect, then there is a requirement for mitigating these residual impacts, where this is feasible.

3.15 The following examples of mitigation should be considered, although this not an exhaustive list:

- the design and layout of development to increase separation

distances from sources of air pollution and means of ventilation;

- using green infrastructure, in particular trees, to absorb dust and other pollutants. For further guidance on incorporating green infrastructure into development proposals see Natural England's 'Green Infrastructure Guidance (NE176) - available on Natural England's website at http://publications.naturalengland.org.uk/publication/35033 (Please note that this report refers to planning policies that have now been surpassed by the National Planning Policy Framework);
- promoting infrastructure to promote modes of transport with low impact on air quality, including improved cycle paths that link to the cycle network and pedestrian routes;
- controlling dust and emissions from construction, operation and demolition;
- provide electric vehicle charging points or other alternative fuel sources, including the installation of low NO_x boilers;
- travel planning including mechanisms for discouraging high emission vehicle use and encouraging model shift to public transport, cycling and walking; and
- any other measures within the Local Air Quality Action Plan and Air Quality Strategy relevant to the development.

3.16 The Council will normally use planning conditions to secure mitigation from any developments that are detrimental to air quality. It is recognised that sometimes a development proposal may have already adopted the best practice for its type of development, yet there still may be a need to implement further measures of the kind already incorporated, off-site, or provide for some form of compensating pollution control measures in the local area.

3.17 In these circumstances the developer may be required to provide further off-site mitigation measures/compensation through the use of planning obligations, usually secured through s106 agreement.

3.18 Policy 47 Paragraph 1 also states that residential development applications located within the NO_2 area of exceedence will not be given planning permission unless it can be demonstrated by design proposals that the air quality within the development (including within the homes created) will be brought into acceptable levels.

3.19 Design proposals should show how the new development will minimise public exposure to pollution sources, for example by:

- not siting habitable rooms near roadsides;
- directing combustion generating pollutants through well sited vents or chimney stacks;
- avoiding the creation of street and building configurations (such as ‘street canyons’ - streets flanked by buildings on both sides) that encourage pollution to build up where people spend time; and
- including landscaping features such as trees and vegetation in open spaces.

The need for an appropriate assessment

3.20 In addition to the requirement to provide an air quality assessment if appropriate, Policy 47 also requires that all applications for major development located near to the Humber Estuary address conservation advice for this site, as the Humber Estuary is a designated Special Area of Conservation (SAC).

3.21 As such it is protected under the Conservation of Habitats and Species Regulations 2017, which came into force on 30th November 2017. These Regulations state that a ‘competent authority’ (in this case the Council) before granting planning permission for a proposal that is likely to have a ‘significant effect’ on a European Site (either alone or in combination with other proposals) must make an appropriate assessment of the implications of the proposal on that site, in view of the site’s conservation objectives.

3.22 Therefore Policy 47 requires that major developments located within 200 sqm of the Humber Estuary SAC should provide information which would help determine the severity of the likely impacts of their proposal, both during the construction phase and when implemented, on the European Site.

Information needed to determine the likely significant effects of a development under the Habitats Regulations Assessment (HRA)

3.23 The HRA is a multi-stage process which helps determine 'Likely Significant Effects' and (where appropriate) assesses adverse effects on the integrity of a European site, examines alternative solutions to counter possible effects, and provides justification for the 'Imperative Reasons of Overriding Public Interest' (IROPI) which might allow the development to go ahead . European guidance describes a four stage process to HRA, which is explained in more detail in **Figure 1** below (on page 28).

3.24 The 2017 Habitats Regulations do not specifically say what information is required when considering whether a proposal has the potential to affect an European site, but they do specify the obligation that both the 'competent authority' (the Council) and the developer has in regard to the Habitats Regulations Assessment process. The Council's duty, as the competent authority is to make a judgement as to whether a development proposal will cause a 'significant' effect on the Humber Estuary SAC (Stage 1 of the HRA process). And in order to do this, anyone applying for planning consent must provide the Council with such information as 'may reasonably be required for the purposes of the assessment' or 'to enable them to determine whether an appropriate assessment is required'[3].

