

# Agenda



## Cabinet Member for Regeneration & Housing

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Date: Tuesday, 8 August 2017

Time: N/A

Venue: N/A

To: Councillors J Mudd

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### Item

### Wards Affected

1 [Air Quality Report SPG](#) (Pages 3 - 26)

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# Report

## Cabinet Member for Regeneration and Housing

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### Part 1

Date: 8 August 2017

**Subject** Draft Supplementary Planning Guidance to support the adopted Local Development Plan – Proposed Consultation

**Purpose** To seek approval to consult on Supplementary Planning Guidance on Air Quality and Development.

**Authors** Planning Policy Manager and Environmental Health Manager

**Ward** All wards

**Summary** Air pollution from road traffic emissions has been linked to cardiovascular disease, asthma, bronchitis, cancer and possibly dementia. The council has the statutory obligation to take measures to maintain and improve air quality. The planning process is one method of achieving this goal. The draft Supplementary Planning Guidance concerning Air Quality and Development has been prepared to support the Local Development Plan adopted in January 2015 and the Draft Air Quality Action Plan. This draft guidance document has been prepared to provide additional detail and guidance on policies concerning air quality in the LDP. It is now proposed to consult on this draft document to seek views of interested parties.

**Proposal** That Cabinet Member notes the contents of the proposed Supplementary Planning Guidance document and agrees that the document be released for six weeks' public consultation.

**Action by** Head of Regeneration, Investment and Housing

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Finance
- Head of Law and Regulations
- Head of People and Business Change
- Environmental Health
- Development Management
- Streetscene

**Signed**

## **1. Background**

- 1.1 Air pollution has been linked to cardiovascular disease, asthma, bronchitis, cancer and possibly dementia. Generally the better the air quality the healthier the population. Each year it is estimated that 1-2 thousand deaths in Wales are linked to poor air quality. The majority are clustered around urban areas. Unfortunately recent studies indicate Newport has some of the worst air quality in Wales.
- 1.2 Air Quality Standards for a range of contaminants have been developed by the World Health Organisation (WHO). These standards have been written into European Union Law, UK Law and Welsh Law. Local Authorities have the statutory duty to investigate, maintain and improve air quality. Currently nine areas of Newport are known to exceed the air quality standards, known as Air Quality Management Areas (AQMA). None of the AQMAs are likely to comply with these standards in the near/midterm without significant intervention.
- 1.3 The Well-being of Future Generations (Wales) Act 2015 recognises the implications of poor air quality on public health. Target No 4. specifically relates to air quality: Levels of Nitrogen Dioxide (NO<sub>2</sub>) pollution in the air. As part of an integrated approach across the authority outlined in the draft air quality action plan (in development), the planning system is seen as one method to aid an improvement in air quality. To ensure a robust, consistent approach to air quality is taken, draft supplementary planning guidance (SPG) has been developed.
- 1.4 The Local Development Plan was adopted by Full Council on 27 January 2015 and is now used for Development Management purposes and determining planning applications. The LDP is accompanied by SPG covering topic areas and policies which require more detailed guidance. A Draft SPG has been prepared concerning air quality and new development in order to supplement policies in the LDP and now requires a six week consultation exercise to be undertaken to seek the views of interested parties. The SPG will be used in the determination of planning applications and will be a material consideration following adoption.

## **2. The Supplementary Planning Guidance**

- 2.1 Policy GP7 of the Adopted LDP states that development will not be permitted which would result in or cause unacceptable harm to health because of ...air pollution... or any other identified risk to environment, local amenity or public health and safety. Supplementary Planning Guidance (SPG) has been prepared, setting out additional clarity and guidance to ensure consistency in the way air quality is dealt with through the planning system. The SPG is intended to explain, in detail, the council's approach to air quality and new development.
- 2.2 The planning system plays a key role in protecting the environment and delivering sustainable development. This SPG sets out the circumstances when an assessment for air quality is required and clarifies the appropriate minimum amount of information necessary in an air quality assessment. The primary focus of the SPG is to A – safeguard the health of future site users in areas of known/likely poor air quality; B – Provide practical methods of minimising the use of fossil fuelled vehicles and encouraging low/zero emissions forms of transport where possible.
- 2.3 Development which results in detrimental air pollution will be required to evidence, justify and where relevant, mitigate its impact on air quality. A development must not result in unacceptable harm to human health because of air pollution; this principle is backed up not only by local but national planning policy. This is underpinned by the statutory duty for local authorities to measure and improve air quality where it is found to be failing international air quality standards.

## **3. Consultation Arrangements**

- 3.1 The SPG will be consulted on for a period of 6 weeks. Usual consultation arrangements will be undertaken including a notice in the local press, all documents provided on the Council's website, electronic versions sent to the libraries and targeted consultation letters or emails. SPGs are a

material consideration in the determination of planning applications, with the weight attached increasing if the documents have been subject to public consultation.

#### 4. Financial Summary

- 4.1 The proposed consultation would have a financial cost in terms of advertising and printing. However, the document will be sent out electronically where possible. All relevant information will also be made available on the Council's website. Any costs will be met within the existing Local Development Plan budget.
- 4.2 For the SPG to be given maximum weight by a Planning Inspector as a material planning consideration it must have gone through public consultation and have been adopted through a Council resolution.

