

Appendix 6.2 Relevant Policy

A6.2.1 There are a large number of policy, guidance and strategy documents published regarding air quality at a national, regional and local level. The documents all provide useful context, information and justification in support of the approaches in this assessment. Details of relevant documents are provided below.

National

National Planning Policy Framework

6.1.1. The National Planning Policy Framework (NPPF)¹ sets out planning policy for England. It includes advice on when air quality should be a material consideration in development control decisions. Relevant sections are set out below:

Paragraph 170: *"Planning policies and decisions should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality"*

Paragraph 180: *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development"*.

Paragraph 181: *"Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan."*

Paragraph 183: *"The focus of planning policies and decisions should be on whether Project is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities."*

Paragraph 54: *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."*

¹ Ministry of Housing, Communities & Local Government. (2019a). *National Planning Policy Framework*.

Planning Practice Guidance

A6.2.2 The NPPF is supported by Planning Practice Guidance (PPG)². The PPG on air quality published in November 2019 states:

Paragraph: 001 Reference ID: 32-001-20191101: *“The Department for Environment, Food and Rural Affairs carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with Limit Values. It is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit, or where the need for emissions reductions has been identified.”*

Paragraph: 002 Reference ID: 32-002-20191101: *“It is important to take into account air quality management areas, Clean Air Zones and other areas including sensitive habitats or designated sites of importance for biodiversity where there could be specific requirements or limitations on new development because of air quality”.*

Paragraph: 005 Reference ID: 32-005-20191101: *“Whether air quality is relevant to a planning decision will depend on the Project and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the Project would be particularly sensitive to poor air quality in its vicinity.*

Where air quality is a relevant consideration the local planning authority may need to establish:

- *the ‘baseline’ local air quality, including what would happen to air quality in the absence of the development;*
- *whether the Project could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and*
- *whether occupiers or users of the development could experience poor living conditions or health due to poor air quality”.*

Paragraph: 007 Reference ID: 32-007-20191101: *“Assessments need to be proportionate to the nature and scale of development proposed and the potential impacts (taking into account existing air quality conditions), and because of this are likely to be locationally specific”.*

Paragraph: 008 Reference ID: 32-008-20191101: *“Mitigation options will need to be locationally specific, will depend on the Project and need to be proportionate to the likely impact. It is important that local planning authorities work with applicants to consider appropriate mitigation so as to ensure new development is appropriate for its location and unacceptable risks are prevented”.*

Clean Air Strategy

A6.2.3 Defra published the Clean Air Strategy in January 2019³. The strategy focuses on exposure to toxic pollutants like nitrogen oxides, ammonia, particulate matter, non-methane volatile organic

² Ministry of Housing, Communities & Local Government. (2019b). *Guidance Air quality*. Retrieved from GOV.UK: <https://www.gov.uk/guidance/air-quality--3>

³ Defra. (2019). Clean Air Strategy.

compounds and sulphur dioxide. The strategy aims to reduce emissions of pollutants including the aim to reduce particulate matter emissions by 30% by 2020, and by 46% by 2030.

A6.2.4 This strategy sets out the aim for new enforcement powers at a national and local level, across all sectors of society and sets out the comprehensive action that is required from government and society to meet these targets. The strategy includes actions to reduce emissions from transport (including road, maritime, rail, aviation and NRMM), homes, farming and industry.

A6.2.5 The strategy states that:

“New legislation will create a stronger and more coherent framework for action to tackle air pollution. This will be underpinned by new England-wide powers to control major sources of air pollution, in line with the risk they pose to public health and the environment, plus new local powers to take action in areas with an air pollution problem.”

The Industrial Strategy

A6.2.6 The Government has published a white paper that sets out a long-term ‘Industrial Strategy’ for the UK (HM Government, 2017). It includes a key policy to “support electric vehicles through a £400m charging infrastructure investment and an extra £100m to extend the plug-in car grant” and states “the UK’s road and rail network could dramatically reduce carbon emissions and other pollutants”. Unlike their fossil fuel counterparts, electric vehicles do not release nitrogen oxides (NOx) emissions; if the strategy is fulfilled then NOx emissions will reduce significantly over the coming decades.