3.25 There is no standard format as to what will be 'reasonably required' by the Council, as the exact type of information required will vary from case to case, but in general, the information expected should include consideration of the potential impacts upon the Humber Estuary SAC from: increased recreational pressure from new developments, the

reduction in the area of habitat and population of key species, ongoing disturbance of species and habitats, direct or indirect changes to the quality of the habitat (including the hydrology), habitat or species fragmentation, changes in key indicators of conservation value, and air, noise or light pollution amongst others.

3.26 The Council will expect applicants to provide clear, robust evidence and data but there are no set rules guiding how long it should take to complete or how detailed the information should be, however suggested information would typically include (please note this list is not exhaustive):

- a brief **description of the development**, including details of size, scale, area, land take, etc. of the proposal. Physical changes that will result from the development (excavation, piling etc.), it's resource requirements (water abstraction, etc.), emission and waste disposal and transportation requirements, and the duration of the construction, operation and where relevant, decommissioning of the proposal;
- a **plan and brief description** of the part of the Humber Estuary SAC potentially affected by the development, including a description of its **qualifying interests** (these are listed on Natural England's website and available at designedsites.naturalengland.org.uk) and identification of its **conservation objectives** (again available on Natural England's 'designed sites' webpage).
- the **magnitude and scale** of the development (once known), using an appropriate air quality modelling technique, and what effect this would have on the Humber Estuary SAC taking into account information such as: the sensitivity of the notified or interest features and the most appropriate environmental benchmarks for each feature on the designated site (e.g. site relevant critical levels and critical loads). It is recommended that this is done using the Air Pollution Information System (www.apis.ac.uk) to obtain information about site/habitat

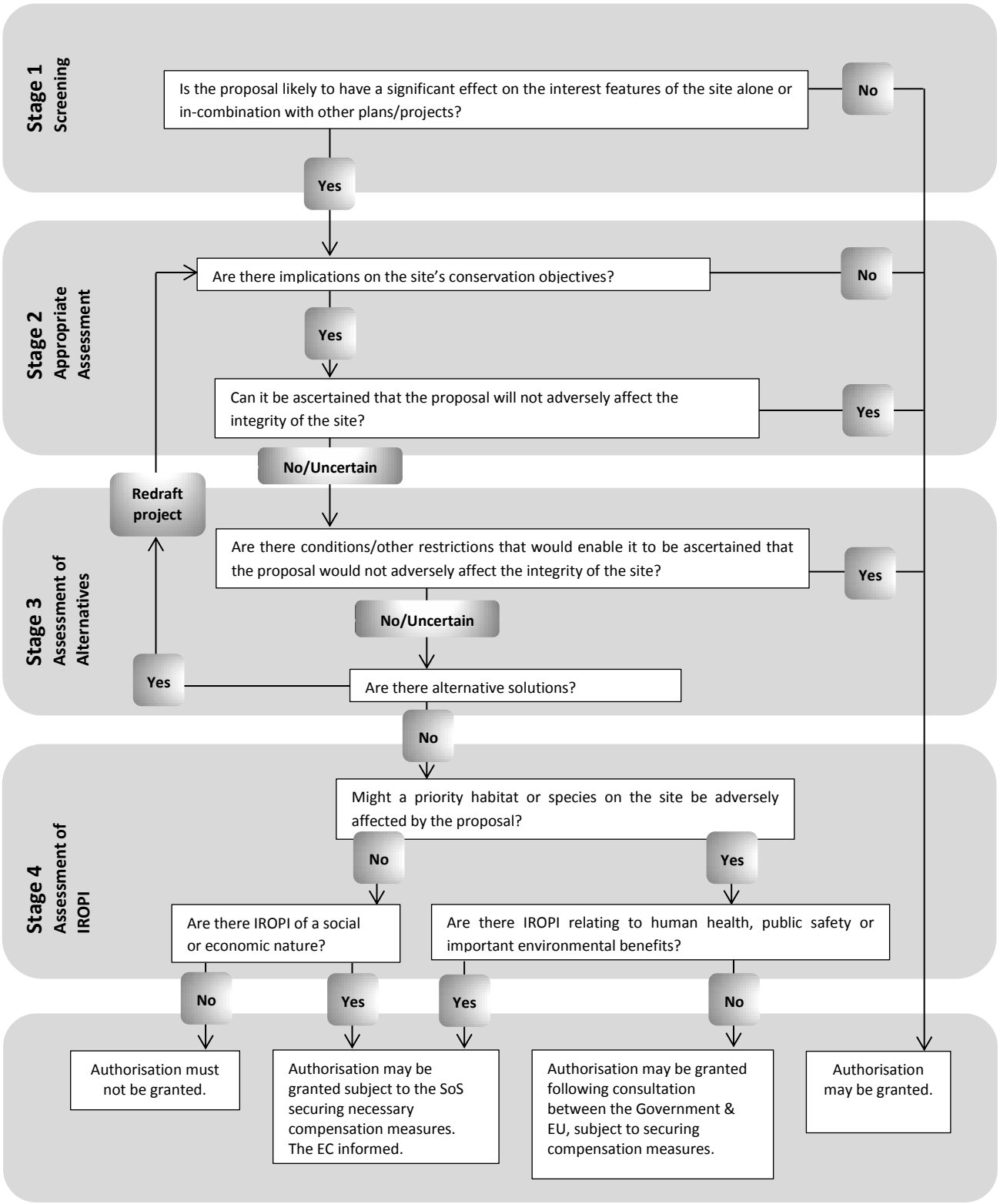
sensitivity (e.g. critical loads and levels for ecosystem protection;

