

drivers. This adverse impact is enhanced if the light source is flashing. Consideration needs to be given to the siting of such signs.

## **8.0 Water Quality**

8.1 Pollution is a threat to water quality in the Borough which typically results from two sources. The first source is the result of an overflow or spill from a nearby industrial activity. While the second, is from the flow of sediment and silt as the result of heavy rain, or a chemical spill from a nearby construction project. Both watercourses (lakes, ponds and rivers) and groundwater can be adversely impacted by water pollution, with often serious implications for the plant and aquatic life.

8.2 It is an offence to cause or knowingly permit any poisonous, noxious or polluting matter or any solid waste matter (which includes silt, cement, concrete, oil, petroleum spirit or sewage) to enter any controlled waters unless a discharge is authorised.

### Industrial

#### *(a) During the operation of an industrial site*

8.3 Often industrial developments have the potential to pollute nearby watercourses and groundwater through the discharge of their waste. Details of waste discharge may be required, as part of a planning application for new industrial facilities to enable an assessment of their potential pollution impact on surrounding water resources. Policy PE.7 of the Second Deposit Draft UDP states that developments that would lead to pollution of groundwater or surface water by reason of their wastewater discharge will not normally be permitted. Developments will not be permitted unless foul sewers and sewage treatment works of adequate capacity of design can be provided in time to serve the development.

#### *(b) During the construction process*

8.4 Environment Agency research data shows the construction industry in England and Wales to have been the biggest single industrial source of water pollution every year from 1994 to 1997, the industry was responsible for more than 500 pollution incidents each year.

8.5 One of the potential causes of water quality pollution is from the overflow of silt from an earthworks or construction site into a watercourse. High levels of silt can clog up a fish's gills and eventually kill it. It can also smother invertebrates and sensitive plant life, which are themselves a food source for fish. However, other pollutants equally damage the water environment in other ways, for example, by changing the chemical balance (cement or concrete washwater is highly alkaline) or by removing dissolved oxygen (e.g. detergents). Contaminants that dissolve quickly are very difficult to control and they are easily transported in watercourses, and if toxic, the effects are likely to be widespread. If spillages do occur, the Environment Agency should be notified, in the first instance.

- 8.6 To prevent such pollution, it is important to avoid surface water running across or ponding on the construction site, and ultimately stop it flowing into watercourses, a silt fence can often be use to prevent this. In terms of preventing chemical spills into watercourses and groundwater, there are a number of precautions which can be taken. These include the use of bunds around oil storage tanks, and the use of drip trays around equipment. Sandbags or even sand can be used as a barrier to protect sensitive areas or block off drains during refuelling, or in the event of a spill can be used for mopping up.

#### Flooding

- 8.7 Flooding also has the potential to impact on water quality of the Borough's watercourses. Based on the advice of the Environment Agency, areas at risk from flooding have been identified on the Proposals Map which is read in accordance with Policy PE.6 of the Second Deposit Draft UDP. The construction of additional buildings within these at risk flooding areas increases the risk of this area being flooded and increases the magnitude of any such flooding. This occurs as additional development increase the areas of hard-standing and thereby reduce the capacity of the floodplain to store water and for the water to subsequently drain away. For any Planning Application for development within an area at risk from flooding, information may be required in order to assess the potential impact of flooding. This could includes the following:
- Identification of which areas of the site are to have impervious surfaces laid on them, i.e. foundations, car parking and footpaths
  - Any flood mitigation measures proposed as part of the development
  - In certain cases, appropriate investigations to evaluate flood risk for the proposed development
- 8.8 For more information with regards to flooding, contact the Environment Agency (details on Page 1). The Plans and Projects Department of the Council holds the 2000 Indicative Flood Plain Maps issued by the Environment Agency, which shows of all the areas at risk from Flooding in the Borough.

