Air Quality Policy for Development Control.

Air Quality Strategy: Technical Document 2.

Version 1: October 2015

List of abbreviations

AADT- Annual Average Daily Traffic

AQMA- Air Quality Management Area

EPUK- Environmental Protection UK

HDV- Heavy goods vehicles

IAQM- Institute of Air Quality Management

LAQM- Local Air Quality Management

LDV- Light goods vehicles NPPF- National Planning Policy Framework

TG09- Technical Guidance Note 2009

Contents

1. Introduction

This policy details the framework through which East Staffordshire Borough Council ("the Council") assesses air quality within the development control regime.

The overall aim of this policy is to maintain, and where possible, improve air quality through the development control process and to reduce exposure to areas of poor air quality.

This is the Council's policy on the management of air quality in relation to development control until such time that the Local Plan is adopted and supplementary guidance document is produced.

This policy is a standalone document but supports the Council's Air Quality Strategy and associated Air Quality Action Plan.

It is recognised that a number of important air quality considerations are made at the development control stage, which include:

- Ensuring air quality in our Air Quality Management Areas (AQMAs) is not compromised by proposed development within or nearby.
- Ensuring air quality outside of AQMAs is maintained.
- Ensuring that new proposed development does not introduce new receptors into an area of poor air quality.
- Capturing opportunities to improve air quality.

Where 'significant adverse' effects are predicted, then effective mitigation will be required or a development may be refused.

It is also important that future development is not 'blighted' by poor air quality, and it may be possible to guide and design the most appropriate development in certain areas.

This document is directed at developers, consultants, local authority officers, as well as other interested parties such as members of the public. It aims to provide guidance on when an air quality assessment will be required in relation to a planning application and also describes the process of how the impact and significance of a proposed development on air quality is assessed. The guidance aims to make this process as simple and straightforward as possible, providing transparency and consistency.

This policy has been developed having regard to the latest current European and national legislation, in addition to national policy and various other current best practice guidance documents.

2. Policy context & drivers

2.1 The Air Quality Strategy for East Staffordshire Borough Council

The Council's Air Quality Strategy[1] sets out the overarching framework through which we currently manage air quality within our borough.

The Aim of the Air Quality Strategy is:

> *"To continue East Staffordshire Borough Council's commitment to the effective management of local air quality, working towards the control and reduction of the detrimental impacts that poor air quality can have on human health and the environment."*

The objectives are to:

- Ensure that we meet our statutory responsibilities in relation to the National Air Quality Strategy.
- Continue to work towards improving air quality within our AQMAs.
- Protect air quality in areas currently meeting national standards.
- Have a clear consistent procedure for the assessment of air quality in the context of development control.
- Ensure that all relevant Council policies positively integrate air quality in a consistent manner.
- Maintain an effective air quality monitoring network to measure progress and to help prioritise actions.
- Ensure that air quality measures and mitigation do not have an unacceptable affect on climate change or any other negative environmental impacts.
- Identify opportunities to involve and inform communities in air quality issues and undertake wider information campaigns around the air quality theme.

This 'Air Quality Policy for Development Control' document supports the above strategy by providing detail on how development control will be considered in relation to air quality, with a view to meeting the above aim and objectives.

Having a policy for development control and air quality, whether a standalone document or part of a larger supplementary planning document is also a measure identified in the Council's current Air Quality Action Plan[2].

2.2 The National Planning Policy Framework

The National Planning Policy Framework (NPPF)[3] was introduced in 2012 and sets out the Government's planning policies for England and how they should be applied.

Although the NPPF sets the Government's requirements of the planning system, it also establishes a framework whereby communities can set their own Local and Neighbourhood Plans which prioritise locally important issues.

Sustainable development is a key element of the planning system, which includes consideration of social, economic and environmental factors. The NPPF states:

"The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability."

Paragraph 124 of the NPPF highlights that:

"Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan".

This document ensures that development meets the requirements of the NPPF.

2.3. Air Quality Planning Practice Guidance

The Government has released Planning Practice Guidance[4] in relation to air quality considerations in the planning regime, with the latest update in March 2014. This guidance sets out in very simple terms why air quality is considered in planning and when it is relevant, the role of local plans, the air quality assessment process and mitigation. Many of the aspects of this guidance will be detailed further within the policy.

The Planning Practice Guidance is important because it formally endorses and advocates the air quality assessment process and the justification for the refusal of an application where mitigation and/or amendments are not sufficient to prevent unacceptable risk to exceedences of EU limit values or national Objectives.

