

# 15. Unstable Land

## 15.1 POLICY UNS1 Development Proposals on Unstable Land

### Objection

DO/51227/1813 Harmer Partnership

### Issue

15.1.1 The main issue is whether or not the policy is necessary given the provisions of Policy UNS2.

### Conclusions

15.1.2 The Council replies to the objector that the policy is a catch-all for development not requiring planning permission such as works by statutory undertakers or some types of agricultural development. However, the Council has limited ability to place restrictions on permitted development and, in any event, I consider that both Policies UNS1 and 2 address similar issues. UDPs should be as succinct as possible and not contain any unnecessary wording. I conclude that the essence of the policy should be included in Policy UNS2, and Policy UNS1 be deleted.

### Recommendation

15.1.3 I recommend that Policy UNS1 be deleted.

## 15.2 POLICY UNS2 Planning Application Details relating to Unstable Land

### Objection

DO/51227/1814 Harmer Partnership

### Issue

15.2.1 The main issue is whether or not the policy should be reworded.

### Conclusions

15.2.2 The objector argues that this policy should be amended so that it covers both large and small developments. I consider that the proposed alteration, put forward by the objector, forms a useful basis for improving this policy, although I suggest some further minor amendments.

15.2.3 The objector also considers that criterion 4 of the policy should be deleted as the requirement for formal environmental assessment would only arise on a limited number of occasions. The Council considers that the criterion is relevant, as areas of unstable land can cover relatively large areas and environmental assessment may be necessary given the wide

variety of interests that may be present. I consider that in some circumstances, development proposals on potentially unstable land and associated mitigation measures could require formal environmental impact assessment (EIA). However, this would be a separate process from the production of a stability report, requiring the preparation of an Environmental Statement and consultation. I agree with the objector that criterion 4 should be deleted. If the Council considers it necessary, it could extend the reasoned justification to remind readers of the requirements of the EIA process.

## Recommendation

15.2.4 I recommend that the policy be modified as set out below :

'Where development proposals affect land where instability is suspected, any planning application must be accompanied by a stability report which:

1 identifies and assesses the nature and extent of instability in the context of the site and neighbouring land, and explains any potential hazards for development;

2 proposes a programme of works to mitigate the risks identified in (1) above; and

3 provides for routine monitoring, where appropriate.'