- an appraisal of the effects of any other proposals which, **in combination** with the proposed development, might be likely to have an effect on the SAC. There is no comprehensive definition as to which other proposals should considered but the Council would suggest: other developments under construction; permitted application (s) not yet implemented; submitted application (s) not yet determined; and refusals subject to appeal procedures not yet determined[4];
- an identification of **potential impacts** on the European site; and
- an assessment of the **significance of the impacts** identified. To make a judgement on the 'significance' of impacts may, require further consultation with the relevant nature conservation bodies. Suggested examples of how the significance may be measured are contained in Table 3 below.

Table 3 – Examples of significance indicators[5]

Impact type	Significance indicator
Loss of habitat area	Percentage of loss
Fragmentation of habitats	Duration or permanence, level in relation to original extent
Disturbance to habitats/species	Duration or permanence, distance from site
Population density	Timescale for replacement
Water resource	Relative change
Water quality	Relative change in key indicative chemicals and other elements

Figure 1 – The HRA process



Adapted from The Planning Inspectorate – Habitats Regulations Assessment Advice Note (November 2017) which it's self was adapted from Defra (2012) Report of the Wild Birds and Habitats Directives Implementation Review (Annex E).

Policy 48 – Land affected by contamination

What is Contaminated Land?

4.1 The issue of land affected by contamination is primarily addressed under Part 2A of the Environmental Protection Act 1990 (available here via the Government's publishing website). The Part 2A regime provides a means of dealing with unacceptable risks posed by land contamination to human health and the environment. However the regime does not take into account future uses on a site, rather, it is under the remit of the planning system to consider *'the implications of contamination for a new development and ensure that a site is suitable for its new use and prevent unacceptable risk from pollution'.*

4.2 Under the Part 2A regime the starting point should be that land is not contaminated unless there is reason to considerate it otherwise. Only land where unacceptable risks are clearly identified should be considered as meeting the Part 2A definition of contaminated land. The Act provides a legal definition of 'contaminated land', Section 78A(2) states that 'contaminated Land' is 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. significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.

4.3 In determining whether land appears to be contaminated land, Part 2A of the Act takes a risk-based approach. The regime states that "risk" means the combination of: (a) the likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and (b) the scale and seriousness of such harm or pollution if it did occur.

4.4 Under the Part 2A regime for a relevant risk to exist there needs to be one or more contaminant-pathway-receptor linkages – "contaminant linkage" – by which a relevant receptor might be affected by the

contaminants in question, e.g. there must be contaminants present in, on or under the land in a form and quality that poses a hazard, and one or more pathways by which they might significantly harm people, the environment or property; or significantly pollute controlled waters. All three elements of a contaminant linkage must exist in relation to a particular site before the land can be considered potentially contaminated, and this should include evidence of the actual presence of contaminants.

4.5 The term ‘significant contaminant linkage’ as used in this regime and for the purposes of ‘risk assessments’ means a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land. And likewise the term ‘significant contaminant’ means the contaminant which forms part of a significant contaminant linkage.

