



# **Mid Devon Air Quality – Supplementary Planning Document Consultation Statement**

**Planning and Compulsory Purchase Act 2004**

**The Town and Country Planning (Local Planning) (England) Regulations 2012  
Regulation 12**

## **Public Consultation (2022)**

The Council carried out a public consultation on a new Air Quality Supplementary Planning Document (SPD). The SPD has a number of purposes which aim to:

- Support relevant policies in the adopted Mid Devon Local Plan 2013 – 2033 in relation to air quality.
- Engage with developers earlier on in the planning process and assist in determining when an air quality assessment is required for a new development.
- Set out a clear method for developers to provide air quality information as part of their applications.
- Identify suitable mitigation measures to be included at the planning stage.

The consultation took place from 24 October – 16 December 2022.

The Council wrote to all consultees on the Forward Planning Consultation database at the time of the consultation. These comprised:

- Mid Devon elected members
- Mid Devon parish/town councils
- Adjoining parishes, neighbouring local authorities and statutory groups (including specific and general consultation bodies)
- General consultation bodies and other consultees including database groups defined as individuals, businesses, landowners and voluntary organisations.

In addition the following methods were used to notify consultees:

- Press releases
- Information on the Council's website
- Social media updates

The SPD has been screened for the purpose of Strategic Environmental Assessment and Habitat Regulations Assessment. The Environment Agency, Historic England and Natural England have been

consulted and have confirmed that no further Strategic Environmental Assessment or Habitat Regulations Assessment is required. Historic England and Natural England confirmed that they concur with the Council's determination. No response was received from the Environment Agency.

The Council invited people to make representations in writing by post, email or through an online survey on the Council's website. A total of 12 valid responses were received. The following table sets out a summary of the main comments/issues raised during the consultation, along with a response and where appropriate explaining how these comments/issues have been addressed in the draft Supplementary Planning Document.

### General Comments

Summary of Representation	Response
Historic England has considered the draft SPD and given its subject matter do not wish to comment.	Comment noted.
Devon County Council welcomes Table 2.6 that will assist in reducing PM10. Suggest it would be beneficial for Section A1.2 to describe how the climate emergency is linked to air quality.	No change is required to the SPD. The Local Plan includes policy content in relation to the climate emergency including Policy S1 Sustainable development priorities which seeks to support a low carbon future and reduce the need to travel. The Council alongside this SPD has also prepared a Non-Statutory Interim Climate Change Planning Policy Statement: Climate Emergency.
<p>Devon County Council (DCC) welcome and would encourage further emphasis around the impacts of air pollution on human health. In finalising the document Mid Devon District Council may wish to include:</p> <ul style="list-style-type: none"> <li>- The clean air strategy (2019)</li> <li>- Reference to the Devon Carbon Plan</li> <li>- Indicators such as those in Public Health Outcomes Framework</li> <li>- Refer to updated reports such as Air Quality Statement Reports</li> <li>- Updating SPD when the Statutory Instrument is produced, designating National Highways as designated authority to consider the importance of the strategic road network in the</li> </ul>	No change is required to the SPD. MDDC acknowledge the items listed by DCC, however these do not form part of the operation of the SPD in relation to the guidance of planning applications, but recognise they are related outcomes as a result of improved air quality.

Summary of Representation	Response
document.	
Hallam Land Management Ltd overall support aims of Air Quality SPD and mitigation options proposed. However the SPD needs to have due regard to ensuring that the viability of new development is not detrimentally affected.	Support noted. With regard to the comment on viability, as set out in paragraph 58 of the NPPF it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Local Plan policy DM3 sets out the requirements for assessments and where required mitigation in relation to transport and air quality, the Air Quality SPD supports this policy by providing more detailed advice and guidance on this policy.
Hallam Land Management Ltd argue the draft SPD goes beyond the role of an SPD beyond the remit of adopted Local Plan Policy DM3 'Transport and Air Quality'. This is contrary to para 008 of the Plan Making NPPG which limits the role of an SPD to clarify advice or guidance on adopted policies. The SPD would alter DM3 from only requiring development proposals that 'give rise to significant levels of vehicle movements' to requiring all sizes of development to be accompanied by a traffic pollution and low emission assessment. The aims and objectives of the draft SPD can only be delivered as part of a Local Plan Review.	It is not agreed the SPD goes beyond the role of an SPD or beyond the remit of the adopted Local Plan Policy DM3 'Transport and Air Quality'. DM3 identifies that 'Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment'. Para 4.11 of the supporting text to DM3 in the Local Plan explains that 'Whether or not an application's traffic impact is considered 'significant' will depend on a range of factors such as the location of the development, its relationship to an Air Quality Management Area, its intended use and the capacity of the road network....occasionally a development not classed as 'major' may still have a significant impact'. The SPD does not alter DM3 or the supporting text but seeks to provide clarity on the meaning of significant in DM3 as such is the purpose of an SPD as set out in 008 of the Plan Making NPPG. The relationship of the SPD to DM3 is set out on p.2 of the SPD under the heading 'Planning policy guidance' this includes the following sentence "Under this SPD, 'significant levels of vehicular movement' in relation to air quality is defined by its potential impact, as per Figure 2.2". However, given the misunderstanding raised by this representation, an additional sentence following this has been included for clarity "As such, development that

