

**CABINET
6 SEPTEMBER 2022**

MID DEVON AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Cabinet Member(s): Councillor Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

Responsible Officer: Richard Marsh, Director of Place

Reason for Report and Recommendations: To approve the draft Mid Devon Air Quality Supplementary Planning Document for Public Consultation

RECOMMENDATION:

To Cabinet that

1. **The draft Mid Devon Air Quality Supplementary Planning Document (comprising Appendix 1 to this report), the Strategic Environmental Assessment Screening Report (Appendix 2 to this report) and the Habitat Regulations Assessment Screening Report (Appendix 3 to this report) be approved for public consultation.**
2. **That delegated authority be given to the Director of Place in consultation with the Cabinet Member for Planning and Economic Regeneration to finalise the material and arrangements for consultation, including a non-technical guide for the Air Quality SPD.**

Financial Implications: There is existing budgetary provision for the preparation of the Air Quality SPD. There will be some limited additional costs associated with consultation which may involve printing and postage, for which budgetary provision also exists.

Legal Implications: The process of preparing the Air Quality Supplementary Planning Document (SPD) will need to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement. Adoption of the Mid Devon Air Quality SPD will help provide direction on the relevant policies adopted in the Mid Devon Local Plan 2013-2033 in relation to air quality in development proposals that are submitted to the Council for determination and help guide planning decisions made on these.

Risk Assessment: The Air Quality SPD will provide guidance on the Mid Devon Local Plan 2013-2033 policies on air quality. The document will reduce the risk of costs being awarded against the Council where decisions are based on its content.

Budget and Policy Framework: Once the Air Quality SPD has been completed and adopted it will form guidance that will be capable of being used to inform decisions take on planning applications submitted to the Council for determination.

Equality Impact Assessment: A full Equality Impact Assessment has been prepared as part of the Mid Devon Local Plan Review evidence base.

The assessment undertaken for relevant policies with regard to Air Quality including S1 Sustainable Development Priorities, S2 Amount and Distribution of Development, S8 Infrastructure, S11 Cullompton and S12 Crediton as well as site allocation policies and DM3 Transport and Air Quality and DM4 Pollution. The Equality Impact Assessment identified the probability of a positive or neutral impact for these policies.

Relationship to Corporate Plan: The Air Quality SPD will contain guidance on the Mid Devon Local Plan 2013-2033 policies on air quality. It will particularly help deliver the Corporate Plan objectives on Environment and Community.

Impact on Climate Change: New development has a direct influence on local air quality and therefore the health of people and ecosystems. Although the purpose of the Air Quality SPD is focussed on the impact on the health of people, by minimising emissions and reducing the exposure of people to air pollution this in turn helps minimise the impact of development on climate change and support the Council's commitment to achieving net zero carbon emissions by 2030.

1.0 Introduction

1.1 The Air Quality SPD (**Appendix 1**) has been prepared by consultants Ricardo. Through this SPD Mid Devon District Council is proposing to expand on local plan policy for air quality through a new Supplementary Planning Document (SPD) to:

1. Provide direction on the relevant policies adopted in the Mid Devon Local Plan 2013-2033 in relation to air quality.
2. Assist developers in determining when an air quality assessment is required for a new development.
3. Provide guidance through the emissions and air quality assessment procedures.
4. Identify suitable mitigation measures to be included at the planning stage.

1.2 Through the application of the guidance the Council aims to:

1. Sustain and contribute toward the compliance with the national air quality objectives with consideration given to the presence of Air Quality Management Areas (AQMAs) in Crediton and Cullompton, and the cumulative impacts from individual sites in local areas.
2. Encourage early engagement in the development process to identify the points that need to be considered and addressed prior to making a planning application and decrease the risk of any potential delays during the assessment process.
3. Set out a clear and consistent method for developers to provide the relevant information that will be required to be submitted with planning applications for developments that are likely to have an impact on local air quality.
4. Ensure better regulation by setting out the approach to undertaking air quality assessments and determining mitigation; and applying these consistently in planning decisions.

