



# Appendix I.2 Policy Context

## Appendix I.2: Policy Context

### Air Quality Legislation and National Air Quality Strategy

The Environment Act 1995 requires the UK government to prepare a National Air Quality Strategy. The UK National Air Quality Strategy (NAQS) was therefore published in March 1997 setting out policies for the management of ambient air quality. The Strategy sets objectives for eight pollutants, which may potentially occur in the UK at levels that give cause for concern. These pollutants are: nitrogen dioxide (NO<sub>2</sub>), sulphur dioxide (SO<sub>2</sub>), carbon monoxide (CO), lead (Pb), fine particulate matter (PM<sub>10</sub>), benzene (C<sub>6</sub>H<sub>6</sub>), 1, 3-butadiene and ozone (O<sub>3</sub>).

The Strategy was reviewed and a Review Report<sup>1</sup> and Consultation Document<sup>2</sup> were published by the Department of the Environment, Transport and the Regions in 1999. A revised version (The Air Quality Strategy (AQS) 2000), which supersedes the 1997 Strategy, was published in January 2000. The AQS 2000 strengthens the objectives for a number of pollutants with the exception of that for particulates, which was replaced with the less stringent EU limit value.

The objectives for the eight pollutants in the Strategy provide the basis of the implementation of Part IV of the Environment Act 1995. The Air Quality Strategy objectives for each pollutant, except ozone, were given statutory status in the Air Quality (England) Regulations, 2000<sup>3</sup> and Air Quality (England) (Amendment) Regulations 2002<sup>4</sup> ('the Regulations').

In 2007 the Air Quality Strategy was revised. This latest strategy<sup>5</sup> does not remove any of the objectives set out in the previous strategy or its addendum, apart from replacing the provisional 2010 objective for PM<sub>10</sub> in England, Wales and Northern Ireland with the exposure reduction approach for PM<sub>2.5</sub>. The UK Government and the Devolved Administrations have now therefore set new national air quality objectives for particulate matter smaller than 2.5µm diameter (PM<sub>2.5</sub>).

EU Directive 2008/50/EC<sup>6</sup> came into force in June 2008 and was transposed into legislation in England on 11<sup>th</sup> June 2010 as 'The Air Quality Standards Regulations 2010'<sup>7</sup>. This EU Directive

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<sup>1</sup> Department of the Environment, Transport and the Regions, January 1999. Report on the Review of the National Air Quality Strategy, Proposals to amend the Strategy

<sup>2</sup> Department of the Environment, Transport and the Regions 1999, The Air Quality Strategy for England, Scotland, Wales and Northern Ireland. A consultation document

<sup>3</sup> The Air Quality (England) Regulations 2000. SI No 928

<sup>4</sup> The Air Quality (Amendment) Regulations 2002

<sup>5</sup> Department of Environment, Food and Rural Affairs, The Air Quality Strategy for England, Scotland, Wales and Northern Ireland. July 2007

<sup>6</sup> Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on Ambient Air Quality and Cleaner Air for Europe

<sup>7</sup> Statutory Instruments 2010 No. 1001 The Air Quality Standards Regulations 2010

consolidates existing air quality legislation and makes achievement of the objectives a national objective rather than a local one. It also provides a new regulatory framework for PM<sub>2.5</sub>.

The current Air Quality Standards and Objectives, as set out in the Air Quality Standards Regulations 2010, are detailed in Table 1 below.

