

# CHAPTER 4

## Development Standards

### INTRODUCTION

4.1 This Chapter sets out the standards required of new development to meet basic planning requirements and to ensure the quality of life and the environment are maintained or improved. The 'standards' are intended to cover some of the principal planning considerations that should be taken into account when assessing all development proposals and covers such issues as sustainability, design and landscaping, amenity considerations, public health and safety, flood risk and water quality.

### SUSTAINABILITY

4.1A In order to promote sustainable development, it is vital that new development utilises natural resources more efficiently in their design, construction and future use. To ensure that new development embraces the principles of sustainable development, proposals other than of a very minor nature, should be accompanied by a Sustainability Assessment. The Assessment should demonstrate that the sustainable design and construction principles as set out in Table 2A have been adequately addressed in a manner appropriate to the scale and type of development proposed. Major development proposals involving 50 or more dwellings or with a floorspace of at least 1000 m<sup>2</sup> should include a quantified assessment incorporating the Building Research Establishment Environmental Assessment Methods (BREFAM). Such developments will be expected to have a rating of at least good.

**Table 2A : Principles to be Addressed in Sustainability Assessment**

<b>Sustainable Design</b>	<ol style="list-style-type: none"> <li>1. <u>Promoting energy efficiency in accordance with Policy DVS1 by:-</u> <ul style="list-style-type: none"> <li>◆ <u>addressing orientation and layout to maximise solar gain;</u></li> <li>◆ <u>adopting appropriate built forms;</u></li> <li>◆ <u>minimising energy consumption through, for example, energy efficient heating and lighting systems and insulation;</u></li> <li>◆ <u>taking account of micro-climatic factors and providing wind shelter belts.</u></li> </ul> </li> <li>2. <u>Promoting sustainable transport choices in the form of walking, cycling and public transport in accordance with Policy TRA1A.</u></li> <li>3. <u>Increasing safety and reducing the risk of crime through appropriate design and layout in accordance with Policy DVS1.</u></li> <li>4. <u>Minimising the consumption and discharge of water and sewage by promoting the management and recycling of water and use of Sustainable Urban Drainage Systems in accordance with Policy DVS7.</u></li> <li>5. <u>Maximising the efficient use of land and buildings in accordance with Policy HSG5.</u></li> <li>6. <u>Reducing the use of fossil fuels by incorporating renewable energy, heating or power systems in new major developments in accordance with Policy ECN15.</u></li> <li>7. <u>Minimising waste by providing appropriate facilities for the reuse and recycling of materials including composting in accordance with the Devon Waste Local Plan.</u></li> <li>8. <u>Promoting health and wellbeing through the design and operation of buildings and ensure they are capable of being adapted to meet changing lifestyles.</u></li> </ol>
<b>Sustainable Construction</b>	<ol style="list-style-type: none"> <li>9. <u>Ensuring important natural features and the biodiversity of an area are protected during construction in accordance with Policies ENV8 and ENV12.</u></li> <li>10. <u>Maximising the reuse of previously developed land and existing buildings in accordance with Policy HSG1.</u></li> <li>11. <u>Minimising the generation of waste through its reuse and recycling during demolition and construction in accordance with the Devon Waste Local Plan.</u></li> <li>12. <u>Using locally sourced and sustainable materials and low embodied energy products wherever possible.</u></li> </ol>

#### **POLICY DVS1A (SUSTAINABLE DEVELOPMENT)**

**A DEVELOPMENT PROPOSAL WILL ONLY BE PERMITTED WHERE IT INCORPORATES THE APPROPRIATE SUSTAINABLE PRINCIPLES SET OUT IN TABLE 2A.**

## DESIGN

4.2 The Government document 'By Design' recognises that good design is 'essential if we are to produce attractive, high quality, sustainable places in which people will want to live, work and relax'. Good design is fundamental to the Government's commitment to an 'urban renaissance' and is equally applicable in rural areas.

4.3 A high standard of design will ensure that new developments create successful places, are visually interesting and complement their townscape or landscape context. 'By Design' emphasises that 'good design always arises from a thorough and caring understanding of place and context'. In order to achieve good design, a number of fundamental principles and aspects should be applied to both small and major development proposals. These 'Design Principles' and 'Aspects of Development Form' are set out in Table 2B. However, it is accepted that not all the design principles will be applicable to all development proposals. For example, small scale development involving domestic extensions and alterations will not be expected to incorporate all the design principles.