#### 5. Risks

<b>Risk</b>	<b>Impact of Risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
Clarity on certain LDP policies is not provided and the LDP could be left open to interpretation and planning decisions are open to challenge.	L	L	This SPG has been prepared to add clarity and guidance on LDP policies to aid the planning application determination process.	Head of Development Services/Planning Policy Manager
Draft SPG will carry less weight by Planning Inspectors in the determination of planning appeals.	M	L	Draft SPG prepared awaiting public consultation to increase the weight of the SPG and to be followed up with adoption.	Head of Development Services/Planning Policy Manager

#### 6. Links to Council Policies and Priorities

- 6.1 The Local Development Plan is one of the statutory plans the council has to prepare. It determines Newport's land use policies to 2026. Liaison has been maintained with those preparing the other plans to ensure consistency and common purpose. The SPG produced supplements and support the overarching principles set out in the LDP, adding more detail and clarification where required.
- 6.2 The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City, including Health and Wellbeing and Safe and Cohesive Communities. The LDP and supporting SPGs has had regard to these principles and will help deliver them through the determination of planning applications.

- 6.3 Newport City Council has five corporate objectives including a Fairer City, Greener and Healthier City and Safer City. The SPG will help deliver the corporate objectives by ensuring development of all scales has considered their impact on air quality appropriately.
- 6.4 Newport City Council is currently under consultation regarding the Well-being of Future Generations (Wales) Act 2015 for which there is a national Target No.4 Levels of Nitrogen Dioxide NO<sub>2</sub> pollution in the air. This SPG will provide support to achieving this target.
- 6.5 Newport City Council's Air Quality Action Plan is currently being redrafted (in progress). This draft air quality SPG will provide significant support in achieving the goals of this strategy.

## **7. Options Available and considered**

- 7.1 Approve the draft SPG for public consultation.
- 7.2 Make amendments to the draft SPG and then approve for consultation.
- 7.3 Do not approve the draft SPG for consultation.

## **8. Preferred Option and Why**

- 8.1 To approved the release of the draft SPG for consultation. This will allow interested parties to provide responses on the proposed policy detail before the Council seeks formally to adopt the document for development management purposes. The weight attached to Supplementary Planning Guidance increases if public consultation is undertaken prior to adoption.

## **9. Comments of Chief Financial Officer**

- 9.1 There will be a financial impact of carrying out the consultation in relation to this report and these will be met from existing Local Development Plan budgets.

## **10. Comments of Monitoring Officer**

- 10.1 There are no legal implications arising at this stage but the consultation responses will need to be carefully considered prior to determining whether or not to adopt the SPG in due course.

## **11. Comments of Head of People and Business Change**

- 11.1 The draft Supplementary Planning Guidance is intended to reduce the health and environmental risks arising from poor air quality. The guidance notes that the economic impacts on a UK basis amount to over £9bn and are greatest in the most disadvantaged areas. The guidance makes reference to the Wellbeing of Future Generations Act 2015 and the particular relevance to the Healthier Wales and Resilient Wales wellbeing goal and the sustainable development principle. Furthermore air quality is a National Indicator under the Act. The guidance sets out welcome additional detail and guidance on air quality management in the Local Development Plan.

## **12. Comments of Cabinet Member**

- 12.1 Cabinet Member has approved the report.

## **13. Local issues**

- 13.1 The SPG will affect all wards in Newport.

## Comments from Non-Executive Members

Councillor M Al-Nuaimi

The Air Quality SPG is to be welcome and I fully support the decision to put it out to public consultation.

However on reading the report, I found scarcity of details on what practical measures the SPG offers when it comes to Planning applications considerations. Does the SPG offer or ask the applicant for a statement backed by an expert assessment of what the likely effects of the proposed development on the decline of air quality in the area of the application site? Is there a threshold relating to the size of the development, above which such a statement or assessment becomes necessary? How can the applicant mitigate against the effects in order to address the issues of decreasing air quality?

In my experience as a member of the Planning Committee, I recall the issue of air quality being cited for example in applications in the Caerleon Ward, So I welcome in this report the proposed SPG to be applicable to All Wards, as indeed we have wards in central Newport, where traffic density daily results in poor air quality and this worsening is likely to get even more by the prospects of more development in those wards. The SPG needs to say more about how we should monitor existing air quality at sizable proposed application sites and the predicted air quality when the development is complete and functioning. It should also suggest mitigating measures to ameliorate the adverse effects. For example If it's a large office or housing development, the SPG might consider the necessity for the developer to provide green lung areas , measures to reduce carbon and nitrogen oxide emissions. Provision of Electric/hybrid vehicle charging units comes to mind in order to encourage the use of non-polluting vehicles as well as effective travel plans that reduce the need for car journeys.

What the SPG needs to provide is a clear statement to developers on how to present their proposed applications with sufficient and satisfactory information on how to deal with air quality issues. This is important so that development sites don't become blighted because of air pollution.

### Response from Cabinet Member for Regeneration & Housing

Thank you for your queries and your support for the consultation of the supplementary planning guidance on air quality. Please find below a response to your concerns raised during the All Member consultation.

#### Thresholds

If a major development<sup>1</sup> is proposed, as a minimum, the developer will need to undertake a simple level assessment in the first instance. If this simple assessment highlights a potential impact on air quality then this will lead onto a requirement for the developer to undertake a detailed assessment, which will need to be undertaken by a suitably qualified person.

If an application for development is not considered to be major then its impact on air quality is judged on the type of use proposed and the local environment. Consideration of the impact on air quality, in terms of whether the proposed development will directly impact on an existing Air Quality Management Area or create a new AQMA is key.

