

Policy NE1: Biodiversity, Geodiversity and Nature Recovery

- 1 The district's biodiversity resource will be protected, restored and enhanced. This will be achieved by:
 - a) Giving appropriate weight to the statutory purposes and special qualities of the hierarchy of international, national, regional and local sites, priority habitats, priority species and irreplaceable habitats;
 - b) Considering biodiversity at an early stage in site identification and design and ensuring that the location and / or use of development will not undermine designated sites, priority habitats and species and irreplaceable habitats, either directly or indirectly; and
 - c) Ensuring that any biodiversity net gain is in addition to any mitigation or compensatory measures⁸¹.
- 2 Development proposals affecting biodiversity and geodiversity (including designated sites, priority habitats and species and protected species) will be required to apply the mitigation hierarchy of avoidance, mitigation and compensation. The Council will not support development proposals where harm is not adequately avoided, mitigated or compensated for or where a proposal would result in loss or damage⁸². The only exception to this is where:

- a) There is no suitable and alternative location for the development; and
- b) The adverse effects are unavoidable; and
- c) The benefits of development clearly outweigh the adverse effects including both the impacts it is likely to have on the features of the site or the national network of sites⁸³; and
- d) Appropriate mitigation and compensation measures are agreed to ensure that the development results in a net benefit for biodiversity.

Local Wildlife sites, Geological Sites and Local Nature Reserves

- 3 The mitigation hierarchy of avoidance, mitigation and compensation will also apply to Local Wildlife Sites, Geological Sites and Local Nature Reserves. Planning permission will not be supported where significant harm to biodiversity cannot be avoided.
- 4 Where planning permission can be granted having followed the mitigation hierarchy of avoidance and mitigation first, the remaining area of the site will be protected by a planning condition or obligation and opportunities should be taken as appropriate to provide satisfactory compensatory measures in this area for any harm caused. Where compensatory measures are required, these should be provided onsite however where this is not possible, offsite compensation will be required.

Biodiversity and Nature Recovery

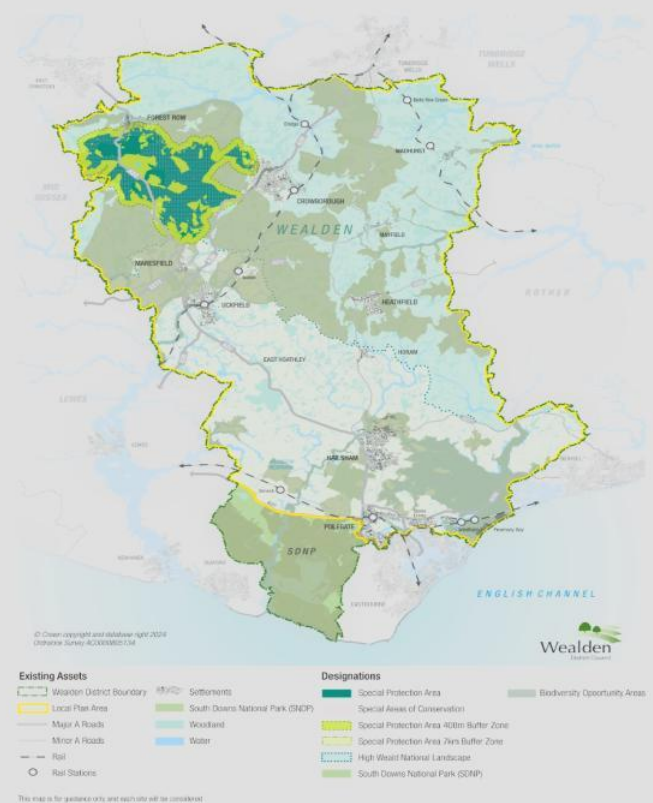
- 5 Relevant development proposals will be expected to apply the following measures:
 - a) Conserve, restore, enhance and/or create priority habitats and the habitats that support priority species;
 - b) Protect, conserve, restore, enhance and strengthen wildlife-rich habitats, ecological corridors and stepping stones to help wildlife populations grow and move;
 - c) Extend and buffer designated sites, irreplaceable habitats, priority habitats and where applicable support and implement measures within priority areas that could become of particular importance for nature recovery (as identified in the forthcoming Local Nature Recovery Strategy);
 - d) Improve resilience to climate change by accounting for and sustaining ecosystem services including protecting geological value and good quality soils that support sites or habitats of biodiversity value;
 - e) Ensure soil sustainability issues are identified at the earliest stage of scheme design to protect, and where possible enhance, soil quality within the site and its functions for food production (if relevant), biodiversity and carbon storage. These issues should be carried through to become part of the environmental programme for the construction phase;
 - f) Minimise any indirect adverse effects on habitats and species including those relating to recreation, lighting, disturbance, water quality, pollution or invasive species;
 - g) Maximise opportunities to deliver additional ecological and biodiversity features and support biodiversity enhancement through scheme design; and
 - h) Secure the long-term management and maintenance of biodiversity and ecological features as relevant to a scheme and in line with priorities and measures identified in the forthcoming Local Nature Recovery Strategy.
- 6 The loss of existing wildlife rich corridors and stepping stones should be avoided. Where this is not possible, appropriate mitigation and suitable compensatory measures, as relevant to the status of the habitat affected, will be required to protect and enhance the ecological network.
- 7 Planning applications will be expected to be supported by relevant environmental information, including protected species and habitat records, which is informed by appropriate and up-to-date ecological data/surveys. Any ecological surveys should be undertaken by suitably qualified professionals and in line with best practice / guidance and Government standing advice. Scheme design should be informed by an Ecological Constraints and Opportunities Map.