**Table 2B : Schedule to Policy DVS1  
Design Principles and Aspects of Development Form**

<b>Design Principles</b>	<u>Character</u> <u>Continuity and Enclosure</u> <u>Quality of the Public Realm</u> <u>Ease of Movement</u> <u>Legibility</u> <u>Adaptability</u> <u>Diversity</u> <u>Efficiency</u> <u>Crime Reduction</u> <u>Energy Efficiency</u>
<b>Aspects of Development Form</b>	<u>Layout : Urban Structure and Grain</u> <u>Density and Mix</u> <u>Scale : Height and Massing</u> <u>Appearance : Details and Materials</u>

4.4 The 'Design Principles' that development proposals should achieve are based on the objectives contained in 'By Design' and are defined below: -

- ◆ **Character** is defined as a 'place with its own identity'. The best places are both memorable and valued and have a character that exhibits positive, special and unique qualities that people can easily appreciate. In settlements with a positive image or character, the design of new proposals should respond to and reinforce locally distinctive patterns of development, landscape and culture. In areas where positive elements are lacking, proposals should seek to create a distinctive and coherent sense of place through the use of intelligent and imaginative design solutions. In order to support and define local distinctiveness, village design statements will be prepared in close consultation with the local community. Village design statements have already been prepared for Landkey and Chulmleigh. Devon County Council are preparing a Historic Landscape Character Map for Devon which will be adopted as Supplementary Planning Guidance.
- ◆ **Continuity and Enclosure** is defined as a place where public and private spaces are clearly distinguished. The treatment of space within and around a development should be sensitive and creative and is a key requirement to producing successful designs. Proposals should promote the continuity of street frontages, reinforce existing spatial patterns and create new and exciting spaces with public and private areas clearly distinguished. As private spaces are defensible, they should be designed to give feelings of influence, control and ownership.
- ◆ **Quality of the Public Realm** – The public realm is defined as those parts of a settlement that are available for use by everyone and can include streets, parks and squares. Where such public spaces and routes are included in a development proposal, they should be safe, attractive and uncluttered and work effectively for all sections of the community including the mobility impaired and the elderly. They should also be well related to the surrounding buildings.
- ◆ **Ease of Movement** – The layout of a development will influence the ease of movement around and through that area (i.e. its permeability). Layouts should be designed to promote accessibility and local permeability by making places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport in accordance with Policies DVS1A and TRA1A. In order to avoid monotony, layouts and roads should take account of local topography and the natural features of a site. In assessing the ease of movement in a scheme, it is also

important to ensure the needs of the mobility or sensory impaired are fully taken into account. Planning and Building Control requirements do not fully address the needs of those with a mobility or sensory impairment to effectively use buildings. Additional design solutions that could be incorporated into buildings include clear signage and carefully placed sockets, handles, equipment and control panels.

- ◆ **Legibility** is defined as a place that has a clear image and is easy to understand. Development proposals can promote legibility by providing recognisable routes, interactions and landmarks to help people find their way around. 'Gateway' sites at the entrances to towns and villages require particular attention in order to provide a sense of arrival and place.
- ◆ **Adaptability** – New development should promote adaptability in order to respond to changing social, technological and economic conditions. The form of a building should allow for flexibility in order to adapt to changing lifestyles and circumstances in accordance with Policies DVS1A and HSG6. For example, houses can be designed to facilitate adaptation to meet the changing needs of its occupants through the lifetime of a family by maximising the use of roof space or allowing existing rooms to be easily converted. Similarly, commercial buildings should be designed to allow for easy conversion to alternative uses.
- ◆ **Diversity** – A diversity of uses, building forms and layout in a development proposal will provide visual interest and variety.
- ◆ **Efficiency** – The need to make the most efficient use of land and buildings has already been recognised in order to protect the countryside. Design solutions should therefore achieve the maximum amount of built form that can be accommodated having regard to the location of the scheme and the characteristics of the surrounding area in accordance with Policies DVS1A and HSG5.
- ◆ **Crime Reduction** – The design and layout of a development will be expected to incorporate features to increase safety and reduce crime in accordance with Policy DVS1A. This can be achieved by increasing the amount of natural surveillance within a development by, for example, providing a layout which is 'permeable' and positioning the main living or working areas so they face the main access route. Clearly defining and enclosing private space to the rear of a building provides for better security, as well as privacy, particularly where it avoids backing onto a road or routeway. All footpaths and cycleways should be wide, clear of hiding places and well lit. To ensure that new development incorporates measures to reduce crime, the advice of the Police Architectural Liaison Officer will be sought. Further advice on these issues is contained within the Devon and Cornwall Constabulary's 'Designing Out Crime – Designing in Community Safety' Guide.
- ◆ **Energy Efficiency** – The design and layout of a scheme should promote energy efficiency having regard to building type and materials, orientation and location in accordance with Policy DVS1A. Design features should take account of micro-climatic factors to reduce energy consumption and increase the durability of the building. For example, layouts can be designed to minimise wind tunnel effects and the creation of frost traps, the orientation of a building should seek to achieve maximum possible solar gain and landscaping used to reduce the impact of wind in exposed locations.