#### Other Legislative Controls

- 8.9 The Environment Agency is the statutory body responsible for the conservation and enhancement of water resources, including waste, effluent discharges and abstraction licences.

## **9.0 Contaminated Land**

- 9.1 The principle of sustainable development means that, where practicable, brownfield sites, including those affected by contamination should be recycled into new uses and the pressures thereby reduced for greenfield sites. Such recycling can also provide an opportunity to deal with the threats posed by contamination to health or the environment.
- 9.2 Examples of contaminated sites, and the typical hazards they pose, include:
- Old gas works which produced town gas, coke, coal, tar and other chemical by products.

- Land previously used for industrial purposes where a very wide range of hazardous substances may be found.
- Completed domestic and industrial landfill sites where combustion and settlement might be readily induced and generation of leachate, and emission of gases, may occur; and
- Old sewage works and sewage farms, where the concentration of metals in the soil may be high.

9.3 Although contamination is subject to controls under pollution control legislation, contamination or the potential for contamination is a material planning consideration and will be taken into account by the Council in the determination of planning applications. Contamination is of greatest concern where an industrial site is being converted into a residential use. Contamination may give rise to hazards which put a risk people working on the site, the occupiers and users of buildings and land, and the buildings and services per se. Contaminants may also escape from the site to cause air and water pollution and pollution of nearby land.

9.4 In cases where a site may be contaminated, planning permission may be granted but conditions attached to make it clear that development will not be permitted to start until a site investigation and assessment has been carried out. The development itself will need to incorporate all the measures shown in the assessment to be necessary. This process can be sped up if the site investigation report or "Desk Top Study" is produced at the time the planning application is submitted.

9.5 If a site is thought to be contaminated, before an application is made, informal discussions between a potential developer and the local planning authority can be very helpful to determine what research may need to be undertaken. The Environmental Health Department of the Council is currently in the process of forming a database of areas of potentially contaminated land in the Borough (contact details are given on Page 1).

## **10.0 Waste Management**

10.1 When assessing planning applications for certain types of development, the Council will be concerned with the disposal of waste from that site. Examples, include residential developments, A3 (food and drink) uses, and certain types of industrial purposes which may produce large quantities of waste, including hospitals, pubs and service stations.

### **Industrial, commercial and retail developments**

10.1 Policy PE.10 of the second deposit draft UDP states that the Council will seek to ensure that major new industrial, commercial and retail developments minimise their waste arising in line with the waste hierarchy and dispose of it in a sustainable manner. These developments will be encouraged to adopt environmental management schemes for the treatment and disposal of waste and planning obligations may be sought in respect of these where appropriate.

- 10.2 This policy towards waste management is based on a hierarchy of :
- minimisation;
  - re-use, recycling and composting;
  - energy recovery;
  - safe disposal
- 10.3 A sustainable approach to waste management requires greater emphasis on options at the top of the hierarchy and less reliance on simple disposal without recovery. Waste minimisation is the most important aspect of the whole hierarchy as it reduces the amount of waste entering the waste stream.
- 10.4 With respect to A3 (food and drink) uses, the Council recognises that these have the potential to generate large volumes of waste litter on the public highway, and have implications for hygiene concerns. As part of the planning application for such uses, the storage and disposal of refuse will be considered. If this information is not provided with the application, it is likely a condition will be included which requests details. The SPG Food and Drink (A3 Uses) contains guidance on A3 uses.
- 10.5 Contact details for the Waste Services Department of the Council are listed on Page 1.