2.4. The Local Plan

The Local Plan sets out the opportunities for development locally and presents clear guidance on what will or will not be permitted and where. The purpose of the Local Plan is to:

- provide a practical and detailed basis for the control of development and use of land – whereby applications for planning permission are submitted to the

Council's Development Control Team and determined in accordance with the Local Plan;

- provide potential applicants for planning permission with a clear indication of the type, quality and location of development which Council would accept, encourage and facilitate, and an equally clear indication of the circumstances in which development will be resisted and why;

- provide a spatial framework for the coordination and delivery of other plans, programmes and strategies;

- afford protection to the natural and built environment to ensure that those assets that are valuable to the borough are protected, conserved and enhanced;

- promote the development of land to deliver future growth thereby providing a framework for investment decisions; and

- bring locally specific planning issues before the public to provide an indication of how and when changes within the Borough are likely to occur and how the changes will affect specific interests.

The Local Plan contains a number of detailed policies, and one of which, Detailed Policy 7 Pollution & Contaminated Land states:

'Development proposals will only be granted planning permission where they will not give rise to, or be likely to suffer from, land instability and/or unacceptable levels of pollution in respect of noise or light, or contamination of ground, air or water....'.

Air quality assessments therefore are an important component of the Local Plan in ensuring that developments meet Detailed Policy 7 above.

The final draft of the Local Plan will be available later in 2015.

2.5. Neighbourhood Development Plans

Originating from the Localism Act 2011, Neighbourhood Development Plans establish for the development and use of land in a neighbourhood. These Plans give local people a say in how their communities develop whilst at the same time still needing to meet the needs of the wider area.

In some areas where air quality may already be an issue, or where a large amount of development may be earmarked for the future, a Neighbourhood Plan may establish its own locally based policy on air quality which developers will need to bear in mind.

3. Local Air Quality Management

The Environment Act 1995 established the Local Air Quality Management (LAQM) process through which local authorities are required to periodically review and assess their areas to determine exceedences in National Air Quality Objectives. The objectives applicable to the LAQM process are set in the Air Quality Standards Regulations 2010[5] which are ultimately derived from European Directives. Where objective exceedences are identified the local authority must declare an AQMA and draft Air Quality Action Plans in pursuit of meeting the objectives in question. The objectives are set out in Appendix 1.

The main objectives applicable to development control are the annual limits for nitrogen dioxide and particulates, although there may be instances where other pollutants, or shorter term limits are applicable and will need consideration.

The objectives are used as the basis for assessing the significance of proposed development and to determine overall acceptability.

Defra's Technical Guidance Note (09) (TGO9)[6] is used extensively in the LAQM process is also the main guidance used in the air quality assessment process, alongside additional non-statutory guidance which considers overall development impact and significance. The various guidance documents are discussed further in this document.

4. Air Quality Management Areas in East Staffordshire

East Staffordshire has two AQMAs, which were declared for the pollutant nitrogen dioxide in 2007, which exceeds annual objective levels along roads in the town of Burton upon Trent.

Exceedences of the nitrogen dioxide objective are almost entirely due to traffic and traffic congestion, with receptors being residential uses, where people spend longer periods of time.

The AQMAs are declared around the local road network, and whilst air quality is generally improving over time, there are certain locations within the AQMAs where standards are still exceeded.

The Council has a statutory duty to have an Air Quality Action Plan, which aims to improve air quality within these designated areas, as well as the borough in general.

In a development control context it is important to support and maintain air quality improvement and minimise exposure to poor air quality and as such, air quality will be a material consideration in many instances, particularly were AQMAs have been declared.

Maps of the two AQMAs can be found in Appendix 2.

Although no other areas of East Staffordshire currently breach objectives, and there is an overall trend of improvement, the Council regularly reviews the situation as part of the LAQM process.

5. When is an Air Quality Assessment required?

To determine either the impact of a development on air quality or the effect of air quality on a development, it will often be necessary to undertake an air quality assessment.

An air quality assessment will be required for any number of reasons. On some occasions an assessment may also be a component of an Environmental Impact Assessment, required by planning legislation for certain types of development.

Situations where an air quality assessment is likely to be required are highlighted below:

a) Potentially increasing air quality impact

An air quality assessment will be required by the Council where air quality may be significantly negatively affected by a development, bearing in mind factors such as type and scale of development and sensitivity of an area.

Examples include:

- Proposals that generate or increase traffic congestion.
- Proposals that will significantly change (increase) the annual average daily traffic (AADT) levels or peak traffic flows by more than 5% in or near an AQMA or for narrow congested roads or more than 10% for all other roads. These changes only need to be considered for roads with an AADT greater than 10,000 or for 5,000 in AQMAs or for narrow congested roads.
- Proposals that will significantly alter traffic composition by greater than 200 HGV movements or relate to developments involving bus or HGV sites.
- Proposals including significant new car parking or greater than 100 spaces outside an AQMA or 50 spaces within an AQMA.
- Industrial or commercial developments with direct emissions to air where dust or other fugitive emissions may be created.
- Development that could significantly affect sensitive habitats.

As indicated above, the qualifying criteria are more sensitive where a proposed development is located within or near an AQMA.