With developments that are within the influence of an AQMA, the type of vehicle type is an important factor. A lorry has a different emission profile compared to domestic cars. A single lorry

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<sup>1</sup> defined as development involving any one or more of the following: winning or working of minerals, or use of the land for mineral working deposits; waste development; the provision of more than 10 dwelling houses or the site is 0.5ha or larger; the provision of building or buildings where the floor space to be created by the development is 1000sq m or more; or, development carried out on site having an area of 1ha or more.

can emit approximately the same amount of pollution as 10 petrol cars. With this in mind (and other such factors) a simple assessment is asked for in minor developments which compare the current land use to the proposed, i.e. redevelopment to residential of an industrial may result in a net benefit to air quality. Where there is likely to be a net gain in traffic emissions, mitigation proposals are required. This assessment does not necessarily require an expert, whereas a detailed assessment involving modelling is very costly. For the majority of minor developments, the funds are considered better spent on mitigation rather than assessments.

## Mitigation

In terms of mitigation, the SPG outlines a sequential approach to this. Initially the applicant should consider mitigation through the design of the development. In some cases it is possible that a scheme can be redesigned in such a way that removes or reduces its impact or the impact of the pollution upon it. Where an air quality impact still exists then the developer can agree a mitigation plan. The SPG sets out a number of mitigation measures in Appendix A and refers to specific actions within Air Quality Management Area Action Plans, but it is felt that as technologies change, so to the mitigation measure available to developers. This SPG does not set out a definitive list of mitigation measures so that new technologies etc. can be accepted in the future without a need to rewrite the guidance. If with the proposed mitigation measures there remains an impact on air quality from or to the development, off site compensation can then be considered in addition to the proposed mitigation measures or there may be sufficient reason to refuse planning permission.

Electric car charging points, car sharing options (such as <https://www.zipcar.co.uk/propertydevelopers>), subsidised public transport, cycle paths/storage and encouragement are all seen as methods to reduce the impact. Providing living lung in the way of tree planting is an additional option; however this does not tackle the source of the pollution and due to the restricted width of the AQMAs is impossible to install. Generally installing green vegetation to offset the air quality impact should be viewed as an addition to the other measures and not a substitute.

## Monitoring

With regard to monitoring, Environmental Health has maintained a comprehensive monitoring network across the city which has been undertaken since 2000. This is constantly reviewed and updated as required. With respect to new developments, in the majority of cases it is not possible to link an increase in air pollution from one development to an impact in air pollution. The majority of Air Quality Management Areas (AQMAs) are in areas of existing congestion where residential properties abut or are very close to the kerb. If a development is proposed within close proximity to an existing AQMA, Environmental Health monitors the situation to determine if there is any significant impact. However, as developments usually take years to complete and there is generally an improvement in engine technologies / uptake but a net gain in traffic volume it is not a simple matter to attribute an impact to a single development. Furthermore, the planning system requires the proposal to be assessed for its suitability upfront and mitigation proposed at that stage.

## 14. Scrutiny Committees

14.1 The SPG has not been through a Scrutiny Committee.

## **15. Equalities Impact Assessment and the Equalities Act 2010**

- 15.1 The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

## **16. Children and Families (Wales) Measure**

- 16.1 Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **17. Wellbeing of Future Generations (Wales) Act 2015**

- 17.1 Section 3 of the Wellbeing and Future Generations Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). The Local Development Plan is considered to provide a policy framework for the achievement of sustainable development. This guidance documents provide detail as to how the policies should be applied; therefore it is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the supplementary planning guidance.

## **18. Crime and Disorder Act 1998**

- 18.1 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

## **19. Consultation**

- 19.1 The draft document has been through consultation with internal council departments and has not been made publically available.

## **20. Background Papers**

- 20.1 Draft Development Management Air Quality SPG



Draft Air Quality SPG  
for consultation.docx

Dated: 8 August 2017



**DRAFT DEVELOPMENT MANAGEMENT AIR QUALITY  
SUPPLEMENTARY PLANNING GUIDANCE**

JANUARY 2017

*Regeneration Investment and Housing*

*Newport City Council*

*Civic Centre*

*Newport*

*NP20 4UR*

## GLOSSARY

SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment
AQMA	Air Quality Management Area (An area of known poor air quality)
LDP	Local Development Plan
PPW	Planning Policy Wales
TAN	Technical Advice Note
AQA	Air Quality Assessment (Simple / Detailed)
CIL	Community Infrastructure Levy
HGV	Heavy Goods Vehicle over 3.5 tonnes
NO2	Nitrogen Dioxide
NOX	Oxides of Nitrogen
PM	Fine Particulate Matter

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## 1. INTRODUCTION AND BACKGROUND

1.1 The purpose of this Supplementary Planning Guidance (SPG) is to help ensure consistency in the way in which air quality is dealt with through the planning system. On adoption this SPG will become a material planning consideration.

1.2 The planning system plays a key role in protecting the environment and delivering sustainable development. This SPG sets out the circumstances when an assessment for air quality purposes is required and clarifies the appropriate minimum amount of information required for the air quality assessment. Mitigation measures and off-setting of impacts through compensation are also provided. This SPG is focussed on the impact to human health.

1.3 There are existing ways in which air quality is already considered by the planning system, for example through the Environmental Impact Assessment (EIA) process. This guidance does not replace any legislative requirements for any such assessments. There are other requirements outside of the planning system which require air quality to be managed e.g. the environmental permitting process undertaken through Environmental Health. The planning process cannot replace nor should it duplicate this process; developers are strongly encouraged to apply for their permit before applying for planning permission. Applicants should note that both permissions are required for the development to be implemented and operational.

