

For Publication

East Midlands Network (Chesterfield) Air Quality Technical Guidance document

Meeting:	Cabinet
Date:	12 th January 2021
Cabinet portfolio:	Health and Wellbeing Economic Growth
Directorate:	Health & Wellbeing Economy Growth

1.0 **Purpose of report**

- 1.1 To seek approval for the East Midlands Network (Chesterfield) Air Quality Technical Guidance document.

2.0 **Recommendations**

- 2.1 To approve the East Midland Network (Chesterfield) Air Quality Technical Guidance document, a copy of which is in Appendix 1.

3.0 **Reason for recommendations**

- 3.1 The East Midland Network (Chesterfield) Air Quality Technical Guidance document has been developed in partnership with the Council's Environmental Health and Planning teams and is intended to support ongoing joint working on all matters of air quality through the planning process.
- 3.2 In addition to the above and to address the part of the wider impact of air quality across the East Midlands area, this Technical Guidance document was produced in partnership and collaboration with other local authorities in the East Midlands region including Derbyshire County Council Public Health.

- 3.3 The document is intended to provide technical guidance and support Policy CLP14 ('A Healthy Environment') of the Chesterfield Borough Local Plan. Local Plan 2018 - 2035 provides a framework for determining planning applications following its adoption in July 2020.
- 3.4 Another option to consider is to not approve this Technical Guidance and to rely solely on the policy in the Local Plan and how applicants interpret the policy. This option has not been recommended as it would place greater reliance on how applicants use the policy and could generate greater inconsistency in evidence submitted in support of applications and lead to greater resource pressure for planning officers and environmental protection officers managing applications.

4.0 **Background**

- 4.1 The quality of the air breathed in local areas has implications for public health. Public Health England attribute approximately 400 deaths each year in the East Midlands to poor air quality. Nationally, poor air quality is estimated to cause 29,000 premature deaths per year – greater than road traffic accidents and smoking combined – and the economic impact due to poor health is also estimated to cost between £8bn and £20bn each year, those with asthma, lung diseases and heart conditions being most susceptible. Poor air quality also causes damage to buildings and local ecology. Smoke and dust emissions also damage local physical amenity. The majority of air pollution comes from road transport.
- 4.2 Air quality is a high national political priority. The issue is geographically spread, though concentrated in urban and industrial areas and around roads. The impact on human health is significant and although local authorities are important delivery agents, improvements in local air quality can only be achieved with input from key stakeholders, developers, businesses and residents. Steps have been taken to ensure effective joint working arrangements between the Borough and County Councils.
- 4.3 Part IV of the Environment Act 1995 places a statutory duty on local authorities to review and assess air quality within their area.
- 4.4 Local authorities have enforcement duties in relation to air pollution that support those of the government, the Environment Agency, and of other local authority planning activities such as land use and transport planning. Local authorities have to review and assess ambient levels of air quality in their areas; to designate local Air Quality Management Area's (AQMA's) where there are issues around national air quality objectives and take action to work towards meeting those objectives. Around 130 authorities

have designated AQMA's mainly in urban areas along busy roads and in some industrial areas. In Chesterfield there is a designated AQMA at Church Street, Brimington.

- 4.5 Although the implementation of our air pollution duties at a local level may be difficult to quantify, it is clear that the planning functions of local authorities (both in land use planning and transport planning) can make a major impact in controlling and reducing air pollution.
- 4.6 The planning process has a significant role to play in ensuring health and wellbeing, new development to be sustainably located (to limit traffic growth and encourage active travel) and constructed, including securing measures to mitigate impact on air quality through planning permissions.
- 4.7 The Council has worked closely with other East Midlands local authorities as part of the 'East Midlands Air Quality Network' and seeks to promote joint working to reduce regulated road transport emissions, primarily Oxides of Nitrogen (Nox) and particulates (as coarse PM10 and fine, PM2.5, fractions).
- 4.8 The Technical Guidance document in Appendix 1 to this report sets out guidance for dealing with all planning applications where air quality needs to be addressed. The document is aimed at helping developers provide the information needed to demonstrate that the proposed development will improve the environment and promote health. This will be achieved by preventing new emissions, and encouraging emission reduction. The overall aim is to improve activity and facilitate healthy lifestyle choices by the population as a whole. The main focus of the document is on traffic-sourced pollution (as this is the main cause of pollution), but also addresses static sources (such as boilers, incinerators, etc.). The document breaks the advice into a stepped approach, becoming more directed and specific at each step. The document also addresses the impact of construction work, particularly in large scale developments.
- 4.9 The Technical Guidance document is not a formal Supplementary Planning Document (SPD), as these need to be prepared and consulted on accordingly to specific requirements. Instead it provides valuable guidance on how and when air quality assessments required as part of a planning application should be undertaken and assessed, measures that can be used to mitigate the impact on air quality, and will be a material consideration in determining relevant planning applications.

5.0 **Alternative options**

5.1 To support local authorities with the delivery of their statutory air quality functions there is a wealth of air quality guidance available. However; there is a lack of national guidance to support developers at the planning stage when considering air quality issues and mitigation as part of their application. This Technical Guidance document provides that guide for developers at a local level.

5.2 At the time of writing this report there are no alternatives.

6.0 **Implications for consideration – Council Plan**

6.1 Make Chesterfield a thriving borough by ensuring that Chesterfield is the best place to live, work and visit.

6.2 Improving the quality of life for local people by ensuring that measures to mitigate air pollution across the Borough are implemented when new residential and commercial developments are built.

6.3 Providing value for money services by ensuring that those responsible for new developments contribute towards the mitigation measures.

7.0 **Implications for consideration – Financial and value for money**

7.1 There are no financial implications arising directly from this report.

8.0 **Implications for consideration - Legal**

8.1 There are no legal implications arising directly from this report.

9.0 **Implications for consideration – Human Resources**

9.1 There are no implications arising directly from this report.

10.0 **Implications for consideration - Risk management**

10.1 The Council is responsible for monitoring air quality across the Borough and where there are breaches air pollutants the Council must work with key stakeholders to implement mitigation measures to improve local air quality. Details of the risks associated with the absence of a technical guidance document are in Table 1.

Table 1 – risks with the absence of a guidance document

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
UK has been referred to the EU court of Justice for failure to respect limit values for NO2	High	Medium	Addressing air quality issues at a local level	Medium	Low
Poor air quality across Chesterfield	High	Medium	Addressing air quality issues at a local level as part of the planning process	Medium	Low

11.0 Implications for consideration – community wellbeing

11.1 Improving air quality at a local level can improve the health and wellbeing of residents and ensure that Chesterfield is a healthy location to live, work and visit.

12.0 Implications for consideration – Economy and skills

12.1 There are no issues arising from this report.

13.0 Implications for consideration – Climate Change

13.1 Air quality is a key environmental issue. The Technical Guidance will help ensure the Council is meeting its obligations regarding air pollution.

14.0 Implications for consideration – Equality and diversity

14.1 A preliminary Equalities Impact Assessment has been completed and no group is anticipated to face a disproportionate negative impact.

Decision information

Key decision number	995
Wards affected	All

Document information

Report author	
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Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	
Appendix 1	East Midland Network (Chesterfield) Air Quality Technical Guidance document.