Question 21

Consultation Questions

- a Do you agree with draft policy NE1 Biodiversity, Geodiversity and Nature Recovery?
- b Should we change anything? If so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Map 7 Biodiversity Opportunity Areas



Notes and Comment

Policy NE2: Biodiversity Net Gain

- 1 Qualifying development proposals⁶⁷ are required to deliver a minimum overall net gain in biodiversity of 20% above the ecological baseline. Biodiversity net gain will be calculated and assessed using the appropriate DEFRA published biodiversity metric and UK Habitats Classifications. The biodiversity net gain calculation and assessment should be completed by a suitably experienced and qualified ecologist and be submitted in full with the application for development.
- 2 Development will need to demonstrate that the mitigation hierarchy has been followed.
- 3 Proposals for biodiversity net gain must follow the spatial hierarchy of net gain provision. This requires biodiversity net gain to be provided as part of the development. Only where it can be demonstrated that biodiversity net gain cannot meaningfully be achieved on site will the Council consider the potential for local enhancements and off-site biodiversity net gain.
- 4 Qualifying development proposals must be supported by a Biodiversity Net Gain Plan and supporting information to demonstrate how biodiversity net gain will be achieved. This should also include information on habitat management and monitoring for retained, enhanced or newly created habitats.
- 5 When granting permission for any proposals that include Biodiversity Net Gain, the Council will impose conditions or seek planning obligations or Conservation Covenants that secure appropriate management and monitoring regimes to deliver biodiversity net gain for at least 30 years after the completion of works.

Question 22

Consultation Questions

- a Do you agree with draft Policy NE2 Biodiversity Net Gain?
- b Is the policy correct to require a blanket minimum 20% BNG requirement across the district or should distinctions be made i.e. higher % requirement when sites are within BOAs or other designated sites? Or should the Council have a lower or higher than 20% BNG target? Please explain your answer.
- c Should we change anything? if so, what should we change and why?
- d Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comments

