



NORTH DEVON AND TORRIDGE LOCAL PLAN 2011-2031

Air Quality Supplementary Planning Document (SPD) Consultation Statement

October 2020



If you have any queries or questions relating to this document please get in touch using the details shown below:

Torridge District Council
Riverbank House
Bideford
EX39 2QG

localplan@torridge.gov.uk
01237 428700

North Devon Council
Lynton House
Commercial Road
Barnstaple
EX31 1DG

localplan@northdevon.gov.uk
01271 388288

All maps © Crown copyright and database rights 2020 Ordnance Survey 100021929 and 100022736 EUL. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

1 Introduction	2
2 Background	2
3 Preparation of the SPD and early stakeholder engagement	2
4 Consultation on the SPD	3
5 Consultation Responses to the SPD	4
6 Analysis of Consultation Responses to the SPD	11
7 Amendments made as a result of Consultation Responses to the SPD	14
8 Minor amendment to agricultural guidance in SPD	16
9 Adoption of the SPD	16

1 Introduction

1.1 This statement sets out how North Devon and Torridge District Councils have engaged the local community and various stakeholders in preparing the Air Quality SPD, as well as setting out the work undertaken in preparing this SPD.

1.2 Under Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 it is a requirement to prepare and make available a Consultation Statement setting out:

- the persons the local planning authority consulted when preparing the supplementary planning document;
- a summary of the main issues raised by those persons; and
- how those issues have been addressed in the supplementary planning document.

1.3 This statement is a record of consultation undertaken during the production stage of the SPD prior to formal public consultation, as well as the consideration by the Councils of comments received during the public consultation. The community engagement was undertaken in accordance with the procedures set out in the Councils' Statements of Community Involvement (2014 and 2015).

1.4 This final consultation statement is published alongside the adopted Air Quality SPD.

2 Background

2.1 The Air Quality SPD has been prepared to assist with the implementation of policies contained within the North Devon and Torridge Local Plan 2011-2031 (adopted October 2018). This SPD supplements a number of policies the most relevant of which are DM02: *Environmental Protection*, ST03: *Adapting to Climate Change and Strengthening Resilience*, as well as BRA(h): *Spatial Development Strategy for Braunton and Wrafton*. These policies seek to avoid operation and occupation of new development and/or demolition and construction during development from affecting air quality adversely.

2.2 An Air Quality Management Area was declared by North Devon Council along Caen Street in Braunton in 2011. One of the measures identified within the Air Quality Action Plan was developing a supplementary planning document (SPD) regarding air quality. This SPD fulfils this objective, albeit it will help to safeguard and improve air quality across northern Devon as a whole.

3 Preparation of the SPD and early stakeholder engagement

3.1 In preparing the draft SPD, informal consultation has been carried out with a range of internal officers at North Devon Council and Torridge District Council including Environmental Health officers and highway officers at Devon County Council. Once the SPD was in draft form, it was provided to the Councils' Development Management and Planning Policy Teams from which a range of proposed changes were identified and, as considered necessary, incorporated into the document.

3.2 Minor editorial changes were also made to the draft SPD as a result of being considered at two separate Joint Local Plan Working Group meetings in the interest of consistency.

4 Consultation on the SPD

4.1 Public consultation took place from 26th September to 8th November 2019. The statutory minimum period for consultation on a draft SPD is four weeks, however to ensure that all interested parties have the opportunity to respond, this was extended to six weeks.

4.2 The following stakeholders were notified directly of the draft Air Quality SPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) via email, or by post where no email address is available. Also, individuals were contacted who had advised us that they wished to engage in the preparation of planning policy documents. The stakeholders who were contacted are set out in the Councils' adopted Statements of Community Involvement (2014 and 2015). In summary these stakeholders include, but are not limited to:

- Specified Consultation Bodies;
- Local Parish Councils;
- Local Members;
- Devon County Council;
- Adjacent Local Planning Authorities;
- Delivery partners, including landowners, developers, infrastructure providers, transport providers;
- Community organisations;
- Local businesses;
- General Consultation Bodies: including bodies which represent the interests of different diversity groups including based upon age, race, religion, disability; and organisations representing other interests e.g. environment, sports, heritage.

