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Cabinet Member

10 December 2018

**Name of Cabinet Member:**

Cabinet Member for Housing and Communities – Councillor Ruane

**Director Approving Submission of the report:**

Deputy Chief Executive - Place

**Ward(s) affected:**

All

**Title:**

Air Quality Supplementary Planning Document – Revised Draft.

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Is this a key decision?

No.

Air Quality Supplementary Planning Document – Revised Draft.

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**Executive Summary:**

This Supplementary Planning Document (SPD) is intended to provide technical guidance and support to Environmental Policy EM7 set out in the Local Plan. The Local Plan provides the framework for determining planning applications across Coventry following its adoption on the 5th December 2017. This SPD has been developed in partnership between the Council's Planning, Environmental Protection and Public Health functions and is intended to support ongoing joint working on all matters of air quality through the planning process. The report summarises the principles set out in the draft Air Quality Supplementary Planning Document (SPD).

**Recommendations:**

The Cabinet Member is requested to:

1. Note the consultation statement included at appendix 1.
2. Approve a final round of consultation on the Air Quality SPD. The consultation is proposed to run for 6 weeks between Monday 7 January 2019 and Monday 18 February 2019.

**List of Appendices included:**

Appendix 1 – Air Quality Supplementary Planning Document (SPD).  
Appendix 2 – SPD Consultation Statement

**Background papers:**

West Midlands Low Emissions Towns & Cities Programme Good Practice Air Quality Planning Guidance [https://go.walsall.gov.uk/low\\_emissions\\_towns\\_and\\_cities\\_programme](https://go.walsall.gov.uk/low_emissions_towns_and_cities_programme)

**Other useful documents:**

The Coventry Local Plan was adopted at full Council on the 5<sup>th</sup> December 2017, with adoption statements issued the following day. This SPD relates primarily to Policy EM7 of the Local Plan. The Local Plan can be viewed via the following link:

[http://www.coventry.gov.uk/downloads/download/4881/adoption\\_statements](http://www.coventry.gov.uk/downloads/download/4881/adoption_statements)

**Has it been or will it be considered by Scrutiny?**

No.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No.

**Report title:**

Air Quality Supplementary Planning Document – Revised Draft.

**1. Context (or background)**

- 1.1 The planning process has a significant role to play in ensuring health and wellbeing by encouraging greater levels of sustainable development, including measures to secure air quality improvements. The entire city is currently a designated Air Quality Management Area and so all planning applications must be assessed in accordance with Policy EM7: Air Quality as set out in the Coventry Local Plan, 2017.
- 1.2 The commitment to produce an Air Quality SPD in Coventry is outlined in the Coventry Local Plan, Policy EM7 – Air Quality. The SPD will reduce the burden on developers in Coventry in relation to air quality, help demonstrate that the city is committed to European air quality requirements and will also promote electric vehicle use across the city.
- 1.3 Major applications will still be required to provide air quality assessments but these will be used to require bespoke mitigation which may exceptionally include environmental damage costs to be paid by the developer to offset any potential impacts on local air quality levels. Monies raised from these developments could then be used to deliver air quality based programmes or schemes to improve and monitor air quality in the local area. In areas where the air quality objective is borderline or already exceeded, the Council will continue to resist inappropriate development proposals.
- 1.4 The Council has worked closely with the other West Midlands local authorities as part of the Department for Environment, Food and Rural Affairs (Defra) supported West Midlands Low Emission Towns & Cities Programme (or LETCP for short). The LETCP 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). Building on policies and measures designed to encourage a shift to sustainable transport modes, the LETCP seeks to target emission improvements of buses and taxis through the accelerated take-up of cleaner fuels and technologies and by discouraging the use of high emission vehicles.
- 1.5 The impacts of poor air quality can extend across local authority boundaries. To enable a consistent approach to implementation across Coventry and its neighbouring areas, the draft Air Quality SPD has been developed in partnership with the Coventry and Warwickshire authorities. This has included representatives from planning, environmental health and public health which has enabled important contributions from these specialist service areas. To support the improvement in the city's air quality the revised draft SPD should be applied in conjunction with the Low Emissions Strategy and Good Practice Guidance on Planning and Procurement for the West Midlands (2014) developed by the LETCP. All major developments will therefore be required to undertake full air quality assessments. Where appropriate exposure assessments will also apply to smaller developments in accordance with this guidance.
- 1.6 The revised draft SPD is attached as an Appendix to this report. The SPD sets out guidance for dealing with all planning applications where air quality needs to be addressed. The document:
  - Explains why air quality is important in Coventry and sets out the existing policy framework. In short, this involves simplifying the consideration of air quality impacts associated with development schemes and focusing on incorporating mitigation at