Policy NE3: Woodland, Trees and Hedgerow

Woodland, tree and hedgerow protection and creation

- 1 Development proposals will be supported where they protect, restore, manage and enhance existing woodland, trees and hedgerows and their features in accordance with best practice guidance and relevant standing advice.
- 2 New trees, woodland and hedgerows should be located to enhance and restore biodiversity, landscape character, visual amenity, contribute to the green infrastructure network, facilitate climate change mitigation and adaptation and enhance biodiversity. Any planting should be characteristic of the local area, in keeping with the site surroundings, including any historic context, and comprise of predominantly native species. Where possible and identified, planting should contribute to local ecological networks.
- 3 Development proposals will be supported where existing woodland, hedgerows and trees are taken account of and integrated into the design of development with long-term sustainable relationships being achieved. Sufficient measures, with allowance for future growth and maintenance requirements, must be provided to ensure protection from any likely impacts from development, including access.
- 4 Proposals should incorporate trees within the design and layout of development within both urban and rural areas, including tree-lined streets, to enhance the amenity of the public realm as well as providing climate change adaptation and mitigation benefits.
- 5 Proposals will need to demonstrate that sufficient measures can be implemented to protect trees, woodland and hedgerows both during and for the lifetime of the development to achieve current and long-term sustainable relationships.
- 6 Development proposals will not be permitted where they result in, or have been subject to, the unjustified loss of, or threaten the long-term retention of trees, woodland or important hedgerows that contribute to urban or rural landscape character, the green infrastructure network, visual amenity, the historic environment or wildlife importance unless:
 - a) The proposal is supported by sound Arboricultural reasons for the loss/harm, taking account of British Standard BS5837-2012 (and any subsequent revisions) and demonstrated through work undertaken by suitably qualified professionals;
 - b) The baseline biodiversity value of the site has been established and taken account of in biodiversity net gain requirements in accordance with legislation, government guidance and best practice standards;
 - c) The development has significant benefits which outweigh the loss of/harm to the trees, woodlands or hedgerows concerned, where it is demonstrated retention is not possible; and
 - d) Suitable replacement trees and/or hedgerows at an appropriate ratio to demonstrate suitable compensation, mitigation and enhancement are provided on site, or if necessary and justified, off site.

- 7 Where trees are lost through development, an appropriate number of suitable replacement trees, in terms of species and size, that replaces or exceeds that which is lost will be required to be planted on-site at appropriate locations. This does not necessarily replace the requirements of other policies with regard to 1. net gain for biodiversity or green infrastructure but may contribute to those objectives. In addition, all development will be expected to increase tree cover. This should be to a level of one tree per dwelling or per 100sqm of floorspace (for non-residential developments) on-site and will comprise predominantly native species. Where it can be clearly demonstrated and justified that onsite provision is not possible, provision should be made off-site within the district.
- 8 An appropriate buffer, must be provided for woodlands and trees, commensurate with its ecological and arboricultural value, that will:
 - a) Ensure long-term retention and future growth requirements of trees and woodlands;
 - b) Not prejudice ecological or arboricultural processes including natural succession of biodiversity value, development of mature or veteran trees and/or features;
 - c) Allow for tree and deadwood retention and accommodate tree risk management requirements, including windfall trees;
 - d) Take account of, minimise and where possible avoid the impacts from tree and woodland shading, over-dominance, seasonal debris, increased property maintenance requirements and perception of risk.

Implementation and management

- 9 Development proposals, where relevant, will be required to provide a landscape and ecological management (LEMP) plan that accords with best practice standards and regulatory and legislative requirements, to ensure the successful establishment, retention, restoration and enhancement of new and existing woodland, tree or hedgerow planting.

Question 23

Consultation Questions

- a Do you agree with draft Policy NE3 Woodland, Trees and Hedgerows?
- b Are the thresholds for tree provision, to increase tree cover, set out in point 7 appropriate? Please explain your answer.
- c Should the policy look to set a minimum buffer for protecting woodland and trees? Please note there is a separate policy for Ancient Woodland and Veteran Trees below. Please explain your answer.
- d Should we change anything? if so, what should we change and why?