<b>Table 1: UK Air Quality Objectives and Pollutants</b>			
<b>Pollutant</b>	<b>Objective</b>	<b>Averaging Period</b>	<b>Obligation</b>
Nitrogen Dioxide (NO <sub>2</sub> )	200µg/m <sup>3</sup> not to be exceeded more than 18 times a year	1-hour mean	All local authorities
	40µg/m <sup>3</sup>	Annual mean	All local authorities
Particulate Matter (PM <sub>10</sub> )	50µg/m <sup>3</sup> not to be exceeded more than 35 times a year	24-hour mean	All local authorities
	50µg/m <sup>3</sup> not to be exceeded more than 7 times a year	24-hour mean	Scotland only
	40µg/m <sup>3</sup>	Annual mean	All local authorities
	18µg/m <sup>3</sup>	Annual mean	Scotland only
Particulate Matter (PM <sub>2.5</sub> )	25µg/m <sup>3</sup> (target level)	Annual mean	England only
	10µg/m <sup>3</sup>	Annual mean	Scotland only
Sulphur Dioxide (SO <sub>2</sub> )	266µg/m <sup>3</sup> not to be exceeded more than 35 times a year	15-minute mean	All local authorities
	350µg/m <sup>3</sup> not to be exceeded more than 24 times a year	1-hour mean	All local authorities
	125µg/m <sup>3</sup> not to be exceeded more than 3 times a year	24-hour mean	All local authorities
Benzene (C <sub>6</sub> H <sub>6</sub> )	16.25µg/m <sup>3</sup>	Running annual mean	All local authorities
	5µg/m <sup>3</sup>	Annual mean	England and Wales only
	3.25µg/m <sup>3</sup>	Running annual mean	Scotland and Northern Ireland only
1,3-Butadiene (C <sub>4</sub> H <sub>6</sub> )	2.25µg/m <sup>3</sup>	Running annual mean	All local authorities
Carbon Monoxide (CO)	10mg/m <sup>3</sup>	Maximum daily running 8-hour mean	England, Wales and Northern Ireland only
	10mg/m <sup>3</sup>	Running 8-hour mean	Scotland only
Lead (Pb)	0.5µg/m <sup>3</sup>	Annual mean	All local authorities

### Legislative Requirement for Local Air Quality Management Guidance

The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, July 2007, establishes the framework for air quality improvements based on measures agreed at a national and international level.

However, despite these measures, it is recognised that areas of poor air quality will remain and these should be dealt with through the Local Air Quality Management (LAQM) process using locally implemented measures.

LAQM legislation in the Environment Act 1995 requires local authorities to conduct periodic review and assessments of air quality. These aim to identify all those areas where the air quality objectives are being, or are likely to be, exceeded.

All authorities were required to undertake the first stage of review and assessment which concluded in September 2001. In those areas identified as having the potential to experience elevated levels of pollutants the authority was required to undertake a more detailed second stage review comprising two steps; Updating and Screening Assessments and Detailed Assessments. Where it was predicted that one or more of the air quality objectives would be unlikely to be met by the end of 2005, local authorities were required to proceed to a third stage and, if necessary, declare Air Quality Management Areas (AQMAs) and make action plans for improvements in air quality, in pursuit of the national air quality objectives.

An Evaluation Report, commissioned by the UK Government and Devolved Administrations in 2007, led to the publication of the LAQM Technical Guidance document LAQM.TG(09) in February 2009. This technical guidance was subsequently updated following a consultation process, and in January 2016 the LAQM Technical Guidance document LAQM.TG(16) was published by Defra<sup>9</sup>.

LAQM.TG(16) presents the changes to the LAQM system across the UK. A new streamlined approach has been adopted in England and Scotland; however, Wales and Northern Ireland are still considering changes to LAQM and therefore work according to the previous regimes.

The previous structure of Review and Assessment, comprising Updating and Screening Assessments and Detailed Assessments has been replaced by the introduction of an Annual Status Report (ASR) for England and an Annual Progress Report (APR) for Scotland.

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<sup>8</sup> Department for Environment, Food and Rural Affairs, Local Air Quality Management Technical Guidance document LAQM.TG(09), February 2009

<sup>9</sup> Department for Environment, Food and Rural Affairs, Local Air Quality Management Technical Guidance document LAQM.TG(16), April 2016

The ASR replaces all other reports which previously had to be submitted as part of the LAQM system including review and assessment and action plan progress reports, updating and screening assessments and detailed assessments.

