

# Local Development Framework Briefing Paper Air Quality



## Devon County Council's Advice to Local Planning Authorities

*This is one of a series of briefing papers prepared by Devon County Council to assist the preparation of Local Development Documents.*

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***Local Planning Authorities are requested to take the following matters into account in preparing their Local Development Frameworks and other documents:***

- 1. Recognise the strategic air quality policies of the Devon Structure Plan (Policy CO15) and the Draft Regional Spatial Strategy (Policy RE9) in determining development proposals. (see Section 4 and 5)***
- 2. Preparation of Supplementary Planning Guidance - Where air quality is a material consideration it is important that a consistent approach is applied to planning applications. The Local Development Framework should include Supplementary Planning Documents (SPDs) providing guidance in dealing with air quality in the development control process. This guidance is being produced by the Devon Air Quality Management Group (see below) to assist in ensuring such an approach is taken by districts. (see Section 7)***
- 3. Recognise the mechanisms for improving air quality where transport has been identified as the main cause of the problem. These include the:***
  - a) Strategic planning of development (residential, employment, retail etc) through Local Development Documents (see Section 5a),***
  - b) Local Transport Plan (see Section 5b) and***
  - c) Development control process (see Section 5c).***
- 4. Identification/Notification of Air Quality Management Areas - It is important that the environmental health department inform all relevant District Council and County Council departments when an Air Quality Management Area (AQMA) is to be declared. (see Section 6)***
- 5. Partnership Working - Devon County Council wishes to work in partnership with District Councils, in further developing the above policy areas with colleagues and other organisations and would wish to be involved in any discussion relating to them. (see Section 6 and 7).***

## 1. Background

Local authorities have a duty, under Part IV of the Environment Act 1995 to manage local air quality. Where levels of pollutants are unlikely to meet Government Air Quality Objectives by a due date, they are required to declare Air Quality Management Areas (AQMAs) and prepare Action Plans to tackle the problem.

Currently there are national objectives for 7 key pollutants. The two main pollutants of particular concern in Devon are particulate matter (PM<sub>10</sub>) and nitrogen dioxide (NO<sub>2</sub>).

a) Particulates are derived from a variety of sources such as engine emissions, tyre wear, brake wear, re-suspended road dust and quarrying. Natural sources include sea spray and dust. At sites where PM<sub>10</sub> is monitored there is likely to be a contribution from a number of sources. Although emissions from vehicles, and diesel powered ones in particular, are usually significant there is also a substantial contribution from background sources which can vary by locality and according to weather conditions.

b) Nitrogen Dioxide is produced from all combustion processes in air. It is estimated that road transport accounts for about 50% of all emissions, the electricity supply industry 20% and commercial and industrial processes about 17%.

## 2. The Scale of the Problem in Devon

Following completion of an air quality updating and screening assessment and in some cases detailed assessment, the situation in Devon is summarised in the table below (as of September 2006):

Council	Air Quality Management Findings
East Devon District	Potential exceedance of NO <sub>2</sub> objective in Honiton
Exeter City	<p><u>5 AQMAs declared for NO<sub>2</sub> (March 2005):</u></p> <ul style="list-style-type: none"> <li>• Alphington Corridor &amp; Cowick St</li> <li>• Heavitree Rd Corridor</li> <li>• Pinhoe Rd / Mount Pleasant junction</li> <li>• Red Cow Village</li> <li>• <i>Countess Wear (revoked in May 2006)</i></li> </ul> <p><u>3 further AQMAs to be declared for NO<sub>2</sub> (expected February 2007):</u></p> <ul style="list-style-type: none"> <li>• Topsham Rd at Tollards Rd</li> <li>• Cowick St / Cowick La / Buddle La / Dunsford Hill junction</li> <li>• Cowley Bridge Rd (opposite Duryard)</li> </ul>
Mid Devon District	<p><u>1 AQMA declared for NO<sub>2</sub> &amp; PM<sub>10</sub> (November 2004):</u></p> <ul style="list-style-type: none"> <li>• Crediton (whole of town)</li> </ul> <p><u>1 AQMA to be declared for NO<sub>2</sub> (expected November 2006):</u></p> <ul style="list-style-type: none"> <li>• Cullompton (boundary yet to be defined)</li> </ul>
North Devon District	No AQMAs
South Hams District	<u>1 AQMA on single property at Dean Prior declared for NO<sub>2</sub> (March 2005)</u> . Potential exceedance of NO <sub>2</sub> in Ivybridge & Totnes