4.5 In order to achieve the Design Principles set out above, proposals should apply as appropriate '**Aspects of Development Form**'. These 'aspects' are based on layout, density and mix, scale and appearance and should be applied and tailored to reflect the nature and scale of the proposal, its location and surrounding area. Again, these 'aspects' are taken from 'By Design' and are defined below: -

- ◆ **Layout : Urban Structure and Grain** – The layout is the framework of routes and spaces that connect locally and more widely, and the way that developments, routes and open spaces relate to one other. The layout provides the basic plan on which all other aspects of the form and uses of a development depend. The urban grain refers to the pattern of the arrangement of street blocks, plots and their buildings in a settlement and varies from small and frequent (fine grain), to large and infrequent (coarse grain).
- ◆ **Density and Mix** is the amount of development on a given piece of land and the range of uses. Density influences the intensity of development and, in combination with the mix of uses, can affect a place's vitality and viability. Policies HSG5 and HSG6 provide specific guidance on the density and mix in residential schemes. Density and mix will not apply to small scale developments such as single dwellings or domestic extensions and alterations.
- ◆ **Scale : Height and Massing** – Scale is the size of a building in relation to its surroundings. It is also the size of parts of a building or its details, particularly in relation to the size of a person. Height determines the impact of development on views, vistas and skylines. Massing is the combined effect of the arrangement, volume and shape of a building or group of buildings in relation to other buildings and spaces. The scale, massing and height of a proposal should be related to any adjoining buildings, the general pattern of heights in the area, views, vistas and landmarks.
- ◆ **Appearance : Details and Materials** – The details of a scheme refer to the craftsmanship, building techniques, decoration, styles and lighting of a building or structure. It includes all building elements such as openings and bays; entrances and colonnades; balconies and roofspace; and the rhythm of the façade. The richness of a building lies in its use of materials including their texture, colour, pattern and durability that contribute to the attractiveness of its appearance and the character of an area.

4.6 Full and reserved matters applications other than of a very minor nature should be accompanied by a Design Statement. Both the Design Statement and Sustainability Appraisal required by Policy DVS1A should complement each other. ~~Such statements~~ The Design Statement should ~~will~~ ensure that development proposals are well designed and positively incorporate all the relevant 'Design Principles' and 'Aspects of Development Form', having regard to its place and context. The amount of detail contained within the statement will depend on the size and type of development and its location. At the very least the statement should illustrate the application of the relevant 'Design Principles' and 'Aspects of Development Form' and how the overall design of the scheme relates to the site and its wider context. Innovative designs will be supported where they meet the 'Design Principles' and 'Aspects of Development Form'.

#### **POLICY DVS1 (DESIGN)**

**A DEVELOPMENT PROPOSAL WILL BE PERMITTED WHERE IT APPLIES THE ASPECTS OF DEVELOPMENT FORM TO ACHIEVE THE IDENTIFIED DESIGN PRINCIPLES AS SET OUT IN TABLE 2A.**

**A PROPOSAL WHICH DOES NOT USE APPROPRIATE DEVELOPMENT FORMS OR WOULD OTHERWISE CONFLICT WITH THE DESIGN PRINCIPLES SET OUT IN TABLE 2A WILL NOT BE PERMITTED.**

4.7 In addition to the requirements set out in Policies ~~DVS1A and DVS1~~, the design of a development will also be influenced by other policies in this Plan, including those relating to Conservation Areas, listed buildings and locally important buildings, ~~listed buildings~~ (see Policies ENV16, ENV17 and ENV18), open space provision (see Policy REC5), the density and mix of dwellings (see Policies HSG5 and HSG6) and the provision of public art (see Policy REC8). Public art should be incorporated into the design of a scheme to create local distinctiveness and enhance the quality of the built environment. A Design Guide produced for the District will supplement Policy DVS1 and will be adopted as Supplementary Planning Guidance.