The Clean Growth Strategy

A6.2.7 An ambitious blueprint for Britain’s low carbon future was set out by the Government in a Policy paper⁴ in April 2018. Although this strategy focuses on reducing the UK’s carbon footprint, it contains several policies and proposals that relate to air quality, including:

22. “End the sale of new conventional petrol and diesel cars and vans by 2040

23. Spend £1 billion supporting the take-up of ultra low emission vehicles (ULEV), including helping consumers to overcome the upfront cost of an electric car

24. Develop one of the best electric vehicle charging networks in the world by:

- Investing an additional £80 million, alongside £15 million from Highways England, to support charging infrastructure deployment
- Taking new powers under the Automated and Electric Vehicles Bill, allowing the Government to set requirements for the provision of charging points

25. Accelerate the uptake of low emission taxis and buses by:

- Providing £50 million for the Plug-in Taxi programme, which gives taxi drivers up to £7,500 off the purchase price of a new ULEV taxi, alongside £14 million to support 10 local areas to deliver dedicated charge points for taxis

⁴ HM Government. (2018). The Clean Growth Strategy: Leading the way to a low carbon future.

- Providing £100 million for a national programme of support for retrofitting and new low emission buses in England and Wales
26. Work with industry as they develop an Automotive Sector Deal to accelerate the transition to zero emission vehicles
 27. Announce plans for the public sector to lead the way in transitioning to zero emissions vehicles
 28. Invest £1.2 billion to make cycling and walking the natural choice for shorter journeys
 29. Work to enable cost-effective options for shifting more freight from road to rail, including using low emission rail freight for deliveries into urban areas, with zero emission last mile deliveries
 30. Position the UK at the forefront of research, development and demonstration of Connected and Autonomous Vehicle technologies, including through the establishment of the Centre for Connected and Autonomous Vehicles and investment of over £250 million, matched by industry The Clean Growth Strategy 15
 31. Innovation: Invest around £841 million of public funds in innovation in low carbon transport technology and fuels including:
 - Ensuring the UK builds on its strengths and leads the world in the design, development and manufacture of electric batteries through investment of up to £246 million in the Faraday Challenge
 - Delivering trials of Heavy Goods Vehicle (HGV) platoons, which could deliver significant fuel and emissions savings”.

The 25 Year Environment Plan

A6.2.8 The Government has published a Policy paper called the '25 Year Environment Plan'⁵ which set out what the government will do to improve the environment within a generation. This includes the first goal 'Clean air' where the government states “*we will achieve clean air by:*

- Meeting legally binding targets to reduce emissions of five damaging air pollutants. This should halve the effects of air pollution on health by 2030.
- Ending the sale of new conventional petrol and diesel cars and vans by 2040.
- Maintaining the continuous improvement in industrial emissions by building on existing good practice and the successful regulatory framework”.

Road to Zero

A6.2.9 The Office for Low Emission Vehicles (OLEV) and Department for Transport (DfT) published a Policy Paper⁶ in July 2018 outlining how the government will support the transition to zero tailpipe emission road transport and reduce tailpipe emissions from conventional vehicles during the transition.

⁵ HM Government. (2019). A Green Future: Our 25 Year Plan to Improve the Environment.

⁶ DfT. (2018). The Road to Zero: Next steps towards cleaner road transport and delivering our Industrial Strategy .

A6.2.10 This paper confirms the Government's pledge to end the sale of new conventional petrol and diesel cars and vans by 2040, and states that the Government expects the majority of new cars and vans sold to be 100% zero tailpipe emission and all new cars and vans to have significant zero tailpipe emission capability by 2040, and that by 2050 almost every car and van should have zero tailpipe emissions. It states that the Government wants to see at least 50%, and as many as 70%, of new car sales, and up to 40% of new van sales, being ultra-low emission by 2030.

A6.2.11 The paper sets out a number of measures by which Government will support this transition, but is clear that Government expects this transition to be industry and consumer led. If these ambitions are realised then road traffic-related NO_x emissions can be expected to reduce significantly over the coming decades.

