

Title of Report	DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)	
Presented by	Councillor Keith Merrie Planning and Infrastructure Portfolio Holder keith.merrie@nwleicestershire.gov.uk	
Background Papers	National Planning Policy Framework National Planning Practice Guidance North West Leicestershire Local Plan Statement of Community Involvement (February 2019)	Public Report: Yes Key Decision Yes
Financial Implications	The cost of preparing the SPD is being met through existing budgets. Signed off by the Section 151 Officer: Yes	
Legal Implications	None from the specific content of this report. The preparation of the SPD will need to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	No staffing implications associated with the specific content of this report. Links with the Council's Priorities are set out at the end of the report. Signed off by the Head of Paid Service: Yes	
Purpose of Report	This report presents a draft Air Quality Supplementary Planning Document for Cabinet's consideration with a recommendation that it be referred on to Local Plan Committee. The SPD will provide additional guidance about the application of the Council's planning policies for air quality.	
Recommendations	THAT CABINET REQUESTS THE LOCAL PLAN COMMITTEE APPROVES THE DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT IN APPENDIX A FOR PUBLIC CONSULTATION.	

1. BACKGROUND

- 1.1 At its meeting of 8 December 2020, Cabinet approved an Air Quality Delivery Plan. Amongst the actions included for undertaking within 24 months was the preparation of a Supplementary Planning Document "to recognise the importance of air quality as a material planning consideration and to help ensure consistency in the approach to dealing with air quality when determining planning applications in the District, including the approach to mitigation".
- 1.2 A Supplementary Planning Document (SPD) is a document which provides further information about a policy or policies in a development plan. An SPD can be a helpful way to provide guidance on such matters as how a policy should be interpreted in development control decisions, what information applicants need to supply to meet the requirements of a policy and procedural arrangements. Importantly an SPD is not itself part of the development plan, but it is capable of being a material consideration in planning decisions. In addition, an SPD cannot be used to change or add to the policies in the adopted Local Plan. Such policy changes can only be made through the Local Plan Review.

2. DRAFT AIR QUALITY SPD

2.1 As outlined, the primary instigation for the SPD was the need to recognise the importance of air quality when considering proposed developments.

2.2 Policy D2 of the adopted Local Plan states:

Proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. As such, development proposals will be supported where:

- 1) *They do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact.*
- 2) *They do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.*

Development which is sensitive to noise or unpleasant odour emissions will not be permitted where it would adversely affect future occupants.

Proposals for external lighting schemes should be designed to minimise potential pollution from glare or spillage of light. The intensity of lighting should be necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

The Council will prepare a Supplementary Planning Document which will include new Development Guidelines.

2.3 The SPD has been prepared on behalf of the Council by the same consultant who has previously provided advice to the Council on its Air Quality Action Plan.

2.4 As such the SPD seeks to:

- Aid consideration of air quality in the planning process as required by Policy D2;
- Assist with the delivery of the Council's Air Quality Action Plan;
- Contribute to sustainable development in air quality terms
- Outline when an air quality assessment is necessary to support a planning application and the requirements for assessing the air quality impacts of a development including:
 - the determination of impacts
 - calculation of damage costs; and
 - identification of measures to be implemented to reduce, minimise or mitigate the impact of development on air quality
- Provide clarity and consistency to developers and their consultants, on the consideration of air quality by the Council; and

- Outline good practice to reduce emissions and exposure for all developments at the outset, at a scale commensurate with the emissions.

2.3 SPDs do not require a Sustainability Appraisal. A Strategic Environmental Assessment screening is not required for this SPD as the environmental effects of the Local Plan policies to which the SPD relate, have previously been tested through the Local Plan process.

3. NEXT STEPS

3.1 Formulation of an SPD is an Executive function, but adoption is a Council function which has been delegated to the Local Plan Committee.

3.2 Therefore, Cabinet is asked to request the Local Plan Committee of 27 September 2022 to approve the draft SPD go out to public consultation. The Town and Country Planning (Local Planning) (England) Regulations 2012 require a minimum of four weeks for consultation, but it is the Council's established practice as set out in the Statement of Community Involvement to undertake consultation over a six week period.

3.3 Following the public consultation, a further report considering the responses to the consultation and amending the draft SPD as necessary will then need to be brought back to Cabinet and then to the Local Plan Committee for final approval.

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of the Air Quality SPD will be particularly relevant for the following Council Priority; - Our communities are safe, healthy and connected
Policy Considerations:	Adopted Local Plan National Planning Policy Framework
Safeguarding:	None specific
Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	The decision, of itself, will have no specific impact. The SPD, if approved, will have social benefits by supporting the delivery of affordable housing in the District
Environment and Climate Change:	The decision, of itself, will have no specific impact.
Consultation/Community Engagement:	The draft SPD will be published for consultation. The consultation arrangements will be governed by the Council's Statement of Community Involvement.
Risks:	None specific.
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