4.3 Residents across northern Devon, local community organisations and local businesses were informed by:

- a public notice in the North Devon Journal;
- a press release to local media; and
- information on the Councils' websites and consultation portal.

4.4 The draft SPD was available to view at the following locations:

- online via the Councils' Consultation Portal at: <https://consult.torridge.gov.uk/>
- at council and community offices in North Devon and Torridge; and
- at public libraries throughout northern Devon.

4.5 Representations could be made:

- online via the consultation portal at <https://consult.torridge.gov.uk/>
- by email to localplan@northdevon.gov.uk / localplan@torridge.gov.uk
- by post or in person to:
 - Planning Policy Team, North Devon Council, Lynton House, Commercial Road, Barnstaple, EX31 1DG
 - Planning Policy Team, Torridge District Council, Riverbank House, Bideford, EX39 2QG

4.6 Any representation could be accompanied by a request to be notified of adoption of the SPD.

5 Consultation Responses to the SPD

5.1 A total of 57 representations were received from 8 separate respondents in response to this draft SPD. The responses received are summarised below, set out in the order of relevant paragraphs in the draft SPD.

Table 5.1 Consultation Responses to draft Air Quality SPD

Paragraph	Summary of key Issues	Representation ID (aq)
Introduction		
1.1	There is plenty of scientific evidence that poor air quality causes various illnesses and even kills. Councils have a responsibility to protect their citizens.	4 (E.Wood)
1.1	It is scientifically proven that poor air quality kills, and councils should do all in their power to ensure air quality is good.	6 (E.Wood)
1.2	Councils must act responsibly, monitor air quality and take appropriate measures to ensure air quality is so good that it will not harm the health of citizens or of ecosystems.	5 (E.Wood)
1.3	Councils must regularly test air quality and promptly put in place measures to ensure the quality is so good that it promotes health.	15 (E.Wood)
1.4	I support the first two sentences, but worry about the third. Too often economic considerations are prioritised, and building is allowed because it is believed to stimulate the local economy or, more often because government policy forces it on local councils who probably know better. Too much building is taking place affecting air quality, causing flooding, destroying agricultural land where we should be growing food locally to reduce transportation. Too many houses in North Devon have become second homes or holiday lets, thus promoting further building to house locals. Holiday-makers should not be allowed to take up whole houses while on holiday. The building of large supermarkets out of town should be halted and reversed - it encourages car use and kills town centres.	8 (E.Wood)
1.5	Adequate and satisfactory mitigation measures have certainly been known for many years to be required in Braunton, but few measures have been taken and none of them satisfactory.	7 (E.Wood)
Policy Overview		

Paragraph	Summary of key Issues	Representation ID (aq)
Section 2	No reference is made to or consideration of UK Government's Clean Air Strategy January 2019 or Defra's Local Air Quality Management Policy Guidance PG16.	45 (Love Braunton)
2.1	Support	16 (E.Wood)
2.3	Agree that North Devon and Torridge Local Plan 2011 – 2031 does make statements that recognise the importance of air quality. Its policies are less explicit. It is the absence of technical detail that this SPD should be addressing. It should be providing guidance as to what constitutes excellent air quality and how it can be built into developments so as to benefit those who live in northern Devon be it urban or rural environment.	46 (Love Braunton)
2.5	Public health should be paramount, so the planning system must guarantee good air quality.	9 (E.Wood)
	Policy DM02: The draft only makes reference to that part of the policy that addresses Air Quality Management Areas and Action Plans. Policy DM02 is in respect of Environmental Protection and its Clause 2 addresses Pollution. Clause 2 part a) of this policy should be added "Development will be supported where it does not result in unacceptable impacts to a) atmospheric pollution by gas or particulates, including fumes, dust, grit, smoke and soot:".	47 (Love Braunton)
2.6	A bit vague, but yes, development and traffic proposals must be conducive to good air quality and thus to health. This has not been the case so far.	10 (E.Wood)
2.7	Support	11 (E.Wood)
2.7	Development should be kept to a minimum. Councils should build houses for locals to rent. All new houses should be passive houses. Second homes and holiday lets should be banned. Agricultural land should be protected and farmers encouraged and supported to grow as much food locally as possible to reduce the need of polluting transportation and to stimulate the economy. Roadbuilding should be halted. No building on the flood plain. Tarmacking and concreting, which add to global warming by reflecting the sun's rays instead of absorbing them, should also be kept to a minimum. Use of fossil fuels should be discouraged. Public transport and the use of electric vehicles and bicycles should be promoted. Organic, mixed farming on small, hedged fields should be encouraged.	14 (E.Wood)
2.8	Support	40 (E.Wood)

