

D7 – Development standards

- Support - 11
- Neither support of object - 5
- Object - 5

The changes to the supporting text and the Local Plan policies have not only been informed by the responses to the Regulation 18 consultation but they have also taken on board any additional feedback that has come out of discussions/meetings with statutory consultees and members in order to improve the clarity and understanding of the contents of the Local Plan.

Comments in support of D7 – development standards		
Respondent number	Comment	Officer comment
BHLF- KSAR- N8TG-J	We support this policy and welcome the reference to light intrusion and glare. However this policy is essentially designed to prevent statutory nuisance, and so is no substitute for a specific policy on tranquillity and dark skies (see post)	Agree this is not a “dark skies” policy in the same way as that included in the adopted South Downs National Park Plan.

Comments which neither support nor object to D7 – development standards		
Respondent number	Comment	Officer comment
ANON- KSAR- NKBJ-P	D7 Development Standards Light pollution needs to be made more robust for the countryside locations and the ecological impact it has on wildlife, especially owls and moths.	The potential impacts upon biodiversity are addressed in emerging Policy NE5. Emerging Policy D7 is more concerned with how the Council as Local Planning Authority will approach the consideration

Soberton Parish Council	<p>The words 'light intrusion/glare' are not descriptive enough.</p> <p>Diffuse pollution should be considered for maintaining good biodiversity.</p>	<p>of environmental impacts upon quality of life.</p> <p>Where lighting has the potential to impact upon designated species this will be addressed through the process set out in emerging policy NE5.</p>
ANON-KSAR-NK29-N	D7 – Modify end of first Pollution paragraph to 'avoids unacceptable impacts on nature, health or quality of life.'	This policy outlines the Council's approach to pollution as LPA. The potential impacts upon biodiversity are addressed in emerging Policy NE5.
ANON-KSAR-NKUC-2	Please see attached representations	Attached representations make no reference to policy D7
BHLF-KSAR-N8Z7-8 South Downs National Park Authority	<p>Policy D7 – Development Standards</p> <p>We welcome the inclusion of Policy D7 and we recommend that a link is made between noise pollution and tranquillity, and light pollution and dark night skies. In terms of the latter, the SDNPA has prepared a Technical Advice Note (TAN) for the Dark Night Skies. The TAN sets out the SDNPA's approach to lighting design and the protection and enhancement of dark skies within the SDNP. Indeed, the TAN aims to provide developers with the necessary information to submit and assess lighting schemes which are appropriate to the landscape and South Downs Dark Sky Reserve. We encourage WCC, and prospective developers, to have regard for the TAN, and we would also refer you to the "Local Authorities, Communities and Dark Skies Toolkit" designed to help local authorities and communities understand what they can do to improve their involvement in dark skies and reducing light pollution. For further details, please see: https://www.southdowns.gov.uk/planning-policy/supplementary-planning-documents/technical-advice-notes-tans/dark-skies-technical-advice-note-tan/</p>	<p>Agree this point but consider the appropriate place for this is in the text supporting emerging Policy NE8 (South Downs National Park).</p> <p>Recommended response –</p> <p>New paragraphs to follow 7.71 –</p> <p>The South Downs National Park is an International Dark Sky Reserve. The adopted South Downs National Park Plan identifies a dark sky core and buffer and transition zones. Development proposals in close proximity to the National Park and have significant external lighting are expected to refer to the Dark Skies</p>

		<p>Technical Advice Note published by the SDNPA and demonstrate how it conserves or enhances the intrinsic qualities of the dark night sky and the setting of the national park.</p> <p>The adopted South Downs National Park Plan is supported by assessments of landscape character and tranquillity. Development proposals in close proximity to the National Park are expected to refer to those assessments and demonstrate how it conserves and enhances the area.</p>
BHLF-KSAR-N8BF-Y	<p>The requirement for environmental surveys should be proportionate to the type, scale and context of development. As drafted, it doesn't clearly distinguish between urban/rural development, major/minor. Reference to relevant environmental standards can be made but there should be acknowledgment that the latest recognised standard must be followed to allow for changes in standards over the plan period.</p>	<p>Agreed.</p> <p>Recommended response:</p> <p>Change final sentence of third paragraph of Policy D7 as follows –</p> <p>Where there is potential for adverse impacts to occur on the following matters a detailed <u>proportionate</u> assessment should be conducted:</p>