Air Quality Plan

A6.2.12 Defra has produced an Air Quality Plan to tackle roadside NO₂ concentrations in the UK⁷. Alongside a package of national measures, the Plan requires those English Local Authorities that are predicted to have exceedances of the limit values beyond 2020 to produce local plans by December 2018. These plans are undertaken in stages and must have measures to achieve the statutory limit values within the shortest possible time, which may include the implementation of a charging Clean Air Zone (CAZ).

Local

Local Plan

6.1.2. There are several key documents that make up WHBC's adopted Local Plan. This includes the draft New Local Plan⁸ set to replace the current Local Plan⁹. The New Local Plan includes four policies that refer to air quality, and one which refers specifically to the site of the Project. These include:

6.1.3. Policy SP 1 – Delivering Sustainable Development:

“The Local Plan seeks to bring about sustainable development in the borough by applying the following principles:

- The need to plan positively for growth in a way which supports economic growth, increases the supply of housing and helps to reduce social and health inequalities in the borough - whilst recognising environmental and infrastructure constraints.*
- That new development should contribute to the creation of mixed and sustainable communities which are well planned, promote healthy and active lifestyles, are inclusive and safe, environmentally sensitive, accessible, culturally rich, vibrant and vital, well served, and built to high design standards reflecting local character.*
- That the location of new development should deliver a sustainable pattern of development which prioritises previously developed land; minimises the need to travel by directing growth to those areas with good transport networks and which are well served by jobs, services and facilities; protects areas of highest environmental value; and avoids areas of high flood risk.*

⁷ Defra. (2017). UK plan for tackling roadside nitrogen dioxide concentrations.

⁸ WHBC (2016). Draft Local Plan Proposed Submission.

⁹ WHBC (2005). Welwyn Hatfield District Plan.

- *That the natural and heritage assets of the borough should be protected and enhanced and its natural resources used prudently.*
- *That adaptation and mitigation principles relating to climate change are incorporated into the design and construction of new development which include energy and water efficiency measures, the use of low carbon and renewable energy, the provision of green infrastructure and sustainable drainage systems (SUDs).*

The Council will take a positive approach when considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework and the principles set out above.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account:

- *The principles set out above; Whether there are any adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework, such as Green Belt policy, indicate that development should be restricted.*

Reasons

There is a legal requirement for planning documents to be prepared with the objective of contributing to sustainable development. This policy sets out those key principles of sustainable development which have guided the development of the Local Plan and against which all new proposals for development should be assessed. Subsequent policies in this document are consistent with the key themes in this policy.

It is in keeping with the government's overall approach to delivering sustainable development and sets out a strategy for bringing forward land in appropriate locations, whilst protecting and enhancing natural resources and heritage assets of the borough, minimising the need to travel and avoiding areas of greatest risk from flooding. It meets the need for housing and economic development at a level which can be supported by the necessary infrastructure and which recognises environmental limits, seeks to protect mineral resources, prevent pollution and minimise waste. It promotes the delivery of high quality sustainable housing within walkable neighbourhoods where residents can easily access services to meet their day to day needs, and designed to protect and enhance the built environment and character of the local landscape.”

6.1.4. Policy SP 11 - Protection and Enhancement of Critical Environmental Assets:

“The protection, enhancement and management of the environmental, ecological and historic assets within the borough, will be sought commensurate with their status, significance and international, national and/or local importance...”

Reasons

The borough's most valuable environmental, ecological and historic assets include its functioning ecological networks, networks of green and blue infrastructure, landscapes, listed buildings, historic parks and gardens, Urban Open Land, and other assets of importance including general environmental amenities such as a good air quality and rights of way. The Council is committed to protecting and where possible enhancing these assets as they make an important contribution to

the local character and distinctiveness of the area, quality of life and the richness of biodiversity within the borough. The Local Plan has to balance the need to protect, sustain and enhance these assets while at the same time providing for growth. The Local Plan seeks to ensure that the borough's most valuable assets are protected by directing development to those areas of least value and significance and that the adverse effects of development are avoided or mitigated...

Regarding air pollution, the Council will apply conditions or obligations to mitigate against adverse impacts of developments on air quality."

6.1.5. Policy SADM 11 – Amenity and Layout:

"All proposals will be required to create and protect a good standard of amenity for buildings and external open space in line with the Council's Supplementary Design Guidance, and in particular should ensure:...

b. Dwellings are dual aspect to enable passive ventilation and avoid the need for mechanical ventilation, subject to any noise and air pollution mitigation measures that are required to make the proposal acceptable.