### Health Impacts

1.4 The aim of the background legislation and policy for air quality is to ensure that air quality does not cause harm to human

health. This aim is the key principle of this guidance as research has shown that pollutants such as Nitrogen Dioxide (NO<sub>2</sub>), and Particulates (PM<sub>10</sub> & PM<sub>2.5</sub>) can play an adverse role in exacerbating asthma and reduce lung function. There is work that is increasing awareness of evidence that NO<sub>2</sub> may contribute to premature mortality effects. In addition the economic impacts from air pollution in the UK are estimated at £9-19 billion every year<sup>1</sup>. The impacts are clear that air pollution is something that must be managed to reduce the risk to human health and land use planning is one part of that management process.

### Air Quality in Newport

1.5 The Environment Act (1995) requires local authorities to review and assess local air quality and where necessary declare Air Quality Management Areas (AQMA) when air quality standards are proven to be exceeded. The AQMA once designated required an action plan setting out measures to maintain and improve air quality. For the most up to date information on AQMAs in Newport please visit our website at: <http://www.newport.gov.uk/airquality> Detailed maps of the AQMA are also available to view at:

<http://my.newport.gov.uk/iShare/myNewport.aspx>

1.6 The designation of an AQMA does not necessarily mean that development will not be allowed within the area, but that great weight should be given to the impact on air quality. These considerations must be balanced against other aims of the planning system, i.e. the need to achieve

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<sup>1</sup> Health impacts taken from EPUK & IAQM Guidance on Planning for Air Quality (2015)

sustainable development, in order to achieve social, economic and environmental goals and overriding national policy requirements.

**1.7** It is important to recognise that even if a proposed development is not located directly within an AQMA it could still have an impact on air quality. Increases in air pollution, due to road traffic, can impact on human health and in order to manage this risk all developments must be designed so as not to make matters worse through its construction and implementation.

**1.8** Development which is considered likely to result in harm to human health as a result of air pollution will be required to evidence, justify and where relevant, mitigate its impact on air quality. A development must not result in unacceptable harm to human health because of air pollution; this principle is backed up by national and local planning policy (see section 2 for further details).

## **2. LEGISLATION AND POLICY**

**2.1** **Air Quality Standards (Wales) Regulations (2010)** brings into law the limits set out in the European Union Daughters Directive on Air Quality. This requires the Welsh Government to divide Wales into air quality zones. It is through the **Environment Act (1995)** that all local authorities in Wales are required to review and assess air quality within their local authority area. This review and assessment process forms the cornerstone of Local Air Quality Management which helps authorities work towards achieving their Air Quality objectives.

**2.2** **The Planning (Wales) Act (2015)** enables the creation of an efficient planning

process that ensures the right development is located in the right place. This is done through adherence with the Well-being of future generations and Environment Acts (see below) to ensure that we plan and manage our resources in an engaged and sustainable way. There is greater emphasis on development engagement at the pre-application stage. This approach will help ensure issues such as air quality are considered at the earliest stage which is best for all involved.

**2.3** **The Well-being of Future Generations (Wales) Act (2015)** is about improving the social, economic and cultural well-being of Wales. The Act ensure that local authorities deliver sustainable development by considering long term effects as well as encouraging a more joined up approach. Both of these principles are key when considering air quality. Two out of the seven well-being goals are particularly relevant to this document. The need for a healthier Wales and the need for a resilient Wales where there are healthy ecosystems which support social, economic and ecological resilience and there is a society in which choices are made which benefit our future health are understood. Clearly air quality management can help to achieve both of these well-being goals.

**2.4** **The Environment (Wales) Act (2016)** sets out the approach for the sustainable management of natural resources in Wales, which will help to mitigate for and adapt to the impacts of climate change. An outcome of the sustainable management of natural resources will mean that benefits are provided for local communities equally, by encouraging decision makers to consider the economic, social and environmental impacts of decisions on current and future

generations. The intention is to create a resilient natural environment, so that natural resources will continue to provide, for example, good air quality.

**2.5 Planning Policy Wales (Edition 9) (PPW)** is clear about the impact air pollution can have particularly when linked to Climate Change impacts where health problems in summer, including heat related deaths can be linked to high air pollution. It is therefore essential that the planning system does all it can to ensure the risk is not increased and air quality is managed successfully. At the strategic level, development plans are to take into account air quality objectives, there is a specific pollution policy within the Newport LDP (set out in detail below).

**2.6** Through the Development Management process, planning can contribute by ensuring that developments are well designed to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces which can make a positive contribution to environmental protection and improvement, for example, to air quality. The protection of such green areas fulfil a role not only in well-being and amenity values but they have a role in climate protection and adaptation of urban development on climate change, all crucial aspects of air quality. In addition, the key source of air pollution for Newport is from transport emissions. These emissions are considered to contribute significantly to climate change, diffuse pollution of groundwater and surface water and poor local air quality, which can in turn affect people's health. It is therefore critical that development in areas of poor air quality, or which introduce sensitive receptors or highly polluting development must evidence their impact on air quality and avoid, or where relevant, mitigate its impacts so that air quality is not detrimentally affected. As PPW notes that proposed development should be designed

wherever possible to prevent adverse effect to the environment but as a minimum to limit or constrain any effects that do occur.

