

Updated Air Quality Technical Planning Guidance 2016

Meeting	Cabinet – 28th July 2016
Report Author	Amanda Berry, Environmental Health Officer
Portfolio Holder	Cllr Lin Fairbrass, Deputy Leader and Cabinet Member for Community Services
Status	For Decision
Classification:	Unrestricted
Key Decision	No
<i>Previously Considered by</i>	No
Ward:	All

Executive Summary:

The Air Quality Planning Guidance has been updated to reflect changes in national planning policy and aims to improve the environment and health of the population. It was developed by the Kent and Medway Air Quality Partnership and has been adopted by Medway and is being currently considered by all Kent authorities.

Thanet has an urban wide Air Quality Management Area (AQMA) and we are required through the Local Air Quality Management process to work towards reducing pollution levels. An Action Plan was approved in 2013 which included the original planning guidance. Although air quality in Thanet is generally good, we require a strategic approach to bring about improvements which will benefit the wider population and those living near congested hot spot locations. Air pollution impacts on vulnerable groups, particularly the young and elderly with pre-existing respiratory conditions.

The guidance is a key tool to bringing about improvements in local air quality through the planning process and will require all development within the AQMA to offset emissions to varying degrees according to scale.

All development will be required to implement as a minimum standard mitigation i.e. low NOx boilers and an EV charging point where there is off road parking. Medium sized development (thresholds that trigger Transport Assessments) will be required to carry out an Emission Mitigation Assessment and integrate the mitigation into the proposed scheme. For major developments e.g. those that trigger an Environmental Impact Assessment a full Air Quality Assessment, Emission Mitigation Measures and standard mitigation will be required.

Recommendation(s):

To approve the updated Air Quality Planning Guidance (Annex 1) which will form part of the approved Air Quality Action Plan 2013.

CORPORATE IMPLICATIONS	
Financial and Value for Money	No financial implication for the Council. Developer contributions to be incorporated into the design proposal.
Legal	<p>Under Part IV of the Environment Act 1995, local authorities are required to review and assess air quality in their areas and to report against objectives for specified pollutants of concern, to the Department for Environment, Food and Rural Affairs (DEFRA).</p> <p>Action to manage and improve air quality is required by European Union (EU) legislation. The 2008 ambient air quality directive (2008/50/EC) sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health including nitrogen dioxide (NO₂) and fine particles.</p> <p>The UK has been in breach of EU NO₂ pollution limits for five years and last spring was ordered by the supreme court to publish an action plan on how to tackle the major health crisis. In response the government produced an Action Plan in December 2015 'Improving Air Quality in the UK – Tackling nitrogen dioxide in our towns and cities'.</p> <p>The documents set out a plan to improve the UK's air quality and public health and our legal obligations to achieve nitrogen dioxide limit values the shortest possible time. It reinforces that local authorities have a central role in achieving improvements because 'their local knowledge and interaction with the communities that they serve mean that they know the issues on the ground in detail and the solutions that may be necessary or appropriate'. And 'new infrastructure and other developments need to be sensitively planned to ensure they do not add to, or cause, significant additional air quality issues. Air quality should be considered early in any development so that mitigation measures can be developed where necessary. Air quality considerations are firmly embedded within national policy which includes strong protections to safeguard.'</p>
Corporate	<p>The main source of nitrogen dioxide contributing to the exceedance of the air quality objective is road traffic. Accordingly, the Planning Guidance will have significant implications for land use planning policies. The focus will be on encouraging the use of non-motorised means of transport, installation of electric charging infrastructure, encouragement of cycling and walking, as a means of reducing local emissions of pollutants. This will help to minimise congestion being both an environmental and economic benefit to Thanet.</p> <p>It is firmly linked to strategies at corporate level i.e. Climate Change Strategy key themes: Transport, Procurement, Planning & Regulation and Education & Promotion and the Corporate Plan specifically 'Supporting neighbourhoods' and 'A clean and welcoming environment' and the emerging Local Plan.</p> <p>In terms of planning policy, the proposal offers significant benefits in ensuring a comprehensive strategic approach to safeguarding air quality. Officer discussions, with development control, building control, transport and strategic planners, suggest this is a logical and practical method for guiding future development and identifying appropriate mitigation measures; with relevant schemes contributing proportionately to elements of the action plan.</p> <p>Development Control have raised concerns around the cost to the developer (Annex 2) from standard mitigation.</p>

