

REPORT TO: PLANNING & TRANSPORTATION COMMITTEE - 8 MAY 2006

REPORT ON: AIR QUALITY AND LAND USE PLANNING

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 186-2006

1 PURPOSE OF REPORT

- 1.1 To seek approval for a Draft planning policy advice note proposing a framework and procedures for the consideration of air quality issues as part of the planning process.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee approves the draft Planning Policy Advice at Appendix 1 for consultation purposes and remits the Director of Planning & Transportation to report back on any comments received prior to the adoption of the final policy advice.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 This report addresses key sustainability themes:
- Pollution is limited to levels at which national systems can cope.
 - Health is protected by creating a safe, clean pleasant environment.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 There are no equal opportunities implications.

6 BACKGROUND

- 6.1 Over the past 10 years or so government guidance and advice has sought to develop a framework for achieving better standards of air quality in support of the national and European drive to improve health and the environment. A National Air Quality Strategy has been developed that identifies particular pollutants and set out targets to be attained for each.
- 6.2 Land use planning regulations and regulations governing the environment, overseen by EHTS and SEPA (amongst others) have a dual role in terms of air quality management and improvement. The planning process has a key role in determining the location of development that may give rise directly or indirectly or be affected by air quality issues.
- 6.3 It is important to establish how the various systems should relate to each other in order to produce a co-ordinated approach by the authority to development or changes in the use of land which have or are affected by air quality implications.

- 6.4 Appendix 1 establishes a framework that seeks to assist applicants in addressing any air quality issues which might arise as a result of their proposals. The Advice Note advises on the procedures in determining when air quality is an issue, when a formal assessment will be required and what the assessment should contain.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Assistant Chief Executive (Community Planning) have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 There are no background papers with regard to this report.

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24 March 2006

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APPENDIX 1 - PLANNING POLICY ADVICE NOTE

AIR QUALITY AND LAND USE PLANNING

1 INTRODUCTION

- 1.1 Land use planning can have an essential role to play in improving air quality. Development plans and the process of determining planning applications are held by the Government as key tools in the national drive to improve health at a local level. Guidance issued through recent publications from the Scottish Executive has made clear its view of both planning's role and its expectations for maintenance and improvement of air quality at a local level.
- 1.2 The Scottish Executive issued "Local Air Quality Management - Revised Policy Guidance" in February 2003, the planning aspects of which were reiterated in "Air Quality and Land Use Planning" in March 2004, with the requirement that this be taken into account by local planning authorities along with the advice in Planning Advice Note 51 "Planning And Environmental Protection" 1997 (due to be revised shortly). This guidance is material in determining planning applications and establishes the planning framework by which local authorities should carry out their duties in relation to air quality considerations. The following planning advice promotes application of the framework in the Dundee context.
- 1.3 This Advice Note provides guidance on when and where air quality issues may arise and addresses:
- the regulation of air quality and the local planning policy context;
 - procedures for determining when air quality is an issue; and
 - when an Air Quality Impact Assessment will be required;
 - what the assessment should contain.

2 REGULATION OF AIR QUALITY

- 2.1 Dundee is located on the coast, at the Tay Estuary and surrounded by relatively flat open countryside. Dundee enjoys a good standard of air quality throughout most of the local authority area. However, it is important to do everything possible to make sure that these standards are maintained or improved upon wherever possible. Localised areas have however been identified in the city where specific measures are required to tackle air pollution and bring about improvement in air quality. These are located within the vicinity of:
- Dock Street, Seagate, Commercial Street, Nethergate/Marketgait and the Central Waterfront redevelopment area;
 - Victoria Road/Hilltown;
 - Logie Street/Loons Road area
 - Lochee Road/Rankine Street; and
 - Lochee Road/Dudhope Terrace.

- 2.2 Dundee City Council has responsibility for the assessment of air quality standards co-ordinated by Environmental Health and Trading Standards (EHTS) with assistance from other departments. Pollution control regulatory systems available to local authorities are insufficient in themselves, however, to ensure attainment of the air quality standards being promoted through Part IV of the Environment Act 1995 and subsequent Regulations. Additional powers are afforded through the adoption of an Air Quality Action Plan, as outlined in the government guidance, setting out the local strategy to attain the nationally agreed standards. Dundee's Air Quality Action Plans will be integral to improving air quality in the localised areas identified above. Planning powers provide additional support when air quality becomes a material consideration in development proposals. The level of support will vary depending on the nature of the proposal being considered.
- 2.3 Air quality becomes a material consideration in determining applications for planning permission when the land use may give rise to air quality issues. For example:
- a through direct impact of the development eg contributes to air quality exceedences;
 - b cumulative impact ie as a result of a number of developments which when added together would have a significant effect on air quality; and
 - c indirect impacts eg as a result of traffic generated by the proposed land use. It is also a material consideration when a proposed land use would:
 - d be affected by existing or potential sources of pollution or
 - e conflict with any objectives of any Air Quality Action Plan which have a land use aspect. For example, targets contained within the Plan can be compromised when significant levels of traffic, parking provision or servicing are generated by proposals which affect a local area sensitive to air quality issues.
 - f which could result in designation of a new Air Quality Management Area.

