

## **12.0 Planning and Air Quality Policies**

The land use planning system plays an integral part in improving air quality. This requires close co-operation between planners and environmental protection officers. This chapter describes the Environmental Protection Unit's procedure to ensure the air quality impact of proposed new developments is adequately assessed. The chapter also considers and lists the air quality planning policies which determine City of York Council's approach to planning and air quality issues.

### **12.1 Assessment of planning applications by EPU**

Planning applications are brought to the attention of the Environmental Protection Unit in two ways:

- 1) A list of recently submitted planning applications is received by the Environmental Protection Unit every week.
- 2) Certain applications are automatically notified to EPU by the planning department

The weekly list of planning applications is inspected by officers working in the fields of air quality, contaminated land and noise. Any plans considered likely to impact on any of these areas of work are then looked at in more detail by the relevant officers and comments provided to the planning department.

Applications sent across automatically by the planning team are logged onto EPU's service request system and circulated around the team for examination. A co-ordinated response is sent back to the planning department.

Planning applications likely to be commented upon by air quality staff if they are :

- inside the AQMA and likely to give rise to more traffic and/or greater levels of public exposure
- in an existing area of poor air quality and will introduce receptors where currently there are none
- in an area of 'borderline' air quality and there is a possibility that traffic related to the development may result in a future breach of the air quality objectives
- likely to require > 300 parking spaces and /or result in a > 5% increase in traffic movements compared with existing conditions
- introducing lorry or coach parking and/or a significant increase in the number of movements by these types of vehicles

- one of a number of developments in the same area which may have a cumulative impact on local air quality
- likely to give rise to significant emissions to air from a non-traffic related source

This list is not exhaustive and applications may occasionally be examined for other air quality reasons.

Planning applications which support the objectives of AQAP2 are generally welcomed by EPU staff. For example, developments which have low levels of parking and which support walking, cycling or public transport measures. Developments within the AQMA are generally allowed if they do not result in further public exposure or large increases in traffic flow. In most cases it is possible to design out exposure by locating 'habitable' rooms away from roadside facades or by providing mechanical ventilation. Planning conditions are routinely used to implement such measures. In some cases funding for air quality monitoring and transport measures has been secured through the planning process.

Where possible EPU staff always try to commence discussions on environmental planning issues prior to submission of the actual planning application. This is achieved by involvement in pre-planning discussions and good links with the city strategy team.

## 12.2 Air Quality Planning Policies

There are a number of planning policies and guidance notes which are used by CYC air quality staff when considering planning applications. These are:

- **Local Plan : Policy GP4b “Air Quality”** – this policy lists the conditions under which developers must assess the impact of their development on air quality. It also discusses the concept that, where appropriate, applicants will be expected to sign an agreement under section 106 of the Town and Country planning Act 1990 to ensure that mitigation measures deemed necessary for the development to proceed are carried out. As the CYC Local Plan has not been formally adopted Policy GP4b has limited legal status.
- **PPS23 : Planning and Pollution Control** – PPS23 is a national planning guidance note. It states that air quality issues arising from development are capable of being material planning considerations, particularly where development is inside or adjacent to an AQMA; where the development could result in the declaration of an AQMA; or where the development could conflict with, or render unworkable, elements of the local authorities Air Quality Action Plan.
- **LAQM Policy Guidance Note LAQM.PG(03)** – this is a DEFRA issued guidance note relating to local air quality management. It offers general advice on how air quality issues can be incorporated into planning

decisions. Most importantly it states that '*It is not the case that all planning applications for developments within or adjacent to AQMAs should be refused..*'.

- **NSCA Guidance Note – Development Control: Planning for Air Quality (2006 update)** – this is the second air quality and planning guidance note issued by the NSCA (National Society for Clean Air). It provides detailed advice on how to assess the significance of air quality issues within planning applications and offers advice on appropriate mitigation measures. Whilst it has no official legal status it is the most comprehensive guidance on planning issues currently available to air quality professionals.
- **City of York Council Supplementary Planning Guidance (SPG) on Air Quality** – Due to the complex nature of air quality and planning issues a local guidance note on air quality has been drawn up by the environmental protection unit. Internal consultation on this document has just commenced. It is hoped that eventually the document will be adopted as Supplementary Planning Guidance. The document details under what conditions developers will be expected to submit air quality impact assessments, what information they will be expected to contain and how the conclusions will be assessed by CYC. The note will also offer advice on suitable mitigation measures and specify under what conditions developer contributions towards on going air quality work will be expected. Work to refine the latter part of the document is still in progress.

### **12.3 Planning applications currently awaiting decisions**

The purpose of this section of the report is to log any proposed new local developments so that they may be considered more thoroughly during the next full round of review and assessment. Progress reports provide the opportunity to log planning applications for new developments to give a picture of areas where changes may take place and where combined impacts from several developments may become important. Detailed information about sites currently awaiting planning decisions, or likely to be under consideration in the near future, was given in Chapter 10. A further summary is provided in table 28 for ease of reference.

**Table 28: Summary of current and expected planning applications**

<b>Site</b>	<b>Proposal</b>	<b>Current status</b>	<b>Comment</b>
Nestle South	Mixed use development of previous chocolate factory site	Pre-planning stage Development brief has been prepared	Site close to AQMA. Detailed air quality impact assessment will be required
Castle Piccadilly	Mixed use development of city centre site	Pre-planning stage following refusal of previous two applications and drawing up of a revised development brief	Site currently a large long stay car park – change in use likely to have minimal air quality impact.
York NorthWest	Very large mixed use development site close to city centre	Pre-planning stage – area action plan currently being produced	Site likely to have large implications for air quality. Detailed air quality impact assessment will be required.
Terry's Suchard	Mixed use development of previous chocolate factory site	Planning application currently being considered	Air quality impact assessment submitted. Predicts very little change in air quality as a result of the proposal. No objections raised.
Derwenthorpe / Metcalfe Lane	540 new homes on greenfield site	Outcome of appeal awaited	Air quality impact assessment submitted and cumulative assessment undertaken for this site and university application. No grounds for refusal.
University of York Campus 3	New campus on greenfield site	Outcome of appeal awaited	Air quality impact assessment submitted and cumulative assessment undertaken for this site and Metcalfe Lane. No grounds for refusal
Germany Beck	700 new houses on Greenfield site	Outcome of public enquiry awaited	Air quality impact assessment submitted- no grounds for refusal