Teignbridge District	4 AQMAs declared for NO <sub>2</sub> (December 2005): <ul style="list-style-type: none"> <li>• Newton Abbot town centre</li> <li>• Kingskerswell A380</li> <li>• Teignmouth A381 between Shaldon Bridge &amp; The Docks</li> <li>• Dawlish A379 near Iddesleigh Terrace</li> </ul>
Torrige District	No AQMAs
West Devon Borough	No AQMAs

### 3. Roles and Responsibilities

Following declaration of an AQMA, local authorities have a duty under section 84(2) of the Environment Act 1995 to produce an action plan. The plan must set out what measures the authority intends to introduce in pursuit of the Air Quality Objectives. The Action Plan should include timescales to indicate when the measures will be implemented. Local authorities are not obliged to meet the objectives but they must show that they are working towards them.

There is a requirement for the County Council to respond to District Councils within 12 months of an AQMA being declared and submit proposals to tackle traffic-related air quality issues where these have been clearly identified. In accordance with Government's guidance the transport measures forming part of Air Quality Action Plans will be integrated into the Devon Local Transport Plan 2006-2011 programmes to ensure a fully joined-up approach.

### 4. The Vision and Objectives to 2021

Four District Councils have declared AQMAs because the Air Quality Objectives to 2005 for nitrogen dioxide and, in one instance, particulates were not met. The table below details the Air Quality Objectives for the 2 pollutants.

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Nitrogen Dioxide (NO <sub>2</sub> )	200 µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 µg/m <sup>3</sup>	annual mean	31.12.2005
Particles (PM <sub>10</sub> )	50 µg/m <sup>3</sup> not to be exceeded more than 35 times a year	24-hour mean	31.12.2005
	40 µg/m <sup>3</sup>	annual mean	31.12.2005

The Draft Regional Spatial Strategy (RSS) deals with long term planning matters and provides a range of policies, which clearly state the principles and priorities for the South West region to 2026. Section 7, *Enhancing Distinctive Environments and Cultural Life*, the Draft RSS provides a policy on air quality.

**Policy RE9 Air Quality states:**

***“The impacts of development proposals on air quality must be taken into account and Local Authorities should ensure, through LDDs [Local Development Documents], that new development will not exacerbate air quality problems in existing and potential AQMAs”.***

## **5. Planning Mechanisms for Improving Air Quality**

There are 3 key planning processes which are the mechanisms for improving air quality over this period. Strategic Planning, Development Control Planning and Local Transport Planning can all contribute to reducing pollution levels to below the above air quality objectives.

### **a) Strategic Planning**

The Draft RSS provides a regional vision to 2026, dealing with long term strategic planning matters for the South West region, however until it is adopted the Devon Structure Plan 2001-2016 will set out the strategic planning framework for the development and use of land within Devon. The planning of residential, commercial industry and infrastructure can affect local air quality and the Structure Plan makes this consideration explicit when assessing development proposals:

**Policy CO15 - Air Quality states:**

***“Development that would give rise to a deterioration in air quality should not be located where that deterioration would adversely affect other land-uses and amenity in the vicinity”.***

### **b) Local Transport Planning**

The Devon Local Transport Plan 2006-2011 provides the mechanism for improving local air quality through transport and traffic related measures. The air quality (AQ) targets for 2006-2011 are as follows<sup>1</sup>:

AQ1 Limit growth in traffic to 15% by 2010/11

AQ2 Reduce pollutants to below the exceedance levels by 2010 in Exeter

AQ3 Reduce pollutants to below the exceedance levels by 2010 in High Street, Crediton

Where further Air Quality Management Areas are declared, the County Council will work with the Districts to assist in developing action plans, progress of which will be incorporated with and monitored through the Local Transport Plan process (i.e. through annual progress reports).