Recent guidance published by the Institute of Air Quality Management (IAQM) and Environmental Protection UK[7] (EPUK) suggests additional examples where an assessment may be required:

- There is a change of light duty vehicle (LDV) flow of more than 100 AADT within or adjacent to an AQMA or 500 AADT elsewhere.
- There is a change in Heavy Duty Vehicles (HDV) flow of more than 25 AADT within or adjacent to an AQMA or more than 100 AADT elsewhere.
- New junctions or removal of junctions that cause traffic to significantly change acceleration/deceleration.
- Situations where bus flow changes by more than 25 AADT within or adjacent to an AQMA or more than 100 AADT elsewhere.
- Underground car parks with ventilation extraction.
- Introduction of a substantial combustion process.

There may be other circumstances when an air quality assessment is required and where an applicant is unsure, it is recommended that contact be made with the Pollution Team at the Council.

b) Potentially introducing new exposure

An air quality assessment will also be required where changes to air quality exposure occur.

Examples include:

- New residential properties in an area of poor air quality. This may include within or near an AQMA but may include an area not yet declared an AQMA because there are currently no receptors such as housing.
- Where roads are realigned and there is a change in the proximity of receptors of more than 5m.

Again the IAQM & EPUK 2015 guidance details some of these examples in more detail.

c) Potential for significant impact from development construction & demolition

Air quality assessments may also be required for the construction/demolition phase of a development, particularly if the development is large or in close proximity to sensitive receptors such as housing.

The predominant emissions of concern relate to dust, in particular PM_{10} and the smaller fractions $PM_{2.5}$, although dust soiling can occur with any particle size.

Large sites or those close to receptors can have an impact on residential and other sensitive users and even some ecological locations. The main issues that tend to

arise with construction and demolition relates to dust soiling on nearby surfaces, but the hourly PM_{10} Objective level can be affected also.

The requirement for an air quality assessment depends on factors such as the activity being undertaken, the duration, size of site, meteorological conditions, proximity of receptors, mitigation utilised & sensitivity of receptors.

The "Guidance on the assessment of dust from demolition and construction" issued by the Institute of Air Quality Management (IAQM)[8] in 2014 recommends a detailed assessment will normally be required where there is:

- a 'human' receptor within:

    - 350m of the boundary of the site; or
    - 50m of the route(s) used by construction vehicles on the public highway, up to 500m from the site entrance(s).

- an 'ecological receptor' within:

    - 50m of the boundary of the site; or
    - 50m of the route(s) used by construction vehicles on the public highway, up to 500m from the site entrance(s).

Whilst it is considered that the IAQM guidance constitutes 'best practice' and developers may wish to undertake an assessment, the above screening is a conservative approach. The Council recognises a detailed assessment will not be required or be justified in all incidences and has therefore decided that a full assessment will only be required in the following situations:

- All 'major' applications, as defined by The Town & Country Planning (Development Management Procedure)(England) Order 2010.
- Planning applications where a detailed air quality assessment is required for the operational aspects of the proposal i.e. sections a) and b) of the above this section 5.
- Planning applications that involve construction works that could generate significant amounts of dust or are located in close proximity to sensitive receptors.
- Proposals involving large, long-term construction sites which generate significant amounts of HGV movements (greater than 200 movements per day).
- Other proposals which the Council considers, on a case by case basis have the potential to have an impact on receptors.

For some smaller developments, the Council will not require a detailed assessment of construction impact, but will instead require suitable dust controls and mitigation based on the above IAQM 2014 guidance.

d) Other occasions where an air quality assessment may be required

There will be occasions where a specific air quality assessment will be required for certain proposals, for example:

Proposals relating to biomass boilers

Biomass boilers are increasing in popularity and can range from larger commercial installation through to small domestic appliances. Although they may have carbon emission reduction benefits, as with all combustion processes they emit air pollution, particularly in terms of particulates and nitrogen dioxide.

Specific guidance exists in relation to the assessment to the air quality affects of biomass boilers which applicants should be aware off as well as other legislative requirements.

A guidance note entitled 'Biomass and Air Quality Information for Developers' produced by Environmental Protection UK and LACORS in 2009[9] is a useful starting point for those considering the installation of a biomass boiler.

