

REPORT TITLE: AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (AQ SPD)

20 JANUARY 2021

REPORT OF CABINET MEMBER: Cllr Lynda Murphy Cabinet Member for Climate Emergency

Contact Officer: David Ingram Tel No: 01962 848479

Email: dingram@winchester.gov.uk

WARD(S): ALL

PURPOSE

This report seeks Cabinet approval to commence the public consultation stage of the adoption of an Air Quality Supplementary Planning Document (AQ SPD), which is one of the core measures set down within the Council's Air Quality Action Plan, approved on the 26th April 2017 CAB2906.

Officers commissioned environmental consultants AECOM, who have considerable experience in the area of air quality, to lead on the development of an AQ SPD for the council covering the area in and around Winchester. The proposed draft as set out in Appendix A, is the culmination of AECOM's work supported by Environmental Heath, Development Management, Strategic Planning and relevant Cabinet members in an effort to ensure that the AQ SPD will help to reduce air pollution emissions from new development and protect people occupying development from poor air quality. To this end the draft document will supplement the policies in the Local Plan which are currently used to determine planning applications and, in particular, policies WIN2 and DM19 which deal with air quality.

In addition to seeking to mitigate air pollution impacts, this AQ SPD will have the secondary benefits of reducing carbon emission thereby assisting Winchester City Council in delivering a carbon neutral district by 2030.

RECOMMENDATIONS:

1. That Cabinet agree to the commencement of a six week public consultation on the proposed Air Quality Supplementary Planning Document, as set out within Appendix A, the findings of which will then be reported back to a future Cabinet meeting.

IMPLICATIONS:**1 COUNCIL PLAN OUTCOME**

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 The adoption of an Air Quality Supplementary Planning document seeks to clearly set out the council's requirements regarding improving air quality within the Air Quality Management Area (AQMA) thereby assisting the Council in tackling the Climate Emergency and in support of a more environmentally sustainable district.
- 1.3 Living Well
- 1.4 In adopting an AQ SPD, the city Council will be setting down clear criteria of expectation for developers seeking to build within the City of Winchester. These criteria have been carefully considered to take into account the size and therefore the subsequent air quality impacts arising from any development from nitrogen dioxide and particulate emissions, both of which are proven impactors on public health.
- 1.5 In seeking to reduce these pollutants from new developments, this policy's intent is to mitigate further NOx and particulate burdens on ambient air quality and thereby make the City of Winchester a 'healthier' place to live and work into the future.

2 FINANCIAL IMPLICATIONS

- 2.1 The drafting of the proposed AQ SPD has already been delivered within existing budgets and staff resources. The subsequent conducting of a public consultation will be delivered from existing staff resources so there will be no financial implications either from that process.
- 2.2 Subject to the findings of this consultation and in assuming, without prejudice, that the proposed or amended AQ SPD will be adopted, any additional financial burdens arising from complying with it, will be met by the applicant for any development and not the council.

3 LEGAL AND PROCUREMENT

- 3.1 The adoption of the AQ SPD is intended to support the delivery of the Council's legal duty to achieve and sustain compliance with the air quality standards as set out in Section 82 of Part IV of the Environment Act 1995, which adopted air quality standards from European Union Directives. Notwithstanding the UK has now left the European Union, so the effect of the Localism Act 2011 allowing UK government to pass on EU fines to Local Authorities may well now be superseded post Brexit.

WORKFORCE IMPLICATIONS

- 3.2 The public consultation exercise will be delivered from existing resources, centrally the Strategic Planning Service, with support from the Public Protection and Communication Services.
- 3.3 Should this AQ SPD be adopted subject to any amendments post consultation, it will become a material consideration when planning applications are decided. Although air quality impact is already assessed as part of major development applications, this AQ SPD provides a framework that captures development at all levels in and around Winchester and, dependant on the scale of proposals, to either deliver pre-determined mitigations as set out in the AQ SPD or conduct a detailed assessment from which bespoke mitigations can be offered. This will add additional officer work to the planning decision and delivery process.
- 3.4 It is difficult to predict how much additional work will arise from this AQ SPD but it is expected that this will be met from within the existing staff resources.

