APPENDIX 6.1A
SUMMARY OF RELEVANT LEGISLATION, PLANNING POLICY AND GUIDANCE

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Legislation

EU Framework Directive 2008/50/EC, 2008

Air pollutants at high concentrations can have adverse effects on the health of humans and ecosystems. European Union (EU) legislation on air quality forms the basis for UK legislation and policy on air quality.

The EU Framework Directive 2008/50/EC on ambient air quality assessment and management came into force in May 2008 and was implemented by Member States, including the UK, by June 2010. The Directive aims to protect human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollutants.

Air Quality Standards Regulations, 2010

The Air Quality Standards Regulations implement Limit Values prescribed by the EU Framework Directive 2008/50/EC. The Limit Values are legally binding and the Secretary of State, on behalf of the UK Government, is responsible for their implementation.

The UK Air Quality Strategy, 2007

The current UK Air Quality Strategy (UK AQS) was published in July 2007 sets out the objectives for Local Planning Authorities (LPA) in undertaking their Local Air Quality Management (LAQM) duties. The 2007 UK AQS introduced a national level policy framework for exposure reduction for fine particulate matter. Objectives in the UK AQS are in some cases more onerous than the Limit Values set out within the relevant EU Directives and the Air Quality Standards Regulations 2010. In addition, objectives have been established for a wider range of pollutants.

The UK AQS objectives of air pollutants relevant to this assessment are summarised in Table A1.

Table A1: Summary of Relevant UK AQS Objectives

Pollutant	Objective		Date by which Objective to be Met
	Concentration	Measured as	
Nitrogen Dioxide (NO_2)	200µg/m^3	1 hour mean not to be exceeded more than 18 times per year	31/12/2005
	40µg/m^3	Annual Mean	31/12/2005
Particulate Matter (PM_{10}) (a)	50µg/m^3	24 hour mean not to be exceeded more than 35 times per year	31/12/2004
	40µg/m^3	Annual Mean	31/12/2004
Particulate Matter ($PM_{2.5}$) (b)	Target of 15% reduction in concentrations at urban background locations	Annual Mean	Between 2010 and 2020
	25µg/m^3	Annual Mean	01/01/2020

Note: (a) Particulate matter with a mean aerodynamic diameter less than 10 microns (or micrometres – µm)
(b) Particulate matter with a mean aerodynamic diameter less than 2.5 microns

The Environment Act, 1995

In a parallel process, the Environment Act 1995 required the preparation of a national air quality strategy setting health-based air quality objectives for specified pollutants and outlining measures to be taken by LPAs in relation to meeting these objectives (the LAQM system).

Part IV of the Environment Act 1995 provides a system of LAQM under which LPAs are required to review and assess the future quality of the air in their area by way of a staged process. Should this process suggest that any of the AQS objectives will not be met by the target dates, the LPA must consider the declaration of an Air Quality Management Area (AQMA) and the subsequent preparation of an Air Quality Action Plan (AQAP) to improve the air quality in that area in pursuit of the AQS objectives.

The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023

The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 sets the following targets:

- annual mean $PM_{2.5}$ concentration in ambient air must be equal to or less than 10 µg/m^3 by the end of 31st December 2040; and
- at least a 35% reduction in population exposure when compared with the average population exposure in the baseline period (1st January 2016 to 31st December 2018) by the end of 31st December 2040.

Planning Policy

National Planning Policy

National Planning Policy Framework, 2023

The National Planning Policy Framework (NPPF), published in September 2023 sets out the Government's planning policies for England and how these should be applied.

Paragraph 105 states *"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."*

Paragraph 174 states *"Planning policies and decisions should contribute to and enhance the natural and local environment by: … preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans"*

Paragraph 185 states *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.".*

Paragraph 186 states *"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.".*

~~National Planning Policy Framework, 2021~~

~~The National Planning Policy Framework (NPPF), published in July 2021 sets out the Government's planning policies for England and how these should be applied.~~

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Local Planning Policy

Cambridge City Council Local Plan, 2018

The Cambridge Local Plan forms part of the development plan for Cambridge. It sets out the vision, policies and proposals for the future development and land use in Cambridge to 2031.

Policy 36: Air Quality, odour and dust states:

"Development will be permitted where it can be demonstrated:

a. that it does not lead to significant adverse effects on health, the environment or amenity from polluting or malodorous emissions, or dust or smoke emissions to air; or

b. where a development is a sensitive end-use, that there will not be any significant adverse effects on health, the environment or amenity arising from existing poor air quality, sources of odour or other emissions to air.