Paragraph	Summary of key Issues	Representation ID (aq)
2.8	Policy BRA: This is a very high level statement. Braunton has an air quality issue already as evidenced by its AQMA referred to in paragraph 1.3 of the draft SPD. The draft also needs to acknowledge the potential cumulative impacts of policies BRA01, BRA02 and BRA02A (572 dwellings) on the local environment in terms of emissions (households and traffic) together with traffic movements.	48 (Love Braunton)
2.8	Other policies that are currently omitted from the draft but should be included are: Policy ST02 Mitigating Climate Change: Development will be expected to make a positive contribution towards the social, economic and environmental sustainability of northern Devon and its communities while minimising its environmental footprint by a) reducing greenhouse emissions by locating development appropriately and achieving high standards of design: Policy ST04 Improving the Quality of Design - NDTLP text paras 3.31 and 3.33 in respect of street design and reducing impact of vehicles on residential streets Policy ST05 Sustainable Construction and Buildings – NDTLP text paras 3.34 – 3.37 in respect of carbon dioxide levels and fuel poverty Policy ST16 Delivering Renewable Energy and Heat – NDTLP text para 6.21 states new development should incorporate sustainable design and construction principles to minimise carbon dioxide emissions during construction and throughout the lifetime of the development as set out in Policy ST05 Policy DM04 Design Principles – NDTLP text refers Design Council’s Build for Life as an evaluation tool against which all proposals will be evaluated including "Does the development have any features that reduce its environmental impact?" National Planning Policy Framework’s Environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.	49 (Love Braunton)
2.9	Support	13 (E.Wood)
When an AQIA is required		
Section 3	Section 3 references IAQM document Land – Use Planning and Development Control: Planning for Air Quality and acknowledges that Table 1 in the SPD is derived from an IAQM table. The IAQM document addresses more than a development generating additional traffic movements; it	50 (Love Braunton)

Paragraph	Summary of key Issues	Representation ID (aq)
	emphasises that all development should incorporate good principles of design with regard to minimising emissions and the reduction of impacts on local air quality.	
3.1	Support	17 (E.Wood)
3.2	The SPD is too general in its description of when a formal AQ assessment will be required. A specific set of criteria (eg developments of >10 units) must be incorporated into the SPD. The SPD does not clarify how 'significance' of impact will be assessed. This must be clarified - and a scale of impact developed as part of this policy.	57 (Braunton Neighbourhood Plan Steering Group)
3.2	Support	18 (E.Wood)
3.3	Support	19 (E.Wood)
3.4	Support	20 (E.Wood)
3.6	8 traffic flows per dwelling seems to be an underestimate.	21 (E.Wood)
3.6	Para 3.6 the proposed dwelling trigger number should be the same as the current definition of a major development which is 10 dwellings.	51 (Love Braunton)
3.11	Developments can have a deleterious impact on other towns and villages, as residents of one settlement pass through others on their way to and from work, the shops, places of leisure activity, etc.	22 (E.Wood)
3.13	Support	23 (E.Wood)
3.14	Support	24 (E.Wood)
3.16	Potential adverse impacts on air quality should always be avoided.	25 (E.Wood)
3.17	In case of a potential air quality issue, planning permission should not be granted.	26 (E.Wood)
3.18	Support	27 (E.Wood)
3.19	Support	28 (E.Wood)
3.20	Support	29 (E.Wood)
3.21	Support	30 (E.Wood)
What an AQIA should include		