**2.7** Air Quality is a material planning consideration and the weight attached to such considerations will depend on the scope of the pollution control system in each case and the effect on land use and amenity. PPW notes the material considerations in determining applications for potentially polluting development which is likely to include the risk and impact of potential pollution from the development, insofar as this might have an effect on the use of other land and the surrounding environment.

**2.8 Technical Advice Note 18: Traffic (TAN 18)** also notes the negative impact on human health that road traffic can have. Road traffic growth is a cause of increased local air pollution, greenhouse gas emissions contributing to global warming and climate change and, in some areas, congestion, which can affect economic competitiveness. TAN is clear that clean air is an essential ingredient of a good quality of life. Transport emissions contribute significantly to climate change and poor local air quality.

**2.9** The Local Development Plan for Newport (2016-2021) (LDP) was adopted in January 2015. There are a number of overarching objectives in the LDP, two of which are particularly relevant to air quality; Climate Change and Health & Well-being. These objectives ensure that development and land uses make a positive contribution to minimising, adapting or mitigating against the cause and impact of Climate Change and the plan contributes to health and well-being by giving proper regard to air quality issues.

**2.10** The LDP also mentions air quality specifically within five of its policies. The

overarching policy concerning air quality is set out in policy GP7: General Development Principles – Environmental Protection and Public Health. This policy seeks to ensure there is no detriment to air quality for health reasons; the policy is set out in full below:

**GP7: General Development Principles – Environmental Protection and Public Health**

**DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD CAUSE OR RESULT IN UNACCEPTABLE HARM TO HEALTH BECAUSE OF LAND CONTAMINATION, DUST, INSTABILITY OR SUBSIDENCE, AIR, HEAT, NOISE OR LIGHT POLLUTION, FLOODING, WATER POLLUTION, OR ANY OTHER IDENTIFIED RISK TO ENVIRONMENT, LOCAL AMENITY OR PUBLIC HEALTH AND SAFETY.**

**2.11** The other four policies relate to the avoidance, reduction and improvement of air quality for amenity purposes and for specific facilities such as transport schemes and waste facilities.

**2.12** The legislative and policy framework are clear as to the impact on human health from poor air quality. The planning system has set out within policy at all levels the need to recognise the impact to air quality from developments and that there is a need for avoidance, reduction and mitigation to ensure air quality is not further reduced.

**3. THE APPROACH TO ASSESSING AIR QUALITY**

**3.1** The intent of an Air Quality Assessment (AQA) is to demonstrate the likely changes in air quality or exposure to air pollution as a result of proposed development. The subsequent AQA will then be used by planners to determine the significance of the results in their determination process.

**3.2** The assessment should consider the impact of construction as well as the operational state of the development. In terms of operational impacts, this should consider the private car but should also consider other traffic sources e.g. bin lorries, deliveries etc.

**3.3** An **Air Quality Mitigation Plan** is required where air quality is a concern and mitigation is required to negate its impact. It should be noted that development is not inherently bad for air quality; a development may provide an opportunity to reduce emissions.

**3.4** The assessment of air quality through the planning system will require developers to address a number of questions. The first question is *“do I need an Air Quality Assessment (AQA) for my planning application? And if so, what type? (Detailed and/or Simple)”*

**3.5** To answer this initial query, follow the questionnaire on page 9. It is also worth noting that as well as having declared Air Quality Management Areas (AQMA) the Council has also developed AQMA Buffer Zones. These zones define the local road network which is considered to directly feed into the AQMA. Thus any development within the buffer is considered more likely to generate road

traffic that will have little alternative but to travel through the AQMA. They highlight the local road network that is considered to directly affect the AQMA. Not all AQMAs have buffer zones due to the sources of the emissions i.e. the M4 AQMAs are due to the diffuse source of the traffic causing pollution at both a local and regional scale. The AQMAs and buffer zones are available on line on My Maps at [www.newport.gov.uk](http://www.newport.gov.uk)

### **ENVIRONMENTAL PERMITTING**

- 3.6** With regard to industrial development, most proposals that have the potential to emit atmospheric pollution will normally require an air quality assessment under the Town and Country Planning (Environmental Impact Assessment ) (Wales) Regulations or as part of a permit application under the Environmental Permitting (England and Wales) Regulations. In the unusual circumstances where an assessment is not required under the EIA or permitted regimes, an AQA may be requested by the Council. To find out whether a development proposal requires an AQA use the questionnaire set out on page 9 of this document.