Biomass boilers fall into a number of categories and have to meet varying requirements.

i) Large biomass boilers with a thermal input greater that 50MW_{th} are regulated under the Environmental Permitting (England & Wales) Regulations 2010 (as amended) and will be subject to the Environment Agency's Horizontal Guidance assessment regime and require an Environmental Permit.

ii) For biomass boilers with a thermal input of 20-50MW_{th} the Council are the regulators, under the above legislation and an Environmental Permit will again be required for which a separate application is required alongside a planning application. An air quality assessment may be required for new installations or for those undertaking substantial changes, although the Horizontal Guidance assessment is not normally required.

iii) Medium sized boilers with a thermal input of between 45-20,000kW_{th} fall under the provisions of the Clean Air Act 1993 have to demonstrate that they have adequate arrestment plant.

iv) Smaller boilers less than a thermal input of 45kW$_{th}$ must comply with the Clean Air Act 1993 where the local authority has declared a Smoke Control Area, whereby appliance have to be an 'exempt appliance' as defined in the legislation.
The Council has a Smoke Control Area centred on Burton upon Trent, a copy can be found in Appendix 3

Any applications for biomass burners which burn fuel at a rate of greater than 45.4kg/hr will be required to gain chimney height approval from the Council. It is this latter category that the majority of applications fall into and the EPUK/LACORS guidance referred to in this section can advise on.

e) Permitted industrial developments

Certain industrial installations require an Environmental Permit to operate under the Environmental Permitting (England & Wales) Regulations 2010 (as amended)[10]. These sites are required to submit a permit application as well as a planning application.

Sites identified as A1 installations under Schedule 1 of the above regulations are required to undertake air quality assessments under the Environment Agency's Horizontal Guidance H1 Assessment[11] and are therefore not required to submit additional information to the Council unless any of the traffic thresholds in Section 5 are exceeded, as H1 assessments do not cover this aspect.

Other regulated sites identified as A2 or Part B installations under Schedule 1, are not regulated by the Environment Agency but by the Council and will be considered in the same way as other general planning applications.

Applicants are again advised to contact the Pollution Team at the Council at the earliest opportunity to discuss any potential requirements for an air quality impact assessment.

f) Cumulative Impact

There may be occasions where individual developments alone may be below the above thresholds, but there may be other nearby developments which collectively have an impact on air quality.

In these instances the Council will require an air quality assessment for a new proposal where a number of nearby developments already have planning permission (even though they may yet to be completed). In these instances, early discussion with the Council is advised.

6. How should an air quality assessment be undertaken?

6.1 Who should undertake an assessment?

All submitted air quality assessments should be undertaken by a qualified air quality consultant who is familiar with the relevant guidance. In return, the Council has suitably qualified officers to assess and comment on air quality issues.

6.2 When should an assessment be submitted?

If an assessment is required, it is recommended that this should be submitted at the time of the planning application submission. Where an applicant is unsure whether an assessment will be required, then it is advised to contact the Pollution Team on 01283 508524 or email pollution.team@eaststaffsbc.gov.uk in advance of the submission of a planning application.

If an assessment is not submitted with the initial planning application then there may be a delay in processing and deciding an application, as no consultation response can be made until sufficient information has be submitted to and accepted by the Development Control Department.

6.3 What should an air quality assessment include and what methodology shall be followed?

The assessment shall be sufficient to allow the Council's Development Control Department through consultation with the Pollution Team to make an informed decision based on the significance of air quality in relation to the planning application in question.

Although no formal guidance exists with the exception of the Air Quality Planning Practice Guidance, a number of recognised best practice documents exist, as highlighted below.

It is expected that air quality assessments submitted as part of a planning application will follow the principles of the best practice and/or other relevant specific guidance. Where these guidance documents are not followed then full justification will need to be included.

An assessment will often need to assess both the operational and construction phase of a development. The operational phase of a development constitutes the long term effects on air quality, whereas the construction phase constitutes the short term and they are compared to different objectives respectively.

In relation to the operational phase assessment, a 'baseline' air quality assessment is normally undertaken to highlight the current situation prior to the effects of the proposal considered. A future operational scenario is then assessed for the proposed completion year of the development or if it is phased, relevant key years of completion. The operational effects of the proposal are then compared against an assessment were the development not to be in operation, a 'with' versus a 'without' scenario. This way the impact of the development can be quantified and assessed.

6.3.1. Local Air Management Technical Guidance LAQM TG09 (2009)

Technical Guidance Local Air Quality Management LAQM TG (09) February Defra 2009 TG09 underpins much of the following guidance by providing detailed specific methodologies which are used in air quality assessments.

It is expected that the recognised methodologies of LAQM TG09 will be followed when undertaking air quality assessments. Although it is primarily written to enable local authorities to fulfil their responsibilities under LAQM, the air quality assessment processes for development control is still assessed against the same objectives using the same methods and processes.

This guidance will be predominantly used when assessing the operational phase of a proposed development and is used as part of other more specific development guidance highlighted in Section b below.

6.3.2. Other relevant guidance

i) <u>The operational phase</u>

- 'Land-Use Planning & Development Control: Planning for Air Quality (v1.1). Institute of Air Quality Management (IAQM) & Environmental Protection UK (EPUK) May 2015.

To describe the impact and assess significance of a proposed development in relation to air quality the above guidance (or subsequent revisions) should normally be used.