Paragraph	Summary of key Issues	Representation ID (aq)
4.5	Support	31 (E.Wood)
4.8	Support	32 (E.Wood)
4.9	Support	33 (E.Wood)
How adverse impacts can be avoided, minimised or mitigated		
5.1	Adverse impacts should not be permitted.	34 (E.Wood)
5.2	Do everything possible to reduce car use and the use of road freight transport. Encourage the use of public transport and, for freight, the use of railways and canals. Encourage local production to reduce transportation.	35 (E.Wood)
5.3	Support	36 (E.Wood)
5.4	Am worried about mitigation measures and CIL, which could lead to complacency and increased pollution and the risk of developers bribing cash-strapped councils.	37 (E.Wood)
Designated AQMA		
Section 6	Section 6 specifically addresses the Designated AQMA in Braunton. The section should describe how an AQMA will be established, what improvement/ remedial actions will be required and the priority it is given in funding required to resolve.	53 (Love Braunton)
6.2	Despite identifying measures that would reduce air pollution, precious little seems actually to have been done and air quality has deteriorated.	38 (E.Wood)
6.5	Para 6.5 is correct in respect of the AQMA being a relatively small area, but the SPD does not acknowledge Braunton village centre's geographic location. It is on what is now a significant crossroads for traffic generated by the increased development of Braunton, Croyde and Ilfracombe. Consideration needs to be given to how the impact of future developments in these areas will impact Braunton's AQMA.	54 (Love Braunton)
6.5	The SPD does not take sufficient regard of the effects on air quality within the Braunton AQMA of developments elsewhere - specifically the planned development in Ilfracombe and any potential development in Croyde/Georgeham/Woolacombe. The majority of traffic associated with all these developments will pass through the AQMA and the requirement to consider this impact should be formally incorporated into this policy. The SPD does not	43 (Braunton Neighbourhood Plan Steering Group)

Paragraph	Summary of key Issues	Representation ID (aq)
	incorporate consideration of all the factors that shape or determine air quality. It only deals with the air quality effects of vehicle emissions, and is silent on the issue of domestic fuel and local agricultural practices. Consideration of these issues should be formally incorporated into the policy.	
6.5	The AQMA covers too small an area. Love Braunton's monitoring shows that air quality is poor in many (probably all) parts of Braunton. Admittedly there are peaks and troughs, depending on traffic and other events, e.g. agricultural activity.	39 (E.Wood)
General		
General	Air quality is known to be very poor in Braunton. Unfortunately, North Devon District Council submitted flawed data to Defra which implied air quality was better than it in fact is. Braunton Parish Council's data was more accurate but was not submitted to Defra. Perhaps as a result measures proposed by Devon County Council are very inadequate. There is fear that Braunton may lose its AQMA status and will have even less chance of adequate measures to address the problem. Drastic measures need to be taken to protect the health of Braunton residents.	3 (E.Wood)
General	Have found this document extremely difficult to cope with. I find that my comments have been out of sync, because I've assumed that comments came after the section, but they seem to precede it, in which case it's impossible to read the section one is trying to comment on.	12
General	The Council fully supports the draft Air Quality SPD as it will positively impact Braunton which currently has a declared Air Quality Management Area (AQMA).	42 (Braunton PC)
General	As currently drafted the SPD is very narrow in its provision of guidance. Its content focuses solely on the impact of traffic, traffic growth/movements expedited by planned developments and the measurement/ impact of nitrogen oxide and nitrogen dioxide (NO x). It does not address other causes of air pollution or look to how to achieve/maintain overall air quality across northern Devon. A major omission is that there is no specific reference to national air quality objectives, limits or target values for air pollutants. The SPD makes no reference to Councils' own monitoring activities of air quality or obligations in respect of UK Government legislation. UK Government Guidance Air Quality details what Planning should consider in respect of damaging	44 (Love Braunton)