## AIR QUALITY ASSESSMENT QUESTIONNAIRE

<p><b>IS YOUR PROPOSAL A MAJOR DEVELOPMENT**?</b></p> <p><b>YES</b>, go to Scenario 4 <b>NO</b>, answer the following questions</p>	
<p><b>IS THE PROPOSED DEVELOPMENT FOR RESIDENTIAL UNITS, AN EDUCATIONAL ESTABLISHMENT OR A CARE HOME?</b></p>	
<p style="text-align: center;"><b>YES</b></p> <p>Please answer the following questions:</p>	<p style="text-align: center;"><b>NO</b></p> <p><b>IS YOUR DEVELOPMENT SITE WITHIN AN AIR QUALITY MANAGEMENT AREA OR AQMA BUFFER ZONE?</b></p> <p><b>Yes</b>, Go to Scenario 4 <b>No</b>, Go to next question:</p>
<p><b>IS YOUR DEVELOPMENT SITE WITHIN AN AIR QUALITY MANAGEMENT AREA (AQMA)?</b> (<a href="http://my.newport.gov.uk/iShare/myNewport.aspx">http://my.newport.gov.uk/iShare/myNewport.aspx</a>)</p> <p><b>YES</b>, go to Scenario 1 <b>NO</b>, go to the next question:</p>	<p><b>WILL THE PROPOSED DEVELOPMENT RESULT IN MORE THAN 10 HGV MOVEMENTS A WEEK?</b></p> <p><b>Yes</b>, Go to Scenario 4 <b>No</b>, Go to Scenario 5</p>
<p><b>IS YOUR DEVELOPMENT SITE WITHIN AN AQMA BUFFER ZONE?</b> (<a href="http://my.newport.gov.uk/iShare/myNewport.aspx">http://my.newport.gov.uk/iShare/myNewport.aspx</a>)</p> <p><b>YES</b>, go to Scenario 2 <b>NO</b>, go to the next question:</p>	
<p><b>DOES YOUR PROPOSED DEVELOPMENT ABUT AN A-ROAD OR MOTORWAY?</b></p> <p><b>YES</b>, go to Scenario 3 <b>NO</b>, go to Scenario 5</p>	

N.B It is recommended that the requirements of an Air Quality Assessments are discussed with the Environmental Health department of the Council at [Air.Quality@newport.gov.uk](mailto:Air.Quality@newport.gov.uk), prior to being commission.

\*\*\*Major' development is defined as development involving any one or more of the following: winning or working of minerals, or use of the land for mineral working deposits; waste development; the provision of more than 10 dwelling houses or the site is 0.5ha or larger; the provision of building or buildings where the floor space to be created by the development is 1000sq m or more; or, development carried out on site having an area of 1ha or more.

### **Scenario 1 Development within an Air Quality Management Area**

This scenario is for residential, educational establishments or care home developments that are proposed within an Air Quality Management Area (AQMA) i.e. areas of known poor air quality. The concerns are twofold:

1. Developments proposed within an AQMA have the potential to put at risk the health of future site users due to the already known poor air quality.
2. Developments are likely to generate road traffic which will directly impact the AQMA because there is likely to be no alternative route for road traffic.

The applicant will be required to undertake a detailed Air Quality Assessment (AQA) to support their planning application which should be undertaken by a competent person. The requirements of a detailed AQA are set out on page 12 of this document.

### **Scenario 2 Development within an Air Quality Management Area Buffer Zone**

This scenario is concerned with residential, school or care home developments located within an Air Quality Management Area Buffer Zone<sup>2</sup>. It is the introduction of additional traffic emissions caused by the development that will have the impact on local air quality. It is therefore important that every development within a buffer zone has regard to their road traffic emissions as part of their assessment. This is because changes to road traffic within these buffer zones have the potential to

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<sup>2</sup> Developed by the Council the AQMA Buffer Zones highlight the road network that is considered to directly affect the AQMA, not all AQMAs have Buffer Zones. The Buffer Zones are available to view online at 'My Maps' [www.newport.gov.uk](http://www.newport.gov.uk).

impact the AQMA further causing additional damage to the health of existing residents. Without control this could result in the expansion of the AQMA.

The applicant will be required to undertake an Air Quality Assessment (AQA) to support their planning application.

For minor developments, (i.e. under 10 residential units/0.5ha or 1000m<sup>2</sup> or 1ha) a simple AQA is required which can be undertaken by the applicant/agent.

For major developments (i.e. residential developments over 10 units/0.5ha or 1000m<sup>2</sup> or 1ha) then a detailed AQA is required which should be undertaken by a competent person. The requirements of a simple and detailed AQA are set out on page 12 of this document.

### **Scenario 3 Traffic emissions and Sensitive Receptors**

This scenario is concerned with putting the health of future users at risk in an area of likely but unmonitored poor air quality. An increase in such development would also result in the potential creation of additional AQMAs. An example of this type of development would be building a house within close proximity of a main Aroad or Motorway. The Council monitors areas of existing poor air quality which is defined by a receptor (educational establishment, house, hospital or care home) within close proximity of an area of high traffic movement. There are many areas where the Council does not monitor e.g. due to the lack of receptors at that locality. Placing receptors (e.g. houses) in close proximity to a busy or congested road can result in placing sensitive receptors in an area of existing poor but unmonitored air quality. This may put the health of future site users at significant risk if not sufficiently assessed and mitigated (where possible).

### **A-Roads**

If the proposed scheme abuts an A-road then the applicant will need to set out information of the number of and type vehicles along with levels of congestion on the road the development will abut.. The survey of the traffic will need to be undertaken on a weekday between the hours of 8-9am & 4-6pm and will need to include any A road which abuts the red site plan. The survey will need to show the levels of traffic and the composition of the traffic e.g. distinction between cars, vans, buses and HGVs. The information can be provided in written format or by video. This information will then be considered by the Council and if the levels and composition of the traffic is such that it shows current air quality concerns i.e. high congestion levels, or high levels of HGV traffic, then a detailed assessment will be required to demonstrate the current air quality at the development site via a detailed assessment.

### **Motorway**

If the development is within 50m of a motorway boundary, it is not necessary to provide details of congestion. Traffic composition and congestion along the M4 within Newport is well documented. Instead a detailed assessment will be required.

It may be the case that to mitigate this impact, the site should be designed to take air quality into account; for example, moving the sensitive receptors further away from the existing road to allow greater dispersal of the road traffic emissions.