The guidance is applicable to residential and mixed used development proposals, but also is applicable to other developments where air quality could be affected and no other specific guidance exists. This guidance is not designed to assess the impact of air quality on designated nature and conservation sites. It is also not designed to assess the construction phase of development in terms of dust, as this is covered in separate guidance.

The guidance is also not applicable for assessing the impact of emissions from an Environment Agency permitted site, where separate Horizontal Guidance Notes exists. The exception to this would be when considering the impact of additional generated traffic associated with the site.

Although this guidance is non-statutory, it does provide a more specific methodology on the consideration of air quality within development control decisions.

The guidance then recommends a process for describing or 'qualifying' impact, before suggesting a rationale for assessing significance.

ii) The construction phase

- 'Guidance on the assessment of dust from demolition and construction'. Institute of Air Quality Management (IAQM) February 2014.

This guidance identifies the best practice approaches for the control of dust from construction and demolition activities.

It considers the annoyance and health effect of dust and finer particulates as well as the effect on ecosystems, where appropriate.

The guidance follows a step by step risk assessment process, considering the four areas of demolition, earthworking, construction and trackout to identify a risk of impact, ranging from low to high based on factors such as scale of works and sensitivity of the receiving area.

A range of mitigation is then suggested dependent on impact, with the aim of avoiding significant effects on receptors.

iii) Specific applications

- 'Biomass and Air Quality Guidance for Local Authorities (England & Wales)'. Environmental Protection UK (EPUK) & LACORS 2009.

This guidance guides applicants through the assessment process and regulatory requirements in relation to biomass installations.

Larger installations may require screening or dispersion modelling and smaller systems will often need stack height calculations.

This guidance explains the process and identifies the process and tools to complete an appropriate assessment.

A minimum amount of information will be required in relation to the biomass boiler in order to make an initial risk based assessment. The Environmental Protection UK guidance has produced a template information request form that aids in the collection and reporting of the recommended information. This basic information enables both the applicant and the local authority to determine whether the boiler may require regulation under the Environmental Permitting Regulations, whether it may be located in a Smoke Control Area (if so, is it an exempt appliance), and whether it is in or near an AQMA.

The basic information recommended to be submitted includes:

- details of the proposed boiler
- procedures for boiler operation and maintenance
- stack details
- fuel details
- building details
- plans

7. The content of an air quality assessment

7.1 Simple assessment

A simple assessment can be submitted with a planning application to justify the rationale for not needing to undertake an air quality assessment. This type of assessment will not normally quantify pollutant concentrations and will use published data and information.

Although it will often be good practice for the inclusion of this type of assessment, it is not a standard requirement of the Council as all planning applications will be assessed when they are received by qualified officers and air quality assessments are only required where we feel it is necessary.

7.2 Screening assessment

Screening assessments are desktop exercises which are quicker and simpler, requiring less specific data than a detailed assessment. They also do not include dispersion modelling which is more complex.

Often used in the LAQM process, screening assessments are used to rule out the need for a more detailed assessment and dispersion modelling. They are less accurate, but are often precautionary and where any potential objective exceedences are identified detailed assessments are required.

When the Council requests an air quality assessment, it does not specify this type of assessment, but this may be accepted as sufficient in some instances for simpler proposed developments. It is envisaged however that the majority of air quality assessments will need to be detailed assessments.

Details of undertaking a screening assessment are described in LAQM TG09 and the other guidance highlighted in Section 6.3.

7.3 Detailed assessment

This type of assessment will normally require dispersion modelling to show current and future predicted air quality and involves a more detailed methodology and data inputs.

Due the increased complexity of this type of assessment it is important that the process is sufficiently documented and transparent so the assessor can follow the conclusions of the assessment.

Essentially, any report will need to include an assessment of the current 'baseline air quality background for the pollutant(s) under consideration. The future predicted air quality is then calculated 'with' and 'without' the proposed development to determine impact and assess significance.

The content of an assessment shall follow that detailed in the IAQM & EP UK 2015 guidance, including:

-Relevant details of the proposed development, including location, size, scale, traffic impacts, timescales, sensitive receptors and predicted pollutants and their sources.

-The policy context of the development in relation to air quality, including identifying the relevant air quality standards

-A description of why the assessment is being undertaken and how significance will be determined.

-Detail of the methodology used and information on the dispersion model used, any assumptions made, the data used and sources, any calculations & the baseline year chosen.

-How the accuracy of any assessment is verified, including identifying the range of uncertainty.

-The nearest sensitive receptors should be identified and highlighted in relation to the pollutant in question and the relevant exposure time in relation to the Objective limits.

-A description of the baseline conditions. Background pollutant concentrations maps are available from the Defra website and the Council also has a significant amount of historical and current monitoring data that is available for use in any assessments. Information of the various data adjustments should also be detailed.

-An assessment of development impact should be made comparing the 'with' and 'without' development scenarios highlighting both the absolute pollutant concentration and any change with development. This should all clearly be tabulated in the assessment.