Notes and Comment

Policy NE4: Ancient Woodland and Veteran Trees

- 1 Development proposals for sites that are adjacent to, contain, or impact ancient woodland must:
 - a) Be accompanied by appropriate Ecological and Arboricultural surveys that identifies and plots the location of ancient woodland, ancient trees and veteran trees. Ecological and Arboricultural surveys will be to recognised industry standards and best practice.
 - b) Provide suitable and adequate buffers. All buffers are sacrosanct and should be clear of any development or ancillary infrastructure including new footways, cycleways, boardwalks and upgrading/widening/intensification of existing routeways; and
 - c) Ensure that buffer zones consist of semi-natural habitat that protects, reduces and prevents against direct and indirect impacts on ancient woodland and contributes to biodiversity net-gain, ecological networks and green infrastructure.
- 2 In the absence of site surveys and detailed assessments that demonstrate a 25m buffer is not required, the Council will assume a minimum buffer of 25m from the edge of the woodland, which allows for the presence of veteran trees and the fall height of mature trees.
- 3 Development resulting in the direct or indirect deterioration or loss of ancient woodland, ancient, aged or veteran trees will not be permitted unless there are wholly exceptional reasons demonstrated⁷⁶.
- 4 Mitigation and compensation will be required in such circumstances in accordance with the mitigation hierarchy.
- 5 The existing condition of ancient woodland or veteran trees likely to be impacted by development will not be an accepted reason to grant planning permission. Nor will development be permitted that relies on a final mitigation/compensation strategy that seeks to address loss or deterioration of ancient woodland during development phase where exceptional reasons have not been demonstrated.

Question 24

Consultation Questions

- a Do you agree with draft Policy NE4 Ancient Woodland and veteran Trees?
- b Should the policy set a minimum buffer zone to protect ancient woodland? Please explain your answer.
- c Do you agree our approach should expect deeper buffers on sloping sites, land with ghyll streams or where woodland is a remaining fragment from a long removed historic block of Ancient Woodland? Please explain your answer.
- d Should the policy leave the determination of a buffer zone, to protect ancient woodland from development, to a case-by-case basis? Please explain your answer.
- e Should we change anything? if so, what should we change and why?
- f Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comments

Policy NE5: Ashdown Forest SPA

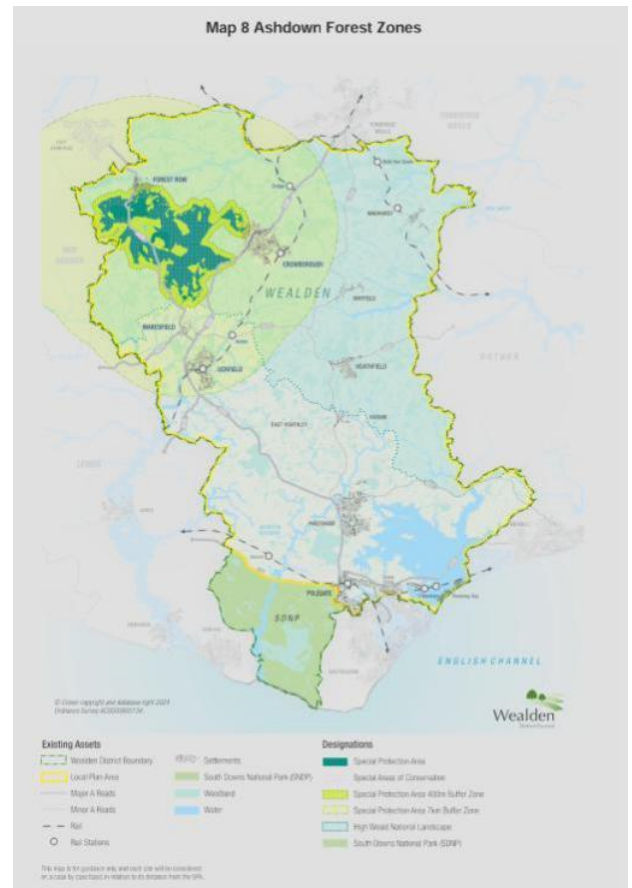
- 1 In order to prevent adverse effects on the integrity of the Ashdown Forest SPA and SAC, new development likely to have a significant effect, either alone or in combination with other plans or projects, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Development will only be permitted where it can be concluded that there is no likely significant effect or that proposals will not adversely affect the integrity of Ashdown Forest SPA and SAC.