Summary of Representation	Response
	has a 'large potential impact' as indicated by this SPD will be considered to be 'significant' for the purposes of policy".
<p>Hallam Land Management Ltd support the provision of sustaining and contributing toward national air quality objectives in line with Cullompton AQMA requirements, but do not support the stringent requirements set out within this consultation document. Applications outside of the AQMA should be determined on a case-by-case basis in terms of Air Quality, as per the current intention of Policy DM3.</p>	<p>The SPD does not alter DM3. The policy identifies that 'Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment'. Para 4.11 of the supporting text to DM3 in the Local Plan explains that 'Whether or not an application's traffic impact is considered 'significant' will depend on a range of factors such as the location of the development, its relationship to an Air Quality Management Area, its intended use and the capacity of the road network....occasionally a development not classed as 'major' may still have a significant impact'. Each application outside of an AQMA will still be determined on a case-by-case basis. What the SPD does is identify developments which may have a 'large potential impact' or 'significant' air quality impact and in which further assessment will be required to determine that impact. This may include developments outside an AQMA. As set out as a response for the above comment, for clarity an additional sentence on p.2 of the SPD has been included as follows "As such, development that has a 'large potential impact' as indicated by this SPD will be considered to be 'significant' for the purposes of policy". Only where necessary, mitigation will be required.</p>
<p>Hallam Land Management Ltd support the early engagement in the development process to decrease the risk of any potential delays during the assessment process. Throughout the Air Quality SPD, there is a statement that 'large potential impact can include smaller developments in planning terms, particularly where they are within or adjoining an Air Quality Management Area'. Hallam Land consider that the wording here to be subjective and therefore</p>	<p>No change required to the SPD. The Air Quality SPD includes Annex 1 which provides clarity on what developments would be considered within or adjoining an Air Quality Management Area. This removes the subjectivity raised in the term 'adjoining' that the representation is referring to.</p>

Summary of Representation	Response
ineffective and consider that reference to 'adjoining an AQMA' be omitted from the SPD.	
Hallam Land Management Limited state that noting the mitigation measured proposed in table 2.6 of the SPD, the mitigation measures must be specific to the individual development the Council must provide support in ensuring the measures are appropriate on a case by case basis.	As noted in the SPD table 2.6 provides 'a list of example additional air quality mitigation measures. The list should not be considered exhaustive and further options may be suggested depending on the scale of development and air quality issues within an area'. This demonstrates that mitigation measures will be specific to the individual development and will be appropriate on a case by case basis.
Hallam Land Management Limited state that Cullompton is a strategic location for development, therefore providing measures for Air Quality cannot afford to prevent new development and should have due regard to any potential impacts on development viability.	As set out in paragraph 58 of the NPPF it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Local Plan policy DM3 sets out the requirements for assessments and where required mitigation in relation to transport and air quality, the Air Quality SPD supports this policy by providing more detailed advice and guidance on this policy.
Hallam Lane Management Limited support the aims of the SPD in its approach to scheme design, reduction and minimisation of Air Quality impact and providing the opportunity to off-set this.	Support noted.
National Highways welcomes the SPD signposting to the adopted Policy SD01 which makes clear that development must demonstrate how it will mitigate any negative impacts associated with its traffic impact.	Support noted.
Natural England advises that the SPD should provide guidance on how the authority will assess the impacts of air quality on sensitive designated nature conservation sites under Habitat Regulations 2017 and Wildlife & Countryside Act 1981.	No change is required to the SPD. The purpose of the SPD is not specific to this requirement although there would be wider benefits of the SPD including the air quality on sensitive designated nature conservation sites.
Natural England suggests that in addition to providing guidance on assessing and mitigating	No change is required to the SPD. The purpose of the SPD is not specific to this requirement. There

