

Appendix 6.1: Air Quality Legislation and Guidance

National Air Quality Strategy

The Environment Act 1995 requires the UK government to prepare a national Air Quality Strategy. The first UK strategy was published in March 1997, setting out policies for the management of ambient air quality. This was subsequently updated in 2007¹.

The 2007 strategy establishes the framework for air quality management in England, Scotland, Wales and Northern Ireland. Air quality standards and objectives are set out for eight pollutants which may potentially occur at levels that give cause for concern. The strategy also provides details of the role that local authorities are required to take in working towards improvements in air quality, known as the Local Air Quality Management (LAQM) regime.

Air Quality Standards and Objectives

Air quality standards and objectives are set out in the strategy for the following pollutants: nitrogen dioxide (NO₂), sulphur dioxide (SO₂), carbon monoxide (CO), lead (Pb), fine particulate matter (PM₁₀), benzene (C₆H₆), 1, 3-butadiene (C₄H₆) and ozone (O₃).

Objectives for each pollutant, except O₃, were first given statutory status in the Air Quality Regulations 2000² and Air Quality (Amendment) Regulations 2002³. These objectives are defined in the strategy as:

“the maximum ambient concentration not to be exceeded, either without exception or with a permitted number of exceedances, within a specified timescale.”

EU limit values, set out within the Ambient Air Quality Directive 2008/50/EC⁴ (i.e. the CAFE Directive), were transposed into UK legislation on 11th June 2011 as The Air Quality Standards Regulations 2010. These are mostly the same as the air quality objectives in terms of concentrations; however, there are differences in determining how compliance is achieved. Although the UK is no longer part of the EU, no changes have yet been made to the objectives and limit values used in the management and assessment of air quality.

Whilst there is no specific objective for PM_{2.5} in England and Wales, a limit value of 25µg/m³ is referred to in the regulations, which has been adopted for use in this assessment (as

¹ Department of Environment, Food and Rural Affairs, The Air Quality Strategy for England, Scotland, Wales and Northern Ireland. July 2007

² The Air Quality Regulations 2000. SI No 928

³ The Air Quality (Amendment) Regulations 2002

⁴ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe



recommended by the LAQM Helpdesk). An objective has been set for PM_{2.5} in Scotland since early 2016.

Examples of where these objectives and limit values apply are detailed in the Defra LAQM Technical Guidance document LAQM.TG(16)⁵ and are included in Table 6.1.

Table 6.1: Examples of Where the Air Quality Objectives Should Apply		
Averaging Period	Objectives Should Apply at:	Objectives Should Generally Not Apply at:
Annual mean	All locations where members of the public might be regularly exposed. Building façades of residential properties, schools, hospitals, care homes, etc.	Building facades of offices or other places of work where members of the public do not have regular access. Hotels, unless people live there as their permanent residence. Gardens of residential properties. Kerbside sites (as opposed to locations at the building façade), or any other location where public exposure is expected to be short term
24-hour mean and 8-hour mean	All locations where the annual mean objectives would apply, together with hotels. Gardens of residential properties ^a	Kerbside sites (as opposed to locations at the building façade), or any other location where public exposure is expected to be short term
1-hour mean	All locations where the annual mean and 24 and 8-hour objectives apply. Kerbside sites (e.g. pavements of busy shopping streets). Those parts of car parks and railway stations etc. which are not fully enclosed, where members of the public might reasonably be expected to spend one hour or more. Any outdoor locations to which the public might reasonably be expected to spend one hour or longer	Kerbside sites where public would not be expected to have regular access
15-minute mean	All locations where members of the public might reasonably be exposed for a period of 15 minutes or longer	
^a . Such locations should represent parts of the garden where relevant public exposure is likely, for example where there is seating or play areas. It is unlikely that relevant public exposure to pollutants would occur at the extremities of the garden boundary, or in front gardens, although local judgement should always be applied		

⁵ Department for Environment, Food and Rural Affairs, Local Air Quality Management Technical Guidance LAQM.TG(16), February 2018



Local Air Quality Management

LAQM legislation in the Environment Act 1995 requires local authorities to conduct the periodic review and assessments of air quality. These aim to identify all those areas where the objectives are being, or are likely to be, exceeded. Where exceedances are likely to occur, local authorities are required to declare an Air Quality Management Area (AQMA).

LAQM.TG(16) presents a streamlined approach for LAQM in England and Scotland; however, Northern Ireland is still considering changes to LAQM and therefore works according to the previous regime.

The Welsh Government amended the LAQM regime in Wales in 2017 by issuing new statutory policy guidance in order to bring the system into line with the Well-being of Future Generations (Wales) Act 2015⁶. This aims to achieve compliance with the national air quality objectives in specific hotspots and to reduce exposure to pollution more widely, so as to achieve the greatest public health benefit.

Local authorities in England are required to produce Annual Status Reports (ASRs), and in Scotland and Wales, Annual Progress Reports (APRs). These replace all other reports which previously had to be submitted including Updating and Screening Assessments, Progress Reports and Detailed Assessments (which would be produced to assist with an AQMA declaration).

Local authorities now have the option of a fast track AQMA declaration option. This allows more expert judgement to be used and removes the need for a Detailed Assessment where a local authority is confident of the outcome. Detailed Assessments should however still be used if there is any doubt.

