

MID DEVON AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Cabinet Member(s): Councillor Graham Barnell, Cabinet Member for Planning and Economic Regeneration

Responsible Officer: Richard Marsh, Director of Place

Reason for Report and Recommendations: To adopt the Mid Devon Air Quality Supplementary Planning Document

RECOMMENDATION:

To Cabinet that

- 1) The Mid Devon Air Quality Supplementary Planning Document (Appendix 1 to this report) is adopted and this is published on the Council's website together with its Strategic Environmental Assessment screening report (Appendix 2), Habitats Regulation Assessment Screening report (Appendix 3), Air Quality Supplementary Planning Document Summary Guide (Appendix 4) and Air Quality Supplementary Planning Document Consultation Statement (Appendix 5) and its Adoption Statement (Appendix 6).**
- 2) The existing Supplementary Planning Document on Air Quality and Development (May 2008) is revoked, removed from the Council's website and is no longer made publicly available.**

Financial Implications: There is existing budgetary provision for the preparation of the Air Quality SPD.

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 Supplementary Planning Documents (SPDs) build on and provide more detailed guidance on policies in an adopted Local Plan. They do not form part of the development plan and cannot introduce new planning policies into the development plan. However, they are a material consideration in decision-making.
- 1.2 A draft Air Quality Supplementary Planning Document has been prepared by consultants Ricardo and was reported to the Cabinet meeting on the 6th September 2022. The Cabinet approved the draft to be published for public consultation, together with its Strategic Environmental Assessment and Habitat Regulation Assessment screening reports (Minute 52).
- 1.3 The Air Quality SPD seeks 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.
- 1.4 The Air Quality SPD was 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. The Mid Devon Local Plan Review 2013 – 2033 Policies that 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.

- 1.5 The consultation on the Air Quality SPD was held from the 24th October to the 16th December 2022. A total of 12 valid responses were received. **Appendix 5** Air Quality SPD Consultation Statement sets out the details of the consultation process, the main comments/issues raised during the consultation and how these comments/issues have been addressed in the Air Quality SPD. One amendment has been made to the Air Quality SPD following the careful consideration of all of the comments received, which is as follows:

On page 2 under the heading 'Planning policy guidance', the following additional wording has been inserted:

"As such, development that has a 'larger potential impact' as indicated by this SPD will be considered to be 'significant' for the purposes of policy".

This change has been included for the avoidance of doubt of how the Air Quality SPD relates to the relevant policies in the Local Plan.

- 1.6 Through the application of the Air Quality SPD 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.

2.0 Strategic Environmental Assessment / Habitats Regulation Assessment Screening

- 2.1 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.
- 2.2 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.

- 2.3 Comments received on the SEA and HRA were largely supportive of the findings which included supportive responses from Statutory Consultees Historic England and Natural England. **Appendix 5** Air Quality Consultation Statement sets out the main comments/issues raised on the SEA and HRA during the consultation and how these comments/issues have been addressed in the Air Quality SPD. No changes are recommended to the SEA and HRA in response to the comments received during the public consultation.

3.0 Groups Consulted

- 3.1 Planning Policy Advisory Group (PPAG) Members have been consulted on the finalised Air Quality SPD and the recommendations in this report.

4.0 Next steps

- 4.1 Once adopted, the Air Quality SPD will be published on the Council's website, together with its adoption statement (**Appendix 6**) and other supporting documents referred to in this report, and will be made available for inspection at the Council's offices.
- 4.2 A copy of the adoption statement will be sent to any person who has asked to be notified of the adoption of the Air Quality SPD.
- 4.3 The Air Quality SPD will replace an existing SPD on Air Quality and Development that was adopted in May 2008. The SPD on Air Quality and Development (May 2008) once revoked, will be removed from the Council's website and will no longer be publicly available.

Contact for more Information:

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Circulation of the Report:

Cabinet Member for Planning and Economic Regeneration, and Leadership Team

List of Background Papers:

Appendix 1: Air Quality Supplementary Planning Document

Appendix 2: SEA Screening Report

Appendix 3: HRA Screening Report

Appendix 4: Air Quality Supplementary Planning Document Summary Guide

Appendix 5: Air Quality Supplementary Planning Document Consultation Statement

Appendix 6: Adoption Statement