

Report

Cabinet Member for Regeneration and Housing

Part 1

Date: 19 February 2018

Subject **Supplementary Planning Guidance to support the Adopted Local Development Plan**

Purpose To formally adopt the Air Quality and Development Supplementary Planning Guidance document.

Author Planning Policy Manager

Ward All Wards

Summary The Local Development Plan (LDP) was adopted by Council on 27 January 2015 and is now the development plan for Newport. A Draft Supplementary Planning Guidance (SPG) document has been prepared to provide additional detail and guidance on air quality and development. The SPG has been through a 8-week public consultation. Comments have been received and the Council has made a number of minor amendments. It is now proposed that the SPG is formally adopted by the Council.

Proposal **That Cabinet Member notes the comments received and any proposed amendments the Council is seeking to make. The Cabinet Member agrees for the SPG to be formally adopted.**

Action by Head of Regeneration, Investment and Housing

Timetable Immediate

This report was prepared after consultation with:

- All Council Members
- Statutory Consultees
- Internal Council Departments
- Community Councils
- Neighbouring Authorities
- General Public
- Strategic Director - Place
- Head of Law and Regulations (Monitoring Officer)
- Head of Finance (Chief Finance Officer)
- Head of People and Business Change

Signed

1. Background

- 1.1 The Local Development Plan was adopted by Full Council on 27th January 2015 and is now used for development management purposes and determining planning applications. The LDP will be accompanied by Supplementary Planning Guidance (SPG) covering topic areas and policies which require more detailed guidance. A Draft SPG has been prepared concerning air quality and development which was subject to an 8-week public consultation from 18th August 2017 to 6th October 2017.
- 1.2 Comments have been received and considered by officers. The tables noting all comments received and the Council's proposed responses are available to view in Appendix 1. A summary of the main proposed changes to the SPGs are below.

2. Summary of Proposed SPG Changes

- 2.1 There were a total of six comments received during the consultation period. Three of the six comments were particularly positive about the production of the document; public health Wales in particular supported and encouraged the production of such planning guidance. All comments recognised the importance of air quality as an issue to be tackled.
- 2.2 The key issue raised through the consultation process is that it is inappropriate to progress with the SPG until Air Quality Action Plans for each Air Quality Management Area have been produced and adopted by the Council or the review of Planning Policy Wales has been undertaken. It is felt that without the action plans it will be challenging for a developer to produce a mitigation plan and the mitigation proposed would be piecemeal and inconsistent. The purpose of the SPG is not to solve an existing air quality problem but to deal with the impact from a proposed development. Therefore the need to mitigate against the impact of development on air quality is immediate and does not need to wait for the action plans to be in place, although they may in the future provide some assistance. Currently there is a specific planning policy requirement to ensure development does not have a detrimental impact on air quality in place within the Local Development Plan. It is not considered a high risk that changes to Planning Policy Wales will alter the content of the SPG because the SPG seeks to clarify what is required in order to satisfy Policy GP7.
- 2.3 The level of assistance to be provided by the Council to identify mitigation measures was raised. It should be noted that there are a limited number of mitigation measures set out in the document. The list is based on known techniques available today which may prove useful, however due to advances in technologies and keeping the SPG relevant, it does not provide definitive site solutions which will need to be site specific. It is nonetheless the responsibility of the applicant to provide a mitigation plan fit for purpose. The Council will assist where possible.
- 2.4 The SPG mentions the notion of planning 'fall back' and a comment has been made that this is a complex concept and the explanatory text in the SPG is insufficient to cover it. It is accepted that planning 'fall back' is a complex issue and that each application will be taken on its own merit. Therefore the text of the SPG has been reviewed to keep the notion of 'fall back' to a basic level to highlight that 'fall back' is a material consideration so that it is taken into account as part of the application process from both the side of the Council and developer.
- 2.5 There were a number of points of clarification including:
 - the need to take into account the whole life of development,
 - no need for the duplication of effort if an air quality assessment is required as part of an EIA process,
 - the threshold of requiring an air quality assessment where applications will result in more than 10 HGV movements a week is an arbitrary but reasonable figure that will need to be monitored, and

- the fact that the planning system states that new uses should not be introduced into an area without considering the nature of existing uses i.e. that a new development does not prevent the continuation of an existing use.

2.6 The comments made have resulted in minor amendments to the document, which should provide clarification on those points raised (see Appendix 1). The need for delay to await possible changes to national planning policy or the production of AQMA action plans is not considered necessary due to the specific nature of the document to assist with the implementation of an existent policy.

