

PLANNING COMMITTEE

15 OCTOBER 2018

REFERENCE FROM COUNCIL

A.1 **PROPOSED PLANNING CONDITION RE: DUST SUPPRESSION AT DEVELOPMENT SITES**

(Report prepared by Ian Ford)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report to the Committee a motion submitted at the meeting of the Council held on 11 September 2018.

EXECUTIVE SUMMARY

This report sets out a motion submitted by Councillor Bray to the meeting of the Council held on 11 September 2018 relating to a proposed standard planning condition for dust suppression at development sites and which was referred to the Committee by the Chairman of the Council for consideration and report, in accordance with the provisions of Council Procedure Rule 12.4.

RECOMMENDATION

That, following the explanation of the motion by Councillor Bray, the Committee decides whether to recommend, or not, that the Council should support the motion in its original format.

If the Committee decides to advise the Council that in its opinion the motion should not be supported in its original format it may, in addition, suggest to Council that an amended motion be proposed.

PART 2 – SUPPORTING INFORMATION

BACKGROUND

At a meeting of the Council held on 11 September 2018, the following motion was moved by Councillor Bray and seconded by Councillor Bush and, in accordance with Council Procedure Rule 12.4, stood referred to the Planning Committee for consideration and report:

“This Council resolves that:-

- 1. Subject to there being no objection from the Planning Inspectorate, ALL future planning applications approved by this Council, contain a condition requiring the developer / constructor to take all reasonable steps, using dust suppression*

techniques to ensure that, as far as possible, existing residents living in near proximity to the construction site are not adversely affected by construction related dust; and

- 2. If any objection is received from the Planning Inspectorate, that objection will be disclosed fully to Councillors in order that this motion can be amended to take account of any such objection at some future time.”*

Tendring District Council imposes a planning condition requiring the submission and approval of a construction method statement to some planning permissions. In many cases this will include measures to reduce the amount and spread of dust from construction sites. The condition is generally used in relation to the larger development sites and those in close proximity to existing residential properties.

The Government provides guidance on the use of planning conditions. Paragraph 206 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.”

Local planning authorities should therefore ensure that all conditions imposed on planning permissions meet these ‘tests’. To meet these tests, the individual circumstances of each case should be considered.

The guidance advises local planning authorities to consider whether it will be appropriate to refuse planning permission without the requirements imposed by the condition? It goes on to say that a condition must not be imposed unless there is a definite planning reason for it, ie it is needed to make the development acceptable in planning terms.

A planning condition relating to dust suppression is likely to be more relevant for some development proposals than others. Some developments are for changes of use and include no operational development. Many are minor in scale and have limited works likely to generate dust.

Complaints about dust from construction sites generally relate to larger development sites during periods of hot dry weather. This has been the case during the summer period this year.

CURRENT POSITION

In accordance with Council Procedure Rule 12.5 Councillor Bray has been invited to attend the meeting and explain the motion.

BACKGROUND PAPERS FOR THE DECISION

None.

APPENDICES

None.