#### Residential developments

- 10.6 Storage facilities for household waste should always be catered for in residential development / conversion schemes. Enclosed bin stores should be constructed in a suitable location, preferably behind boundary walls. Section 5.4 of SPG – Residential Extensions, Alterations and Conversions provides further guidance on this. This SPG states that waste storage facilities should be provided at a rate of at least 0.5 square metres per dwelling and the enclosure should be constructed in attractive materials and should be designed so that it is not obtrusive. The use of planting and landscaping can often help hide such facilities. Locations close to ground floor windows should be avoided. If details of waste storage facilities are not provided with the planning application, it is usual for a condition to be included which requires this information before the development can commence.
- 10.7 As of October 2000, Merton Council has introduced a free green waste collection service for households. This waste will then be composted rather than disposed of through landfill sites. Residents can pre-book a green waste collection, the contact phone number is listed on Page 1. The type of waste which can be accepted as is follows:
- Grass cuttings
  - Hedge trimmings
  - Garden prunings
  - Leaves
  - Small twigs
  - Dead plants and weeds
  - Branches no larger than 3 inches/7.5 cms in diameter.

#### During Construction

- 10.8 The UK construction industry generates about four times the rate of household waste per person. Which in turn creates environmental impacts of dealing with these wastes, e.g. noise and traffic emissions, which would not arise if the waste was not produced.
- 10.9 Thought should also be given during the construction process to the disposal of waste while incorporating the principles of the waste hierarchy as outlined above. It is often accepted that an extra 5-10% of materials should be ordered to allow for site wastage through damage, spillage, over-supply and vandalism. Focusing on how materials are ordered, delivered, stored and handled on site to investigate how wastage can be reduced could reduce these figures. Disposal costs can also be minimised by reusing and recycling wastes generated on site wherever possible. This is easier to do if the wastes are segregated as they are generated on site.

## 11.0 Electromagnetic Fields

#### Telecommunications Equipment

- 11.1 The installation of telecommunications equipment, including radio and television masts, and mobile telephone base stations is a controversial issue that has increased in complexity recently with the widespread use of mobile phones. This is especially controversial where the siting of the equipment is to be in or near sensitive sites which include, schools, residential areas and hospitals. Currently telecommunications equipment with masts under 15 metres in height, can be installed under permitted development rights, subject to prior approval requirements. However, this is under review by the Government.
- 11.2 Both the national government and Merton Council have attached considerable importance to keeping to a minimum the number of radio and telecommunication masts, and the number of sites for such installations. Policy is to encourage mast and site sharing, where appropriate. Good use is also to be made of existing buildings and other structures for the siting of antennas. Two factors to be taken into account in policy BE.49 of the Second Draft Deposit UDP, are whether the operator has explored the possibility of sharing an existing mast, and the possibility of locating the antenna on existing buildings or other structures.
- 11.3 In considering the design of an individual development, and particularly any mast development, careful consideration should be given to screening and planting. The boundaries of the site should be drawn large enough to accommodate the necessary landscaping. This information needs to be supplied with the planning application.

#### Satellite Dishes

- 11.4 Domestic satellite dishes are the most common type of telecommunications equipment located in the Borough. When deciding on the location of a satellite

dish on a dwelling or flat, is it important to protect the local environment from unnecessarily large, conspicuous dishes. In minimising any adverse visual impact, sites located away from the road frontage, which don't break the skyline, and hidden behind a parapet or a chimney stack should be considered first. These types of telecommunications equipment may require planning permission.

#### Overhead Power Lines

- 11.5 When considering a development within close proximity to Overhead Power Lines, it is important to refer to Policy PE.5 of the Second Deposit Draft UDP (as listed in Appendix 1). In accordance with this policy, the Council will encourage development proposals near to high voltage overhead power lines to be designed and laid out in such a way that the buildings used for residential, community, or workplace uses are not in close proximity to the power lines. This is in recognition of public concern regarding the effect of high voltage power lines and sources of electrical fields on health. For further guidance on this, please contact the Plans and Projects Department of Merton Council.

## **Appendix 1 – Unitary Development Plan (UDP) Policies**

The relevant Second Deposit Draft UDP Policies which make reference to Minimising Pollution.

### **Part I**

#### **Policy ST.4 : Environmental Capital**

The Council will protect and enhance the Borough's Environmental Capital.