3. Financial Summary

3.1 There was a small financial cost associated with the consultation, mainly the cost of advertising in the South Wales Argus; however there will be no cost associated with adoption. Following adoption, it might be desirable to print hard copies of the SPG as office copies, but this will be a modest fee. The majority of users will download the SPGs electronically from the Council website.

4. Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Clarity on the LDP policies is not provided and therefore potentially more open to interpretation and challenge.	M	L	The SPG will help to provide clarity and offer further guidance to how air quality will be dealt with to satisfy the policies of the LDP.	Head of Development Services/Planning Policy Manager
Draft SPG will carry less weight by Planning Inspectors in the determination of planning appeals.	H	L	The SPG has been through public consultation and is now ready for adoption.	Head of Development Services/Planning Policy Manager

5. Links to Council Policies and Priorities

5.1 The Local Development Plan is one of the statutory plans the Council has to prepare. It determines Newport's land use policies up to 2026. Liaison has been maintained with those preparing the other plans to ensure consistency and common purpose. The SPG produced supplements and supports the overarching principles set out in the LDP, adding more detail and clarification where required.

5.2 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 SPG has had regard to these principles and will help deliver them through the determination of planning applications.

5.3 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 through ensuring air quality is assessed and considered appropriately by developments.

6. Options Available and considered

- 6.1 Approve the draft SPG for adoption.
- 6.2 Modify the draft SPG for adoption.
- 6.3 Do not approve the SPG for adoption.

7. Preferred Option and Why

- 7.1 To approve and adopt the SPG. The document has been subjected to public consultation and comments have been considered and amendments have been made. The adopted SPG will assist the Council in determining planning applications.

8. Comments of Chief Financial Officer

- 8.1 This proposal seeks to formally adopt the Supplementary Planning Guidance to support the Local Development Plan and as such has no direct financial implications. Minor spend incurred during the consultation process was funded via existing budgets and no further expenditure will be necessary in this respect therefore the proposal is supported.

9. Comments of Monitoring Officer

- 9.1 The proposed SPG provides more detailed practical and technical guidance regarding the application of the strategic land use policies contained in the LDP and should provide a consistent approach for the determination of future planning applications, having regard to issues of air quality. The draft SPG has been the subject of public consultation for a period of 8 weeks and the responses received are set out in the report. The Cabinet Member is required to have regard to those responses and consider whether to adopt the SPG with or without amendment. Although issues have been raised about whether it is premature to adopt this SGP until the Council has adopted Air Quality Action Plans for each AQMA within the area and pending any review of PPW, this is not considered to be a reason to delay the adoption of the SPG. This confuses the Council's public health duties to address existing air pollution and the planning requirements for developers to mitigate against the impact of development on air quality. The Cabinet Member for Licensing and Regulation has recently reviewed the AQMA's and revised Action Plans are being produced. However, there is a specific planning policy requirement to ensure that development does not have a detrimental impact on air quality and the adoption of this SPG will provide clearer guidance on how to comply with the policy. Some minor amendments are recommended to the draft SPG, where appropriate, to provide greater clarity and the respond to relevant comments received. Subject to these minor changes, it is recommended that the Cabinet Member formally adopts the Air Quality SPG, which will then be a material planning consideration in the determination of relevant applications and greater weight can be attached to the guidance now that it has been subject to public consultation, prior to its adoption.

10. Comments of Head of People and Business Change

- 10.1 The proposed Air Quality and Development Plan Supplementary Planning Guidance gives developers additional direction on how environmental protection, sustainable development and human health considerations can be taken forward through planning processes. The improvement of air quality was identified as a priority in the preparation of the Newport Local Wellbeing Plan (as required by the Wellbeing of Future Generations Act 2015). As such the adoption of the SPC, which has been subject to public consultation, is supported.

11. Comments of Cabinet Member

11.1 Cabinet Member has been briefed.

12. Local issues

12.1 The SPGs will affect all wards in Newport.

13. Scrutiny Committees

13.1 The SPGs have not been through are Scrutiny Committees.

14. Equalities Impact Assessment and the Equalities Act 2010

14.1 The LDP as a whole has been subjected to an Equalities Impact Assessment. The SPG supplements the LDP. It is not considered necessary to have separate EIAs for every SPG.

15. Children and Families (Wales) Measure

15.1 No consultation has taken place specifically with children and young people. Children and young people were eligible to comment on the SPG during the formal 8 week consultation. Although the technical nature of the SPG is not considered to be particularly relevant to children and young people, the desired impact of the SPG is important in ensuring their health and wellbeing.

16. Wellbeing of Future Generations (Wales) Act 2015

16.1 Section 3 of the 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 document provides 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 adoption of the supplementary planning guidance.