-The significance of the development impact on air quality should also be discussed, clearly highlighting the rationale for the judgement.
-Where applicable cumulative impacts and effects should be discussed.

-The impact of the construction phase shall be assessed.

-Where the effects of the development on air quality will be significant, mitigation measures should be suggested. To prevent gradual air quality deterioration, it is expected that ‘best practice’ measures be considered, as highlighted in IAQM/EPUK guidance, particularly for particulates.

-A detailed summary should be included which clearly highlights the key points of the assessment.

-A conclusion- which includes a quantified/qualified description of impact and judgement of significance.

8 Mitigating and controlling impact on air quality.

The air quality assessment process will often identify adverse impacts and effects from or effecting new proposed development.

Where adverse impacts or effects are identified then the Council expects mitigation to be proposed, which should be in line with the mitigation hierarchy set out below.

The Mitigation hierarchy

The IAQM mitigation hierarchy is set out in their position statement 'Mitigation of Development Air Quality Impacts'[12] released in January 2015.

The choice of mitigation will be on a case by case basis, but should follow the order set out below:

1. **Prevent or avoid exposure/impacts to the pollutant**
2. **Reduce and minimise exposure/impacts**
3. **Off-setting**

Good site layout and use which designs out impact will always be preferable, but may not always be possible. The Council expects this option to be considered however, with justification given where mitigation further down the hierarchy is proposed instead.

In relation to option 2 preference shall be given first to:

a) mitigation measures that act on the source; before
b) mitigation measures that act on the pathway; before
c) mitigation measures at or close to the point or receptor.

As referenced in the above IAQM position statement, the measures chosen will be subject to efficacy, cost and practicability of available solutions. Measures designed to operate passively are preferred to active measures.

If mitigation is not integrated into the development proposal, the Council will include the required mitigation as a planning condition(s).

The level of mitigation required should be sufficient to offset the contribution to the air quality pollution generated by the proposed development and this should be quantified as part of the air quality assessment, submitted as part of the planning application.

9 When is the impact of a development unacceptable?

If a proposed development still shows an unacceptable effect on air quality or is affected by unacceptable air quality even after mitigation then amendments may need to be made to the proposal.

In line with the National Planning Policy Framework and the associated Planning Practice Guidance, development should not cause unacceptable air pollution and should not pose an unacceptable risk to EU limit values or national Objectives.

This view is also supported in the Council's Local Plan which states that development proposals will only be granted planning permission where they will not give rise to, or be likely to suffer from unacceptable levels of air pollution.

The significance of the effect of a development is normally identified within an air quality assessment and then confirmed by the Council's Pollution Team.

It is recommended that the approach identified in table 6.3 of the IAQM & EPUK 2015 guidance is followed to describe and qualify impact. This will be the starting point for assessing significance.

Professional judgement will be required by a qualified air quality practitioner to determine whether there is a 'significant' negative effect, as there are additional factors to consider as well as impact.

Where unacceptable 'significant' effects are identified, the Council's Pollution Team will be likely to recommend refusal in the absence of suitable mitigation measures, although ultimately the planning decision will lie with the Development Control Department, who will also consider other material considerations as well as air quality.

References

1. Air Quality Strategy. 2015 East Staffordshire Borough Council
2. Air Quality Action Plan. 2015 East Staffordshire Borough Council
3. The National Planning Policy Framework. Department for Communities and Local Government March 2012 View here
4. Planning Practice Guidance-Air Quality. Department for Communities and Local Government March 2014 View here.
5. Air Quality Standards Regulations 2010 View here
6. Technical Guidance Note (09) LAQM.TG09 View here
7. Land-Use Planning & Development Control: Planning for Air Quality. May 2015 (v1.1) Environmental Protection UK & Institute of Air Quality. View here
8. 'Guidance on the assessment of dust from demolition and construction'. Institute of Air Quality Management (IAQM) February 2014. View here
9. 'Biomass and Air Quality Guidance for Local Authorities (England & Wales)'. Environmental Protection UK (EPUK) & LACORS 2009. View here
10. Environmental Permitting (England & Wales) 2010 (As amended) View here
11. Horizontal Guidance Note H1 Overview document (v2.1) & H1 Annex F- Air Quality (v2.2). Environment Agency 2011 View here
12. Mitigation of Development Air Quality Impacts 2015. Institute of Air Quality Management View here