When to consider contamination

4.6 Policy 48 requires that planning applications for a development located where there is a possibility of contamination in regard to the land being previously developed or where the site is adjacent to a previous industrial use, or where the end-uses of the proposal are considered to be particularly vulnerable to pollution, should be accompanied by an appropriate contamination assessment. Further guidance on when a contamination assessment is required and what should be included is contained within the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Technical Guidance (see Appendix F). A precautionary approach should always be assumed by applicants when considering this requirement. Tables 4 and 5 list potentially sensitive end-uses and industrial uses that may have historically contaminated, or potentially contaminated the land they are located on (or are neighbouring such land) – please note these lists are not exhaustive.

Table 4 – Examples of sensitive end-uses

Type of use
All residential development (houses, flats, extra care homes, etc.)
Schools
Nurseries and crèches
Children's play areas, young people's facilities and outdoor sports facilities
Public open space
Allotments
Mixed use developments including any of the above uses

Table 5 – Potentially contaminating land uses

Type of use
Smelters, foundries, metal processing & finishing works
Heavy engineering & engineering works, e.g. vehicle manufacturing and ship building
Electrical & electronic equipment manufacture & repair
Gasworks, oil refineries, petroleum storage & distribution sites
Manufacture & use of asbestos, cement, lime & gypsum
Manufacture of organic & inorganic chemicals, including pesticides, acids/alkalis, pharmaceuticals, solvents, paints, detergents and cosmetics,
Rubber industry, including tyre manufacture
Munitions & explosives production, testing and storage sites
Glass making & ceramics manufacturing
Textile industry, including tanning & dyestuffs
Paper & pulp manufacture, printing works & photographic processing
Timber treatment
Food processing industry & catering establishments
Railway depots, dockyards (including filled dock basins), garages, road haulage depots
Landfill, waste recycling, storage & incineration of waste
Sewage works, farms, stables & kennels

Scrap yards
Dry cleaning premises and all types of laboratories
Other uses and types of land that might be contaminated include:
Radioactive substances used in industrial activities not mentioned above, such as gas mantle production and luminising works
Burial sites & graveyards
Agricultural – use or spillage of pesticides, herbicides or fungicides, farm waste disposal
Naturally- occurring elevated concentration of metals and other substances

The DoE Industry Profiles give more information on possible historic contamination associated with these industries.

Content of a contamination assessment

4.7 Planning guidance issued by the Government in regard to land affected by contamination states that *'developers should provide proportionate but sufficient site investigation information (known as a risk assessment) to determine the existence or otherwise of contamination, its nature and extent, the risks it may pose to whom /what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level'.*

4.8 The guidance recommends that the risk assessment procedure should follow the guidelines laid out in the **Model Procedures for the Management of Land Contamination** (CLR11) which can be read on the CL:AIRE website at http://www.claire.co.uk/index.php?option=com_content&view=article&id=187&catid=45&itemid=256

4.9 This approach has been developed to provide the technical framework for applying the risk management process, based on a staged approach consisting of the following 4 stages:

- stage 1 – a preliminary risk assessment
- stage 2 – a generic quantitative risk assessment/detailed quantitative risk assessment