17. Crime and Disorder Act 1998

17.1 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 adoption of these guidance documents.

18. Consultation

18.1 Extensive public consultation has taken place and comments have been received from statutory bodies, planning consultants and other interested parties. Consultation has also taken place within the Council, particularly with Development Management, Green Services, Housing and Streetscene.

19 Background Papers

- Air Quality and Development Draft SPG [updated following consultation]

Dated: 19 February 2018

APPENDIX 1 – COMMENTS RECEIVED ON THE SPG AND THE COUNCIL’S PROPOSED RESPONSE

General Comments

Representor	Comments	Council Response
Natural Resources Wales	We have reviewed the above submitted documents and have no comment to make.	Noted
Environmental Public Health Service Wales	<p>The most recent evidence relating to the impacts of poor air quality in Wales has highlighted that:-</p> <ul style="list-style-type: none"> • Air pollution from road traffic exceeding air quality standards in Wales is a recognised problem. Public Health Wales estimates that an equivalent of 1,604 deaths each year is attributed to PM_{2.5} exposure and 1,108 deaths to NO₂ exposure. • Air pollution contributes to health inequalities, disproportionately impacting deprived communities.¹ • Guidance issued by the National Institute for Health and Care Excellence² recommends a package of interventions taking a multi-sectoral approach with action at local, national, and international level is likely to have the greatest cumulative impact. The cost effectiveness of actions is likely to be dependent on local settings, so require decision by local authorities and stakeholders at a local level. • Adaptation interventions include reducing pollution through policy drivers for change in practice. • Mitigation interventions include strategies to include air pollution in planning decisions, improve health communication and encourage environmental behaviour change. <p>We are therefore encouraged and supportive of the proposed Air Quality Supplementary Planning Guidance. This practical document clearly intends to ensure that air quality impacts are logically and proportionately considered within Newport City Council’s planning regime.</p>	The support for the SPG is welcomed.

	<p>We recommend:-</p> <ul style="list-style-type: none"> - That this SPG forms part of Newport Council's authority-wide efforts to improve air quality for all and not just for those within Air Quality Management Areas. - That all development including commercial, retail and industrial (not otherwise subject to environmental permitting) is considered within the screening scope of this SPG. - That more emphasis is placed upon cumulative air quality impacts of developments. Within the current draft SPG, paragraphs 3.1 and 3.2 refer only to construction and operational phases of an individual development. Including consideration of cumulative air quality impacts of multiple developments in paragraph 3.2 may be opportune. Consequently, that any required air quality assessments and modelling scenarios present a realistic assessment of future cumulative air quality in the locality of the development. - That good practice for any development is to ensure air quality is not made worse and where practicable is improved, in accordance with the overarching requirements of the Well-being of Future Generations (Wales) Act 2015 <p>Subject to the adoption of the SPG, we would welcome an opportunity to access any review of the application of the SPG in practice</p>	<ul style="list-style-type: none"> - The SPG covers development and air quality it is not specific to the impact on AQMAs. - The types of development chosen to be assessed as part of the SPG reflect the greatest level impact from either the development itself or to the level of receptors. - Cumulative Impact is an important aspect of assessment. It is considered that an additional paragraph is placed after para 3.2 to read: Whilst each planning application is assessed on its own merit the cumulative impact upon air quality is a material planning consideration and should be considered in an AQMA; cumulative impacts would include extant permissions and development plan allocations - Scenario 5 has been included to provide a base level of good practice when dealing with air quality and planning. - The Environmental Health team of the Council will provide examples and feedback on the implementation of the SPG to public health wales.
Alder King	<p><i>1. Introduction and Background</i></p> <p>It is our understanding that responsibility for assessing and monitoring air quality rests with the City Council. Therefore, this section of the SPG should set out more fully the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> What are NCC's specific responsibilities regarding air quality? <input type="checkbox"/> How exactly can development control decisions help to deliver NCC's air quality 	<p>1 - It is true that the assessment and monitoring of air quality rests with the Council, however this is a planning document which sets out guidance on the application of a Local Development Plan policy. The purpose of the</p>