## **LANDSCAPING**

4.8 Development proposals should usually be accompanied by a landscape scheme. However, developments of a minor nature including domestic extensions or alterations would not normally be required to incorporate such a scheme. Where a landscape scheme is required, it should include those '**Landscape Design Principles**' appropriate to the scale and type of development and its context as follows: -

1. The retention and integration of existing landscape features which contribute to the character or nature conservation interest of an area including trees, hedgebanks, rough grassland, streams and ponds;
2. The provision of both hard and soft landscaping, appropriate to its context, in order to promote diversity and distinctiveness of the local scene. Landscaping should include ground surfacing materials, walls, trees, plants and shrubs; and
3. The provision of an appropriate setting and boundary treatment to help soften, screen and assimilate the development into the surrounding area.

4.9 The landscape scheme will need to be approved before a planning permission is either obtained or implemented depending on the circumstances of the development. To ensure the landscape scheme is properly implemented and maintained, planning conditions and obligations will be used. If the Council agrees to maintain the landscaping, a commuted sum will be sought towards the costs of its long term maintenance. This sum should be equivalent to the cost of maintenance for up to a twenty year period.

#### **POLICY DVS2 (LANDSCAPING)**

**1. DEVELOPMENT WILL NOT BE PERMITTED UNLESS ~~WHERE~~ IT INCLUDES A LANDSCAPING SCHEME THAT INCORPORATES THE RELEVANT LANDSCAPE DESIGN PRINCIPLES.**

**2. ARRANGEMENTS WILL BE SOUGHT TO SECURE THE IMPLEMENTATION AND MAINTENANCE OF THE LANDSCAPE SCHEME.**

## AMENITY CONSIDERATIONS

**4.10** PPG1 recognises the importance of protecting residential amenities from the effects of development. It points out that good neighbourliness and fairness are some of the yardsticks against which proposals can be measured. Some types of development, particularly employment uses, can damage the environment of residential areas by creating unacceptable levels of traffic and pollution such as noise, smell, dust or vibration. Similarly, unneighbourly uses such as sewage treatment works should not be permitted near residential areas, as these are likely to result in problems of nuisance to nearby residents. Conversely, new residential development should not be permitted within close proximity to these uses as it may prejudice their functioning.

**4.11** Essentially there are four main issues relating to the extent that people are entitled to enjoy their own homes or public places without undue disturbance or intrusion from neighbouring uses:-

- ◆ **Privacy and Daylight** – *Securing adequate privacy and preventing the loss of daylight through over-shadowing can be achieved by ensuring adequate distance between properties, use of screen walls, fencing and careful arrangements of windows;*
- ◆ **Light Intrusion** – *Poorly designed lighting can result in the spillage of light into the countryside, impact on residential amenities and partially obscure the night sky in urban areas. Development proposals need to minimise unnecessarily obtrusive and glaring light;*
- ◆ **Noise and Vibration** – *It is particularly important to minimise the impact of noise and vibrations in sensitive locations and buildings such as residential areas, hospitals, schools and areas valued for their tranquillity including SSSIs, the AONB, Heritage Coast and the wider countryside. Noise and vibration problems may be resolved by careful attention to site layout, sound insulation measures and barriers including the orientation of buildings, vegetation and bunds. PPG24 sets out standard conditions that can be used to minimise the effect of noise on sensitive development or restrict noise emitted from industrial or commercial buildings;*
- ◆ **Unpleasant Emissions** – *These emissions are defined as smell, fumes, smoke, soot, ash, dust or grit for the purposes of Policy DVS3.*

**4.12** The four issues raised above are all material planning considerations which should be taken into account in assessing all development proposals. However, those amenity considerations identified have been highlighted as they have regularly proved to be key factors relating to development proposals in North Devon.

**4.13** In applying Policy DVS3, the benefits of making full and effective use of urban land and buildings should be weighed against the level of harm to existing amenities. As such a balancing judgement will need to be made to individual circumstances taking into account wider sustainability objectives.