Paragraph	Summary of key Issues	Representation ID (aq)
	pollutants. It lists 5 (including NOx) that should be considered in the planning process and so should be addressed by this SPD.	
General	Sections 3 – 5: these sections need to be expanded on and could usefully draw further upon guidance given in the IAQM document and exemplar SPDs posted on the Defra Air Quality site. A large gap in the SPD is the principle of recording air quality measurements and targets pre, during and post development activity based on principle of improvement of the environment.	52 (Love Braunton)
General	We recommend that the scope of the SPD is expanded to include guidance on addressing air quality issues arising from agricultural development. It would be useful if the SPD could indicate the type of agricultural activities/projects that are likely to require planning permission and those that are likely to require assessment of air quality impacts. Guidance on the steps to be taken in assessing impacts/mitigation measures would be useful together with information on relevant calculation tools such as the ‘Simple Calculation of Atmospheric Impact Limits (SCAIL)’ tool. This is a suite of screening tools for assessing the impact from agricultural and combustion sources on semi-natural areas like SACs and SSSIs. We also suggest that the SPD provides a link to the Government’s Clean Air Strategy.	55 (Natural England)
General	87% of ammonia is produced by the agricultural sector with dairy, beef, pig and poultry being the major contributors. Ammonia is emitted during housing, storage and spreading of manures and slurries and well as during application of inorganic fertilizers. Ammonia is harmful both to the natural environment and human health. Over 90% of protected sites in England receive amounts of ammonia that exceed critical loads which result in loss of biodiversity, acidification and increased susceptibility to frost and disease. In North Devon and Torridge there are very high background levels of ammonia with examples of international wildlife sites already at c. 150 - 300% of their Critical Loads (i.e. the levels of ammonia and loads of nitrogen deposition above which species will be lost and habitats damaged). As you are probably aware, North Devon and Torridge has a high concentration of dairy farms. Ammonia combines with other pollutants in urban areas such as sulphur dioxide and nitrogen oxides to produce particulates (PM _{2.5}) which are harmful to human health. The UK has adopted legally-binding international targets to reduce emissions of ammonia by 2020 and 2030. The Clean Air Strategy was published in	56 (Natural England)

Paragraph	Summary of key Issues	Representation ID (aq)
	2019 by DEFRA and states that regulations and financial assistance will be introduced to reduce emissions from housing, spreading of manures and application of fertilizers. DEFRA published the Code of Good Agricultural Practice for reducing Ammonia emissions in 2018 which outlines practical steps land managers can adopt to reduce emissions.	
Other Points		
General	The Council does not adhere to local plans what is the point in commenting?	1 (J.Dagnall)
General	Winkleigh Parish Council resolved to respond that they received the consultation, however, in the short timescale to respond they were unable to make any meaningful comment.	2 (Winkleigh PC)
General	The role of the Police Designing Out Crime Officer is to provide appropriate and relevant advice and recommendations to the Planning Authority, Developers and Architects with regard to designing out opportunities for crime, the fear of crime, anti- social behaviour (ASB) and conflict within the built environment.	41 (Devon and Cornwall Constabulary)

5.2 A total of 57 comments were received in response to the consultation, provided by 8 respondents. Of the comments submitted, 3 were clearly unrelated to the draft SPD, otherwise 30 comments indicated support agreeing with the proposed approach, a further 2 comments indicated support subject to an amendment to the supplementary planning document (SPD), and 13 comments stated an objection with 9 comments being of a more general nature.

5.3 In considering the comments received, it was important to recognise that the SPD could only add further detail to the relevant North Devon and Torridge Local Plan (NDTLP) policies to aid their use, both by applicants and the local planning authority in decision making. The SPD could not alter the policy intent or add to its requirements.

6 Analysis of Consultation Responses to the SPD

6.1 The consultation responses received, as set out in Table 1 above, are considered below. This section provides the Councils' response to all the issues raised in relation to the different sections of the SPD. It identifies recommendations where it was considered amendments should be made.