<p>strategy?</p> <p><input type="checkbox"/> How will NCC support applicants for development to ensure their proposals help to mitigate air quality impacts?</p> <p>Para 1.5 – identifies the need for an Air Quality Action Plan for each AQMA. Further detail should be provided as to the Council’s programme for consulting on and producing these Action Plans for each AQMA.</p> <p>Para 1.7 – The statement that <i>‘all developments must be designed so as to not make matters worse through its construction and implementation’</i> is queried. Development proposals, especially those not located within an actual AQMA, will struggle to achieve this through design along as addressing existing air quality issues can only be done through a holistic approach across disciplines and departments (an approach as advocated in the policy guidance mentioned below). In general, it is our view that it is not appropriate to progress an Air Quality SPG until such time as Air Quality Action Plans (AQAPs) has been produced and adopted, as the two documents will be intrinsically linked.</p> <p><i>2. Legislation and Policy</i></p> <p>Para 2.1 – it is our understanding that The Air Quality Standards (Wales) Regulations 2010 set out an obligation on Ministers and via Ministers Council’s to produce ‘Air quality plans’ where the level of identified pollutants in the ambient air exceeds any of the limit values (as set out in the accompanying schedule). This obligation on Councils should be clearly referenced in the document. The policy guidance document <i>‘Local air quality management in Wales’</i> June 2017 should be summarised and referenced in this document as well, as it details the Local air quality management (LAQM) process. Of particular note is the requirement that a draft action plan must be produced for review by the Welsh Government within 18 months of the coming-into-force date of the AQMA order. The action plan must then be formally adopted before two years have elapsed overall.</p> <p><i>3. The Approach to Assessing Air Quality</i></p> <p>Para 3.3 – As per our comment in section 1 overleaf, it will be challenging for an</p>	<p>document is not to solve an existing air quality problem but to deal with the impact from future developments. It provides clarification as to how air quality will be dealt with by the Council through the planning system. It is the responsibility of the applicant to comply with the policies of the Local Development Plan. The SPG clarifies the approach towards part of policy GP7: Environmental Protection and Pollution. The policy requires development to ensure it does not have a detrimental impact on air quality. The mitigation measures set out in the document are not extensive and provide options to developers which are considered appropriate due to advances in technologies within this area of air pollution.</p> <p>2. - It is noted that there is a clear link between AQMA action plans. The action plans can provide information for the developer to use to develop its mitigation strategy. The action plan however is not essential to the development of a mitigation strategy.</p> <p>3. –The applicant will be aware of the proposed developments impact upon</p>
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	<p>applicant to produce an Air Quality Mitigation Plan in the absence of an overall or AQMA specific Air Quality Action Plan. This is on the basis that any mitigation measures arising from any one development will inevitably be, in isolation, piecemeal and inconsistent and would likely be more effective if resources were pooled further to over-arching mitigation measures set out in an AQAP.</p> <p>Para 3.5 – the proposed Buffer Zone encompassing the entirety of Caerleon is of note. Whilst the logic is understood on the basis that the one-way system through Caerleon is essentially unavoidable for local and through traffic, it is queried whether the City Council is actively monitoring and commenting on developments proposed along the B4236 to the north within Torfaen County Borough Council or taking action against existing pollution sources e.g. existing town or through traffic.</p> <p>Questionnaire – The assessment questionnaire requires further refinement as it doesn't appear to yield the likely desired results on the Council's part. For example, a Major Development that happens to be located within an AQMA or a Buffer Zone would be directed straight to Scenario 4, which requires only a simple AQA in the first instance.</p> <p><i>4. Conducting and Air Quality Assessment</i></p> <p>Para 4.4.7 – The reference to the Action Plan informing mitigation measures is noted. I would reiterate my previous comment that this SPG should be progressed in tandem with the Action Plan, not prior.</p> <p>Para 4.4.9 – The concept of a planning 'fall back' is complex and the explanatory wording in this paragraph is considered to be insufficient to cover this concept.</p>	<p>the AQMA and where the source of this impact is. It will therefore be for the applicant to mitigate its own impact for the development to satisfy policy GP7 of the Local Development Plan. There is a possibility of the use of legal agreements to agree off site or other improvements but this will need to be deliverable and certain so as to mitigate the impact from the development.</p> <p>3.5 - As required by the Town and Country Planning Development Management Procedures (Wales) (Amended) October 2016, Local Planning Authorities Cross boundary consult neighbouring authorities where 'development likely to affect land in the area of another local planning authority'.</p> <p>The assessment has been written so that a simple assessment is the first stage, allowing a resource effective process which allows resources to be focussed on the appropriate mitigation of the impact.</p> <p>Para 4.4.7 – Please see response to section 1 outlined in this section.</p> <p>Para 4.4.9 - Fall back is a complex issue and each application is taken on</p>