3 DUNDEE LOCAL PLAN REVIEW (2005) CONTEXT

- 3.1 The overall strategy of the Dundee Local Plan Review "promotes the sustainable development of Dundee, not only in terms of the environment, but also the social and economic sustainability of the City" (page 5). New development is expected to seek to minimise any negative effect on the environmental quality which Dundee citizens currently enjoy.
- 3.2 Many of the policies contained within the Local Plan already promote measures which have a direct relationship to the maintenance and improvement of air quality enjoyed within the city. These range across initiatives as diverse as the promotion of cycling, walking and public transport, streetscape and others. Future versions of the plans will seek to ensure separation of land uses which are potentially polluting from other land uses wherever possible.
- 3.3 The Local Plan, while recognising that there will be long term detrimental effects if there is a failure to sufficiently realise the importance of the environment, also recognises that equally adverse consequences "would result from a strategy that affords complete priority to the protection of the environment" (page 6) at the expense of all else, especially where development proposals might bring direct economic or social gain.

- 3.4 All material considerations, environmental, social and economic will continue to be taken into account according to their individual merits and on the basis of all available information, in order to arrive at a balanced view of the effects of proposed development.

4 PROCEDURES WHEN DEVELOPMENT IS AFFECTED BY AIR QUALITY CONSIDERATIONS

- 4.1 The full range of planning applications from the smallest to largest may be expected within the identified areas of the city where attention has been drawn to the need to make allowance for air quality considerations. Consequently air quality will assume a different level of significance depending on the scale and location of proposals coming forward. These are reflected in the following procedures.

4.2 First Stage (Pre application stage)

- a Applicants are encouraged to contact the Planning and Transportation Department prior to applying for planning permission in the first instance if it is anticipated that any of the consequences of their proposal may have an impact on air quality (see example at 2.3). The planning representative will advise whether the applicant should at this stage involve officers in Environmental Health and Trading Standards. Applicants experiencing difficulties in coming to a decision on whether their proposal could affect or be affected by air quality issues may wish to consider employing the services of an air quality consultant in order to help them decide.
- b The objective of identifying aspects which might have a significant impact on air quality is to give consideration at the earliest stage as to how they can be addressed. This can be greatly facilitated by working together on those aspects which need to be examined, some of which may on occasion be overcome fairly easily for example, changes to layout or other minor aspects of design. If for any reason these direct impacts cannot be entirely ameliorated, supporting information may be required when the application for planning permission is made at the second stage.

4.3 Second Stage (applying for planning permission)

- a Planning applications containing proposals which impact on or are affected by air quality issues require to be supported by a statement demonstrating:
 - i what actions have been considered to reduce the impact of the proposal on air quality, and
 - ii what modifications have been made to the proposal to address air quality issues.
- b Air quality is at this stage a material consideration. Officers within the Environmental Health and Trading Standards Department will advise their counterpart in Planning and Transportation in determination of the application as soon as possible whether any further information is required and whether further discussions with the applicant is necessary. The planning application will then be processed accordingly, taking the statement and further information into consideration.

- c It may be necessary for an applicant to arrange for an Air Quality Impact Assessment to be carried out in support of the application (see Section 5). This stage of the process will normally only affect some applications where major development proposals are being considered.

4.4 Third Stage (recommendation and decision)

- a Full consideration will be given to all aspects of the application for planning permission and a report drafted with recommendations for approval or refusal at the next appropriate Planning Committee. Recommendations for approval of the application may involve the use of planning conditions mitigating air quality issues or very occasionally recommend entering into a planning agreement under Section 75 of the Town & Country Planning (Scotland) Act 1997.

5 **WHEN WILL AN AIR QUALITY IMPACT ASSESSMENT BE REQUIRED?**

5.1 An Air Quality Assessment may be required under any of the following indicative circumstances, however, these are not exhaustive. Officers of either department will be happy to discuss on a case by case basis :

- where it is anticipated that there would be a significant increase in parking, traffic volumes or congestion in access roads;
- when buses, coaches, lorries, vans or service vehicles are expected to visit the premises on a regular basis; and
- when a proposal conflicts, or may conflict, with the measures contained in any Air Quality Action Plan which have a land use implication;
- where the development introduces new relevant receptors particularly residential uses into an area of poor air quality.

6 **WHAT SHOULD THE ASSESSMENT CONTAIN?**

6.1 The Air Quality Assessment should:

- assess the current ambient air quality and demonstrate that allowance has been made for any proposals already granted;
- predict the levels expected during the construction phase and following completion of the development;
- demonstrate the expected impact of the development on the air quality targets; and
- evaluate, compare and prioritise possible combinations of measures to mitigate any effect on air quality.

6.2 These may be influenced by measures related to car use, parking, public transport, cycling, emission control, improved technology or industrial processes, green travel plans etc, details of which should be included within the Assessment.

6.3 Applicants are strongly advised to seek the advice of officers of both the Planning and Transportation Department and EHTS on the content and procedures to be

followed including recommended models and procedures for carrying out the assessment.

7 FURTHER ADVICE

- 7.1 For further information please contact, Iain Ross on 433216 (Planning and Transportation Department, Development Quality Division) or Iris Coghill on 436235 (Environmental Health and Trading Standards Department).