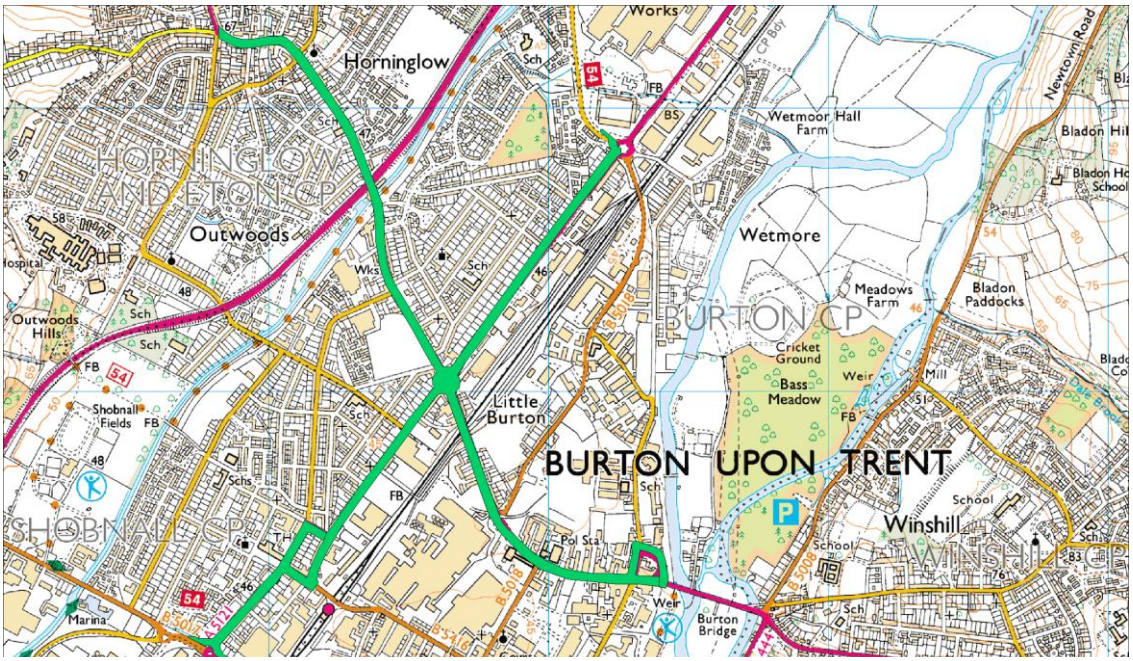
Appendix 1

Air Quality Objectives

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Benzene	16.25 µg/m^3	Running annual mean	31.12.2003
	5.00 µg/m^3	Annual mean	31.12.2010
1,3-Butadiene	2.25 µg/m^3	Running annual mean	31.12.2003
Carbon monoxide	10 mg/m^3	Running 8-hour mean	31.12.2003
Lead	0.50 µg/m^3	Annual mean	31.12.2004
	0.25 µg/m^3	Annual mean	31.12.2008
Nitrogen dioxide	200 µg/m^3 not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 µg/m^3	Annual mean	31.12.2005
Particulate Matter (PM_{10}) (gravimetric)	50 µg/m^3, not to be exceeded more than 35 times a year	24-hour mean	31.12.2004
	40 µg/m^3	Annual mean	31.12.2004
Sulphur dioxide	350 µg/m^3, not to be exceeded more than 24 times a year	1-hour mean	31.12.2004
	125 µg/m^3, not to be exceeded more than 3 times a year	24-hour mean	31.12.2004
	266 µg/m^3, not to be exceeded more than 35 times a year	15-minute mean	31.12.2005

Appendix 2

Air Quality Management Areas



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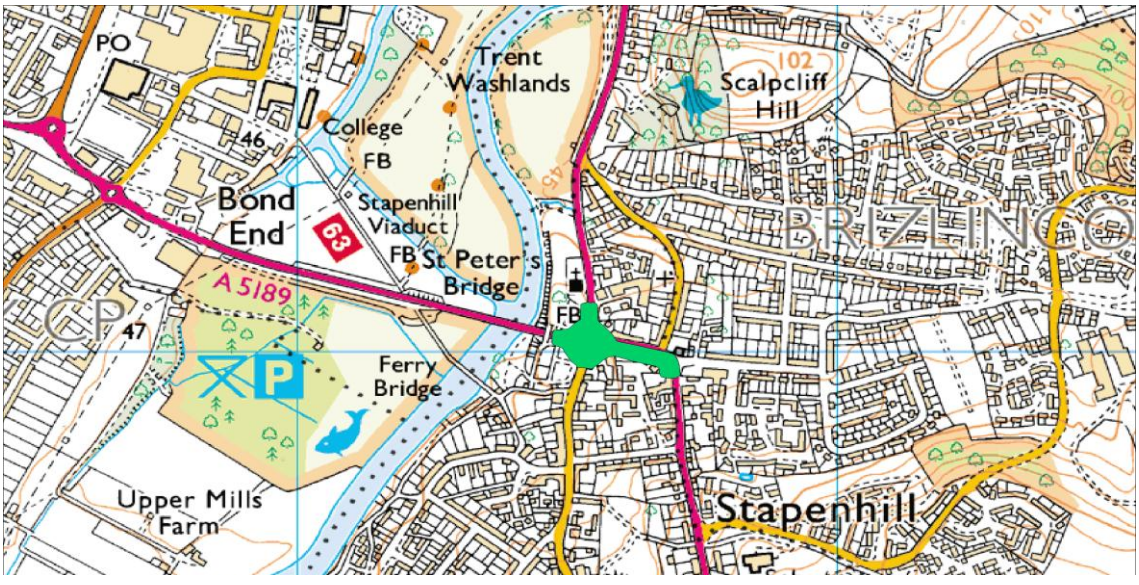
AQMA 1. Burton-upon-Trent- Derby Rd, Derby St, part of Princess Way roundabout, Horninglow St, Horninglow Rd, Bridge St, Wellington St, part of Borough Road, part of Wellington St roundabout, part of Waterloo St and part of Byrkley St.