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	<p>Para 4.4.12 – Any measures to be funded by CIL would need to be listed on the Council's 'Reg 123' list. In order to be lawful, they would need to be clearly identified in an infrastructure delivery plan and/or AQAP. Furthermore, any S106 payments would be best and most effectively aligned with mitigation measures set out in an AQAP and must only be required where directly related to any required mitigation. It is not the role of applicants for planning permission to solve existing problems and therefore a joint approach is required if existing problems are to be addressed. This reiterates our point above that this SPG should be progressed in tandem and then only approved following the adoption of an appropriate AQAP.</p> <p>Para 4.5.2 – Reference should be made here to forecasted improvements in air quality arising from continued improvements to vehicle emission efficiencies.</p>	<p>its own merits. Having reviewed the text it is considered appropriate to remove the following text from the document: '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.'</p> <p>4.4.12- It is considered that CIL would not be a suitable mechanism in which to seek mitigation. Although it is recognised that if this was to be used then any mitigation measures would need to be listed on the Reg. 123 list. The purpose of this SPG and the identification of mitigation, be that through design of the site, charging points or active travel routes, is to solve the impact of the proposed development not to solve the wider issue of air quality within Newport. It is recognised that the action plans will assist in the identification of mitigation measures however the need to mitigate is immediate and cannot wait for these plans to be published in order for an application to meet local and national planning policies.</p> <p>4.5.2 - Agree that reference should be made to forecasted improvements from improvements to vehicle emission efficiencies. Paragraphs 4.5.2 and 4.5.3 have been amended to read:</p>
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	<p><i>Appendix A</i></p> <p>It should state here that these mitigation measures are relevant to schemes not just within an AQMA, but also affecting AQMAs. Again, there is a reference referring to the '<i>relevant AQMA action plan</i>'. In the absence of current actions plans, this SPG should be delayed to ensure that the list of mitigation measures is appropriate and comprehensive. Production in tandem with the Action Plan would enable the Council to clearly set out which mitigation measures it is pursuing to address the existing air quality problems and how specific development control decisions might align or contribute to this. These mitigation measures, in turn, might be enhanced through additional developer contributions, if deemed necessary in the context of individual development proposals. To do otherwise will result in wholly uncoordinated and</p>	<p>Road Traffic generation is a particularly important factor when considering air quality. Well designed and implemented traffic management measures that discourage polluting vehicle usage can help to secure planning objectives in a number of ways, including air pollution & active travel. Along with supporting the infrastructure for cleaner and more effect vehicle technology is encouraged.</p> <p>Detailed Assessments may include future predications of air quality due to the uptake of new technologies. However, due to the multitude of techno-social-economic uncertainties that influence national/regional/local traffic, this approach cannot be used as sole justification for a planning application at a local level.</p> <p>Appendix A has been reworded to ensure all mitigation measures are considered be they within an AQMA action plan or not.</p> <p>Appendix A now reads: Possible Mitigation Measures</p> <p><i>Mitigation (On and off site):</i></p> <ul style="list-style-type: none"> • Site specific travel plans. • Providing on street / at home
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	piecemeal actions, inconsistencies and a lack of real progress in respect of the issue.			<p>electrical vehicle charging points.</p> <ul style="list-style-type: none"> • 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. • Any relevant actions from an available AQMA action plan.
Minerals Product Society	Para	Issue	Comment/suggestion	<p>1.1 The SPG has been kept flexible in terms of being able to update any amendments or additions to the AQMA within Newport. There is no spatially specific reference in the document so the GIS layers can be updated to reflect the current situation without consultation.</p> <p>1.2 The SPG will not require the duplication of effort for example if the proposal is considered to require EIA and as part of that process an air quality assessment is required and submitted in support of the application then this would not need to be duplicated to satisfy the SPG. It is reasonable to expect that the applicant will already be in</p>
	1.1	The supplementary planning guidance is tentatively welcomed, however, we wondered if it would be more prudent to await further response from WG on their Local Air Quality Management consultation from 2016 and the pending review of PPW	Ensure any formal adoption of the SPG gives due regard to WG's Local Air Quality Management programme and review of PPW. This may necessitate building in sufficient flexibility in to the SPG or ensuring an early review.	
	1.2	Although para 1.3 references the EIA process, it is not clear how the SPG will dovetail with the Screening and Scoping for EIAs	The SPG should clarify the relationship with the Screening and Scoping to avoid duplication.	