Local authorities now have the option of a fast track AQMA declaration option. This allows more expert judgement to be used and removes the need for a detailed assessment where a local authority is confident of the outcome. Detailed assessments should still be used if there is any doubt.

Examples of where the Air Quality Objectives should/should not apply are also detailed in LAQM.TG(16) and are included in Table 2 below.

<b>Table 2: Examples of Where the Air Quality Objectives Should Apply</b>		
<b>Averaging Period</b>	<b>Objectives Should Apply at:</b>	<b>Objectives Should Generally Not Apply at:</b>
Annual mean	All locations where members of the public might be regularly exposed. Building façades of residential properties, schools, hospitals, car homes, etc.	Building facades of offices or other places of work where members of the public do not have regular access. Hotels, unless people live there as their permanent residence. Gardens of residential properties. Kerbside sites (as opposed to locations at the building façade) or any other location where public exposure is expected to be short term
24-hour mean and 8-hour mean	All locations where the annual mean objectives would apply together with hotels. Gardens of residential properties <sup>a</sup>	Kerbside sites (as opposed to locations at the building façade), or any other location where public exposure is expected to be short term
1-hour mean	All locations where the annual mean and 24 and 8-hour objectives apply. Kerbside sites (e.g. pavements of busy shopping streets). Those parts of car parks and railway stations etc. which are not fully enclosed, where members of the public might reasonably be expected to spend one hour or more. Any outdoor locations to which the public might reasonably be expected to spend one hour or longer	Kerbside sites where public would not be expected to have regular access
15-minute mean	All locations where members of the public might reasonably be exposed for a period of 15 minutes or longer	

<sup>a</sup>: Such locations should represent parts of the garden where relevant public exposure is likely, for example where there is seating or play areas. It is unlikely that relevant public exposure to pollutants would occur at the extremities of the garden boundary, or in front gardens, although local judgement should always be applied

### National Planning Policy

The National Planning Policy Framework<sup>10</sup>, introduced in March 2012, sets out the important role of local authorities as contributing to the protection of and enhancement of the environment. It requires local authorities to grant planning permission in conformity with NPPF and the local plan, where there are no relevant policies or where these are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

It places a general presumption in favour of sustainable development, stressing the importance of local development plans. One of its 12 Core Planning Principles states that planning should:

“contribute to conserving and enhancing the natural environment and reducing pollution”, by: (paragraph 109) “preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

It goes on to state (paragraphs 120 and 124) that:

“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

The NPPF also requires that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan.

The Planning Practice Guidance<sup>11</sup>, updated in March 2014, states that whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impacts in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).

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<sup>10</sup> Department for Communities and Local Government, National Planning Policy Framework, March 2012

<sup>11</sup> Department for Communities and Local Government, Planning Practice Guidance: Air Quality, March 2014

Where a proposed development is anticipated to give rise to concerns about air quality an appropriate assessment needs to be carried out. Where the assessment concludes that the proposed development (including mitigation) will not lead to an unacceptable risk from air pollution, prevent sustained compliance with national objectives or fail to comply with the requirements of the Habitats Regulations, then the local authority should proceed to decision with appropriate planning conditions and/or obligations.

#### Northampton Borough Council and Wellingborough Borough Council Local Air Quality Management Review and Assessment

Northampton Borough Council (NBC) and Wellingborough Borough Council (WBC) are responsible for the management of air quality in the vicinity of the proposed development. WBC has not declared any AQMAs, whereas NBC has declared a number of AQMAs for exceedance of the annual mean objective for nitrogen dioxide (NO<sub>2</sub>). The closest AQMA to the application site is approximately 8km to the south west, along a section of the A45, London Road. Therefore, the site itself is not located within an AQMA or known area of concern with regard to air quality.