the design stage, countering the cumulative impacts of aggregated developments, providing clarity to developers and defining sustainability in air quality terms.

- Presents the methodology for identifying development proposals where an air quality assessment will be required, and the processes involved;
- Identifies the types of development such as shops, offices, housing and hotels as a few examples. Where appropriate, air quality mitigation measures are specified, including electric vehicle charging points that will be required to offset any incremental increase in pollutant emissions; and
- Proposes various options for site specific mitigation such as plug in vehicle re-charging and measures to support more sustainable modes of travel to protect future occupiers from poor air quality, and how such measures will be secured and delivered.

## **2. Options considered and recommended proposal**

- 2.1 Two options have been considered in relation to this report. The first has formed the recommendations of this report and is to note the responses to the consultation and to approve the revised draft SPD for public participation.
- 2.2 The second option is to not approve this document 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 new policy which could generate greater inconsistency in evidence submitted in support of applications and lead to greater resource pressure for planning officers managing day to day caseloads. Therefore, the SPD is important to the correct understanding of the policy within the new Local Plan.

## **3. Results of consultation undertaken**

- 3.1 An initial stage of public consultation was undertaken between 8<sup>th</sup> August and 21<sup>st</sup> September 2018.
- 3.2 A total of 18 responses were received via email and post as well as a range of informal comments and suggestions made through stakeholder meetings and consultation drop in events. A summary of the representations made and the proposed action in response to the representations are set out in appendix 2. In general terms the comments were supportive of the SPD with comments focusing more on matters of principle, technical adjustment or general observations. They can be summarised as follows:
  - Need for more monitoring of air quality across the city.
  - Clearer monitoring targets including for particulates.
  - More actions to address the impacts of cars – not just buses and HGV's.
  - More details about acceptable charging mechanisms for electric cars.
  - Greater clarification around planning permission being consistent with an up to date Air Quality Plan.
  - Need to be clearer on benefits linked to green infrastructure.
- 3.3 A revised draft SPD has been developed as a result of the consultation and is available to view in Appendix 1.

## **4 Timetable for implementing this decision**

- 4.1 The Warwickshire authorities are using the evidence base for their own purpose, but it is proposed that a statutory period of public participation on the revised draft SPD in Coventry be for a period of six weeks as specified in the recommendation. During that time, the document will be made available at the Customer Service Centre, the Council's website, and statutory consultees and key stakeholders will be notified and engaged in line with the Council's Statement of Community Involvement (or SCI for short).
- 4.2 It is expected that a further report will be taken to Cabinet with a recommendation to adopt the SPD later next year.

## **5 Comments from the Director of Finance and Corporate Services**

### **5.1 Financial implications**

Unlike the Local Plan or an Area Action Plan, a SPD is not subject to public examination. It therefore does not incur the same level of costs as a higher level Plan. As such, any costs associated with the delivery of this SPD will be met through existing budgets attributed to the Planning and Housing Policy team.