	1.3	Reference is made to developers applying for permits before applying for planning permission.	We seek assurance that any changes arising out of the planning process will be readily incorporated in to any permit.	<p>discussion with council for advice on the requirements. Where an EIA is not required the applicant should have full regard to the SPG.</p> <p>1.3 It is important that this process is clear therefore Paragraph 1.4 has been amended to read:</p> <p>1.4 The planning process cannot replace nor should it duplicate this process; developers are strongly encouraged to discuss and begin the permit application process at the same time as applying for planning permission.</p> <p>1.7 The whole life of the development is taken into account during the assessment process, Paragraph 3.3 has been amended to now read:</p> <p>The assessment should consider the impact of construction as well as the operational state of the development. With respect to construction, a carefully considered Construction, Environment Management Plan (CEMP) that limits the impact on receptors and AQMAs can demonstrate how the impact can be managed and mitigated. In terms of operational impacts, this should consider the private car but should also consider other traffic sources e.g. bin lorries, deliveries etc.</p>
	1.7	Reference is made to increases in air pollution arising from construction potentially impacting up on human health.	It should be recognised that construction activity may have short term impact upon air quality in order to deliver longer term benefits. Whilst air quality impacts of construction need to be managed, they should be taken in the context of the whole life benefit of the works.	

	3.1	<p>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. Other matters should, however, also be taken in to consideration.</p>	<p>The increased production (and economic growth) of an existing asphalt plant as a result of major road improvement works should not be prevented because residential development has been allowed on a nearby brownfield site to the extent that any growth in the business may be constrained due to perceived air quality issues. To do so would be counterintuitive as such business would be driven out of the local area and (in this example) replaced by goods brought in, by road, from other locations.</p>	<p>3.1 When a development is proposed the suitability of its use is assessed taking into account the existing land uses in the area. Existing policy in Planning Policy Wales states that new uses should not be introduced into an area without considering the nature of existing uses. Under the agent of change principle, if new developments or uses are to be introduced near a pre-existing business, it is the responsibility of the developer to ensure solutions to address and mitigate noise are put forward as part of proposals and are capable of being implemented.</p>
	Pg9	<p>Air Quality Assessment Questionnaire</p>	<p>Scenario 4 assumes all major development will involve an increase in HGV Movements (See below)</p>	<p>Pg 9 It is known that HGVs have a great impact on air quality with little indication of suitable future technologies that will replace these current highly polluting vehicle types. This assessment is particularly concerned about the increased levels of such vehicular use because of their evidenced impact upon air quality.</p>
	Pg9	<p>Will the Development result in more than 10 HGV movements a week</p>	<p>It is not clear where the threshold of 10 HGV movements per week has been derived. If such a figure is to be quantified, such quantification should be justified. The likelihood is that 100 cars per day will have more of an effect than 10 HGVs per week.</p>	<p>Pg 9 The threshold of 10 HGVs is an arbitrary figure but one that is considered a reasonable figure. Monitoring of the use of this SPG will be undertaken to see if the evidence suggests a review of this threshold is required</p>

	Pg11	Scenario 4. This assumes that any major development will involve an increase in road traffic. This is clearly not correct. For example, a quarry extension or new processing plant, at or too an existing site need note increase vehicle movements, yet there is an automatic presumption that Scenario 4 applies.	The questionnaire and scenarios need to be reviewed. Consideration should be made to making these more development specific	Pg11 The SPG is clear that scenario 4 is specifically concerned with significant increase in traffic because it is it where significant increases in traffic volume and vehicular types where the potential to have a detrimental impact on air quality occurs.
		In brief, we question whether or not the timing of the SPG is correct in view of recent WG consultation and pending review of PPW. We also feel that greater clarification and justification are given to stated vehicle numbers and types of development. We trust the above comments are considered constructive and would welcome the opportunity to discuss the document with you further.		
Mr B Bardsley	I live in Priory Way in Langstone and my garden backs onto the A449. We have a young family are increasingly concerned about the volume of traffic. It seemed that a few years ago, when fuel prices were at their highest, the government policy was to considered different forms of energy use for vehicles. There seemed a real move and momentum generated for electric cars. However, since fuel prices have reduced slightly, the seems less focus. For someone living close to a main road I can confirm that the air quality appears to us as very poor. In the summer we need to leave windows open because of the heat and we often find our chests can be affected and some of us start to show signs of asthma (non in my household actually have asthma). This seems to me to suggest the emissions are irritation the lining of our lungs. We would welcome a visit from the council to record air pollution levels.		The Council has responded directly to Mr Bardsley about his concerns.	
Newport Council Energy and Sustainability Manager	Wales is subject to the terms of the Environment (Wales) Act 2016 which requires an 80% reduction in GHG emissions on 1990 levels by 2050; The Welsh Government has recently consulted on the setting of interim carbon budgets to ensure we meet this target. Significant progress has been made towards the decarbonisation of the waste and electricity sectors, but little progress has been made on reducing the emissions from road transport as a whole. Road transport still represents 25% of the		Local planning policy is clear that new development should not have a detrimental impact on human health because of air pollution. This SPG details how this should be assessed and any impacts dealt with. A mitigation	