Comments which object to D7 – development standards		
Respondent number	Comment	Officer comment

ANON-KSAR-NKJV-A	<p>Policy D7 as currently drafted requires that proposals comply with all national statutory standards related to environmental quality and proposals are accompanied by a statement setting out how such requirements have been met in designing the proposal. This requirement is considered unnecessary and inappropriate in planning terms and is not justified.</p>	<p>The third paragraph of the policy makes it clear that a statement is required <i>where relevant</i> to the proposal. This is considered a proportionate approach and not unduly onerous.</p>
ANON-KSAR-NKXV-R	<p>Noise</p> <p>A noise impact of SOAEL allows development of up to 10dB more than existing noise levels. This is in effect a doubling of perceived sound levels and for areas of high levels of tranquillity would represent an extremely large change in sound.</p> <p>It takes no account of change in noise character (from for example a rural sound environment of bird, wind etc. noise to one of industrial humming). It also does not take into account the penetration of low frequency noise which is more intrusive and cannot be escaped by moving indoors.</p> <p>This policy does not reflect the preservation of tranquillity which was unweighted in the most recent NPPF. This is an important omission.</p> <p>WHO guidance on noise specifically states that "special attention should be given to noise sources in an environment with low background noise levels and to noise sources with low frequency components"</p> <p>Developers have a long history of underplaying the noise impacts from their developments in acoustic reports presented. The wording of this policy puts the council at high risk of allowing developments which are then shown to be a noise nuisance.</p>	<p>The comments are noted, and the positive suggestions are appreciated. However, tranquillity is impossible to fully capture in numerical terms as any assessment has to be informed by the context of the location and activities undertaken.</p> <p>The approach in emerging policy D7 is informed by the experience of applying adopted policy DM17 since the adoption of the Local Plan Part 2. Overall it is considered the draft policy has an appropriate balance between flexibility and certainty.</p>

	<p>An alternative wording (as suggested by one acoustic consultant) could be: "the maximum noise from the development should not exceed 5dB below typical background noise level as assessed at the boundary of the nearest residential property". Other councils have other wording that means tighter noise control than that proposed by Winchester.</p> <p>Or as an alternative "development should not be permitted with noise levels above LOAEL without particular consideration and explanation and should never be permitted where levels are above SOAEL"</p>	
<p>ANON-KSAR-N81F-E</p>	<p>Response to Paragraph 5.78</p> <p>Bargate Homes would highlight that construction management plans are a standard requirement of the local validation list for all major development, not just "large and prolonged" schemes. Developers need certainty, so it would be preferable to explain that a CMS is needed for all major development, but explain that it should be proportionate to the scale and type of development involved.</p> <p>Response to Policy D7</p> <p>Bargate Homes would highlight that to be consistent with other draft policies, the requirement for environmental surveys should be proportionate to the type, scale and context of development. Reference to relevant environmental standards but acknowledgment that the latest recognised standard must be followed.</p>	<p>Agree comment. Typically Construction Environmental Management Plans are required for major developments and so the proposed wording changes would add clarity to that.</p> <p>Recommended Response:</p> <p>Change para 5.78 as follows –</p> <p>5.78 For large or prolonged <u>major</u> developments, consideration will need to be given to controlling impacts of construction traffic and smoke, dust, noise and water runoff during the construction phase. A comprehensive construction management plan <u>proportionate to the type, scale and context of development</u> detailing control</p>