#### **Policy ST.22 : Environmental Protection**

The Council will encourage the development of renewable energy uses and will seek to minimise pollution levels, waste production, energy and water use and runoff, and will safeguard floodplains and watercourses.

### **Part II**

#### **Policy PE. 1 : Environmental Assessments**

The Council will require an Environmental Statement in the case of proposal in addition to those listed in Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 where it is considered that the proposal would have a significant impact on the environment of the borough by virtue of its nature, size or location. The Council will also conduct a sustainability appraisal of other relevant proposals.

#### **Policy PE.2 : Air Quality**

Proposed developments which would have a significantly adverse effect on air quality will not normally be permitted. The Council will require the submission of a detailed air quality assessment in order to assess the extent of effects on air quality in the following cases:

- (i) Developments which significantly increase the number of vehicle trips;
- (ii) Polluting industrial activities;
- (iii) Incineration schemes;
- (iv) Energy generation projects;
- (v) Developments within or near to an air quality management area (AQMA) which may have an adverse effect on air quality within the AQMA

#### **Policy PE.3 : Pollution and Amenity**

Developments which would have a significantly adverse effect on nearby occupiers or on the amenity of the locality by reason of noise generation and disturbance or air pollution or adverse discharge onto the land or into water systems will not normally be permitted.

Potentially noisy developments must be located away from noise-sensitive land uses. Similarly, noise-sensitive development will not be permitted near to existing sources of significant noise. The Council will also take the cumulative impact of noise and other pollution on a locality into account when considering development proposals.

The Council will require the submission of adequate environmental information in order to determine the extent of any adverse impact. Wherever possible, acceptable operation of developments will be secured by the imposition of planning conditions.

#### **PE.4 : Light Pollution**

Development proposals which would have an adverse impact on local amenities by reason of unacceptable light emissions will not normally be permitted. Where possible the Council will aim to secure the provision of acceptable levels of illumination and spillage of light by the use of planning conditions.

#### **PE.5 : Overhead Power Lines**

In considering development proposals near to high voltage overhead power lines the Council will encourage the design and layout of development that separates buildings proposed for residential, leisure, community or workplace uses from close proximity to the power lines. Areas in close proximity to power lines should be retained for open land purposes or purposes ancillary to any development proposed, such as car parks, landscaped areas and access roads.

#### **PE.6 – Risk from Flooding**

The council will apply the precautionary principle to the issue of flood risk and adopt a sequential risk-based search sequence for development. New development on undeveloped land within the functional floodplain will be resisted.

New Development of the intensification of existing development will not be permitted in the areas at risk from flooding where they would:

- (I) - Increase the risk of flooding within this area or Downstream;
- (II) Materially impede the flow of floodwater;
- (III) Reduce the capacity of the floodplain to store water;
- (IV) Obstruct land adjacent to water courses required for access and /or maintenance purposes;
- (V) Adversely affect flood defence structures or other features with the same role.

Where development within floodplains is permitted, appropriate flood prevention or mitigation measures must be included as part of the proposed development (areas liable to flooding are indicated on the proposals map)

#### **PE.7 : Water Quality**

Developments that would lead to pollution of groundwater or surface water by reason of their waste water discharge or surface water will not normally be permitted. Developments will not be permitted unless foul sewers and sewage treatment works of adequate capacity of design can be provided in time to serve the development. When assessing applications for developments the Council will have regard to the following factors:

- (i) The incorporation of measures that reduce pollution at source;
- (ii) The incorporation of best management techniques for the control of the quality of surface water run-off;
- (iii) The nature and scale of development proposed

#### **PE 9. Contaminated, Vacant and Derelict Land**



The Council will encourage the recycling of derelict or vacant land and brownfield sites for appropriate development (including development for temporary periods) subject to the following criteria:

- (i) The need to treat polluted or contaminated sites, particularly where there is a threat to public safety
- (ii) The need to provide sites for housing and other land uses;
- (iii) The need to provide local open space on either a temporary or permanent basis
- (iv) The ecological value of the site

Where the Council is aware, or reasonably suspects that contamination exists on a site, developers will be required to carry out investigations into the nature and extent of contamination and any remedial measures that may be required in order to render the site fit for its intended use.