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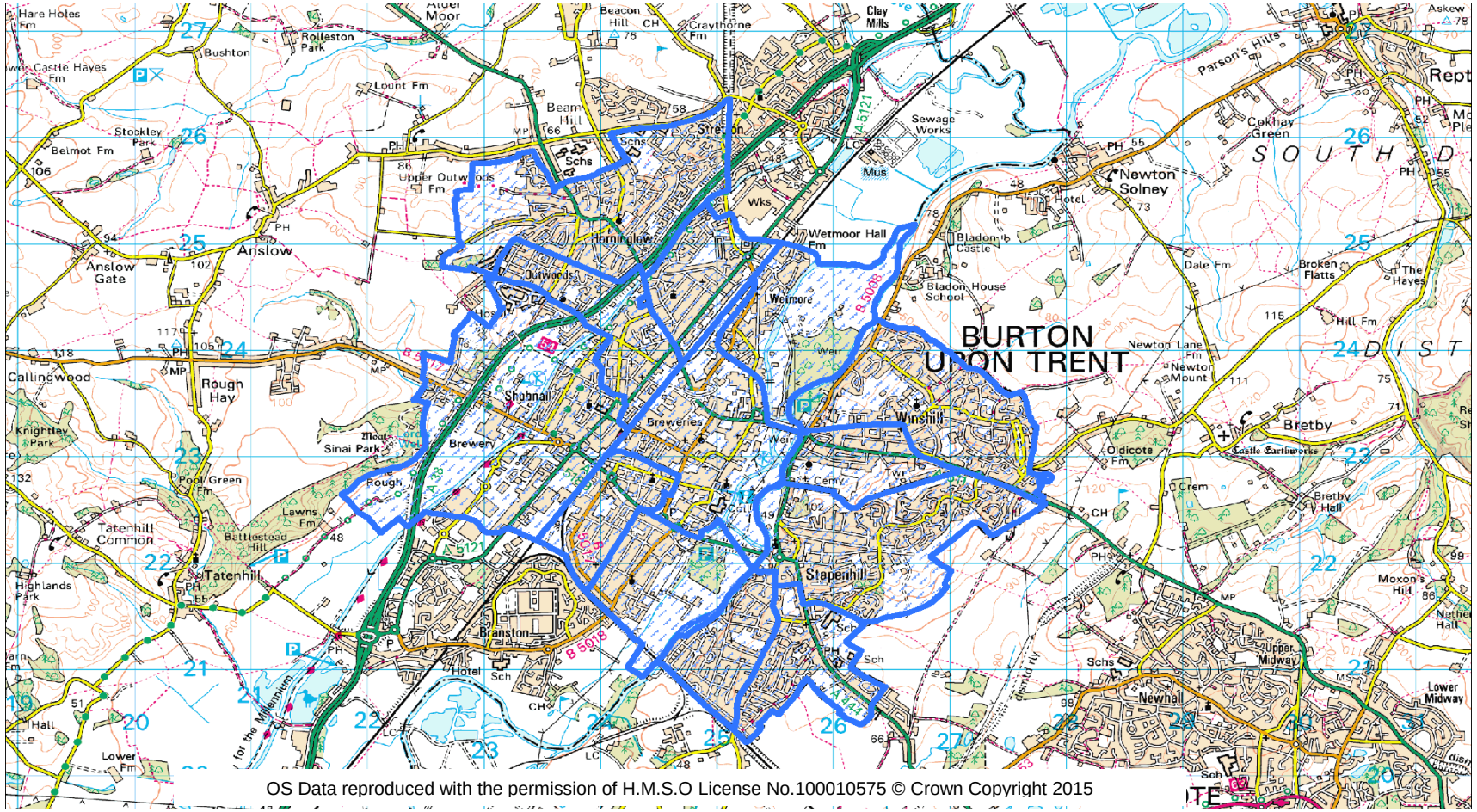
AQMA 2 – St Peters Bridge roundabout, Stapenhill, Burton-upon-Trent – St Peters Bridge roundabout and part of St Peters St.

Appendix 3 Map of Smoke Control Area- Burton upon Trent



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