<p>UK's GHG emissions. Private household transport is 11% of the UK total¹. As well as harmful GHG emissions there is also significant and proven harm to human health due by petrol and diesel emissions from vehicle exhaust pipes. The city on Newport is listed by the World Health Organisation as having some of the worst air quality in the UK, a significant proportion of which can be linked to private household transport. 79% of all road vehicles in Newport are passenger cars².</p> <p>An internationally recognised mitigation measure for the reduction of GHG emissions and the improvement of local air quality is the mass adoption of electric vehicles (where active travel is not an option). The UK government recognises this and as well as investing significantly in the uptake of electric vehicles and charging infrastructure, have stated that no petrol or diesel vehicles will be allowed to be sold in the UK after 2040. All major manufacturers are producing electric vehicles and many have committed to not selling any car without plug-in capability beyond ~2025.</p> <p>Data shows that around 85% of all charging will take place at a person's home or workplace (when available) and that public charge points are more for reassurance and infrequent use³. On this basis, and acknowledging the significant benefits electric vehicles deliver in terms of improved air quality, a measure taken by Local Authorities⁴ is to make it a requirement via their Supplementary Planning Guidance/Document for all new dwellings with off street parking, either dedicated to the dwelling or communal parking, to have a proportion of car park spaces served by Electric Vehicle Charging Points installed during the construction phase. This has the benefit of encouraging electric vehicle uptake, reducing future cost and disruption for residents (and the possibility that they cannot install charging points at all as there is not the electrical provision) and potentially reducing the burden on these Local Authorities to provide public charging facilities in the future.</p> <p>Applying guidance for the provision of Electric Vehicle Charging Infrastructure (or at least the electrical provision to accommodate installation in the future) would have a long term positive impact for the future generations of Newport by contributing towards improved local air quality and better health. The reduction in GHG emissions would also contribute towards making Newport more globally responsible</p>	<p>measure that is considered to have a real impact is the provision of electric charging points which will be encouraged by the Council. It is considered that the current wording of the SPG is weak when seeking to encourage the use of this particular type of mitigation. Therefore the SPG will be reworded as follows:</p> <p>Para. 4.5.9 There are many types of mitigation, not one solution fits all, and innovative solutions are encouraged. For all new developments the Council strongly encourages the installation of electric charging points; be that for individual properties or communal parking areas. This new infrastructure will have a long term positive impact towards improving air quality in Newport. It should be noted that the type of mitigation measures notes in Appendix A is not exhaustive list and each mitigation measure proposed will be assessed on its own merits.</p>
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DEVELOPMENT MANAGEMENT AIR QUALITY SUPPLEMENTARY PLANNING GUIDANCE

November 2017

*Newport City Council
Civic Centre
Newport
NP20 4UR*

Regeneration Investment and Housing

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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
NO ₂	Nitrogen Dioxide
NO _X	Oxides of Nitrogen
PM	Fine Particulate Matter

1. INTRODUCTION AND BACKGROUND

1.2 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.

1.3 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.

1.4 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 discuss and begin the permit application process at the same time as applying for planning permission. Applicants should note that both permissions are required for the development to be implemented and operational.

Health Impacts

1.5 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 (NO₂),

and Particulates (PM₁₀ & PM_{2.5}) can play an adverse role in exacerbating asthma and reduce lung function. There is work that is increasing awareness of evidence that NO₂ may contribute to premature mortality effects. In addition the economic impacts from air pollution in the UK are estimated at £9-19 billion every year¹. 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

1.6 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>

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

1.8 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

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

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.

- 1.9 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

- 2.2 **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.
- 2.3 **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.

- 2.4 **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.

- 2.5 **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.

- 2.6 **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).

2.7 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.

2.8 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.

2.9 **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.

2.10 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.

2.11 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.

2.12 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.

2.13 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

3.2 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.

3.3 Whilst each planning application is assessed on its own merit the cumulative impact upon air quality is a material planning consideration and should be considered in an AQMA; cumulative impacts would include extant permissions and development plan allocations

3.4 The assessment should consider the impact of construction as well as the operational state of the development. With respect to construction, a carefully considered Construction, Environment Management Plan (CEMP) that limits the impact on receptors and AQMAs can demonstrate how the impact can be managed and mitigated. In terms of operational impacts, this should consider the private car but should also consider other traffic sources e.g. bin lorries, deliveries etc.

3.5 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.