The NBC 2015 Updating and Screening Assessment (USA) was not available at the time of the assessment. Therefore, in order to obtain details of monitoring data collected during 2015, NBCs EHO provided NO<sub>2</sub> monitoring data for 2015 in a spreadsheet for 80 locations. The monitoring data shows that an exceedance of the annual mean objective for NO<sub>2</sub> was measured at 23 locations; however, none of these are in the vicinity of the proposed development. In addition, the two automatic analysers did not show any exceedances of the annual mean objective for NO<sub>2</sub>. Across Northampton, annual mean NO<sub>2</sub> concentrations ranged from 12.50µg/m<sup>3</sup> to 54.90µg/m<sup>3</sup>.

#### Local Plan Policies

Improving local air quality requires a combination of measures which, provided together, will support a move to better air quality. These include policies on pollution control along-side those seeking to reduce unnecessary travel, improve the walking, cycling and public transport networks to encourage modal shift and good design to reduce the need to travel and / or improve sustainable transport opportunities. Working together these policies will lead to a reduction in vehicular reliance and polluting factors. However, the Development Plan recognises that for some people the car will remain an important mode of transport so policies seeking to improve the road network to improve capacity and flow are also important. The policies which provide the strategic and local context to air quality for Northampton are set out below. These should be read with reference to the relevant Development Plan.

## **West Northamptonshire Joint Core Strategy Local Plan (Part 1) (2014)**

The West Northamptonshire Joint Core Strategy Local Plan Part 1 was adopted in 2014 (JCS). The JCS sets out the strategic policies to address strategic matters across the sub-region.

- Policy SA: Presumption in favour of sustainable development
- Policy S10: Sustainable development principles
- Policy S11: Low carbon and renewable energy
- Policy C1: Changing behaviour and achieving modal shift
- Policy C2: New development
- Policy C4: Connecting urban areas
- Policy C5: Enhancing local and neighbourhood connections
- Policy RC1: Delivering community regeneration
- Policy BN9: Planning for pollution control
- Policy N1: The regeneration of Northampton
- Policy N12: Northampton's transport network improvements

## **Northampton Local Plan (1997)**

There are no relevant saved policies relating to air quality Guidance

### Guidance

#### Planning Practice Guidance

On 6<sup>th</sup> March 2014, the Department for Communities and Local Government (DCLG) launched the *Planning Practice Guidance* web-based resource. This provides guidance on the approach to air quality.

The Planning Practice Guidance<sup>12</sup> states that whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impacts in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).

Where a proposed development is anticipated to give rise to concerns about air quality an appropriate assessment needs to be carried out. Where the assessment concludes that the

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<sup>12</sup> Department for Communities and Local Government, March 2014, Planning Practice Guidance: Air Quality



proposed development (including mitigation) will not lead to an unacceptable risk from air pollution, prevent sustained compliance with national objectives or fail to comply with the requirements of the Habitats Regulations, then the local authority should proceed to decision with appropriate planning conditions and/or obligations.

#### Guidance on the Assessment of Dust from Demolition and Construction

The IAQM has released guidance to allow for the assessment of impacts associated with dust and PM<sub>10</sub> releases, during the construction phase of a development.

This guidance allows the potential dust soiling, human health and ecological effects associated with demolition, earthworks, construction and the trackout of dirt and mud onto the public highway, to be assessed at sensitive receptor locations.

#### Land-Use Planning and Development Control: Planning for Air Quality

Guidance has been prepared by EPUK and the IAQM with relation to the assessment of the air quality impacts of proposed developments and their significance.

The guidance takes into account the existing baseline air quality at sensitive receptor locations, as well as the change expected as a result of emissions from development generated vehicles. The focus of the guidance is on human receptors.

#### Design Manual for Roads and Bridges

DMRB contains guidance on scoping nature conservation sites, to determine whether further assessment of the impacts of development generated traffic is required for sensitive habitats.