Recreational pressure avoidance and mitigation

- 2 Within a 400 metre buffer zone around Ashdown Forest SPA, mitigation measures are unlikely to be capable of protecting the integrity of the SPA and, therefore, residential development will not be permitted on sites where the curtilage of a property falls within 400m from the SPA.
- 3 Proposals for a net increase in residential development between 400m and 7km from Ashdown Forest SPA will be required to contribute to mitigation through:
 - a) The provision of Suitable Alternative Natural Greenspace (SANG) to the minimum level of 8ha per 1,000 net increase in population or the provision of a financial contribution to a strategic SANG that is acceptable to provide avoidance / mitigation for the development; and
 - b) A financial contribution to the Ashdown Forest Strategic Access Management and Monitoring (SAMM) Strategy.
- 4 The provision of SANG will be supported where they meet Natural England SANGs Guidelines.
- 5 Residential development schemes located adjacent or close to the 7km zone boundary will be assessed on a case-by-case basis and may require mitigation for the SPA. A site specific HRA will be required at the application stage for sites on or close to the boundary.
- 6 Alternative provision(s) for avoidance and mitigation to address the impact of visitors at Ashdown Forest will only be considered where it can be demonstrated that it will be effective and deliverable over the lifetime of the development.

Air Quality

- 7 New development likely to result in increased traffic will need to be assessed through a site-specific Habitats Regulations Assessment at the application stage to consider any air quality impacts and to prevent adverse effects on the integrity of the Ashdown Forest SAC.



Question 25

Consultation Questions

- a Do you agree with draft Policy NE5 Protecting Ashdown Forest SPA?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Policy NE6: Landscape Character

- 1 All new developments to adopt a landscape-led approach from the outset to their design and layout to ensure that any potential adverse effects on the landscape from the proposal are avoided, before consideration is given to any mitigation measures.
- 2 Relevant development proposals will be required to recognise the contribution of the landscape to the district's environment, economy (including tourism) and communities and will be required to demonstrate how they have had regard to the East Sussex Landscape Character Assessment, the Wealden Landscape Evidence Base, Historic Land Classification (HLC) and any other relevant guidance in their Design and Access Statements.
- 3 Development proposals will be supported where they seek to protect, maintain, enhance and/or reinforce the key characteristics and qualities of landscape character and landscape components as relevant to the location of the proposal.
- 4 Development proposals will need to demonstrate that they have considered the following in respect of their potential impact on the landscape, including any cumulative impacts:
 - a) Geology and soils;
 - b) Topography;
 - c) Hydrology;
 - d) Landcover, biodiversity and ecological character;
 - e) Biodiversity Opportunity Areas and/or other sites designated for their environmental importance;
 - f) Ecosystem services⁸³ such as food production, the regulation of the climate, the purification of air and water, flood protection, soil formation and nutrient cycling;
 - g) Historic character and landscape setting;
 - h) Heritage assets and cultural influences;
 - i) Special landscape characteristics;
 - j) The degree of openness and sensitivity of the landscape to change;
 - k) The settlement pattern, settlement character, its setting and identity;
 - l) Open and valued views;
 - m) Perceptual character including tranquillity and dark night skies;
 - n) Climate change mitigation and adaptation;
 - o) The pattern of key valued landscape features such as fields, woodland, trees, hedgerows and waterbodies; and
 - p) The pattern of roads (including footways and cycle routes), Public Rights of Way and Bridleways.
- 4 Any landscape mitigation that is required must be commensurate with the surrounding area and must seek to contribute to local distinctiveness. Where planting is considered

appropriate, this must be characteristic of the local area, in keeping with the site surroundings, including any historic context, and be compatible with the underlying soils. Where appropriate, native species of local provenance should be used.

- 5 Landscape mitigation and/or planting schemes should, overall, seek to enhance the green infrastructure network.

Notes and Comments

Question 26

Consultation Questions

- a Do you agree with draft Policy NE6 Landscape Character?
- b Have all of the landscape elements which development could have an impact on, either alone or cumulatively with other development, been identified at point 3 of the policy? If you consider any are missing, please state these.
- c Should we change anything? If so, what should we change and why?
- d Have we missed anything? If so, what have we missed and how should it be included?

