

Appendix 12.3 Air Quality Policy



Appendix 12.3

POLICY CONTEXT

National Environment Act 1995

The Environment Act 1995 placed a responsibility on the UK Government to prepare an Air Quality Strategy (AQS) for England, Scotland, Wales and Northern Ireland. The most recent version of the strategy (2023) sets out the current UK framework for air quality management and includes a number of AQOs for specific pollutants.

Clean Air Strategy 2019

The primary focus of air quality management has primarily been related to NO₂ and its principal source in the UK, road traffic. The Clean Air Strategy aims to broaden the focus to other areas, including actions on clean growth, emissions from domestic wood burning stoves, industry and agriculture.

Environment Act 2021

The Environment Act 1995 is being updated to include several changes that aim to improve air quality in England. These changes include a requirement for the Secretary of State to review the National Air Quality Strategy every five years, as well as a requirement for annual reports to be made to Parliament on the progress made towards achieving air quality objectives. Additionally, changes are being made to the way Air Quality Management Areas (AQMAs) are designated and managed.

The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 set a new target for PM_{2.5} in ambient air to reduce air pollution's environmental and health impacts. These Regulations come into force on the day after the day on which they are made:

The annual mean concentration target is that by the end of 31st December 2040 the annual mean level of PM_{2.5} in ambient air must be equal to or less than 10 µg/m³ ("the target level").

The Environmental Improvement Plan 2023 for England set interim targets by January 2028:

An annual average of 12 µg/m³ for PM_{2.5} is not exceeded at any monitoring station.

Table 12.3.1 details the current AQOs in relation to the Proposed Development and this assessment.

Pollutant	Air Quality Objectives		
	Concentration		Measured as
Nitrogen Dioxide (NO ₂)	200 µg/m ³		1-hour mean not to be exceeded more than 18 times per year
	40 µg/m ³		Annual mean
Particulate Matter (PM ₁₀)	50 µg/m ³		24-hour mean not to be exceeded more than 35 times per year
Particulate Matter (PM _{2.5})	AQO	20 µg/m ³	Annual mean
	Interim target by 2028	12 µg/m ³	Annual mean
	Legally binding target by 2040	10 µg/m ³	

Table 12.3.1: Air Quality Objectives (England)

National Planning Policy Framework 2024

The National Planning Policy Framework (NPPF), paragraph 199, states 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 Air Quality Management Areas and Clean Air Zones, 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 the 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 Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

Environmental Protection Act 1990

The main requirements with respect to dust control from industrial or trade premises not regulated under the Environmental Permitting (England and Wales) Regulations (2016) and subsequent amendments, such as construction sites, is that provided in Section 79 of Part III of the Environmental Protection Act (1990). The Act defines nuisance as:

“any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance.”

Enforcement of the Act, regarding nuisance, is currently under the administration of the local Environmental Health Department, whose officers are deemed to provide an independent evaluation of nuisance. If the LA is satisfied that a statutory nuisance exists, or is likely to occur or happen again, it must serve an Abatement Notice under Part III of the Environmental Protection Act (1990). Enforcement can insist that there be no dust beyond the boundary of the works. The only defence is to show that the process to which the nuisance has been attributed and its operation are being controlled according to best practice measures.

Local Planning Policy

Harpenden Neighbourhood Plan

The Neighbourhood Plan has been created to ensure that new developments benefit Harpenden and its surrounding areas over the next 15 years.

ESD1 – Design Strategy

All developments must be visually attractive, designed to a high quality; maintain or enhance the character of the area and support Harpenden as a low carbon place to live and work.

For major developments in the Neighbourhood Plan Area, a Design Brief must be prepared and submitted in support of the planning application. The Design Brief should demonstrate consideration of

the following (where applicable) in addition to the requirements of the other policies of this Neighbourhood Plan:

- xi. How best practice measures have been used to avoid pollution to air, water and soil.*

ESD20 – Pollution

Appropriate best practice measures should be incorporated into developments to avoid pollution to air, water and soil both during construction and in the operation of the completed development.

Developments should not increase air pollution levels in the area and actions should be taken to mitigate this such as planting, appropriate siting of air outlets, and designing to ensure any air pollution can dissipate.

Developments should be designed to minimise light pollution for example by appropriate siting of lights, appropriate light fittings, and management of external lighting.

Key Guidance Documents.

Key Guidance Documents

Guidance on the Assessment of Dust from Demolition and Construction (IAQM, 2024)

This guidance provides advice, methodology and criteria to assess the dust impacts that arise from construction activities. This assessment evaluates the impact of dust soils and human health impacts during the demolition, earthworks, construction and trackout activities. The methodology is replicated in Appendix A of this report.

Land Use Planning and Development Control: Planning for Air Quality (EPUK-IAQM, 2017)

This guidance includes a method for screening the requirement for an air quality impact assessment and whether a detailed assessment is required. The methodology is reproduced in Appendix B of this report.

A Guide to the Assessment of Air Quality Impacts on Designated Nature Conservation Sites (IAQM 2020)

This document is designed to provide assistance into the assessment of the air quality impacts of development on designated nature conservation sites. The document focuses on air quality assessments in support of Habitats Regulations Assessments, however, is useful when assessing the air quality impact on national or local designated nature conservation sites. The methodology is reproduced in Appendix C of this report.

Local Air Quality Management Technical Guidance (LAQM.TG22)

This technical guidance is used by local authorities in their review and assessment work. LAQM is a statutory process through which local authorities are required to monitor, assess, and take actions to improve local air quality.

Within this guidance, Box 1.1 contains examples where air quality objectives should apply. Annual mean objectives for NO₂ and PM₁₀ should apply at locations where members of the public might be regularly exposed, including building façades of residential properties, school, hospitals and care homes.

The following impacts should be assessed with the consideration of cumulative effects from other planned or Proposed Developments within the area:

- Impact of the Proposed Development upon the local air quality; and

- The impact of local air quality on the receptors using the development.

The methodology is reproduced in Appendix B of this report.

PM_{2.5} Targets: Interim Planning Guidance

The interim guidance, published on 4 October 2024 by DEFRA, applies to future developments and those in pre-application stages at the time of publication. The guidance shifts the focus from solely assessing the risk of exceeding legal air quality limits to ensuring that mitigation measures are incorporated during the design phase. This approach aims to streamline the planning process while minimising pollution emissions and exposure. Until the release of the final guidance, applicants are advised to demonstrate in their planning applications that they have identified key sources of air pollution within their schemes and have taken appropriate measures to minimise emissions of PM_{2.5} and its precursors as far as practicable.

The following questions are designed to support the interim process; however, applicants are encouraged to consider additional measures beyond those listed below:

1. How has exposure to PM_{2.5} been considered when selecting the development site?

Applicants are advised to consider the following in their application:

- *Site proximity to people (particularly large populations and/or vulnerable groups, e.g. schools, hospitals, care homes, areas of deprivation) and the impact of the development on these,*
- *Site proximity to pollution sources and the impact of these on users of the development,*
- *Exposure and emissions during both construction and in-use.*

2. What actions and/or mitigations have been considered to reduce PM_{2.5} exposure for development users and nearby receptors (houses, hospitals, schools etc.) and to reduce emissions of PM_{2.5} and its precursors?

Applicants are advised to explain (with evidence where possible) why each measure was implemented. Or, if no mitigation measures have been implemented, why this was not proposed. Actions can refer to, but are not limited to, the following:

- *Site layout,*
- *The development's design,*
- *Technology used in the construction or installed for use in the development,*
- *Construction and future use of the development.*

