

BRECKLAND DISTRICT COUNCIL

Report of the Director of Commissioning

To: Overview and Scrutiny Committee 15 March 2012

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Subject: Air Quality Guidance for Planners and Developers in Breckland

Purpose: To provide Planners, Developers and their agents with guidance when considering Air Quality impacts of development in Breckland.

Recommendation(s):

The document is adopted as Technical Guidance and issued by Breckland Council to Planners, Developers and their agents.

1. INTRODUCTION

1.1 Background

Clean air is important for human health and the environment. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland was first published in January 2000 and establishes the framework for air quality improvements. The UK Government and the devolved administrations published the latest Air Quality Strategy in July 2007.

In accordance with this Strategy, Local Authorities have a duty to review and assess local air quality under Part IV of the Environment Act 1995. Where a Local Authority considers that one or more of the objectives are unlikely to be met and there is relevant exposure, it must declare an Air Quality Management Area (AQMA) and develop an action plan setting out measures to work towards an improvement of the air quality in the area. Local Authorities are required to submit annual air quality reports to the Department for Environment, Food and Rural Affairs (DEFRA) for acceptance.

The designation of an AQMA does not mean that there will be no development allowed within the area, but that greater weight must be given to the consideration and removal of the impacts of any proposed development on air quality. It is important to balance all aspects of development within an AQMA or affecting an AQMA. This applies particularly to development in town centres that may result in additional people, vehicles and polluting processes in the area.

1.2 Issues

- 1.2.1 In 2010 the annual mean for nitrogen dioxide was just exceeding the objective on London Road in Swaffham due to in the main traffic passing through the town. Monitoring has continued in 2011 as instructed by Defra and a Detailed Assessment will be produced in April 2012. Swaffham has proposals for increased housing of up to 500 new homes and a large retail development and as such it is anticipated that traffic will increase resulting in a potential for the air quality objective to be exceeded further unless the developers are required to assess and implement measures to control traffic flows and associated pollution.

- 1.2.2 These air quality exceedences could equally occur across other parts of the district where increased development leads to increased traffic movements and pollution levels which needs to be assessed and controlled.
- 1.2.3 Changes are proposed to Planning Policy Statement 23 Planning and Pollution Control requiring planning authorities to put in place local arrangements relating to planning pollution control measures particularly in terms of air quality control. The Norfolk Environmental Pollution Group (NEPG) comprising environmental health professionals from the local authorities across Norfolk have worked in partnership with their colleagues in Suffolk to produce guidance entitled *Air Quality and Land Use Planning* to guide and assist planning colleagues and developers in this respect.
- 1.2.4 The document is intended to be used across all of the Norfolk and Suffolk authorities bringing consistency to the requirements for new developments in respect of air quality control.
- 1.2.5 The guidance has been discussed with the planning officers at Breckland and they are very supportive of the guidance and, subject to a few minor points to ensure that it clear when a new development its use, are happy for it to progress as technical guidance. They advise that the guidance would need to be approved by cabinet /council / planning committee in terms of its use by planning in the future.

1.3 Options

- 1.3.1 Review the issues set out above and recommend adoption of the new guidance by council for use by the planning department and developers in terms of assessing and controlling pollution affecting air quality from new developments
- 1.3.2 Do nothing

2. IMPLICATIONS

2.1 Risk

A risk assessment has been completed in accordance with the Council's Risk Management methodology and the following risks and mitigating factors have been identified.

Uncontrolled development within the district could cause exceedences of the national air quality objectives leading to a potential declaring of an Air Quality Management Area (AQMA). Such a declaration would have significant implications on the control of polluting effects within the area affecting developments and requiring an action plan to be put in place by the authority to improve air quality. Such measures would have financial implications on the authority to assess and monitor air quality. The measures could include the need to review and develop plans to improve air quality in partnership with the Highways Department of Norfolk County Council in terms of implementing plans to change traffic movements / flows, all of which may be exceedingly expensive and may not have a practical solution.

Failure to control the effects of air pollution from developments would lead to breaching of the council's priorities as below, reduction in air quality standards in towns such as Swaffham, reputational implications and possible judicial reviews of decisions made by the council.

2.1.1 The assessment and control of air quality effects from new developments is currently held within Planning Policy Statement 23 and the UK Air Quality Strategy. It is intended that PPS 23 is withdrawn in terms of local policies and guidance. As a mechanism to mitigate the loss of PPS23 on these effects guidance has been produced as identified in point section 1.2.3 above entitled Air Quality and Land Use Planning to guide planning colleagues and developers in this respect.

2.2 Financial

2.2.1 There are obvious financial issues relating to possible assessment, monitoring and review work required of the authority as part of the declaration of an AQMA it is estimated that this could run to a number of tens of thousands of pounds.

2.2.2 The use of the guidance could impose a reasonable levy on developers to contribute to the cost of assessments, traffic surveys, monitoring work and improvement plans.

2.3 Legal

2.3.1 Legal issues relate to the implications of non assessment of air quality matters as part of the planning process and possible judicial review /developer appeals if controls on developments are not properly implemented or applied consistently

2.4 **Equality and Diversity** None identified

2.5 **Other**

3. Alignment to Council Priorities

3.1 Building Safer and Stronger Communities

- Contribute to improving the health of people who live in Breckland

3.2 Environment

- Contribute to reducing the causes of climate change
- Protect and improve Breckland's natural environment and resources

3.3 Prosperous Communities

- Protect and enhance our town centres
- Develop flourishing rural communities

4. Wards/Communities Affected

4.1 All

Background papers:- **Air Quality and Land use Planning**

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