In addition to the existing air pollution the proposal must have regard to its own traffic generation in its assessment.

The applicant will be required to undertake a detailed Air Quality Assessment (AQA) to support their planning application which should be undertaken by a competent person. The requirements of a detailed AQA are set out on page 13 of this document.

### **Scenario 4 Major Development and Traffic Emissions**

This scenario is concerned with significant increases in road traffic (i.e. the net increase of traffic from major applications), increases in HGV movements within AQMAs or their buffer zones or high levels of HGV movements (i.e. more than 10 movements a week). Significant increases in traffic volume and types of traffic movements have the potential to have detrimental impact on air quality, potentially creating new AQMAs or impacting on existing ones. For example a HGV is capable of producing 15 times more pollution than a petrol car.

In all cases the applicant should aim to minimise the diffuse impact of the traffic generated from their development and to demonstrate their commitment to helping improve local air quality. For example ensuring all HGV movement is directed away from existing AQMAs.

All applicants in this scenario will be required to undertake a simple Air Quality Assessment (AQA) to support their planning application which can be undertaken by the applicant/agent. This simple assessment will evidence whether or not a more detailed level AQA is necessary, which should be undertaken by a competent person. The requirements of a simple and detailed AQA are set out on page 12 of this document.

### **Scenario 5 Good Practice**

In this scenario air quality is considered unlikely to be of significance to the application. Hence, there is no requirement for air quality to be a material consideration.

To encourage good practice you may wish to carry out a simple assessment as shown on page 12, but again this is not a necessity for the application.

However congestion may occur anywhere on the road network which has not been previously mentioned in this SPG (B Roads Minor Roads).

Given the transient nature of road traffic and the potential for congestion anywhere on the system it is not possible to list these roads or provide a system to assess where they occur. It would also be considered onerous to ask for road traffic composition evidence for every application. However, in exceptional circumstances such evidence may be required where it is strongly suspected that traffic congestion is frequently occurring. If requested, this will follow the staged approach outlined in Scenario 3 for A Roads.

**N.B** It is recommended that the requirements of an Air Quality Assessments are discussed with the Environmental Health department of the Council at [Air.Quality@newport.gov.uk](mailto:Air.Quality@newport.gov.uk), prior to being commission

## 4. CONDUCTING AN AIR QUALITY ASSESSMENT

4.1 If the answer(s) to the questionnaire (Page 9) has resulted in the need for an Air Quality Assessment then the next steps should be followed. Each development is assessed on its own merits and the assessments required to supplement an application must be proportionate. Therefore it is useful for you to engage at the pre-application stage in order to clarify the scope of the AQA.

4.2 Here are the three steps to follow when undertaking an application that required an AQA either simple or detailed; each will be dealt with separately within this guidance document.



### 4.3 Step 1: Pre-Application/Submission

4.3.1 The Council's website holds general advice on air quality, at [www.newport.gov.uk/airquality](http://www.newport.gov.uk/airquality). It is also good practice to undertake pre-application discussion before submitting a planning application. It is important to note that the Council will not duplicate any pre-application consultation with external organisations as part of any formal pre-application process.

4.3.2 The advantages of undertaking pre-application is so that the Council can highlight any areas of concern and advise what information is required to support the application when submitted; to minimise the chance of delays at the registration and processing stages of the application. This in turn could avoid the need for costly and time consuming retrospective alterations or report

preparation. Details of the pre-application process are available at: <http://www.newport.gov.uk/en/Planning-Housing/Planning-permission/Pre-application-advice.aspx>

4.3.3 Where air quality is a factor in determining the planning application, pre-application discussions will include officers from the relevant Environmental Health section of the Council. These consultees will provide comments, where appropriate, as part of the pre-application process including clarification on the scope of the AQA.

### CROSS LOCAL AUTHORITY BOUNDARY IMPACTS

4.3.4 Air quality impacts may go beyond a local authority's boundary. In such cases, consultation with adjoining authorities may be required. The Council can consult the relevant authority but would also expect an adjoining authority to consult them. If a development within their boundary has the potential to impact on air quality within Newport.

### 4.4 Step 2: Undertake an Air Quality Assessment

4.4.1 If deemed to be required, the Air Quality Assessment (AQA) needs to be proportionate to the proposal submitted. To find out whether a development proposal requires an AQA use the questionnaire set out on page 9 of this document. A description of the level of information required for a simple or detailed AQA are set out on this page.

### A SIMPLE AIR QUALITY ASSESSMENT

A simple assessment should include:

- A comparison of the current site's road traffic generation versus the proposed site's traffic generation (Net change in traffic and vehicle types).
- List of all possible options (none should be discounted) that the development could include to minimise / eliminate emission producing traffic to the site (both operational and construction phase) - for each option assessing the impact upon viability for the development and impact on air quality. This should demonstrate a clear explanation and commitment to why some mitigation methods are more appropriate to the development than others.
- Once the above feasibility study has been undertaken it should form the basis for an air quality mitigation plan for the development.

### A DETAILED AIR QUALITY ASSESSMENT

A detailed assessment must contain air quality data by modelling or monitoring to determine if the site is fit for use and ensure future site users health is not put at significant risk. For major applications, this should also include assessment of the road traffic emissions on the local area.

Detailed Assessments should include the following:

- The current baseline
- The future baseline, without development and cumulative impacts, including cross boundary developments, and
- The future baseline with the development, across a period of a year, unless it is a phased development and then an appropriate timescale to assess the implication of each phase is required.