4 PROPERTY AND ASSET IMPLICATIONS

- 4.1 This AQ SPD will affect all new developments, including those undertaken by the City Council. However it is expected that the Council would, as a responsible developer, want to mitigate its own impacts on air quality in line with its public health and carbon reduction aspirations.

5 CONSULTATION AND COMMUNICATION

- 5.1 The need for the AQ SPD was proposed through the Air Quality Steering Group and subsequently endorsed by Cabinet through the adoption of the Air Quality Action Plan.
- 5.2 The draft AQ SPD was delivered by AECOM based upon its experience of delivering similar documents in other local authority areas. The draft as proposed in Appendix A is the final iteration after meetings between AECOM, Environmental Health, Strategic Planning, Development Management and Cabinet members which has helped refine the document which is now ready for formal consultation.

- 5.3 The report recommends that the proposed AQ SPD be launched for public consultation before returning to Cabinet to consider comments received prior to possible amendments and adoption.

6 ENVIRONMENTAL CONSIDERATIONS

- 6.1 This AQ SPD is a vital component in ensuring that the cumulative impact of development on air quality is fully considered now and in the future. It provides a set of clear expectations of developers regarding how the impact of their scheme on air quality will be managed.

7 EQUALITY IMPACT ASSESSEMENT

- 8 The City Council and specifically the Strategic Planning Service is familiar with conducting public consultations in such a way to that it does not lead to unlawful discrimination, whether directly or indirectly and in a manner which encourages equality of opportunity to consult by the relevant stakeholders and the public.

9 DATA PROTECTION IMPACT ASSESSMENT

- 10 Any comments that are submitted will be taken into account, but must include people's name and contact details. The Council will publish names and associated representations on its website but it will not publish personal information such as telephone numbers, addresses or email addresses.

- 11 In accordance with the General Data Protection Regulations (GDPR) information will only be kept for the necessary period of time required. The Council has an updated privacy policy which can be viewed on the website.

12 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Property N/A	N/A	N/A
Community Support <i>That the development sector does not support the adoption of the AQ SPD.</i> <i>That the wider public expect more from that proposed within the AQ SPD</i>	Whether there is no or limited support for the AQ SPD, the public consultation process will allow officers to understand consider the various stakeholder interest and responses. These will need to be considered before any final decision is made regarding adoption of the	To work with stakeholders to assist in the delivery of a workable AQ SPD which still delivers the Council's air quality aspirations.

	AQ SPD.	
<p>Timescales <i>Not securing approval in January, leading to a delay in the delivery of improved air quality mitigation standards for developers.</i></p>	<p>Ensure sufficient information provided to Cabinet to fully inform approval to consult in January, which will allow sufficient time for consultation to take place before purdah and elections.</p>	
<p>Project capacity <i>That staff capacity is insufficient to deliver the consultation in a timely fashion.</i></p>	<p>Sufficient resources to be provided by Public Protection Strategic Planning teams.</p>	<p>Working with colleagues to better understand the strategic planning process.</p>
<p>Financial / VfM <i>The delivery of the consultation will be from existing staff resources.</i></p>		
<p>Legal <i>That the findings of the AQ SPD consultation will be subject to legal challenge.</i></p>	<p>Public Protection will work with Strategic Planning and Legal Teams to ensure that the consultation process is legally compliant and robust and to mitigate against legal challenge.</p>	<p>To better understand where legal challenge may arise and be better prepared.</p>
<p>Innovation <i>In adopting an AQ SPD Winchester will be the first local authority in Hampshire to do so.</i></p>		
<p>Reputation <i>That in adopting this AQ SPD, it may discourage developers from building in the AQ SPD Policy Area.</i></p>	<p>The Winchester district remains an attractive place to live and work and this will be supported by the AQ SPD in maintaining high environmental standards for the future. It also takes a proportionate approach determined by the scale of development proposed.</p>	<p>To capitalise on the reputation that high quality development will continue to bring to the district.</p>