		<p>measures to be applied will usually be expected.</p> <p>Change final sentence of third paragraph of Policy D7 as follows –</p> <p>Where there is potential for adverse impacts to occur on the following matters a detailed <u>proportionate</u> assessment should be conducted:</p>
ANON-KSAR-NKFQ-1 Upham Parish Council	<p>The policy on light intrusion/glare needs to acknowledge that large parts of the southern half of the district lie in close proximity to the National Park which is itself an international dark skies reserve. Any development adjacent to the Park should be designed to respect the reserve, the best way to do this will be a requirement that development meets the standards required within the Park itself.</p>	<p>Revisions to policy D2 and D4 highlight the need for development proposals to consider any impacts upon the South Downs National Park, and draft policy NE8 requires development to conserve and enhance the intrinsic quality of the dark night skies. The standards within the park advocated by this representation are evidenced by an assessment of the varying impact of light pollution across the park area. This exercise has not been undertaken for the Winchester Plan area and so emerging policy NE8 is considered a proportionate response.</p>
BHLF-KSAR-N8BD-W	<p>Policy D7 – Development Standards Objections and comments Our objection to this policy is similar to one of our objections to Strategic Policy D1 above. This policy replaces policies DM16 and DM17 of the LPP2 2017. Policy D7 is wordy and complicated, especially for non-professional members of the public. It fails to include basic Development Management policies, especially for more</p>	<p>The points are noted. The proposed policy is no less technical than policies DM16 and DM17 of the adopted Local Plan and seek to make it clear to all parties how the council will consider potentially polluting development.</p>

	<p>small-scale householder development as discussed above. This could be another reason for including policies specifically for householder and other smaller developments.</p>	<p>Consideration of the approach to development management matters, particularly for design which often is relevant in householder applications, is considered in the responses to proposed policy D1.</p>
<p>BHLF- KSAR- N86N-U</p>	<p>To be consistent with other draft policies, the requirement for environmental surveys should be proportionate to the type, scale and context of development. Reference to relevant environmental standards but acknowledgment that the latest recognised standard must be followed.</p>	<p>Agreed.</p> <p>Recommended Response:</p> <p>Change final sentence of third paragraph of Policy D7 as follows –</p> <p>Where there is potential for adverse impacts to occur on the following matters a detailed <u>proportionate</u> assessment should be conducted:</p>

Comments which didn't answer D7 – development standards		
Respondent number	Comment	Officer comment
BHLF-KSAR-N86C-G	The University supports the development standards outlined in Policy D7 relating to noise and pollution and note that these accord with national statutory standards.	Noted.

Comments from other topics		
ANON-KSAR-NK21-D	We do not have any specific concerns regarding the terms of the policy, however in the context of a very lengthy plan we would suggest that due consideration be given to incorporating policies wherever possible, and for D7 this could be included within an amended Policy D1.	Note comment regarding the length of the Plan., In this case, proposed policy D7 replaces two policies in the adopted Plan (DM19 and DM20) and it concerns how the council will consider technical environmental health standards associated with development. Therefore it is not considered appropriate to be included in D1, which concerns the design process.

	Recommendations	Officer response
Comments from SA	<p>Recommendations D5, D6, D7 and D9</p> <p>5.79 The following recommendations for the policy text are included to help mitigate any negative effects and strengthen any positive effects identified:</p> <ul style="list-style-type: none"> ■ Policy D7 already requires the potential for unacceptable pollution to be addressed by applicants where they would have adverse effects on health or quality of life. The policy could be strengthened by requiring unacceptable pollution to 	The potential impacts upon biodiversity are addressed in emerging Policy NE1. Emerging Policy D7 is more concerned with how the Council as Local Planning Authority will approach the consideration of environmental impacts upon quality of life.

	take potential adverse impacts on biodiversity into consideration.	Where lighting has the potential to impact upon designated species this will be addressed through the process set out in emerging policy NE1.
Comments from HRA	None	None

Policy D7 Development Standards

Amendments to supporting text

Amend paragraph 5.73 as follows –

5.73 Pollution generating developments have the potential to have negative impacts upon the existing environment, resulting in adverse health or quality of life impacts. Examples of potentially pollution generating uses include industrial and commercial development, **intensive agricultural**, educational establishments, health facilities, large community facilities, and some forms of leisure uses. All forms of development, including residential, have the potential to cause pollution by poor location and design, resulting in loss of amenity for neighbouring uses. This can be in terms of air pollution, additional traffic, noise, or odours (including emissions from both stack and fugitive emissions and cooking odours from catering processes)