Policy NE7: The High Weald AONB

- 1 Development within, or affecting the setting of, the High Weald National Landscape, as defined on the policies map, will only be permitted if it conserves and enhances natural beauty, having regard to the character of the landscape, its special qualities, its character components and functions as set out in the High Weald AONB Management Plan. Development should not detract from the visual qualities and essential characteristics of the High Weald National Landscape, including views into and out of the High Weald National landscape, in relation to its location, siting, scale or design.
- 2 The High Weald National Landscape is a living landscape and certain development may be acceptable to support the land-based economy, access to the landscape and the social well-being of communities, where this does not impact on the High Weald National Landscapes special qualities and characteristics.
- 3 Development compatible with conserving and enhancing natural beauty proposed within the High Weald National Landscape should:
 - a) Be limited in scale and extent and appropriate in terms of its nature and location;
 - b) Demonstrate a positive contribution to the objectives of the High Weald AONB Management Plan;
 - c) Have regard to the High Weald Housing Design Guide, where relevant;
 - d) Apply a landscape-led design approach that reflects the High Weald Character, using high-quality architecture;
 - e) Respond to the historic pattern and character of settlements; and
 - f) Protect tranquillity and dark night skies.

- 4 In accordance with national policy, major development will not be supported except in exceptional circumstances and where it can be demonstrated to be in the public interest⁸⁴.
- 5 Development proposals will be required to submit sufficient information as part of an application to enable any impact of the proposed development to be considered, taking into account the AONB Management Plan and design guide.

Question 27

Consultation Questions

- a Do you agree with draft Policy NE7 High Weald National Landscape?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comments

Policy NE8: Setting of the South Downs National Park

- 1 Proposals for development on land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park.
- 2 Development proposals should ensure no adverse impacts on any transitional open green spaces between the site and the boundary of the South Downs National Park, nor on the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.
- 3 Development should be consistent with National Park purposes and must not have a significant adverse impact on the National Park or its setting both alone or cumulatively. Assessment of such development proposals will have regard to the South Downs National Park Local Plan, the South Downs Management Plan and other relevant adopted planning documents and strategies, as relevant.

Question 28

Consultation Questions

- a Do you agree with draft Policy NE8 Setting of the South Downs National Park?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comments

Policy NE9: Agricultural Land

- 1 Where development of agricultural land is required, applicants should seek to use areas of poorer quality agricultural land in preference to that of higher quality, except where this would be inconsistent with other sustainability objectives. When determining quality, applicants should take account of the agricultural lands value in terms of its contribution to food production and wider ecosystem services and natural capital.
- 2 Where site-specific ALC studies are not available, the Local Planning Authority will assume that the site is classified as best and most versatile. Applicants will be required to submit information on the status of a site in such cases.
- 3 Planning applications that would result in the loss of best and most versatile agricultural land will need to justify why the loss of the agricultural land is acceptable and also assess the impact of the loss of the agricultural land on the wider farming resource, natural capital, and ecosystem services. The Council will seek to protect the best and most versatile agricultural land from development.

Question 29

Consultation Questions

- a Do you agree with draft Policy NE9 Agricultural Land?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Policy NE10: Light Pollution and Dark Skies

- 1 All proposals should have regard to relevant guidance on lighting within developments to ensure any negative impacts on the natural and built environment are avoided and mitigated.
- 2 All proposals, regardless of scale and location, must clearly demonstrate that all opportunities to reduce light pollution have been taken, and should have due regard to the following:
 - a) All opportunities to avoid the installation of lighting schemes have been investigated and taken wherever possible;
 - b) Having fully addressed (a), that the lighting scheme is necessary and appropriate for its intended use/purpose and that any adverse impacts are avoided in the first instance, or if that is not achievable, are mitigated as far as possible;
 - c) The design of the lighting scheme has fully considered the light source and intensity being used, the luminaire design, height, and angle, including any baffles and cut-off shields where required;
 - d) The means of lighting would not cause an unacceptable level of impact on wildlife, local heritage assets, or the wider landscape;
 - e) The lighting scheme is energy efficient and uses low energy LED where possible; and
 - f) There are control mechanisms to dim or switch off external lighting schemes when not required.
- 3 Specific consideration should be given to the dark skies of the High Weald National Landscape, having regard to the ILP guidance for such landscape designations and as set out in the High Weald AONB Management Plan and High Weald Design Guide, for lighting schemes on developments within or adjacent to the High Weald National Landscape.
- 4 Any development proposals on land that contributes to the setting of the South Downs National Park must take full account of the Parks International Dark Sky Reserve status when designing any lighting schemes. Development must have regard to the relevant policies on dark night skies within the [South Downs Local Plan 2011-2033](#).