13.1 Background

13.2 The City of Winchester currently has a designated Air Quality Management Area (AQMA) which was declared in 2003 for exceeding the annual mean nitrogen dioxide (NO₂) and 24-hour mean PM₁₀ concentrations, although the declaration for 24-hour mean PM₁₀ was later revoked in 2013. The AQMA is required to have an Air Quality Action Plan (AQAP), which sets out actions that will be taken to reduce emissions. An updated AQAP was approved in 2017 to specifically address NO₂ concentrations, one of the core actions of which was to:

“Develop an air quality supplementary planning document (SPD) as part of the formal planning process that is integrated into the planning process”

13.3 The Council has a statutory obligation under Part IV of the Environment Act 1990 to assess and report on local air quality annually. Winchester City Centre has elevated levels of NO₂ due mainly to road transport emissions with annual mean concentrations of NO₂ breaching national legal objectives of 40µg/m³ in some areas.

13.4 Whilst the Council’s monitoring network demonstrates a steady improvement in air quality in recent years, in order to bring the AQMA into compliance by reducing annual mean concentrations of NO₂ and to ensure new areas of exceedance are not introduced by new developments, further action is required.

13.5 Work conducted in the preparation of the latest AQAP in 2017 showed that road transport emissions accounted for between 40%-50% of annual mean NO₂ concentrations within Winchester City Centre. Accordingly, the AQAP puts in place a number of measures to work towards compliance with the annual mean NO₂ objective, many of which are related to road traffic. However, it is still important to address increased emissions generated by new development and to protect people occupying existing development from continued or increased exposure to poor air quality in certain locations within the town.

13.6 Winchester City Council initially sought to work with its neighbouring Local Authorities, Southampton, Eastleigh, and the New Forest, to develop a sub-regional approach to address air quality impacts through the planning process. Southampton successfully applied to Defra for grant funding to deliver this piece of work and after conducting a procurement process, commissioned environmental consultants AECOM to deliver an AQ SPD to cover these four local authority areas. However, it became evident that producing a joint AQ SPD covering this issue across all four districts would be challenge, given geographical and other differences between these areas. Therefore the council decided that it would be preferable to press on by developing its own policy.

13.7 The AQ SPD proposed by this Cabinet paper for consultation is the distillation of the original sub- regional AQ SPD, and has been refined in light of

extensive discussions between the relevant officers from Environmental Health, Strategic Planning, Development Management and the relevant Portfolio Holders, in order to produce a policy which best responds to the air quality issues facing the city.

- 13.8 How the proposed AQ SPD will work
- 13.9 The proposed AQ SPD supplements Local Plan policies DS1, WT1, CP13, DM17, DM19 and is intended to provide developers with a clear set of expectations from which they can identify the air quality impacts arising from their developments and propose appropriate mitigation measures within their planning application. It adopts a practical and proportionate approach, which doesn't present unnecessary burdens that may delay the planning application decision making process. It is also expected to be a document which is easily understandable for both developers and planning officers and which compliments the current planning process and Local Plan policies that deal with air quality. As the Council's Local Plan is currently being reviewed the AQ SPD will need to be updated when the new Local Plan is adopted.
- 13.10 The methodology proposed to assess the level of air quality information that will be required to support any planning application, will be dependent on certain criteria. These criteria, which are broadly based on the location and size of the proposed development, will inform whether an Air Quality Statement (AQS) or a more detailed Air Quality Assessment (AQA) will be required.
- 13.11 Developments which fall within the blue line AQ SPD 'area' shown in Appendix B will be required to make a simple assessment based upon the size and type of the development as per the following table:

Application Type	Threshold	Air Quality Statement	Air Quality Assessment
Residential	Fewer than 10 dwellings	YES	-
Residential	10 dwellings and over	-	YES
Residential	Site less than 0.5 hectares	YES	-
Residential	Site over 0.5 hectares	-	YES
Partly or wholly Non Residential Buildings	Over 1,000m ² floor space or creating more than 10 or more new parking spaces	-	YES
Other	One or more combustion/heating plant(s) with a total combined net thermal output greater than 1MW	-	YES

- 13.12 The current planning application profile for development proposals in the city area means that the majority of residential applications will only be expected to undertake an AQS which requires the developer to commit to complying

with a series of items as set out in a checklist within the AQ SPD. This will enable permission to be granted and should avoid making the planning process unduly onerous or complex for most applicants seeking permission.

- 13.13 An AQA will be required for all major developments within the AQ SPD area which could increase road traffic or include commercial combustion processes. An AQA will also be required for all residential developments with habitable rooms within 5m of Jewry Street, Romsey Road and St Georges Street.
- 13.14 An AQA is a technical document and it is anticipated that in most instances a specialist Air Quality Consultant will be employed to produce the assessment report. This will enable measures to be developed specifically for that proposal which mitigates the impact of the scheme on air quality. The AQ SPD will provide guidance on how developers can address issues in support of a successful application.
- 13.15 In all instances where a proposed development is within an area that has poor existing air quality, the applicant will need to assess the proposed site for its suitability for the intended use in respect of air quality. Such sites may include residential, educational and health care facilities for long term exposure, but could also include commercial facilities where members of the public may be expected to spend an hour or more outside (for example a bar/café with outdoor seating) for short term exposure.
- 13.16 Where a development is found to have a significant effect on air quality or is significantly affected by existing poor air quality, then it will only be permitted if suitable and sufficient mitigation is provided as part of the development proposal and in such circumstances the AQ SPD provides that the Institute of Air Quality Management's assessment of mitigation will be used.
- 13.17 Next steps
- 13.18 A 6 week public consultation on the AQ SPD would take place at the same time as the consultation on the Council's Strategic Issues & Priorities document (CAB3278) in order to maximise the amount of responses to this document. Any comments that are received as part of the public consultation would then be reported to Cabinet who would then agree the final version of the AQ SPD.
- 13.19 Conclusion
- 13.20 It is considered that the AQ SPD builds on the policies in the adopted Local Plan and provides a robust approach intended to mitigate the air quality burden to the city arising from future developments. The AQ SPD seeks to safeguard the public health of the local population in a way which is clear and proportionate for those seeking planning permission as determined by the scale and location of new development in the Winchester city area of the district.

14 OTHER OPTIONS CONSIDERED AND REJECTED

- 14.1 The option of working with other Local Authorities to adopt a sub-regional AQ SPD was explored and abandoned after jurisdictional differences stalled the process of delivery.
- 14.2 The only other option is not to adopt an AQ SPD, which would not support 'future proofing' the mitigation of air quality burdens for the residents of Winchester.

GLOSSARY OF ACRONYMS

The following provides a short glossary of acronyms used in this report:

AQ SPD	Air Quality Supplementary Planning Document. The planning document being proposed for public consultation.
AQMA	Air Quality Management Area. The area identified as not meeting statutory air quality standards.
AQAP	Air Quality Action Plan. WCC's adopted plan which seeks to implement measures intended to improve ambient air quality within the AQMA.
AQS	Air Quality Statement. The statement provided by the developer simply setting out what they will deliver as part of their development in accordance with the prescribed list of actions set out in the AQ SPD.
AQA	Air Quality Assessment. A detailed assessment submitted by the developer identifying air quality impacts arising from development or as may be the case to their development and setting out their proposed detailed measures in mitigation.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[CAB2906](#) The Adoption of the Winchester Air Quality Action Plan

Other Background Documents:- None

APPENDICES:

Appendix A Proposed Air Quality Supplementary Planning Document

Appendix B Proposed AQ SPD Policy Area