1.3 The SPD is aligned with the National Planning Policy Framework (NPPF) 2021 and aims to provide a consistent approach to assessing air quality impacts from planning proposals. Key paragraphs in the NPPF that relate to air quality include:

- **NPPF paragraph 7 (Sustainable development)**
“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”
- **NPPF paragraph 39 (Early engagement)**
“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”
- **NPPF paragraph 92 (Promoting healthy and safe communities)**
“Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.”
- **NPPF paragraph 174 (Promoting healthy and safe communities)**
“Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.”
- **NPPF paragraph 185 (Promoting healthy and safe communities)**
“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.”
- **NPPF paragraph 105 (Promoting sustainable transport)**
“The planning system should actively manage patterns of growth in support of the (sustainable transport) objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”
- **NPPF paragraph 107 (Promoting sustainable transport)**
“If setting local parking standards for residential and non-residential development, policies should take into account: the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”

- 1.4 The Air Quality SPD will be prepared in accordance with Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement and will be adopted by the Council as a Supplementary Planning Document (SPD). The SPD will not be part of the development plan and does not introduce new planning policies into the development plan. However, it will be capable of being a material consideration in determining planning applications. The Mid Devon Local Plan Review 2013 – 2033 Policies that will provide the policy baseline for the Air Quality SPD include S1 Sustainable Development Priorities, S2 Amount and Distribution of Development, S8 Infrastructure, S11 Cullompton, S12 Crediton, site allocation policies referencing air quality in Cullompton, Crediton and Tiverton, DM3 Transport and air quality, and DM4 Pollution.

2.0 **Structure of the Air Quality SPD**

- 2.1 The content of the Air Quality SPD is structured into a three stage process. The first stage is to classify the development as small or large potential impact. Within this stage, there are two steps. Step A recommends early engagement through pre-application discussion to confirm the scale of development and ensure that the appropriate assessment requirements are undertaken. The discussion will consider whether the planned development is within, near to, or will likely have an impact on an AQMA and which categorisation the site should be assigned. Step B will identify what actions are required to assess the new development. This will range from 'no action required' to 'air quality impact assessment required'.
- 2.2 The second stage sets out how to assess and quantify the impact of the development on local air quality. The type of assessment is dependent on the outcomes from stage 1. The level of impact identified will range from negligible to substantial. For large potential impact developments, additional pollutant population exposure emissions costs (otherwise referred to as 'Damage Costs') should be calculated for the transport element of the development. 'Damage Costs' are values which are used to estimate the costs associated with changes in pollutant emissions. The process was developed by DEFRA to enable proportionate analysis when assessing impact on air quality. Damage costs should be used to determine the scale of the required investment in air quality mitigation measures.
- 2.3 The third stage determines the mitigation to be applied. The type of mitigation measures that are appropriate to reduce air quality impacts are dependent on the impact of the development as determined by the previous two stages. This section of the Air Quality SPD provides examples of mitigation measures that could be applied and agreed with the Council.

3.0 **Strategic Environmental Assessment / Habitats Regulation Assessment Screening**

- 3.1 The Air Quality SPD has been ‘screened’ to establish whether it requires a Strategic Environmental Assessment (SEA). The SEA Screening Report (**Appendix 2**) has identified that the Air Quality SPD is unlikely to have significant negative effects on the environment. The SEA Screening Report has also found that there is no requirement for the Air Quality SPD to be subject to a full SEA.
- 3.2 The Air Quality SPD has been ‘screened’ for the purpose of the Habitat Regulations Assessment (HRA) to assess whether it may affect the protected features of a European ‘habitats site’ identified under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended). The HRA Screening Report (**Appendix 3**) identifies that the Air Quality SPD is not likely to have significant adverse effects on the integrity of Habitat sites, either alone or in-combination with other plans or projects, and therefore further ‘Appropriate Assessment’ is not required.

4.0 **Public Consultation**

- 4.1 In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council’s Statement of Community Involvement, a public consultation exercise of at least 6 weeks is proposed to be undertaken, commencing on a date to be agreed. Once the consultation has ended and all comments have been taken into account, the final version of the Air Quality SPD and a statement of public participation will be presented to a future meeting of the Cabinet with a recommendation to adopt the document as a SPD.

5.0 **Groups Consulted**

- 5.1 The Planning Policy Advisory Group (PPAG) considered the Air Quality SPD at its meeting of 1st August 2022 and has noted its content. The PPAG has requested that a non-technical guide is prepared and is made available as part of, and to assist, the consultation on the Air Quality SPD.

Contact for more Information:

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Circulation of the Report:

Councillor Richard Chesterton - Cabinet Member for Planning and Economic Regeneration

Leadership Team
Legal Services
Finance

List of Background Papers:

Appendix 1: Air Quality Supplementary Planning Document

Appendix 2: SEA Screening Report

Appendix 3: HRA Screening Report