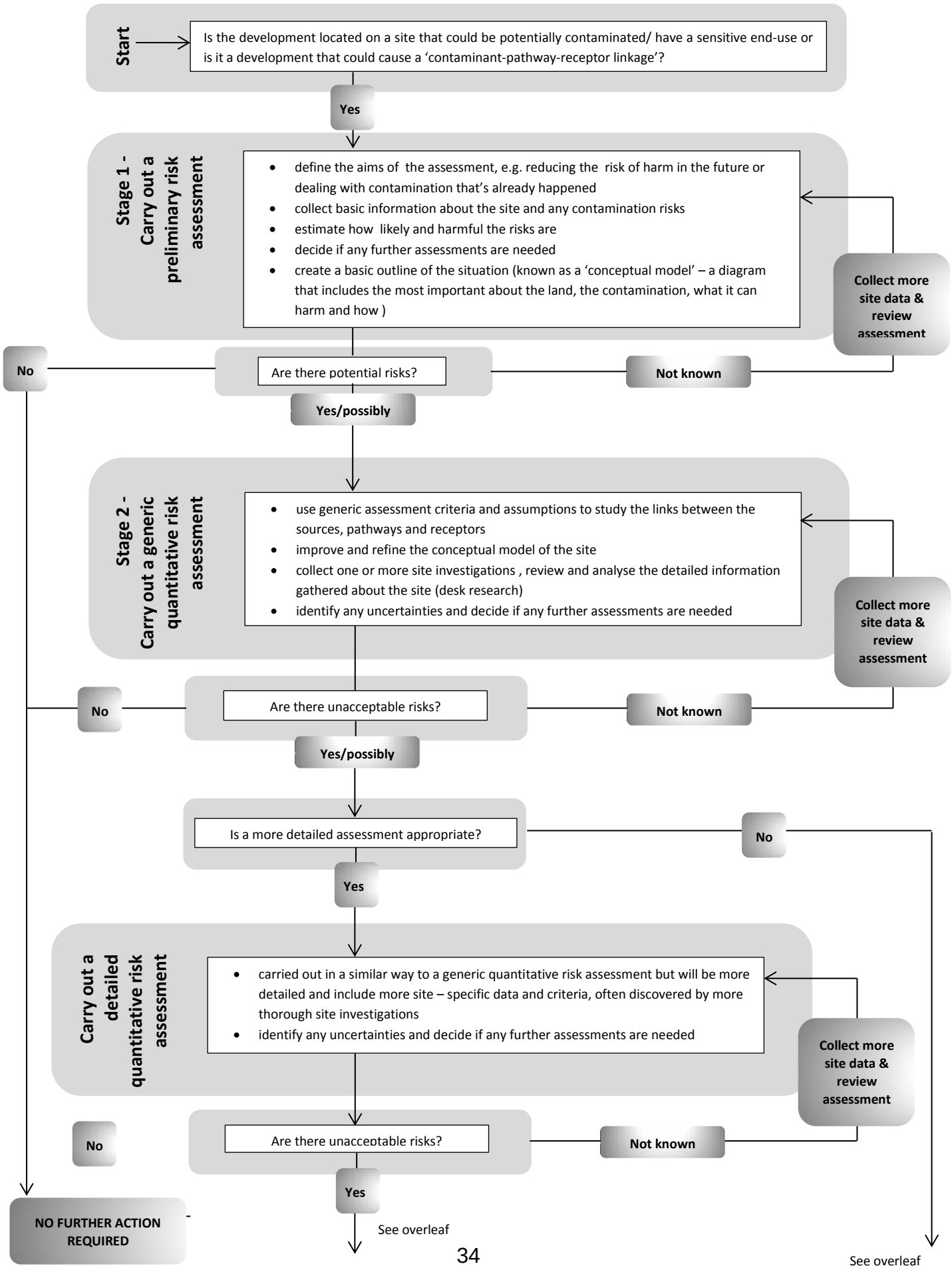
- stage 3 – manage the contamination (known as ‘options appraisal’) and develop a ‘remediation strategy’
- stage 4 – remediation implementation plan