**4.14** Although Policy DVS3 is generally concerned with protecting residential amenities, it is equally applicable to proposals that would have a harmful effect on an existing non-residential development. It is particularly important to ensure that existing industries or businesses are not faced with additional costs in order to overcome any environmental health problem following the location of a new development such as housing.

### **POLICY DVS3 (AMENITY CONSIDERATIONS)**

**DEVELOPMENT WILL NOT BE PERMITTED WHERE:-**

- A) IT WOULD HARM THE AMENITIES OF ANY NEIGHBOURING USES OR THE CHARACTER OF THE SURROUNDING AREA; OR**
- B) THE INTENDED OCCUPANTS OF THE PROPOSED DEVELOPMENT WOULD BE HARMED AS A RESULT OF EXISTING OR ALLOCATED USES;**

**BY VIRTUE OF ANY OF THE FOLLOWING:- LOSS OF PRIVACY OR DAYLIGHT, LIGHT INTRUSION, NOISE AND VIBRATION OR UNPLEASANT EMISSIONS.**

## PUBLIC HEALTH AND SAFETY

**4.15** Generally there are three types of hazards which have implications for the location of development:-

- ◆ *Natural hazards, such as coastal erosion or land instability, which may threaten existing or proposed development;*
- ◆ *Man made hazards including contamination from past activities which may also threaten existing or proposed development; and*

- ◆ Proposed developments which create a hazard to the existing land uses, local people or the wider environment due to the nature of their activities.

**4.16** The main concern of planning is how these hazards may affect the current and future uses of land. The control of hazards is complex and may involve other statutory agencies who will be key consultees for all relevant planning applications. Key consultees include the Council's own Environmental Health Unit, the Environment Agency who are generally responsible for the regulation of potentially polluting emissions, and the Health and Safety Executive who largely deal with Health and Safety issues. These hazards need to be taken into account when considering development proposals. None of these hazards are identified on the Proposals Map because of the difficulties in accurately identifying or predicting the precise location or extent of the problem. However, where there is a known or suspected hazard on a site being promoted for development, the particular problem is identified in the specific proposal. The Council has prepared a Contaminated Land Strategy detailing how it intends to inspect the District for contaminated land.

**4.17** The Government encourages the full and effective use of land that has previously been developed. Some of this land may have been contaminated by past activities or is unstable, for example, through mining. Where land is suspected or known to be contaminated or unstable, new development will not be permitted unless it is demonstrated that the site is safe for the intended use or that any problems have been adequately dealt with. It should be recognised that in developing a contaminated site, some contaminants such as gases may escape creating risks to health and safety and the environment over a wide area. The contamination of a site may also result in the pollution of groundwater and the wider water environment.

**4.18** It is vital that uses with the potential to cause hazards are properly sited and controlled to overcome any risk to human health and safety and the wider environment. Similarly, uses that may be affected by hazards should either be kept away from its sources or protected by other means. It is particularly important to prevent the location of new development close to an existing pollution installation where this leads to pressure for the imposition of very high standards of emission control at considerable expense to the industry involved. Such a financial burden may lead to the closure of a business and the loss of jobs. It is also important to ensure that a proposal does not result in a deterioration of air quality to below national standards as a result of, for example, traffic generation and heating services associated with development.

**4.19** The Planning (Hazardous Substances) Act 1990 introduced specific controls over the storage and use of hazardous substances, additional to controls over development. The siting of hazardous installations is subject to planning controls aimed at restricting their location to minimise any risks to human health and safety.

**4.20** Sufficient information will be required to enable a sound planning decision to be made in relation to any development that may be a risk to public health and safety or the wider environment. Outline applications will not usually be appropriate for these types of development and a Health Impact Assessment will be required. This Assessment will need to include a detailed technical appraisal of the site and development will be required. This appraisal will need to include and the proposal's relationship to the surrounding area. and It will also need to include appropriate remedial, preventative or precautionary measures to remove, reduce or mitigate potential problems in developing the site for the use proposed.

