

 <b>Executive – 16<sup>th</sup> April 2014</b>		<b>Agenda Item No. 4</b>
<b>Title</b>	Local Air Quality Management	
<b>For further information about this report please contact</b>	Richard Hall (01926 – 456700) Grahame Helm (01926 – 456714) <a href="mailto:environment@warwickdc.gov.uk">environment@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	All wards but primarily towns	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>		
<b>Background Papers</b>	Email responses to consultation as summarised below.	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes Ref 562
<b>Equality and Sustainability Impact Assessment Undertaken</b>	Yes

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	17/03/14	Chris Elliott
Head of Service	14/03/14	Richard Hall
CMT	25/03/14	Andrew Jones
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
Department for Environment, Food and Rural Affairs (DEFRA) Warwickshire County Council Public Health Warwickshire Leamington Town Council (re Station House) Neighbouring District Councils Warwick University (re Station House) GSP Construction (re Station House) Developers and architects associated with major development sites in the district		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 To seek Member approval for an amendment to the Council's Air Quality Action Plan to include new air quality planning guidance and also to approve an extension to the Leamington air quality management area.

## 2. **RECOMMENDATION**

- 2.1 That the Council's Air Quality Action Plan 2008 be amended to include the guidance attached at Annex 1 of this report.
- 2.2 That the area covered by the Leamington Air Quality Management Area be extended to include Station House as shown at Annex 2 of this report.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 To ensure that the impact on local air quality from new development is properly considered in the development control process following the replacement of planning policy statements/guidance by the National Planning Policy Framework.
- 3.2 To deliver the actions identified in the annual progress reports on local air quality.

## 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – This report does not bring forward any changes to the policy framework.
- 4.2 **Fit for the Future** – The Council's purpose is to improve the quality of life for everyone who lives in, works in or visits Warwick District. With our partners, we aspire to build sustainable, safer, stronger and healthier communities. Ensuring that effective steps are taken to improve local air quality and promote healthier lifestyles will contribute to these aims.
- 4.3 **Sustainable Community Strategy** – The improvement of air quality contributes towards the Health & Wellbeing and Sustainability priority themes within the Sustainable Community Strategy.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications arising from this report.

## 6. **RISKS**

- 6.1 The main risks of not adopting the proposals would arise from the potential loss of achieving effective mitigation to address the impact on air quality from new developments in the district.

## 7. **ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1 It is not necessary to adopt planning guidance and air quality impacts could be addressed through planning conditions requiring a pre-commencement assessment. However the proposed recommendations are aimed at shifting the emphasis from air quality modelling to implementing physical mitigation measures.

## 8. BACKGROUND

8.1 In March 2012, Planning Policy Statement 23 (planning and pollution control) was replaced by the National Planning Policy Framework (NPPF). This reflected Government's intention to make the planning system less complex by simplifying the number of policy pages. One of the 12 core planning principles in the NPPF therefore just stated that a contribution should be made to conserving the natural environment and reducing pollution.

8.2 However, paragraph 124 of the NPPF goes on to state that "*planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from industrial sites in local areas. Planning decisions should ensure that any new development in Air Quality Management areas is consistent with the local air quality action plan.*" Therefore by including planning guidance in the air quality action plan, developers would need to have regard to it when submitting a planning application.

8.3 Government has recently published revised and updated planning practice guidance. The air quality guidance advises that –

*"Drawing on the review of air quality carried out for the local air quality management regime, the Local Plan may need to consider..... ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable".*

The guidance goes on to advise that planning conditions and obligations can be used to secure mitigation where the relevant tests are met. Examples of mitigation include contributing funding to measures identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.

8.4 The proposed guidance attached at Annex 1 is similar in content to documents produced in other parts of the country including Yorkshire and the West Midlands. If agreed, it would apply to all new development irrespective of whether or not it is within an existing AQMA. The concept is that planning applicants should accept that their proposed development will have an impact on local air quality so in many cases avoiding the need to engage a consultant to carry out an air quality modelling exercise. The money saved could then contribute to funding mitigation measures which would be mutually agreed with the applicant on a site-specific basis. It has been circulated for comment to key stakeholders and architects/planning agents who have recently submitted applications for major development in the district. Responses were received from the following –

Organisation	Summary of Comments
DEFRA	Positive advice
Public Health Warwickshire	We welcome the draft guidance and believe this document highlights many

	<p>strong mitigation measures.</p> <p>Type 3 mitigation mentions sustainable transport solutions but we consider this should be considered during all three stages of mitigation.</p> <p>Whilst the guidance alludes to bike hire schemes, in addition WDC might want to consider the benefits of incorporating cycle paths into any new development.</p> <p>Other methods of mitigation which has not been mentioned is encouraging people to walk and exploring pedestrianisation schemes.</p>
Warwickshire County Council	<p>The idea of a monetary value being put to Type 3 mitigations makes sense in isolation. However the total value of contributions from a development will be determined by viability and any money extracted for this air quality calculation will reduce the amount available for other things My view of the items listed as mitigation suggestions on page 12 is that they will not deliver very useful outcomes for air quality with the risk that this money will be procured at the detriment of more beneficial things.</p>
Morton Wykes Kramer Architects	<p>This policy is going to achieve absolutely nothing other than to make more work for your already stretched officers and generate fees for another group of consultants. You already have the pollution problem and adding to this requirement to new development will not solve the problem.</p>

8.5 The current Leamington air quality management area (AQMA) is centred on High Street, Clemens Street and Bath Street due to public exposure to levels of nitrogen dioxide from vehicle exhausts which can exceed national objectives. All local authorities are required to carry out an annual review of progress being made in delivering their air quality action plans. Part of this process is to consider implications arising from new developments on existing AQMAs and this identified the building of a large block of student halls of residence (Station House) immediately adjacent to the junction of Tachbrook Road and Old Warwick Road and just outside the current AQMA.

8.6 The Progress Report concluded that the AQMA should be extended to include the Station House development once occupied. Members should note that the

planning system has already been used to ensure non-opening windows and mechanical ventilation for affected rooms. This proposal was also circulated to interested parties for comment. One response has been received from Royal Leamington Spa Town Council who were fully supportive of this proposal.