Introduction

6.2 The supporting comments are welcomed. North Devon Council's air quality action plan (AQAP) identifies a package of measures to achieve the 22% reduction in road NOx required in Braunton air quality management area (AQMA) (aq7, aq8). The first of these measures have

started to be delivered but it is recognised that the required reductions of NO_x have not yet been achieved and further cumulative actions are required. No change is recommended to this section of the SPD.

Policy Overview

6.3 Again, the supporting comments are welcomed. It is agreed that one of the purposes for this SPD includes providing technical detail in addressing air quality (aq46).

6.4 During 2019 there has a change in national policy (aq45, aq55). It is considered appropriate to update the SPD to refer to this updated policy context:

- DEFRA's Clean Air Strategy (2019);
- Changes to Planning Practice Guidance (Nov 2019);

It is recommended that the national policy guidance section is updated to reflect this.

6.5 It is accepted that explicit reference should be added for Policy DM02 criterion (2a) for completeness rather than just criterion (3) (aq47). **It is recommended that paragraph 2.5 is amended accordingly.** Whilst the identified policies (paragraphs 2.5 to 2.8) are the most relevant, it is recognised that other policies in the Local Plan could affect air quality indirectly, such as policies relating to design, reducing the need to travel by car and greenhouse gas emissions (aq49). It is not necessary to list all of these policies in the SPD. However, **it is recommended to amend paragraph 2.4 to indicate that only the most relevant policies have been identified.**

6.6 The issues raised (aq14) are noted but extend beyond the scope of both the SPD and adopted North Devon and Torridge Local Plan. Any proposals to minimise development levels, for all homes to be passive homes, to ban second homes and holiday lets and to halt road building cannot be addressed through this SPD. They would need to be addressed through a Local Plan review and/or changes in national policy guidance. Proposed levels of growth in Braunton and Wrafton up to 2031 are set out in the adopted Local Plan. Any future developments on these sites would need to comply with the policies and strategy in the Local Plan as a whole, which includes the objective of improving overall air quality and the guidance to be set out in this SPD. No further changes are recommended to this section of the SPD.

When an AQIA is required

6.7 The range of supporting comments are welcomed. The IAQM does indeed refer to good principles of design for minimising emissions and reducing impacts of air quality (aq50), but its reference here is intended solely to identify when an AQIA is required using nationally prepared thresholds and guidance. It is also mentioned in section 4 as to what an AQIA should include. Whilst IAQM is nationally recognised, it does not form part of national policy so it is inappropriate to list it within national policy context.

6.8 The estimate of 8 daily traffic movements per dwelling came from the local highway authority based on their local evidence (aq21). The IAQM threshold is for 100 annual average daily traffic movements (table 1), which will be reached by schemes above 12 dwellings. Consequently the threshold of more than 12 residential units (paragraph 3.6) is derived from local evidence and is not related directly to whether it is a major development (aq51). There is already a threshold above which a formal AQAP is required (aq 57) although it is not explicit how and when the AQIA will be considered. **It is recommended that clarification is added to indicate that any submitted AQIA incorporating proposed mitigation measures will be considered in determining the planning application for which it was submitted.**

6.9 It is accepted that adverse impacts on air quality should be avoided (aq25). The purpose of this SPD is to identify which developments may have an adverse impact on air quality and then to avoid or mitigate that harm. Where developments are assessed as having a residual unacceptable impact on air quality then they would be contrary to the relevant policies, as informed by this SPD, which will be considered as part of determining these applications. No change is recommended to this section of the SPD. **Also, paragraph 3.16 needs to be amended to insert a missing word – a precautionary approach to be taken.**

What an AQIA should include

6.10 All comments were supportive, which is welcomed.

How adverse impacts can be avoided, minimised or mitigated

6.11 Adequate mitigation or avoidance is already required to address adverse impacts (aq34) so there is already adequate guidance to stop adverse impacts. The issues raised (aq35) to encourage use of public transport and local production are both supported but extend beyond the scope of both the SPD and adopted North Devon and Torridge Local Plan.

6.12 Section 5 sets out a cascade approach such that adverse impacts are first avoided, then minimised as much as possible, then mitigated. It is accepted that contributions should not be collected until potential impacts have been avoided or mitigated as much as possible. This SPD would not support financial contributions instead of following avoidance and mitigation measures. No changes are recommended to this section of the SPD.