According to the end-use and nature of the area and application, applicants must demonstrate that:

a. there is no adverse effect on air quality in an air quality management area (AQMA);

b. pollution levels within the AQMA will not have a significant adverse effect on the proposed use/users;

c. the development will not lead to the declaration of a new AQMA;

d. the development will not interfere with the implementation of the current Air Quality Action Plan (AQAP);

e. any sources of emissions to air, odours and fugitive dusts generated by the development are adequately mitigated so as not to lead to loss of amenity for existing and future occupants and land uses; and

f. any impacts on the proposed use from existing poor air quality, odour and emissions are appropriately monitored and mitigated by the developer."

Greater Cambridge Sustainable Design and Construction SPD, 2020

This SPD sets out the standards required to meet the visions, objectives and policies of the Cambridge and South Cambridgeshire Local Plans as sustainably as possible. Policy 36: Air quality, odour and dust states:

'Development must ensure that it does not adversely impact on air quality or expose sensitive users to poor air quality and does not lead to significant adverse effects on health, amenity and the environment from polluting or malodorous emissions, or dust or smoke emissions to air.

Development must ensure that it does not adversely impact health, amenity and the environment from polluting or malodorous emissions, or dust or smoke emissions to air'.

Guidance

Department for Environment, Food and Rural Affairs, Clean Air Strategy, 2019

Published in January 2019 the Clean Air Strategy sets out a coherent framework and national action to improve air quality throughout the UK.

The Strategy is underpinned by new national powers to control major sources of air pollution, in line with the risk they pose to public health and the environment, plus new local powers to act in areas with an air pollution problem. The Strategy also supports the creation of Clean Air Zones to lower emissions from all sources of air pollution, backed up with clear enforcement mechanisms.

Improving Air Quality in the UK: Tackling Nitrogen Dioxide in our Towns and Cities. UK Air Quality Plan for Tackling Nitrogen Dioxide, 2017

The UK Government was required by the High Court to release an Air Quality Plan to meet the NO_2 Limit Value in the shortest timescale as possible. This document was adopted on 26th July 2017.

The plan focuses on reducing concentrations of NO_x and NO_2 around road vehicle emissions within the shortest possible time. With the principal aims to:

a. reduce emissions of NOx from the current road vehicle fleet in problem locations now; and

b. accelerate road vehicle fleet turnover to cleaner vehicles to ensure that the problem remains addressed and does not move to other locations.

The other aims include reducing background concentrations of NO_x from:

- Other forms of transport such as rail, aviation and shipping;
- Industry and non-road mobile machinery; and
- Buildings, both commercial and domestic, and other stationary sources.

The Plan provides measures to reduce NO_x and NO_2 concentrations in the UK, such measures include:

- Mandate local authorities to implement Clean Air Zones within the shortest possible time;
- Consultation on proposal for a Clean Air Zone Framework for Wales;
- Consultation on a draft National Low Emission Framework for Scotland;
- Commitment to establishing a Low Emission Zone for Scotland by 2018;
- Tackling air pollution on the English Road network;
- New real driving emissions requirement to address real world NOx emissions;
- Additional funding to accelerate uptake of hydrogen vehicles and infrastructure;
- Additional funding to accelerate the uptake of electric taxis;
- Further investment in retrofitting alongside additional support of low emission buses and taxis;
- Regulatory changes to support the take up of alternatively fuelled light commercial vehicles;
- Exploring the appropriate tax treatment for diesel vehicles;
- Call for evidence on updating the existing HGV Road User Levy;
- Call for evidence on use of red diesel;
- Ensure wider environmental performance is apparent to consumers when purchasing cars;
- Updating Government procurement policy;
- New emissions standards for non-road mobile machinery;
- New measures to tackle NOx emissions from Medium Combustion Plants; and
- New measures to tackle NOx emissions from generators.

The above measures do not provide any actions which are relevant to the operation or design of the Development.

A High Court ruling[1] on 21st February 2018, stated the UK Governments air quality improvement plan adopted on 31st July 2017 was unlawful as '*it does not contain measures sufficient to ensure substantive compliance with the 2008 Directive and the English Regulations'*. The UK Government '*must ensure steps are taken to achieve compliance as soon as possible, by the quickest route possible and by a means that makes that outcome likely'*.

The judgement stated that the UK Government must produce a supplementary plan, setting out requirements for feasibility studies to be undertaken in the 33 Local Authority Areas. BCC is not considered within this judgement.