Equalities Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

Please indicate which aim is relevant to the report.	
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓
Foster good relations between people who share a protected characteristic and people who do not share it.	✓

Poor air quality is a significant public health issue. A Customer Impact Screen has been completed (Annex 3). The most vulnerable members of the community, that is, those with health problems, the old and the very young are those most affected by poor air quality. The implementation of the plan will help to restore environmental equity to individuals most affected.

The Public Health Outcomes Framework includes air quality as a key indicator for Health Protection - Priority 3.01 Fraction of mortality attributable to particulate air pollution shows mortality figures for Thanet during 2013 indicate 5.2% of the population is attributable to measured fine particles (PM2.5) which is comparable to the rest of the South East (5.2%) and England (5.3%). However, for Health Care and Premature Mortality 4.07(ii) mortality considered preventable from respiratory disease in those aged <75 per 100,000 population Thanet has a higher than average rate at 23.4 per 100,000 compared to regional figure of 14.7 and 17.8 for England. This indicator will focus public health attention on the prevention of smoking and other environmental factors including air quality that contribute to people getting respiratory disease.

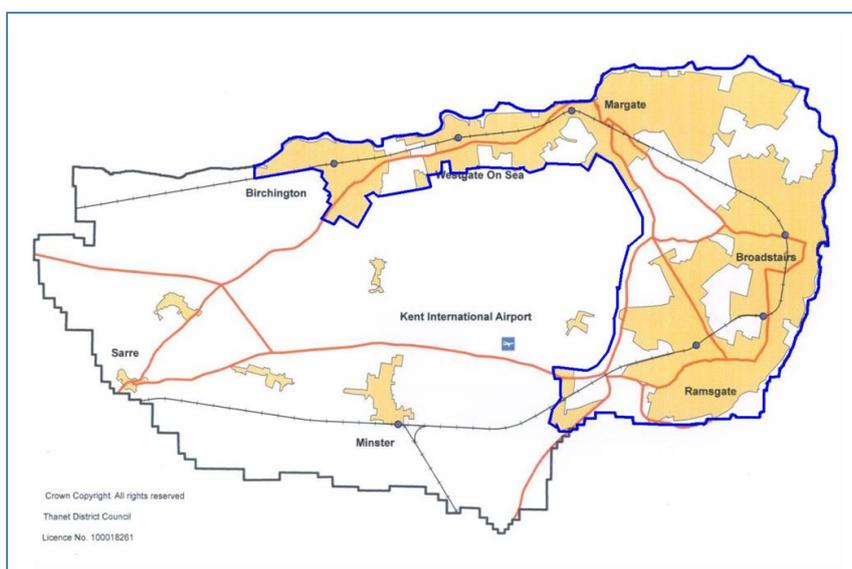
Although mortality is comparable, living with respiratory disease can be a terrible experience for sufferers and their families and through implementation of the planning guidance bring about a reduction in air pollution across Thanet. The data evidences the need to act, respiratory disease is significantly worse in Thanet than other Kent areas so air quality should be a high priority to help improve the lives of sufferers and reduce the impact on health services in dealing with avoidable relapses caused by poor air quality.