Question 30

Consultation Questions

- a Do you agree with draft Policy NE10 Light Pollution and Dark Skies policy?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Policy NE11: Noise Pollution

- 1 Within the district, areas of tranquillity; nationally designated landscapes; designated nature conservation sites and occupants of residential properties, will be protected from unacceptable levels of noise as a result of development.
- 2 Development proposals for noise sensitive uses⁹⁰ are required to clearly identify any likely adverse noise impacts on the sensitive receptors that are intended to use or occupy the development from existing nearby sources of noise.
- 3 Development proposals for noise generating uses⁹¹ are required to clearly identify any likely adverse noise impacts arising from the proposed development on existing nearby sensitive receptors, including the natural environment.
- 4 Planning applications will be required to include a Noise Impact Assessment where consideration under (2) and (3) indicates the potential for Observed Adverse Effect Levels of noise. The Assessment must be undertaken by a suitably qualified person and consider the relationship in detail.
- 5 Where evidence of an Observed Adverse Effect Level noise impact exists, applicants are required to demonstrate how the proposed development will be designed and implemented in order to:
 - a) prevent any present and very disruptive Significant Observed Adverse Effect levels⁹²;
 - b) avoid any present and disruptive Significant Observed Adverse Effect levels; and
 - c) mitigate any present and intrusive Lowest Observed Adverse Effect levels⁹³.
- 6 Development proposals will be supported where:
 - a) Development is located and designed to minimise the impact of noise on areas of tranquillity and where residential properties / occupants will not be exposed to an unacceptable noise impact that adversely affects the amenity of existing or future users;
 - b) Good design is used to improve and enhance the acoustic environment and reduce the impact of noise generated by the development; and
 - c) The impact of noise on the surrounding environment and noise sensitive receptors is satisfactorily mitigated through noise attenuation measures.
- 7 Where there will be an unacceptable adverse effect on sensitive receptors which cannot be adequately prevented, avoided, and/or mitigated, planning applications will be not be supported.
- 8 Planning conditions will be used to ensure that mitigation measures are satisfactorily implemented.

Question 31

Consultation Questions

- a Do you agree with draft Policy NE11 Noise Pollution?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Policy NE12: Air Quality

- 1 Development proposals should seek to improve air quality and reduce the effects of poor air quality, ensuring compliance with the objectives set out in the latest Air Quality Strategy for England, in place at the time of the application, the Air Quality and Emissions Mitigation Guidance for Sussex and/or any subsequent local air quality objectives.
- 2 Development proposals will only be supported where they:
 - a) Do not result in significant adverse impacts on sensitive receptors, including human health, sensitive habitats and species and any sites designated for their nature conservation value, from any sources of emissions to air;
 - b) Are not located where they would be at unacceptable risk from, or be adversely affected by existing sources of odour, dust and /or other forms of air pollution; and
 - c) Minimise any air quality impacts, including cumulative impacts from extant developments, both during the construction process and lifetime of the proposed development, either through the design of the development or, where this is not possible or sufficient, through appropriate mitigation measures.
- 3 Development proposals are required to include a detailed Air Quality Assessment, where:
 - a) major development is proposed and has the potential, including when combined with the cumulative effect of other approved developments and site allocations, to have significant adverse impacts on air quality; or
 - b) the proposed development has the potential to result in significant adverse impacts and is within, and in close proximity to a sensitive habitat and/or species, including any site designated for its nature conservation value; or
 - c) development would introduce or intensify sensitive uses within an area that is known to experience existing poor air quality conditions.
- 4 Where an Air Quality Assessment identifies potential significant adverse impacts on sensitive receptors from any source, the applicant must detail the appropriate avoidance and mitigation measures that will be implemented to prevent the identified impacts, including impacts on future occupiers or users of the site.
- 5 Mitigation measures on a scheme will be secured through planning condition and / or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