**POLICY DVS4 (PUBLIC HEALTH AND SAFETY)**

**DEVELOPMENT WILL NOT BE PERMITTED WHERE THERE IS A RISK TO PUBLIC HEALTH AND SAFETY DUE TO:-**

- A) COASTAL EROSION OR LAND INSTABILITY;
- B) ITS SITING ON KNOWN OR SUSPECTED CONTAMINATED LAND WHICH IS UNSUITABLE FOR THE USE PROPOSED;
- C) ~~POLLUTING ACTIVITIES~~ THE POLLUTION OF LAND, AIR, WATER OR THE WIDER ENVIRONMENT; OR
- D) THE STORAGE OR USE OF HAZARDOUS SUBSTANCES

**UNLESS APPROPRIATE REMEDIAL, PREVENTATIVE OR PRECAUTIONARY MEASURES REMOVE, REDUCE OR MITIGATE RISK TO AN ACCEPTABLE LEVEL.**

## High Pressure Gas Main and Air Safeguarding Zone

4.21 A high pressure gas main running between Barnstaple and Atherington is indicated on the Proposals Map. This is the main gas pipeline into North Devon. The Authority has a duty to inform ~~British Gas Transco~~ if there are any proposals for development within 75 metres of the pipe to ensure that it is protected from any damage and there are no unacceptable risks to public health and safety.

4.22 Within the air safeguarding zones for the Royal Marines Barracks and the Search and Rescue Unit at Chivenor, ~~the Eaglescott Airfield~~ and the ~~Civil Aviation Authority National Air Traffic Service~~ at Burrington Moor as shown on the Proposals Map, development will not be permitted where it harms aircraft safety. In addition, the air safeguarding zone for windfarm developments covers the whole of the District so it is not shown on the Proposals Map. Any windfarm developments will need to avoid harming aircraft safety in accordance with Policy DVS5.

### POLICY DVS5 (HIGH PRESSURE GAS MAIN AND AIR SAFEGUARDING ZONE)

**DEVELOPMENT WILL NOT BE PERMITTED WITHIN 75 METRES OF THE HIGH PRESSURE GAS MAIN WHERE IT WOULD HARM PUBLIC HEALTH AND SAFETY NOR WITHIN THE AIR SAFEGUARDING ZONES WHERE IT WOULD BE DETRIMENTAL TO AIRCRAFT SAFETY, AS SHOWN ON THE PROPOSALS AND INSET MAPS.**

## FLOOD RISK AND WATER QUALITY

4.23 The Government emphasises a 'precautionary principle' to the issue of flooding involving a risk based search sequence to avoid risks where possible. The overall aim is to avoid inappropriate development in flood risk areas and to ensure that new development does not lead to additional flooding. The risk based sequence is contained in PPG25 'Development and Flood Risk' and is summarised as follows:-

- ◆ **Areas with little or no potential risk of flooding (annual probability less than 0.1%)** – suitable for all types of development;
- ◆ **Areas with low potential risk of flooding (annual probability between 0.1% and 1% for rivers, 0.1-0.5% for coastal areas)** – suitable for most development but essential services such as hospitals and fire stations would require guaranteed access at all times;
- ◆ **Areas with high potential risk of flooding (annual probability greater than 1% for rivers, 0.5% for coastal areas), which are already extensively developed** – suitable for residential, commercial and industrial uses subject to adequate measures to alleviate flood risk;
- ◆ **Areas at high risk of flooding (annual probability greater than 1% for rivers, 0.5% for coastal areas) which are currently undeveloped including the functional flood plains** – these are not suitable for residential, commercial or industrial uses unless a particular location is essential and subject to adequate flood defences;
- ◆ **Areas at highest risk of flooding (including those areas behind defences that offer a standard of defence less than 1% for rivers or 0.5% for coastal areas)** – industrial, commercial or residential development should not normally be allowed although they may be suitable for recreation, sport, amenity and conservation uses and essential transport and utilities infrastructure provided adequate warning and evacuation procedures are in place.

4.24 The Proposals and Inset Maps identify areas at risk of flooding based on the Environment Agency's indicative flood plain maps. However, there are inherent uncertainties in predicting flooding not least because of the impacts resulting from climate change. The extent of indicative flood plains are subject to regular review by the Environment Agency, from whom the latest information is available. More localised problems can also result from development simply by increasing surface water run-off and the creation of impermeable ground. Due to the extent and unpredictability of flooding, it is not possible to indicate all areas at risk on the Proposals or Inset Maps.