Summary of Representation	Response
the impacts of air quality changes due to traffic increases and commercial/industrial development, the SPD should include guidance on assessing and mitigating the impacts of air quality changes due to agricultural and combustion developments, in particular, on sensitive wildlife sites.	are other mechanisms and regulations to support these measures which are outside of planning policy.
The Coal Authority was consulted as a Statutory Consultee. Their response states that Mid Devon District lies outside the defined coalfield and so they have no specific comments to make on any stages of Mid Devon's Local Plans or SPDs.	Comment noted.
Holcombe Rogus Parish Council welcomes the proposal for supplementary guidance on air quality for new developments, both residential and industrial units. The Parish Council also welcomes the mitigation measures listed in table 2.6.	Supported noted.
Holcombe Rogus Parish Council suggests an expansion of monitoring sites on air quality beyond that of Cullompton and Crediton. They suggest monitoring sites should include schools.	No change is required to the SPD. Comment relates to the monitoring of air quality rather than the measures set out in the Air Quality SPD. The monitoring of air quality is managed through the Local Air Quality Management (LAQM) process. Mid Devon District Council follows DEFRA technical guidance which determines the location of monitoring sites.
Holcombe Rogus Parish Council suggest that the screening criteria for potential impacts could be adjusted to include any new property or industrial unit to require mitigation measures for any anticipated course of matter detrimental to air quality. This would remove the opportunity for developers to minimise their site size below the threshold. They also suggest small or singular developments should be expected to install air quality mitigation measures or design their development to avoid the requirement of these measures.	No change is required to the SPD. Both the Local Plan the and SPD do make reference to the consideration of cumulative impacts. However, this requirement would go beyond the role of the SPD which is to provide more detail advice or guidance on policies in an adopted Local Plan. The Council also has responsibilities under the Local Air Quality Management responsibilities in which it reviews emerging or new areas for designation as an Air Quality Management Area across the district.
Holcombe Rogus Parish Council suggest that rural locations would benefit from better infrastructure to support walking and cycling	No change is required to the SPD. Walking and cycling initiatives are mitigation measures supported in the Air Quality SPD. Whether a

Summary of Representation	Response
<p>between nodes and towns. The Parish Council would recommend any new development should contribute to fund the delivery of rural networks which increase the preference of these transport choices.</p>	<p>development is required to provide a contribution to such an initiative will be decided on a case by case basis.</p>
<p>An individual provides their support for the Air Quality SPD in recognising the impacts of air pollution on Devon roads, the need to quantify the impact, costs, mitigation and the relationship to the NPPF.</p>	<p>Support noted.</p>
<p>An individual states their concern about the air quality in Fordton Crediton from heavy traffic, lorries and farm vehicles especially. With traffic backing up preventing two way traffic when the Crediton railway crossing gates shut and argues that air quality needs looking at here.</p>	<p>No change is required to the SPD. Crediton is an Air Quality Management Area, the SPD gives particular consideration to the presence of an AQMA when considering the impacts of development proposals. The monitoring of air quality is managed through the Local Air Quality Management (LAQM) process. Mid Devon District Council follows DEFRA technical guidance which determines the location of monitoring sites.</p>
<p>An individual makes reference to the collecting of S106 contributions for air quality improvements in Crediton and their specific views on works encroaching St. Lawrence Green.</p>	<p>No change is required to the SPD. Comment does not directly relate to the content of or suggest a change to the SPD.</p>
<p>An individual states that the SPD is a very complete plan however the area surveyed needs to include roads that supply the development. For example, development beyond Crediton.</p>	<p>No change is required to the SPD. Figure 2.2 determines whether a development has a large or small potential impact. Annex 1 helps to demonstrate the areas outside of the AQMAs that may likely increase traffic levels in an AQMA and therefore may lead to a large potential impact. Taking into account the example provided by the representation, this demonstrates that developments beyond Crediton will be considered.</p>
<p>An individual questions who undertakes the initial assessment, whether this is quantifiable, who checks the assessment and action and who enforces the action.</p>	<p>It would be expected that the applicant would undertake the initial assessment which would be quantified by following the steps within the Air Quality SPD and where appropriate DEFRA's damage cost approach. This would be checked by Mid Devon District Council with actions agreed between the applicant and the Council.</p>



Summary of Representation	Response
	The Council would then monitor the actions and where required enforcement action taken where the application is not adhered to.

### **Strategic Environmental Assessment Comments**

Summary of Representation	Response
Historic England in relation to SEA Screening Report we are satisfied with the findings.	Support noted.
Natural England with regard to the SEA Screening Report concur that there are unlikely to be significant environmental effects from the proposed SPD.	Support noted.
Hallam Land management Ltd based on their general comment (above) regarding the subjectivity of the words 'adjoining an AQMA' suggest the SEA should be reviewed to allow for the omission of the wording 'adjoining an AQMA' to reflect recommended changes to the SPD.	A response has been provided above with regard to the general comment on the subjectivity of the words 'adjoining an AQMA'. There would be no need to review the SPD to omit the words 'adjoining an AQMA' and therefore no need to amend the associated SEA.

### **Habitat Regulation Assessment Comments**

Summary of Representation	Response
Natural England in relation to the HRA we agree with the conclusions of the appropriate assessment and advise that further HRA is not required.	Support noted.
Hallam Land Management Ltd support the purpose, scope and content of the HRA.	Support noted.