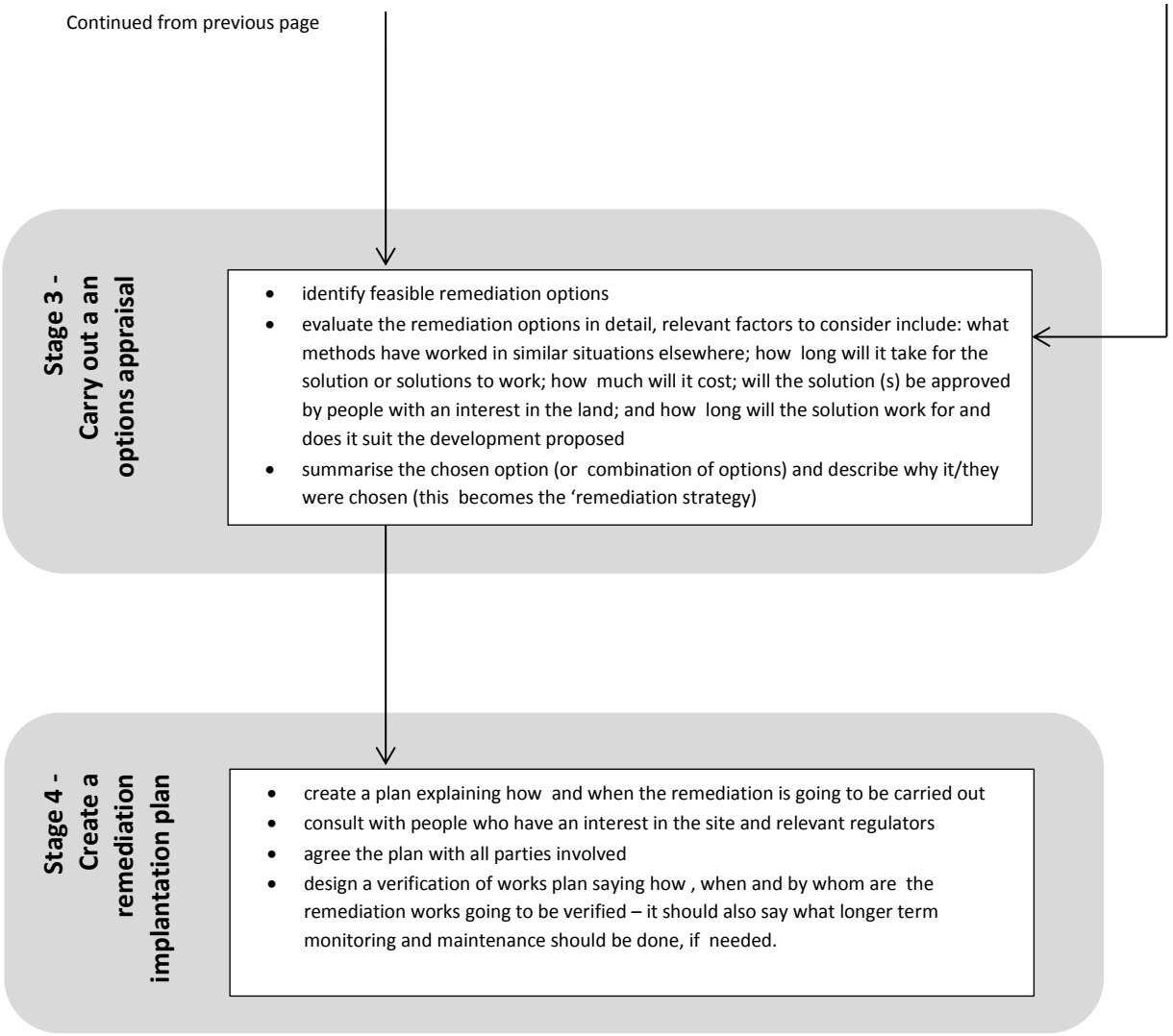
4.10 **Figure 2** below (on page 34) contains a flow chart outlining this staged process in more detail - for further guidance see the **Model Procedures for the Management of Land Contamination** (CLR11) and the **Investigation of potentially contaminated sites – Code of practice** (British Standard 10175: 2011+A2: 2017).

Granting of planning permission

4.11 Where it is satisfied that a development proposal will be appropriate, having regard to an accompanying risk assessment, the local planning authority will support planning applications located on land affected by contamination and grant permission subject to conditions relating to an approved remediation strategy and implementation plan.

Figure 2


Start
Is the development located on a site that could be potentially contaminated/ have a sensitive end-use or is it a development that could cause a 'contaminant-pathway-receptor linkage'?
Yes
Stage 1 - Carry out a preliminary risk assessment
define the aims of the assessment, e.g. reducing the risk of harm in the future or dealing with contamination that's already happened
collect basic information about the site and any contamination risks
estimate how likely and harmful the risks are
decide if any further assessments are needed
create a basic outline of the situation (known as a 'conceptual model' – a diagram that includes the most important about the land, the contamination, what it can harm and how)
Collect more site data & review assessment
No
Are there potential risks?
Not known
Yes/possibly
Stage 2 - Carry out a generic quantitative risk assessment
use generic assessment criteria and assumptions to study the links between the sources, pathways and receptors
improve and refine the conceptual model of the site
collect one or more site investigations , review and analyse the detailed information gathered about the site (desk research)
identify any uncertainties and decide if any further assessments are needed
Collect more site data & review assessment
No
Are there unacceptable risks?
Not known
Yes/possibly
Is a more detailed assessment appropriate?
No
Yes
Carry out a detailed quantitative risk assessment
carried out in a similar way to a generic quantitative risk assessment but will be more detailed and include more site – specific data and criteria, often discovered by more thorough site investigations
identify any uncertainties and decide if any further assessments are needed
Collect more site data & review assessment
No
Are there unacceptable risks?
Not known
Yes
NO FURTHER ACTION REQUIRED
See overleaf
See overleaf



The flow chart is based on Government guidance given in 'Land contamination: risk management'.

Policy 49 – Noise pollution

What is noise pollution?