#### **PE.10 : Waste Minimisation and Waste Disposal**

The Council will seek to ensure that major new industrial, commercial and retail developments minimise their waste arising in line with the waste hierarchy and dispose of it in a sustainable manner. These developments will be encouraged to adopt environmental management schemes for the treatment and disposal of waste and planning obligations may be sought in respect of these where appropriate.

#### **PE.11 – Waste Facilities**

Applications for waste management facilities, such as facilities for the storage of waste or refuse, waste treatment and reprocessing plants including concrete crushers, incineration plants and waste transfer/bulk reducing stations, will not be permitted outside the designated industrial areas. Within these areas, the Council will assess applications for waste management facilities against the following criteria:

- (i) Compliance with the former LPAC'S Waste hierarchy;
- (ii) Incorporation of waste recycling, or waste-energy measures;
- (iii) Compliance with the best available technology not entailing excessive costs (BATNEC) principle;
- (iv) Proximity to the waste and refuse used;
- (v) Means of disposal of any residues arising
- (vi) Location and use of the site in terms of its relationship to the rail and strategic road networks;
- (vii) Potential traffic generation in terms of the number and form of trips;
- (viii) Environmental impact of traffic trips in terms of noise and air pollution;
- (ix) Environmental effects on the surrounding area from the operation of the facility;
- (x) Visual impact of the facility;
- (xi) Contribution to employment and regeneration of the locality;
- (xii) Compliance with regional strategies, regional self-sufficiency and waste disposal plan for the area.

Environmental impact assessments for waste management facilities will be sought in accordance with Policy PE.1.

#### **PE.12 - Recycling Points**

The Council will seek the provision of locally available recycling collection points throughout the Borough subject to acceptable impact on the amenity of the locality. The Council will seek to ensure that new residential, retail, leisure and business developments provide recycling collection facilities, including those for

specialist waste. Planning obligations may be used in relation to such new developments in order to improve the provision of recycling collection points across the Borough.

#### **PE.13 - Energy Generation And Energy Saving**

The Council will encourage the development of facilities that generate energy locally, in particular renewable energy, and facilities that will reduce the use of energy and its transmission where possible. When assessing proposals, the Council will weigh the benefits of contributing to diverse and sustainable energy supplies and reducing greenhouse gas emissions against any localised negative effects such as impact on local amenities, including visual amenities, or pollution generated.

#### **PE.14 - Energy Efficient Design And Use Of Materials**

The Council will encourage the energy efficient design of buildings and their layout and orientation on site. The use of sustainable building materials and the re-use of materials will also be encouraged, as will the use of recycled aggregates in the construction of buildings. This will be subject to the impact on the existing character of the area.

#### **L.3 - Water Environments**

The Council will promote the use of river corridors for a combination of natural habitat and the recreation functions. The Council will encourage the use of these areas for recreation, including water-based recreation, subject to their effect on the natural environment. This includes proposals to increase public access to and along these corridors and the development of walking and cycling routes. The Council will seek to ensure that proposals in these areas achieve an appropriate balance of uses commensurate with the sensitivity of the natural environment. Factors that will be taken into account when considering proposals affecting such areas include:

- (i) Any landscape or nature designation for the area, such as metropolitan open land, SSSI, LNR, SINC or green chain;
- (ii) Any proposals to increase the extent of public access;
- (iii) The extent of any environmental improvements to the water environment and its surroundings;
- (iv) The nature of recreation use proposed;
- (v) Any conflict or compliance with proposals for walking or cycling routes;
- (vi) The relationship to corporate strategies of the Council for the river corridor area.