4.4.2 Traffic generation is a particularly important factor when considering air quality. Well designed and implemented traffic management measures can help to secure planning objectives in a number of ways, including reducing local air pollution.

4.4.3 When considering the impact of a proposed development on air quality it is advised that the following process is followed:



4.4.4 If the proposal is deemed to have an impact on air quality or be impacted by air quality then the first step when considering mitigation is whether the scheme can be redesigned in such a way that removes or reduces its impact or the impact of the pollution upon it. Redesign could result in the curtilage of a residential building being set back beyond the pollutant exceedance zone, or the living spaces being located at the rear of the property, or to ensure that the design does not form street canyons to allow dispersal of pollution. The use of mechanical ventilation should not be the first and only solution; this increases energy demand on the development and affects living conditions.

4.4.5 If the redesign process is undertaken and there are still impacts on air quality from or to the development then depending on the nature and scale of the proposed development appropriate mitigation measures will need to be agreed.

4.4.6 If with the proposed mitigation measures there remains an impact on air quality from or to the development,

off site compensation can then be considered in addition to the proposed mitigation measures or there may be sufficient reason to refuse planning permission.

and without mitigation may be reason to refuse planning permission.

4.4.7 Innovative solutions to air quality management are encouraged and the type of mitigation required for a particular development will be informed by:

- The Air Quality Assessment and Transport Statement
- The Air Quality Management Area Action Plan
- The Local Transport Plan

4.4.10 The mitigation plan must outline the approaches taken to:

- Detail those design features that will safeguard new relevant receptors against potential exposure to poor air quality.

- Detail how the development will minimise the impact of emission based vehicles generated by the development

4.4.8 There are many types of mitigation, not one solution fits all, and innovative solutions are encouraged. The type of mitigation measures are set out below but it should be noted that this list is not exhaustive and each mitigation measure proposed will be assessed on its own merits. A list of potential mitigation measures is set out in Appendix A.

4.4.11 Where off site or on site mitigation compensation is required then if possible it should be secured by planning condition. This is sometimes not possible and then the use of a Section 106 Agreement can be used to secure the relevant monies or projects. Such agreements are a delivery mechanism for matters that are necessary to make the development acceptable.

4.4.9 To support a planning application the development should clearly compare the current road traffic generated by the site, to the proposed development. If the site is vacant, fall back may be considered but this must have the possibility to occur (in terms of site reuse) and be capable of carrying appropriate weight in the decision making process. A fall back has to be a material consideration and if such a fall back is possible but unlikely, it can carry limited weight in the decision making process. Any comparisons should be accompanied by a list of all possible methods, vehicle emissions by road traffic generated (both during construction and operation) how they can be reduced, if not eliminated. Some suggestions are provided in Appendix A. Increases in traffic generation in poor air quality areas

4.4.12 The introduction of a Community Infrastructure Levy (CIL) is a charge that Councils can charge on most types of new development. The proceeds of CIL are to be spent on local infrastructure and, where necessary, regional infrastructure to support the new development. Where mitigation / infrastructure measures are being sought through Section 106 Agreements this infrastructure cannot be sought through CIL. It is considered most effective if mitigation is agreed and delivered through condition and then (or) section 106 agreements if required.

### **4.5 Step 3: Assessment of AQA**

4.5.1 When considering the impact of a proposed development on air quality it is important to recognise that if the impact can be removed or sufficiently mitigated then there would be no reason, on air quality grounds, why the development could not proceed. It would be worth at the assessment stage recognising the ability for the scheme to be redesigned and whether this has been satisfactorily considered by the applicant. It is at this stage that mitigation and off-setting proposals should be assessed as to whether they are implementable and appropriate.

4.5.2 Relevant factors to consider when determining significance:

- Number of people affected
- Whether there is an AQMA, its location and extent and the reasons for it along with any planned mitigatory measures already published
- The level of increase in pollutant/traffic concentration in context to the local environment.
- Limitations of the data and assessment are clear; to inform a precautionary approach where necessary.

## **5. Useful Information**

5.1 The Council can provide information and data concerning air quality within its local authority boundary to the applicant. The information can be viewed at:

- [WWW.NEWPORT.GOV.UK/AIRQUALITY](http://WWW.NEWPORT.GOV.UK/AIRQUALITY)
- [WELSH AIR QUALITY FORUM](#)
- [THE INSTITUTE OF AIR QUALITY MANAGEMENT](#)

## **APPENDIX A**

### **Possible Mitigation Measures**

For those schemes within AQMAs please refer to the relevant AQMA action plan.

#### ***Mitigation (On and off site):***

- Site specific travel plans.
- Providing on street / at home electrical vehicle charging points.
- Infrastructure provision for the installation of mitigation measures such as electric charging points.
- Road improvements
- Cycle Path creation and links to existing network.
- Public Transport improvements.
- Integrating air quality improvements to public realm schemes e.g. Green Walls.
- Landscaping schemes.

#### ***Offsetting:***

- Public Transport improvements.
- Cycle Path creation and links to existing network.
- Road improvements to reduce queues and road surface wear.

#### ***Also for Commercial and Industrial Developments:***

- HGV routing agreements.

#### **Examples of Good Practice:**

- Submission and agreement of low emissions strategy.
- Reduction of missions from construction and demolition
- Low emission bus service provision.
- Raising awareness and education, resulting in good practice schemes such as the walking school bus
- As good practice all vehicles to comply with European Emission Standards for lifetime of development or be signed up to a relevant rating scheme.