5.1 The basic definition of noise is 'unwanted sound' (whether that is music, industrial machinery, construction work, places of entertainment or road traffic). Noise can be classed as unwanted when it causes stress and irritation to people (and other receptors) and has a detrimental impact on their health and wellbeing.

5.2 The **Noise Policy Statement for England** (NPSE) defines 3 categories of noise:

- 'environmental noise' which includes noise from transportation sources;

- ‘neighbour noise’ which includes noise from inside and outside people’s houses; and
- ‘neighbourhood noise’ which includes noise arising from the community such as industrial and entertainment premises, trade and business premises and noise in the street.

The intention is that the NPSE should apply to all types of noise apart from noise in the workplace (occupational noise).

When to consider noise as a concern

5.3 National planning practice guidance (PPG) for noise published by the Government in March 2014 advises on how the planning system can manage the noise impacts connected with new development. It can be viewed on the planning guidance website at http:/www.gov.uk/guidance/noise- -2.

5.4 In particular this publication recommends that the following factors should be considered when decision taking on development proposals:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur: and
- whether or not a good standard of amenity can be achieved.

5.5 It acknowledges that the identification of adverse noise effects can be a complex technical issue, and, unlike air quality for instance, there are currently no national obectives on what unacceptable levels of noise are. As unlike many other pollutants, noise pollution not only depends on the physical aspects of the sound itself, but also on the reaction of receptors to it.

5.6 However, this guidance does include a noise exposure hierarchy based on the likely average response to noise (in terms of health and quality of life) and it is reproduced below in Table 6. The guidance does not provide numerical values to assess the significance of these effects as

it recognises that 'the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation' but the guidance does point applicants to instances where significant effects could be an issue (see the noise PPG for more details).

5.7 It remains for the decision makers to consider the noise hierarchy and align it with significant criteria contained within the British Standards for noise, in particular ***BS 4142: 2014*** *– Methods for rating and assessing industrial and commercial sound/****BS 8233: 2014*** *– Guidance on sound insulation and noise reduction for buildings* and the ***World Health Organisation (WHO); 1999*** *– Guidelines for community noise* and other relevant guidance such as **ProPG: Planning & Noise.**

Table 6 – Noise exposure hierarchy

Perception	Examples of outcomes	Increasing effect level	Action
Not noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level (LOEAL)			
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of a television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level (SOEAL)			
Noticeable and	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion;	Significant Observed	Avoid

disruptive	where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Adverse Effect	
Noticeable and very intrusive	Extensive and regular changes in behaviour and/or an inability to mitigate the effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Averse Effect	Prevent (not allow)

How to assess effects of noise

5.8 Policy 49 paragraph 1 is to be applied to planning applications where the proposal's end users will be sensitive to noise and are likely to be effected by existing noisy activities, for example a residential development located near to a busy road, railway or a commercial area. And Paragraph 2 seeks to mitigate for noise making developments. Potentially noisy developments cover a large range of activities and use classes but typically include: A3/A4/A5 retail food and drink businesses; B2/B8 general industry and warehouses; and D1/D2 non-residential institutions and assembly and leisure activities.

5.9 To satisfy Paragraph 1 of this policy a noise survey and report should be submitted with the planning application (or during pre-application discussions if appropriate). This information is essential to allow other Council Departments such as the Public Protection Department to assess the impact of the proposed development and make recommendations for decision makers. The noise PPG suggests that as noise measurement is a multilayered issue it may be appropriate to seek experienced specialist assistance when carrying out noise assessments. Details of qualified acoustic consultants can be obtained from:

- http://www.association-of-noise-consultants.co.uk and
- http://www.ioa.org.uk

The noise consultant can advise on survey methodology, relevant

legislation and standards and other technical guidance.

5.10 The noise report should demonstrate that:

- the source of noise is fully understood and quantified;
- all nearby noise sensitive receptors have been identified;
- the impact on any receptors has been determined with reference to noise standards referenced above (British Standards, WHO guidance, etc.); and
- noise control measures have been used, where necessary to reduce noise to acceptable levels.

5.11 And the following information should be included in the report:

- a statement of the reason for and scope of the report;
- details of the proposed development to which the report relates;
- a location and site plan including a description of site conditions;
- a description of the area and environment surrounding the development site;
- the methodology used to carry out the noise survey, including location of noise monitoring stations, details of equipment used and weather conditions at the time of the survey;
- a full table of results
- an assessment of the results in accordance to national standards;
- recommendations for noise control measures if needed; and
- full calculations of the noise reductions expected to support any suggested noise control measures.