In May 2018, it was announced the European Union (EU) was going to take the UK to the European Commission over failure to meet the Limit Values for NO_2.

Environmental Protection UK & Institute of Air Quality Management Guidance; Land-Use Planning & Development Control: Planning for Air Quality, 2017

Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) provide guidance for air quality considerations within the local development control processes, promoting a consistent approach to the treatment of air quality issues.

The EPUK and IAQM guidance explains how development proposals can adopt good design principles to reduce emissions and contribute to better air quality. The guidance also provides a method for screening the need for an air quality assessment and a consistent approach for describing the impacts at individual receptors. The EPUK and IAQM Guidance, advises that:

"In arriving at a decision about a specific proposed development the local planning authority is required to achieve a balance between economic, social and environmental considerations. For this reason, appropriate consideration of issues such as air quality, noise and visual amenity is necessary. In terms of air quality, particular attention should be paid to:

- *Compliance with national air quality objectives and of EU Limit Values;*
- *Whether the development will materially affect any air quality action plan or strategy;*
- *The overall degradation (or improvement) in local air quality; or*
- *Whether the development will introduce new public exposure into an area of existing poor air quality".*

Planning Practice Guidance, 2019

The Government's online Planning Practice Guidance (PPG) states that air quality concerns are more likely to arise where development is proposed within an area of existing poor air quality, or where it would adversely impact upon the implementation of air quality strategies and / or action plans. The PPG notes that when deciding whether air quality is relevant to a planning application, considerations would include whether the development would lead to:

- Significant effects on traffic, such as volume, congestion, vehicle speed, or composition;
- The introduction of new point sources of air pollution, such as furnaces, centralised boilers and Combined Heat and Power (CHP) plant; and
- Exposing occupants of any new developments to existing sources of air pollutants and areas with poor air quality.

1 https://www.judiciary.gov.uk/judgments/the-queen-on-the-application-of-clientearth-no-3-claimant-v-secretary-of-state-for-environment-food-and-rural-affairs-and-othrs/

Institute of Air Quality Management: Guidance on the Assessment of Dust from Demolition and Construction, 2024

The IAQM Construction Dust Guidance provides guidance to consultants and Environmental Health Officers on how to assess air quality impacts from construction related activities. The guidance provides a risk-based approach based on the potential dust emission magnitude of the site (small, medium or large) and the sensitivity of the area to dust impacts. The importance of professional judgement is noted throughout the guidance. The guidance recommends that once the risk class of the site has been identified, the appropriate level of mitigation measures are implemented to ensure that the construction activities have no significant impacts.

~~Institute of Air Quality Management: Guidance on the Assessment of Dust from Demolition and Construction, 2014~~

~~The IAQM Construction Dust Guidance provides guidance to consultants and Environmental Health Officers (EHOs) on how to assess air quality impacts from construction related activities. The guidance provides a risk based approach based on the potential dust emission magnitude of the site (small, medium or large) and the sensitivity of the area to dust impacts. The importance of professional judgement is noted throughout the guidance. The guidance recommends that once the risk class of the site has been identified, the appropriate level of mitigation measures are implemented to ensure that the construction activities have no significant impacts.~~

Greater Cambridge Air Quality Strategy (2024- 2029)

The objectives of the Cambridge City Council The objectives of the air quality strategy across greater Cambridge will be delivered under four key priority areas:

- Key Priority 1: Regulatory Policies & Development Control

  Minimising emissions through development is key. Proposed measures will design out air quality impacts during both construction and operation phases to prevent ‘creep’ as large scale development comes forward.

- Key Priority 2: Infrastructure Improvements

  Continuing to work with partners to deliver improved infrastructure; facilitating the uptake of more sustainable transport solutions and active travel options.

- Key Priority 3: Community Engagement & Promotion

  In parallel to active measures to reduce exposure to pollutants we need to actively promote and engage with residents and visitors enabling access to better information to facilitate behavioural change. We will continue to work closely with Public Health.

- Key Priority 4: Monitoring

  Continued monitoring is required given the scale of the future developments and the potential to introduce new hotspots where air quality could be at risk, the need for a robust and up to date monitoring network across the district is a priority

Cambridge City Council Air Quality Action Plan 2018-2023

The Cambridge City Council Air Quality Action Plan sets out priority actions for improving areas of poor air quality in the city and maintaining a good level of air quality in the areas of high growth.

Identified actions fall into three main categories:

- *"Reducing local traffic emissions as quickly as possible to meet national objectives;*
- *Maintaining pollutant levels below national objectives;*
- *Improving public health by reducing population exposure to air pollutants."*