Designated AQMA

6.13 The measures in the AQAP have started to be delivered (aq38) but it is recognised that the required reductions of NO_x have not yet been achieved and further cumulative actions are required. It is recognised that development outside of the designated AQMA may impact on air quality within the village centre (aq43, aq54). However, the SPD recognises this already with different thresholds for sites both within and adjoining an AQMA as well as for sites elsewhere. Developments larger than 62 units (net) would be likely to require an AQIA from anywhere across the plan area.

6.14 The need to declare an AQMA is set out in the Introduction (paragraph 1.2). However, how a new AQMA is declared could be clarified in this section (aq53). **It is recommended to add a new paragraph at the start of this section.**

General

6.15 The support from Braunton PC (aq42) is welcome and noted. Where comments have been 'out of sync', coming after the section rather than preceding it (aq12), comments have been moved to the section to which they apply.

6.16 The data submitted to DEFRA is collated and analysed in accordance with the relevant technical guidance (aq3). It is not flawed and has been accepted by DEFRA. Current monitoring and reporting on air quality (aq44, aq52) is beyond the scope of this SPD, but the requirements of Local Air Quality Management (LAQM) process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. **It is recommended to add details to indicate where such air quality annual status reports are available.**

6.17 The scope of the SPD is perceived to be too narrow (aq43, aq44, aq55) focusing on pollution from vehicle emissions. The SPD already covers pollution arising from demolition and construction works but does not address Natural England's comments (aq 55, aq56) in relation to ammonia produced by the agricultural sector. Action to reduce emissions from farming is included within DEFRA's Clean Air Strategy 2019, which focuses on ammonia emissions. It is considered that this sector is missing from the SPD and should be included. **It is recommended that a new section is added to address air quality issues arising from ammonia in the agricultural sector, together with additional terms included in the glossary.**

Other Points

6.18 The final three comments are not considered to relate directly to the wording in this SPD.

7 Amendments made as a result of Consultation Responses to the SPD

7.1 Add new sentence at the end of paragraph 2.4:

The NDTLP policies of most direct relevance to improving air quality are set out below:

7.2 Amend paragraph 2.5 with inclusion of criterion 2(a) of policy DM02: Development will be supported where it does not result in unacceptable impacts to:

- a. atmospheric pollution by gas or particulates, including smell, fumes, dust, grit, smoke and soot;

7.3 Add a new paragraph after 2.10:

DEFRA published its Clean Air Strategy ⁽¹⁾ in 2019, which identifies air pollution as the top environmental risk to human health in the UK, making us more susceptible to other illnesses. The strategy recognises that air pollution can be caused not only by emissions from road transport and burning fossil fuels, but also by intensive agricultural food production and heating our homes. It sets out a range of practical actions to reduce emissions. Planning Practice Guidance was updated in November 2019 to provide guidance on assessing and addressing air quality from damaging air pollutants.

7.4 Add new sentence at the end of paragraph 3.2:

Any AQIA will become a material consideration to be considered as part of determining the planning application for which it was submitted.

7.5 Amend second sentence of paragraph 3.16:

However, the Councils would expect a precautionary approach to be taken by following the mitigation hierarchy set out in paragraph 5.1.

7.6 Add a new paragraph after paragraph 5.4:

The Councils publish air quality status reports annually on their websites.

1 Clean Air Strategy 2019 (Defra, 2019)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf

7.7 Amend section 6 by adding a new sentence prior to the Braunton subheading: Where Local Authorities identify an exceedance of the air quality objectives for any one of a number of identified pollutants where there is relevant public exposure, it has a statutory duty to declare an Air Quality Management Area.

7.8 Add a new section (7) entitled: Agricultural Development

Air quality is affected adversely by ammonia (NH₃), which is harmful both to the natural environment and human health. 87% of ammonia⁽²⁾ is produced by the agricultural sector with dairy and beef contributing 48% of all agricultural emissions.

