

AIR QUALITY MANAGEMENT: PROTECTING HEALTH AND ADDRESSING CLIMATE CHANGE SUPPLEMENTARY PLANNING DOCUMENT (SPD)

REPORT TO THE EXECUTIVE



DATE	17 February 2020
PORTFOLIO	Economy and Growth
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PURPOSE

1. The purpose of this report is to seek approval to undertake formal public consultation on a draft Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Planning Document (SPD).
2. The draft SPD (attached at Appendix A) has been prepared to support the implementation of Burnley's Local Plan. Once adopted, it will become a material consideration to be used in the determination of relevant applications.

RECOMMENDATION

3.
 - (1) That Executive approve the draft Air Quality Management: Protecting Health and Addressing Climate Change SPD for public consultation for a six-week consultation period commencing on 27 February 2020.
 - (2) That, up to the start of the consultation period, the Strategic Head of Economy and Growth be authorised by the Executive to make minor changes to the wording or layout of the draft SPD, providing that the changes do not materially change the meaning of the consultation document.

REASONS FOR RECOMMENDATION

4. To meet the Council's commitment to preparing an Air Quality SPD as set out in Burnley's Local Plan and the Council's Local Development Scheme (LDS) and to seek comments in accordance with the relevant regulations and commitments in the Council's Statement of Community Involvement (SCI).
5. To meet the Council's commitments set out in the 2019 Air Quality Annual Status Report (ASR) in fulfilment of Part IV of the Environment Act 1995

SUMMARY OF KEY POINTS

Background

6. Whilst the primary focus of this SPD is on the transport impacts of new development in relation to air quality and the direct impacts on health, it is also recognised that reducing and mitigating air pollution from transport emissions has co-benefits in relation to addressing climate change. The SPD sets out the requirements for and scope of air quality assessments to support planning applications and appropriate mitigations, to meet the requirements of Local Plan Policies NE5 and IC2 in particular. A number of other aspects of addressing health and climate change are/will be addressed in other SPDs (see separate Local Development Scheme report elsewhere on the agenda).

Early Development and Consultation

7. The Low Emission Partnership is a group of local authorities working together to protect public health and tackle climate change by reducing emissions from road transport. The Partnership promotes ambitious joined up action to reduce both emissions of toxic air pollutants and greenhouse gases, delivered by cost effective and practical interventions supported by robust impact assessment. It specialises in two broad areas: (i) accelerating the adoption of low emission transport fuels and technology and (ii) use of emission based assessment to support policy and action. Their overall aim is to achieve and evidence significant emission reductions from local transport.
8. In collaboration with the Low Emission Partnership, Lancaster City Council previously developed draft planning guidance for the management of emissions and air quality at development sites. Building on this work, the Low Emission Partnership developed design options and templates for other local authorities wishing to adopt a similar approach. This work formed the basis for the Draft SPD.
9. However, the draft SPD has been further developed to relate to the policies of Burnley's Local Plan and to give more specific recommendations on necessary and acceptable mitigations taking into account more local circumstances, including the work undertaken by the Council's Environmental Health Officers to prepare an Air Quality Annual Status Report (ASR) in fulfilment of Part IV of the Environment Act 1995 i.e. to review the present and likely future air quality within its area. Local authorities are required to submit an ASR each year. The most recent report, which is available on the Council's website, was published in June 2019.
7. During the preparation of the draft SPD, early and informal consultation took place on its scope and content with internal officers, specifically those whose work relates to the issues within the document e.g. Environmental Health who have assisted in the drafting of the document.

Strategic Environmental Assessment

8. SPDs no longer require Sustainability Appraisal (SA) but can require Strategic Environmental Assessment under Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment ('the SEA Directive') and through UK legislation i.e. Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations').
9. Councils must carry out a screening process to determine whether relevant plans or

programmes are likely to have significant environmental effects, and hence whether SEA is required. Where the Council determines that SEA is not required, it must prepare a statement setting out the reasons for this determination. Before coming to a conclusion on this matter, the Council is required to consult with three specific consultation bodies namely: Historic England, Natural England and the Environment Agency. The three bodies have confirmed their agreement with the Council's conclusion on this matter and the Council made a determination on 11 December 2018 that SEA is not required.

Proposed Consultation

10. Under the Town and Country Planning (England) Regulations 2012 there is a requirement for a minimum of four weeks public consultation on all SPDs. The Council's adopted Statement of Community Involvement (SCI) however extends this to period to six weeks to allow more time for interested parties to respond.
11. Consultation on the draft SPD will include notification to all those required to be notified by legislation and all others on the Local Plan consultation database, together with advertisement on social media and the Council's website. The document will also be made available at the Contact Centre and main libraries.
12. A revised SPD will then be prepared taking into account the consultation responses received and will be presented to Executive for formal adoption in summer 2020.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

13. The work will be completed within existing officer resources and the costs associated with consultation and production will be met within existing budgets. As such there are no financial implications directly associated with this report.

POLICY IMPLICATIONS

14. The Air Quality Management: Protecting Health and Addressing Climate Change SPD will be a material consideration when considering relevant applications. Its production fulfils an existing commitment in Burnley's Local Plan, the Council's LDS and 2019 Air Quality Annual Status Report.

DETAILS OF CONSULTATION

15. None

BACKGROUND PAPERS

16. None

FURTHER INFORMATION

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