3.6 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)”

3.7 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

ENVIRONMENTAL PERMITTING

3.8 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>IS YOUR PROPOSAL A MAJOR DEVELOPMENT**?</p> <p style="text-align: center;">YES, go to Scenario 4 NO, answer the following questions</p>	
<p>IS THE PROPOSED DEVELOPMENT FOR RESIDENTIAL UNITS, AN EDUCATIONAL ESTABLISHMENT OR A CARE HOME?</p>	
<p style="text-align: center;">YES</p> <p>Please answer the following questions:</p>	<p style="text-align: center;">NO</p> <p>IS YOUR DEVELOPMENT SITE WITHIN AN AIR QUALITY MANAGEMENT AREA OR AQMA BUFFER ZONE?</p> <p style="text-align: center;">Yes, Go to Scenario 4 No, Go to next question:</p>
<p>IS YOUR DEVELOPMENT SITE WITHIN AN AIR QUALITY MANAGEMENT AREA (AQMA)? (http://my.newport.gov.uk/iShare/myNewport.aspx)</p> <p style="text-align: center;">YES, go to Scenario 1 NO, go to the next question:</p>	<p>WILL THE PROPOSED DEVELOPMENT RESULT IN MORE THAN 10 HGV MOVEMENTS A WEEK?</p> <p style="text-align: center;">Yes, Go to Scenario 4 No, Go to Scenario 5</p>
<p>IS YOUR DEVELOPMENT SITE WITHIN AN AQMA BUFFER ZONE? (http://my.newport.gov.uk/iShare/myNewport.aspx)</p> <p style="text-align: center;">YES, go to Scenario 2 NO, go to the next question:</p>	
<p>DOES YOUR PROPOSED DEVELOPMENT ABUT AN A-ROAD OR MOTORWAY?</p> <p style="text-align: center;">YES, go to Scenario 3 NO, 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, 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 Zone². 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 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.

² 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.

For minor developments, (i.e. under 10 residential units/0.5ha or 1000m² 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 1000m² 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.

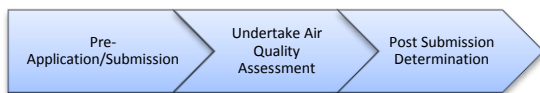
To encourage good practice you may wish to carry out a simple assessment as shown on page 12, but again this is not a necessity for the application. However congestion may occur anywhere on the road network which has not been previously mentioned in this SPG (B Roads Minor Roads). Given the transient 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, prior to being commission

4. CONDUCTING AN AIR QUALITY ASSESSMENT

4.2 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.

4.3 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.



4.4 **Step 1: Pre-Application/Submission**

4.4.1 The Council's website holds general advice on air quality, at 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.

4.4.2 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/Planning-permission/Pre-application-advice.aspx>

4.4.3 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

4.4.4 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.

4.5 **Step 2: Undertake an Air Quality Assessment**

4.5.1 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.

4.5.2 Road Traffic generation is a particularly important factor when considering air quality. Well designed and implemented traffic management measures that discourage polluting vehicle usage can help to secure planning objectives in a number of ways, including air pollution & active travel. Along with supporting the infrastructure for cleaner and more effect vehicle technology is encouraged.

4.5.3 Detailed Assessments may include future predications of air quality due to the uptake of new technologies. However, due to the multitude of techno-social-economic uncertainties that influence national/regional/local traffic, this approach cannot be used as sole justification for a planning application at a local level.

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



4.5.5 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 or 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.

4.5.6 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.

4.5.7 If with the proposed mitigation measures there remains an impact on air quality from or to the development, off site compensation can then be

may be reason to refuse planning permission.

- 4.5.8 considered in addition to the proposed mitigation measures or there may be sufficient reason to refuse planning permission.
- 4.5.8 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
- 4.5.9 There are many types of mitigation, not one solution fits all, and innovative solutions are encouraged. For all new developments the Council strongly encourages the installation of electric charging points; be that for individual properties or communal parking areas. This new infrastructure will have a long term positive impact towards improving air quality in Newport. It should be noted that the type of mitigation measures notes in Appendix A is not exhaustive list and each mitigation measure proposed will be assessed on its own merits.
- 4.5.10 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. 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 and without mitigation
- 4.5.11 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
- 4.5.12 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.
- 4.5.13 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.

4.6 **Step 3: Assessment of AQA**

- 4.6.1 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.

- 4.6.2** 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
 - [WELSH AIR QUALITY FORUM](#)
 - [THE INSTITUTE OF AIR QUALITY MANAGEMENT](#)

APPENDIX A

Possible Mitigation Measures

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.
- Any relevant actions from an available AQMA action plan.

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.