As part of the Air Quality monitoring, review and assessment process, Devon County Council will continue to arrange for traffic data collection surveys to be undertaken and results forwarded to the District Councils for air quality modelling purposes.

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<sup>1</sup> At the time of producing the Local Transport Plan Mid Devon and Exeter were most advanced with work on their action plan, therefore it was possible to set targets against these AQMAs. Targets for the Teignbridge AQMAs will follow in subsequent Annual Progress Reports.

### **c) Development Control Planning**

The Development Control process should be used as a tool for improving air quality and not as something that should stifle development. Environmental Impact Assessments and Transport Assessments submitted with planning applications should fully consider the air quality impacts of a proposed development. The local authority will need to determine how significant these impacts might be and how any impacts might be mitigated. It is important that development control officers engage with experts from other policy areas (e.g. environmental and transportation) to inform these decisions.

Although material in planning terms, it is important that air quality is considered together with a list of environmental and other criteria, and that decisions strike a balance between protecting local communities and providing benefits to the wider population. It is not the case that all planning applications for developments within or near to AQMAs should be refused if the developments result in a deterioration of local air quality.

Local authorities should have a consistent approach to the treatment of air quality in development control so that both planners and developers are aware of what is required of them. This consistent approach is being adopted in Devon through the work of the Devon Air Quality Management Group (see Guidance section below).

## **6. LDF Recommendations**

It is important that the environmental health department makes all relevant departments within the District Council and County Council aware when an air quality management area (AQMA) has been declared.

County Councils and District Councils should work closely together to ensure that the Districts have the necessary relevant information to assist with their air quality work.

The Local Transport Plan will be the mechanism for improving air quality where transport has been identified as the main cause of the problem, although the strategic planning of development (residential, employment, retail etc) and the development control process will also have an important role.

In reiterating the strategic air quality policies of the Draft Regional Spatial Strategy and Structure Plan, the following policies should be adhered to regarding development proposals:

The impacts of development proposals on air quality must be taken into account and Local Authorities should ensure, through LDDs, that new development will not exacerbate air quality problems in existing and potential AQMAs  
(Policy RE9 of the Draft RSS)

Development that would give rise to a deterioration in air quality should not be located where that deterioration would adversely affect other land-uses and amenity in the vicinity  
(Policy CO15 of Structure Plan)

A consistent approach to planning applications, where air quality is a material consideration, is important. The Local Development Framework should include Supplementary Planning Documents (SPDs) providing guidance in dealing with air quality in the development control process. This guidance is being produced by the Devon Air Quality Management Group (see below) to assist in ensuring such an approach is taken by districts.

## 7. Guidance on Air Quality

### Devon Specific

#### *Devon Air Quality Management Group*

The Devon Air Quality Management group involves Environmental Health officers from each of the Devon authorities, including representatives from the County Council and meets to discuss issues, share best practice and is the forum for producing Devon-wide planning guidance for air quality matters.

The Group is also looking to ensure that Local Development Frameworks will include policies for managing the impact of development on air quality. Mid Devon intend to produce Supplementary Planning Documents, which will provide greater specific detail on those policies within the LDF (such as a definition of 'significance').

### National

#### *DEFRA*

Guidance for local authorities on their local air quality management duties under Part IV of the Environment Act 1995 is available at

<http://www.defra.gov.uk/environment/airquality/laqm/guidance/pdf/laqm-pg03.pdf>

#### *NSCA*

The National Society for Clean Air provide a series of guidance notes for local authorities on local air quality management and can be downloaded at

[http://nscaorguk.site.securepod.com/pages/topics\\_and\\_issues/air\\_quality\\_guidance.cfm](http://nscaorguk.site.securepod.com/pages/topics_and_issues/air_quality_guidance.cfm)

#### *Planning Policy Statement 23: Planning and Pollution Control*

Has replaced PPG23 and provides guidance for planners on the consideration of air quality and environmental pollution and can be viewed at <http://www.odpm.gov.uk/index.asp?id=1143916>

#### *NETCEN LAQM Website*

This website contains information on the local air quality management progress of each Local Authority. It also gives information on any AQMAs declared and the status of any Action Plans.

<http://www.airquality.co.uk/archive/laqm/laqm.php>