#### **S.8 - Food And Drink (A3) Uses**

Planning permission for hot food take-aways, restaurants, cafes, pubs, wine bars and other A3 uses will be permitted provided all the following criteria have been met:

- (i) The proposal would not have an unacceptable impact on local amenity and the general environment, taking into account the size, characteristics and type of use proposed, the nature of the area, the number and size of other A3 uses in the area and the likely cumulative effect;
- (ii) The proposal would not have an unacceptable effect on car parking, traffic congestion and road safety, taking into account the size, characteristic and

type of use proposed, the nature of the area, road capacity, parking, the number and size of other A3 uses in the area and their likely cumulative effects especially in the case of large developments likely to generate large numbers of customers, and whether the location is well served by public transport;

- (iii) Adequate noise containment measures are included and sound insulation is provided where appropriate to safeguard the amenity of adjoining residential uses;
- (iv) The proposed opening hours would be acceptable;
- (v) There would not be an unacceptable on residential amenity through noise and disturbance;
- (vi) Adequate ventilation, waste disposal, litter management and crime prevention arrangements appropriate to the use and location can be provided .

Permission will not normally be granted for drive-through facilities.

#### **BE.31 – Sustainable Development**

The Council will encourage conservation of scarce or diminishing natural resources, the use of sustainable and/or recycled building materials, energy and water efficient building construction and services, use of alternative sources of energy, including solar and wind energy, and the minimisation of waste in the development process. Where possible redundant or under utilised buildings which contribute to area quality should be retained and re-use.

#### **BE.49 – Telecommunication Development**

When considering Planning Applications for telecommunications development consideration will be given to:

- (i) The siting and appearance of equipment, and the extent of screening by trees and other landscaping;
- (ii) Whether the operator has explored the possibility of sharing an existing mast or replacing it with one suitable for shared use;
- (iii) Whether the operator has explored the possibility of erecting antenna on existing buildings or other structures;
- (iv) The impact on listed buildings, conservation areas, historic parks and gardens, areas of distinctive character, nature conservation and metropolitan open land;
- (v) Whether reasonable steps have been taken to ensure the minimum numbers of equipment items are erected; and
- (vi) Technical and operational requirements.

Proposals will not normally be permitted where the siting of equipment is at the front of buildings, is unduly visually obtrusive or is detrimental to neighbouring amenities or the street scene.

#### **WC.1 – Increasing Walking**

The Council will introduce a comprehensive set of measure to increase walking in the Borough including:

- (i) Review walking's current and potential role as a means of travel;

- (ii) Set targets for increasing the number of people who choose to walk;
- (iii) Adopting land use planning strategies which will encourage walking;
- (iv) Improving the environment for pedestrians including identifying pedestrian priority areas and locations for pedestrian demonstration projects and footway widening;
- (v) Work with other organisations to develop promotion campaigns to change public attitudes and perceptions of walking as an alternative to the car.
- (vi) Take the opportunity through development proposals to improve pedestrian access including:
  - A) Creating new footpaths where these would produce a more direct route, or a missing link, through development sites;
  - B) Safeguarding existing footpaths, widening or improving them, replacing them in new developments and
  - C) Ensuring that new developments utilise and, where possible, face onto footpaths, to ensure

### **For Further Reading**

Department of the Environment, Transport, and the Regions : Air Quality Management Guidance Notes – Air Quality and Land Use Planning (2000)

Department of the Environment, Transport, and the Regions : Planning Policy Guidance Note 24 – Planning and Noise (1994)

Department of the Environment, Transport, and the Regions : Planning Policy Guidance Note 25 – Development and Flood Risk (Consultation Paper) (2000)

Department of the Environment, Transport, and the Regions : Planning Policy Guidance Note 22 – Renewable Energy (1993)

Department of the Environment, Transport, and the Regions : Waste Strategy 2000 for England and Wales



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Printed by Merton Print