### **5.2 Legal implications**

Supplementary Planning Documents are produced under the Planning and Compulsory Purchase Act 2004 (as amended) and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This revised draft SPD has been produced in accordance with the relevant legislation and regulations. SPD's are subject to supporting evidence and consultation but are not publicly examined or subject to Sustainability Appraisal. As such, their 'material weight' in planning terms is less than that of a Local Plan, Area Action Plan or other Development Plan Documents. Notwithstanding, SPD's must be adopted by a resolution of the Local Planning Authority and are still important planning policy documents that provide technical guidance and supporting information to those submitting planning applications. A SPD does not introduce new policy, instead it builds and expands upon those set out in the higher level plan (in this case the new Local Plan) to ensure they are interpreted and delivered in the most efficient and effective way.

## **6 Other implications**

None.

### **6.1 How will this contribute to achievement of the Council's Plan?**

- A prosperous Coventry: the Air Quality SPD would help contribute to the overall prosperity of Coventry residents by having a proactive and structured approach to help enable continued investment and regeneration through the statutory policy making process;
- Citizens living longer, healthier, independent lives: choosing the right approach to tackling air quality issues through the planning process would help promote improvements to the existing built environment in the city.
- Making Coventry an attractive and enjoyable place to be: Choosing the right approach to good air quality would help promote improvements to the existing built environment. This would also create opportunities to develop and regenerate supporting increased investment through healthy living and clean air

- Providing a good choice of housing: Good air quality would ensure that housing need is adequately planned and supported so that sufficient new homes are appropriately planned to meet the needs of local people.
- Making places and services easily accessible: New homes and job opportunities will be brought forward in a planned and sustainable way. In practical terms this will help ensure the right amount of new development happens to ensure that air quality is not adversely affected.
- Encouraging a creative, active and vibrant city: New infrastructure, supported through the air quality SPD would facilitate and enable job opportunities to be brought forward in a planned and sustainable way. In practical terms this will help ensure the right amount of new development happens to ensure that services are viable and accessible.
- Developing a more equal city with cohesive communities and neighbourhoods: By planning proactively for good air quality, the SPD could help to ensure that more people will be adequately housed in a clean and safe environment, with greater access to new jobs, leisure provisions and community facilities.
- Improving the environment and tackling climate change: The successful implementation of SPD would help seek to mitigate the impacts of development on the environment through the policies and proposals on which they are based. The Plan would also help bring about improvements to areas currently experiencing poor air quality.

## **6.2 How is risk being managed?**

The main risks associated with the Air Quality SPD could arise from the failure to comply with the laws and regulations relating to Planning, Strategic Environmental Assessment processes and not exercising local control of developments. For example, the UK has been referred to the EU Court of Justice for failure to respect limit values for nitrogen dioxide (NO<sub>2</sub>), and for failing to take appropriate measures to keep exceedance periods as short as possible. This could lead to EU fines and associated penalties if non-compliance continues. These risks would be adequately managed through the agreement of the recommendation in this report.

## **6.3 What is the impact on the organisation?**

No direct impact.

## **6.4 Equalities / EIA**

A key aspect of the planning process is to mitigate any potential adverse impacts of development. Having an Air Quality SPD in place would assist the Council in developing sites and regenerating the city whilst reducing the potential adverse effects of increased development on air quality. It is also important to note that the SPD has been prepared in accordance with the Councils Local Plan which was subject to an EIA.

## **6.5 Implications for (or impact on) the environment**

Although the revised draft Air Quality SPD does not require a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA), any potential implications could be managed appropriately through existing planning processes and will not unduly impact on the area's most sensitive and highest value natural environments. Air quality is a key environmental issue. The revised draft SPD will help ensure the Council is meeting its obligations regarding air pollution.

## 6.6 Implications for partner organisations?

None.

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This report is published on the council's website:

[www.coventry.gov.uk/councilmeetings](http://www.coventry.gov.uk/councilmeetings)

Appendix 1 – Revised Draft Air Quality SPD

Appendix 2 – SPD Consultation Statement