Notes and Comments

Question 32

Consultation Questions

- a Do you agree with draft Policy NE12 Air Pollution?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Policy NE13: Water Environment and Water Infrastructure

Water environment

- 1 Development will only be permitted where it can be demonstrated that it would not result in an unacceptable risk to, or adversely affect, the quality, quantity, levels and ecology of surface water and groundwater resources within the district, including reservoirs. Applicants must have due regard to the Environment Agency's Groundwater Protection guides in relation to potentially hazardous development proposed within a Source Protection Zones (SPZs) or within 50m of a private water supply.
- 2 Development proposals must account for possible groundwater contamination in SPZs and where aquifers are present. Proposals will only be supported where it can be demonstrated that adequate safeguards against possible contamination of groundwater supplies or aquifers can be agreed, implemented and maintained.
- 3 New development adjacent to watercourses should seek to restore rivers to their natural state, including through de-culverting piped watercourses, where possible.
- 4 Any development adjacent to, over or in a watercourse needs to take into account the Water Framework Directive requirements and opportunities outlined in the South East River Basin Management Plan.
- 5 Potentially polluting development will not be permitted where there is a risk that it will cause harm to sensitive aquatic environments/areas within the district.
- 6 Work beneath the water table will not be permitted unless there is a comprehensive ground water management scheme agreed for the construction, operation, restoration, and ongoing management of the proposal.

Water Infrastructure

- 7 Development proposals must demonstrate that there is adequate existing water supply infrastructure (foul and surface drainage as well as drinking water provision) to serve the development over its lifetime. Where provision is inadequate / not available, proposals must set out how the appropriate infrastructure improvements will be completed prior to the development's occupation. Any such proposals must be approved by the statutory undertaker.
- 8 Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.
- 9 In the interests of securing long-term water supply and wastewater management needed to serve existing or new development, proposals for new, or the expansion of existing, water supply or sewage treatment facilities and networks will be permitted provided that:
 - a) the need for such facilities outweighs any adverse land use or environmental impacts; and
 - b) that any such adverse impact is mitigated / minimised.
- 10 Necessary infrastructure provision will be secured through planning conditions and / or obligations.

Question 33

Consultation Questions

- a Do you agree with draft Policy NE13 Water Environment and Water Infrastructure?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comments

Policy NE14: Contaminated Land and Land Stability

- 1 Proposals on sites where land contamination/instability is known or suspected, or the site is within the vicinity of contaminated/unstable land, are required to submit appropriate Site Risk Assessments, which establish the full nature and extent of any land contamination/instability that may adversely affect sensitive receptors¹⁰¹, both on-site and in the surrounding area.
- 2 Where evidence of contamination is identified, an Options Appraisal and Remediation Strategy are required to be submitted and agreed with the Council, and they must demonstrate that the land is to be made safe for its intended purpose, detailing:
 - a) the appropriate sustainable remediation measures that will be implemented in order to prevent and/or avoid significant harm to sensitive receptors, both on-site and in the surrounding area, including future users of the site;
 - b) the appropriate mitigation measures that will be implemented in order to reduce to a minimum any risks presented to the health of sensitive receptors from land contamination;
 - c) that there is no inappropriate risk to a waterbody, including groundwater and aquifers; and
 - d) that there will be no adverse impact by the removal and treatment of the contamination on human or ecological health.
- 3 If suitable remediation cannot be provided, or the relevant reports indicate that there will be an unacceptable adverse impact on sensitive receptors which cannot be adequately prevented, avoided, and/or mitigated, planning permission will be refused.
- 4 In addition to remediation, development proposals should take adequate and effective measures in order to avoid risks to the structural integrity of buildings or structures on or adjoining the site.

Question 34

Consultation Questions

- a Do you agree with draft Policy NE14 Contaminated Land and Land Stability?
- b Should we change anything? if so, what should we change and why?
- c Have we missed anything? If so, what have we missed and how should it be included?

Notes and Comment

Any other notes and Comment