4.25 Where there is a risk of flooding based on the search sequence summarised at paragraph 4.23, development will not be permitted unless it is suitably designed so that it can be protected to an appropriate standard as advised by the Environment Agency and does not lead to flooding elsewhere. If flood defence measures are required to overcome any problems, these must be fully funded and maintained by the developer unless they are already in a committed funding programme in which case contributions may be sought to help meet the costs. Where flood defences are required, development will only proceed after they are built. The Council will consult with the Environment Agency where it is suspected that a development proposal may be at risk from flooding or increase the risk of flooding elsewhere.

**4.26** Sustainable drainage options should be incorporated into new development schemes where site conditions allow, in preference to traditional piped drainage systems. Essentially, sustainable urban drainage systems (SUDS) use techniques to control and manage surface water run-off as close to its origin as possible before entering a watercourse. SUDS can contribute to the recharge of groundwater and, when incorporated into the highway, reduce contamination. These systems can include preventative measures such as recycling, filter strips, swales and drains, permeable surfaces, infiltration devices, basins and ponds. A planning condition will be used or an obligation sought to ensure these systems are properly managed and maintained.

**4.27** In addition to flooding, there is also increasing concern regarding the quality of water. Development will not be allowed where it is likely to increase the risk of pollution or the deterioration in water quality of groundwater, rivers, coastal waters, canals, lakes, ponds and any other watercourse upstream, downstream and in the vicinity of a development. Deteriorating water quality can affect the supply of water for domestic, industrial and agricultural uses. It can also have a harmful impact on nature conservation, fisheries and recreation. The effects of pollution, especially to groundwater, can be difficult, expensive and prolonged to remedy. The pollution of groundwater can be prevented by controlling activities such as the disposal of effluent in soakaways, landfilling of unsealed sites over permeable bedrock, or the inappropriate storage of chemicals. Circular 3/99 requires proposals incorporating non-mains sewerage systems to demonstrate that the arrangements for disposal of sewage will not harm the environment, amenity or public health, whether the final effluent is discharged to a watercourse or soaks into the ground. The Council will consult with the Environment Agency and its own Environmental Health Unit where it is suspected that a development proposal may harm water quality.

**4.28** Where estuaries and coastal waters are harmed by sewage discharges, developments will be restricted in those settlements at the request of the Environment Agency or South West Water Services Ltd. The use of a Grampian condition or an obligation may be acceptable where a scheme is programmed to overcome an embargo.

#### **POLICY DVS6 (FLOODING AND WATER QUALITY)**

##### **1. DEVELOPMENT WILL NOT BE PERMITTED WHERE:-**

- A) THERE IS AN UNACCEPTABLE RISK OF FLOODING TO THE USE PROPOSED BASED ON THE SEARCH SEQUENCE;**
- B) IT INCREASES THE RISK OF FLOODING ELSEWHERE;**
- C) IT HARMS THE WATER FLOW OR WATER QUALITY OF COASTAL, SURFACE OR GROUND WATER; AND INLAND WATERS, OR**
- D) IT WOULD HARM FISH STOCKS (INCLUDING SHELLFISH) OR THE CONSERVATION VALUE OF ANY WATERCOURSE OR WETLAND AREA;**
- E) INADEQUATE WATER RESOURCES ARE AVAILABLE; OR**
- F) DISPOSAL OF SEWAGE WOULD HARM WATER QUALITY OR RESIDENTIAL AMENITIES;**

**UNLESS THE IDENTIFIED PROBLEMS CAN BE OVERCOME BY APPROPRIATE WORKS THAT ARE COMPLETED BEFORE THE DEVELOPMENT COMMENCES.**

##### **2. WHERE WORK IS REQUIRED FOR A DEVELOPMENT TO PROCEED, IT SHOULD BE EITHER:-**

- A) IN A COMMITTED FUNDING PROGRAMME WITH DEVELOPER CONTRIBUTIONS SOUGHT WHERE REQUIRED; OR**
- B) PROVIDED, FUNDED AND MAINTAINED BY THE DEVELOPER.**

#### **POLICY DVS7 (SUSTAINABLE URBAN DRAINAGE SYSTEMS)**

~~DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT INCORPORATES SUSTAINABLE URBAN DRAINAGE SYSTEMS~~ WHERE SITE CONDITIONS ALLOW AND THERE IS A NEED TO CONTROL AND MANAGE SURFACE WATER RUN-OFF, DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT INCORPORATES SUSTAINABLE URBAN DRAINAGE SYSTEMS.