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	✓
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	

1.0 Introduction and Background

- 1.1 Nitrogen dioxide is estimated to have an effect on mortality equivalent to 23,500 deaths annually in the UK. Many of the sources of NO_x are also sources of particulate matter (PM). The impact of exposure to small particulate matter pollution (PM_{2.5}) is estimated to have an effect on mortality equivalent to nearly 29,000 deaths in the UK. The combined impact of fine particles and nitrogen dioxide these two pollutants represents a significant public health challenge.
- 1.2 The EU Ambient Air Quality Directive sets legally binding limits for ambient concentrations of nitrogen dioxide for the protection of human health. These required Member States to ensure that the annual mean concentration levels of NO₂ do not exceed 40µg/m³; Member States were required to meet these limits by 1 January 2010. Following EU infringement proceedings in 2015 the UK Government has been ordered to cut levels of NO₂ across the UK. In response the government produced an Action Plan in December 2015 'Improving Air Quality in the UK – Tackling nitrogen dioxide in our towns and cities'.
- 1.3 In Thanet the air quality is good and mostly falls below UK and EU thresholds but there are exceedences for nitrogen dioxide from traffic pollution at three busy junctions. The three areas which exceed health based objectives for nitrogen dioxide are: The Square, Birchington, High Street, St Lawrence and the junction at Boundary Rd / Hereson Rd, Ramsgate. There are also a number of other junctions that are close to exceeding the objectives. The exceedence areas are all encompassed by a single urban-wide Air Quality Management Area (AQMA) boundary which is one of more than 40 AQMA's across Kent. The urban-wide AQMA was declared in November 2011 and an Air Quality Action Plan (AQAP) was approved in 2013 setting out measures to lower pollutant concentrations within the designated urban AQMA.



- 1.4 The AQAP sets out the causes and impacts of air pollution and proposes measures, some new and others which are already in place, to reduce air pollution and sets out the committed actions of the Local Authority and its partners in addressing local air pollutants as required by Central Government. The updated air quality Planning Guidance will have a huge benefit on air quality across the urban AQMA.

2.0 The Current Situation

- 2.1 The new guidance will update the previous Kent and Medway Air Quality Partnership Guidance dated 2011 (Appendix 2 to the AQAP) and give much more focus on mitigation measures. Currently air quality assessments required for development only concentrate on technical modelling of impacts and very little information is included on how to mitigate impacts. Mitigation to reduce the impact of development on air quality has previously been difficult to secure.
- 2.2 The National Planning Policy Framework (NPPF) recommends 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 individual 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.
- 2.3 The NPPF also suggests that Local Planning Authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.
- 2.4 The AQ Planning Guidance (Jan 2016) will follow a staged process:
- Using the 'Screening checklist' to determine whether the proposal qualifies as a 'major development'
 - Determining whether the development requires an air quality assessment or emissions assessment using the 'Air Quality and emission mitigation assessment checklist';
 - Determining whether an air quality assessment is required to assess the impact on public health and/or the local environment as well as the significance of a development on local air quality;
 - Determining whether an application should be refused on air quality grounds or what mitigation measures are required to make the development acceptable on air quality grounds;
 - All development within the AQMA is required to implement standard mitigation measures.

3.0 Options –

- 3.1 To approve or not Thanet District Council Air Quality and Technical Planning Guidance (Annex 1).

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Reporting to:	Morgan Sproates Environmental Protection Manager Penny Button, Head of Safer Neighbourhoods

Annex List

Annex 1	Air Quality & Technical Guidance
Annex 2	Development Control Response
Annex 3	Customer Impact Assessment

Background Papers

Title	Details of where to access copy
Air quality in the UK: plan to reduce nitrogen dioxide emissions (DEFRA)	GOV.UK
European Directive 2008/50/EC	http://ec.europa.eu/environment/air/quality/legislation/directive.htm
COMEAP: long-term exposure to air pollution: effect on mortality	GOV.UK
Public Health Framework Outcomes	Public Health England website

Corporate Consultation

Finance	Matt Sanham, Corporate Finance Manager
Legal	Colin Evans, Litigation Solicitor
Communication	Hannah Thorpe, Head of Communications