As part of the UK Government's requirement to improve air quality, selected local authorities in England are also currently investigating the feasibility of setting up Clean Air Zones (CAZs). These are areas where targeted action and co-ordinated resources aim to improve air quality within an urban setting, in order to achieve compliance with the EU limit values within the shortest possible time.

The first CAZs were implemented in Bath in March 2021, and will be implemented in Birmingham in June 2021. In addition, the London Ultra Low Emission Zone (ULEZ) will expand to incorporate the North and South Circular roads in October 2021. Charges will apply to certain types of vehicles travelling within these areas, including buses, coaches, taxis, private

⁶ Well-being of Future Generations (Wales) Act 2015 (anaw 2)

hire vehicles and heavy duty vehicles (HDVs).

National Planning Policy Framework

The National Planning Policy Framework (NPPF)⁷, introduced in March 2012 and most recently updated in July 2021, requires that:

“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and CAZs, and the cumulative impacts from individual sites in local areas.

Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.

Planning decisions should ensure that any new development in AQMAs and CAZs is consistent with the local air quality action plan.”

Planning Practice Guidance

The Planning Practice Guidance – Air Quality (PPG)⁸, introduced in March 2014, and most recently updated in June 2021, states that whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impacts in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).

Where a proposed development is anticipated to give rise to concerns about air quality, an appropriate assessment needs to be carried out. Where the assessment concludes that the proposed development (including mitigation) will not lead to an unacceptable risk from air pollution, prevent sustained compliance with national objectives or fail to comply with the requirements of the Habitats Regulations, then the local authority should proceed to decision with appropriate planning conditions and/or obligations.

⁷ Ministry of Housing, Communities and Local Government, National Planning Policy Framework, July 2021

⁸ Department for Communities and Local Government. Planning Practice Guidance: Air Quality, March 2014

Regional Policy

There is no applicable regional policy of relevance to this assessment.

Local Policy

Havant Borough Core Strategy

The *Havant Borough Core Strategy* was adopted in March 2011 (Ref: 5.6). It describes Havant Borough Council's long term vision and objective. It contains strategic policies and some detailed development management policies against which individual planning applications will be assessed. With regard to air quality, the Core Strategy includes Development Management Policy DM10.

Policy DM10: Pollution:

"Development that may cause pollution of water, air or soil or pollution through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, heat, electromagnetic radiation and other pollutants will only be permitted where all of the following relevant criteria can be met:

- 1. The health and safety of existing and future users of the site, or nearby occupiers and residents is not put at risk.*
- 2. National air quality standards or objectives would not be breached.*
- 3. The water environment would not be detrimentally affected.*
- 4. It would not lead to an unacceptable deterioration in the quality or potential yield of coastal, surface and ground water resources.*
- 5. External lighting is of the minimum level of illumination and duration required for security and operational purposes.*
- 6. External lighting would not interfere with safe navigation in either Chichester or Langstone Harbours and other coastal locations."*

Havant Borough Council Emerging Local Plan

The *Havant Borough Council Emerging Local Plan* was submitted to the Secretary of State for Housing Communities and Local Government for examination on 12 February 2021 but has yet to be adopted by the Council.



The emerging Local Plan set out a vision and a framework for the future development, growth and prosperity of within Havant. Ultimately, the plan seeks to meet the development needs for the Borough in a sustainable way and make sure that Havant remains a place where people want to live, work, invest and visit well into the future.

The emerging Local Plan states *“Any new development can have an impact on air quality. Without intervention, emissions associated with new development would continue to apply upward pressure on background levels of pollutants and contribute to a cumulative deterioration in air quality. It is therefore important that emissions associated with development are mitigated to ensure that compliance with air quality standards can be sustained”*

Guidance on the Assessment of Dust from Demolition and Construction

The IAQM has released guidance to allow for the assessment of impacts associated with dust and PM₁₀ releases, during the construction phase of a development.

This guidance allows the potential dust soiling, human health and ecological effects associated with demolition, earthworks, construction and the trackout of dirt and mud onto the public highway, to be assessed at sensitive receptor locations.

The methodology for the assessment is detailed in Appendix 6.2.

Land-Use Planning and Development Control: Planning for Air Quality

Guidance has been prepared by EPUK and the IAQM with regard to the assessment of the air quality impacts of proposed developments and their significance.

The guidance takes into account the existing baseline air quality at sensitive receptor locations, as well as the change expected as a result of emissions from development generated vehicles. The focus of the guidance is on human receptors.

Further details are provided in Appendix 6.2.

Guidance on assessing the potential effects of proposed developments on conservation sites is provided via the Centre for Hydrology and Ecology APIS resource⁹. The Environment

⁹ APIS (www.apis.ac.uk)



Agency's (EA) "AQTAG06" document¹⁰ provides further useful technical guidance on carrying out an appropriate assessment of emissions to air in fulfilment of the requirements of The Conservation of Habitats and Species Regulations 2010 No. 490 (referred to as the "Habitats Regulations"). Guidance on the assessment of significance is provided by the IAQM¹¹.

¹⁰ Environment Agency, "AQTAG06 Technical Guidance on detailed modelling approach for an appropriate assessment for emissions to air," November 2013

¹¹ IAQM, A Guide to the Assessment of Air Quality Impacts on Designated Nature Conservation Sites, June 2019