The UK has adopted legally binding international targets to reduce emissions of ammonia by 2020 and 2030. The Clean Air Strategy⁽³⁾ states that a combination of regulations, permitting and support will be introduced to reduce emissions from livestock accommodation, storing and spreading of manures and application of fertilisers.

In North Devon and Torridge the levels of ammonia and rates of nitrogen deposition are above those considered to cause loss of species and habitat damage on sites such as Braunton Burrows and the Culm Grasslands.

Potential adverse impacts on air quality are most likely to arise from:

- a. an agricultural building to house livestock (primarily beef and dairy cattle, pigs or poultry); and/or
- b. any new or expanded pit, tank or lagoon for storing slurry; and/or
- c. any anaerobic digester with combustion plant; and/or
- d. any anaerobic digester without combustion plant

Depending on the proposed proximity to either a European Protected Site or a Site of Special Scientific Interest, a planning application for the above may need to be accompanied by an Air Quality Impact Assessment (AQIA). This assessment must include, as a minimum, a Simple Calculation of Atmospheric Impact Limits (SCAIL) assessment. For a), b) and c) this applies only if they are within 10 kilometres of a European protected site or 5km of a Site of Special Scientific Interest, and for d) if they are within 500 metres of either.

If a SCAIL assessment is required with an application, Natural England should be consulted. A SCAIL assessment is not required for agricultural buildings to house primarily sheep or horses.

If the SCAIL assessment indicates that the process contribution from the proposal will exceed the 4% screening threshold then appropriate mitigation measures should be identified, such as amending the siting or design of the development. If the SCAIL assessment does not exceed 4% then further mitigation is not required.

The SCAIL input and output files⁽⁴⁾ should be submitted to accompany the above listed types of planning applications, whether or not significant impacts are identified. This will form part of the validation process for such planning applications.

7.9 Amend Glossary by adding definitions for the following terms:

2 <https://www.gov.uk/government/statistics/emissions-of-air-pollutants>

3 Clean Air Strategy 2019 (Defra, 2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf

4 Refer to SCAIL User Guide:

http://www.scail.osh.ac.uk/agriculture/Sniffer%20ER26_SCAIL-Agriculture%20USER%20GUIDE%20Final%20Issue%2011032014.pdf

Local Air Quality Management (LAQM) : A requirement under Part IV of the 1995 Environment Act for all local authorities to review whether air quality standards and objectives are being met within their areas. When not being met, there is a duty to identify those parts of its area in which those standards are not being achieved.

Simple Calculation of Atmospheric Impact Limits (SCAIL) : An online screening tool that can estimate the potential effects of ammonia from agricultural development on semi-natural areas such as Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs) and can assess whether impact limits are likely to be exceeded.

8 Minor amendment to agricultural guidance in SPD

8.1 Subsequent to the adoption of the SPD by North Devon Council in June 2020, however prior to the adoption by Torridge District Council, Natural England identified a minor inconsistency with the advice being provided in relation to agricultural development, despite the original wording being agreed with them. The minor change related to paragraph 7.5, and the circumstances whereby a SCAIL assessment is required for agricultural development in order to address potential air quality impacts arising from ammonia. The modification corrected the advice to indicate that reference should be made to Sites of Special Scientific Interest Impact Risk Zones (SSSI IRZs) as the mechanism for determining when a SCAIL assessment may be required, rather than a simple distance of either 5km to a Site of Special Scientific Interest (SSSI) or 10km for a European protected site. Doing so, corrected the advice to fall into alignment with Natural England practices and reduced the extent of the circumstances when such an assessment would be sought.

9 Adoption of the SPD

9.1 The SPD was originally adopted by North Devon Council on 1st June 2020, with a revised version, subject to the above minor correction, adopted in parallel with Torridge District Council on 5th October 2020.

PAGE INTENTIONALLY

LEFT BLANK



Torridge District Council
Riverbank House
Bideford
EX39 2QG

localplan@torridge.gov.uk

01237 428700



North Devon Council
Lynton House
Commercial Road
Barnstaple
EX31 1DG

localplan@northdevon.gov.uk

01271 388288