Granting of planning permission

5.12 Where a development proposal has demonstrated, through an appropriate noise assessment that an acceptable level of amenity for end users can be achieved, the local planning authority will support planning applications involving noise sensitive receptors and grant permission subject to conditions relating to any noise control measures indicated in the assessment.

Noise control

5.13 Policy 47 Paragraph 2 applies to development likely to generate noise and asserts that such development schemes must demonstrate that their proposals have successfully mitigated for any adverse impacts from noise on existing land uses surrounding the site. This is in line with the second aim of the Noise Policy Statement for England which requires that all reasonable steps should be taken to mitigate and minimize adverse effects from a noisy development.

5.14 How the adverse effects of noise can be mitigated for, largely depends on the type and location of the development being considered but the PPG for noise suggests that in general there are 4 broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimizing the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night; and
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

5.15 Developers should use these measures (if appropriate) and any other effective mitigation measures to control noise. Any proposals used, should be supported by calculations to indicate the likely level of noise reduction and it may, be appropriate for a scheme of works to be submitted showing how the agreed noise reduction levels will be achieved.

Policy 50 – Light pollution

What is light pollution?

7.1 Light pollution is the term used for artificial light that is allowed to illuminate a location not suitable to be lit. In these areas it becomes unwanted or 'obtrusive light' and it is often the source of annoyance and anxiety to people, harmful to wildlife and have a detrimental effect on natural systems such as the Humber Estuary International Site.

6.2 In general light pollution can occur as:

- Sky glow – the orange glow seen around urban areas caused by the scattering of artificial light by dust particles and water droplets in the sky;
- Glare – the uncomfortable brightness of a light source when viewed against a dark sky; and
- Light trespass – light spilling beyond the boundary of the property on which a light is located.

6.3 National planning practice guidance (PPG) for light pollution advises when obtrusive light is relevant to planning. It can be viewed on the planning guidance website at: http:/www.gov.uk/guidance/light-pollution.

6.4 This document states that where a light shines, when a light shines, how much a light shines and how near to an ecological site it is, are important factors to consider when making planning applications for developments which include external artificial lighting.

6.5 It also lists common causes of complaints to local authorities arising from excessive artificial lighting these include: illuminated shop windows, facades and advertising; domestic, shop or office security lighting; and sports facilities flood lighting. However it also highlights that artificial light provides valuable benefits to society, including reducing crime and the fear of crime, improving road safety and extending opportunities for sport and recreation.

6.6 Therefore Policy 50 seeks that development proposals involving

external artificial only avoid adverse impacts on sensitive receptors (such as residential dwellings and the Humber Estuary International Site) rather than preventing artificial lighting as part of a new development.

6.7 To this end, when submitting a planning application developers are encouraged to show how the design, timing and positioning of artificial lighting has been carefully considered in their proposals and the accompanying Design and Access Statement could use the following factors to demonstrate this consideration. These have been taken from the PPG for light pollution and are repeated below:

- does the new development, or a major change to an existing one, materially alter light levels outside the development and/or have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces;
- does an existing lighting installation make the proposed development unsuitable? For example this might be because the artificial light has a significant effect on the locality or that users of the proposed development may be particularly sensitive to light intrusion;
- are forms of artificial light with a potentially high impact on wildlife (e.g. white or ultraviolet light) being proposed close to sensitive wildlife receptors or areas, including where the light shines on water; and
- does the proposed development include smooth, reflective building materials, including large horizontal expanses of glass, particularly near water bodies (because it may change natural light, creating polarized light pollution that can affect wildlife behaviour)

6.8 The significance of impacts on the Humber Estuary International Site and its wildlife must be assessed in detail in the Design and Access Statement. Further advice on this is available from the Defra website at: http://www.gov.uk/government/policies/biodiversity-and-ecosystems

and the Natural England website at: http://www.gov.uk/government/organisations/natural-england.

6.9 The Design and Access Statement should demonstrate that any potential effects on the International Site have been carefully assessed and where adverse impacts have been identified measures are in place to mitigate for them in the first instance, if this is not possible to do, then design proposals should minimize these impacts.

References

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3. Regulation 63(2) of the Conservation of Habitats and Species Regulations 2017.
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