Amend paragraph 5.77 as follows –

5.77 Assessment of ambient air quality will be required for developments in any area identified as already failing to meet current national air quality objectives. Similarly an assessment will be required for any pollution generating development, including associated transport impacts, which could have the potential to cause an area to fail such air quality objectives. Advice should be sought from the council's Environmental Health Service regarding the necessity for such an assessment and, where required, the suitability of the proposed assessment methodology. Part of Winchester Town Centre is currently designated as an Air Quality Management Area and development which has the potential to affect this area is subject of a SPD on for Air Quality. **The Council is currently developing an Air Quality Strategy for the whole of its district, which once adopted, will be an important consideration in determining when such an assessment will be required.**

Revised paragraph 5.78 –

5.78 For ~~large or prolonged~~ **major** developments, consideration will need to be given to controlling impacts of construction traffic and smoke, dust, noise and water runoff during the construction phase. **This should include the consideration of air quality impacts during development from both Road and Non Road Mobile Machinery (NRMM).** A comprehensive construction management plan **proportionate to the type, scale and context of development** detailing control measures to be applied will usually be expected. **The Environmental Health Service provides guidance on the content and detail expected in such management plans.**

Amendments to policy

Development proposals will be supported where they meet all the following development standards where relevant – Pollution (excluding noise) Development which generates pollution or is sensitive to it, and accords with the Development Plan, will only be permitted where it achieves an acceptable standard of environmental quality and avoids unacceptable impacts on health or quality of life.

Proposals should comply with all national statutory standards relating to environmental quality and include a statement setting out how such requirements have been met, where relevant, in designing the proposal. The potential for unacceptable pollution, resulting in adverse health or quality of life impacts, should be addressed by applications. Where there is potential for adverse impacts to occur on the following matters a ~~detailed~~ **proportionate** assessment should be conducted:

- i. Odour;
- ii. Light intrusion/glare;
- iii. Ambient air quality;
- iv. ~~Water~~ **Groundwater and surface water- pollution;**
- v. Contaminated land; and
- vi. Construction phase pollution impacts for large or prolonged developments. The report should identify and detail any mitigation measures that are necessary to make the development acceptable in respect of the adverse impacts on health and quality of life. The Local Planning Authority may require specific mitigation measures to be undertaken in order to make developments acceptable in terms of matters relating to pollution.

Noise

Development which generates noise pollution or is sensitive to it will only be permitted where it accords with the Development Plan and does not have an unacceptable impact on human health or quality of life. A noise generating or noise sensitive development should include an assessment to demonstrate how it prevents, or minimises to an acceptable level, all adverse noise impacts. Assessment of these impacts should have regard to the advice contained within the Department for Environment Food and Rural Affairs (DEFRA) Noise Policy Statement for England (NPSE), March 2010, or its recognised replacement. Development will not be permitted where levels above the Significant Observed Adverse Effect Level (SOAEL) exist and mitigation measures have not been proposed that will reduce impacts to, or as near to the Lowest Observed Effect Level (LOAEL) as is reasonably possible. Mitigation measures should not render the design and amenity spaces unacceptable.

New paragraphs to follow 7.71 -

The South Downs National Park is an International Dark Sky Reserve. The adopted South Downs National Park Plan identifies a dark sky core and buffer and transition zones. Development proposals in close proximity to the National Park and have significant external lighting are expected to refer to the Dark Skies Technical Advice Note published by the SDNPA and demonstrate how it conserves or enhances the intrinsic qualities of the dark night sky and the setting of the national park.

The adopted South Downs National Park Plan is supported by assessments of landscape character and tranquility. Development proposals in close proximity to the National Park are expected to refer to those assessments and demonstrate how it conserves and enhances the area.