Reasons

... A wide range of other factors also have a significant influence upon the internal and external amenity of dwellings and other types of development. These include levels of sunlight and daylight, relationship with other buildings and elements of the built environment (e.g. Roads), ventilation, and general outlook..."

6.1.6. Policy SADM 18 - Environmental Pollution:

" Prevailing air quality and potential impacts upon air quality arising from airborne emissions, dust and odour associated with the construction and operation of a proposal (including vehicular traffic) will be considered when determining planning applications. Proposals that would result in or be subject to unacceptable risk to human health and the natural environment from air pollution, or would prejudice compliance with national air quality objectives, will be refused.

An Air Quality Assessment that demonstrates how prevailing air quality and potential impacts upon air quality have been considered and how air quality will be kept to an acceptable standard through avoidance and mitigation will be required for major and minor development proposals that are:

- i. Likely, due to the nature of the proposal, to give rise to significant air pollution;*
- ii. Within an Air Quality Management Area;*
- iii. Within 50 metres of a major road (71) or heavily trafficked route(72);*
- iv. Within proximity to a source of air pollution which could present a significant risk to human health; and/or*
- v. Particularly sensitive to air pollution due to their nature, such as schools, health care establishments or housing for older people.*

Reason

Air pollution can have a significant influence on human health, quality of life and the health of the natural environment. Children, older people and those suffering from existing health problems have been found to be particularly sensitive to air pollution, both in terms of causing and exacerbating

health problems. New development has the potential to affect or be affected by prevailing air quality, and therefore planning decisions have a key role in protecting and where possible improving air quality in order to protect health and critical assets and promote a higher quality of life, in line with national planning policy.

Major developments, road related development, traffic levels and some types of industry can increase emissions which reduce air quality, whilst certain types of development are particularly sensitive to air pollution. The major source of air pollution in the borough is traffic emissions. This reflects the high levels of car ownership and the key strategic transport arteries which run through the borough such as the A1(M) and A414, as well as other major and heavily trafficked roads. Whilst air pollution is typically seen as an 'outdoor' issue associated vehicle emissions, air quality within buildings is an equally important consideration which can be influenced by a combination of external and internal factors. Similarly, dust and odour associated with existing and new development (including construction) can cause nuisance and be harmful to people and the natural environment and are therefore an important consideration.

The Council is required to assess air quality in its area, and assess whether levels of air pollution exceed the national air quality objectives set by the Department for Environment Food & Rural Affairs (DEFRA) in order to comply with European Directive limits to protect human health. If the Council finds any places where the objectives are not likely to be achieved, it must declare an Air Quality Management Area (AQMA) and publish a Local Air Quality Plan which sets out the actions being taken to improve air quality.

Air quality monitoring in Hertfordshire is coordinated through the Hertfordshire and Bedfordshire Air Pollution Monitoring Network. In June 2015 a new Air Quality Strategic Plan for Hertfordshire was approved by Hertfordshire County Council and the 10 District/Borough Councils, and the Council's own 2015 Updating and Screening Assessment on air quality in the Borough concluded that air quality in the Borough is currently below the limit values and meets the Government's air quality objectives set for local air quality management (LAQM). The Council will continue to monitor air quality and report on an annual basis including the potential cumulative impacts arising from new development adjacent to the A1(M1) corridor and large developments generating high levels of vehicular movements and changes in vehicle flow.

As air quality is currently below the limit values no AQMAs have been designated, although AQMAs may be designated during the plan period. However, the ability of the Council to monitor air quality is restricted by resources and technical feasibility and therefore the absence of an AQMA does not mean a specific area is not subject to high levels of air pollution. Any development within or adjacent to areas designated as Air Quality Management Areas or areas with the potential to be designated as an AQMA must have regard to guidelines for ensuring air quality is maintained at acceptable levels as set out in the Air Quality Strategy."

6.1.7. Policy SP17 - Mixed use development site at Broadwater Road West:

"Land at Broadwater Road West is allocated for development to accommodate approximately 1,020 new homes over the plan period. Mixed use development on this site will comprise primarily employment, housing, leisure and rail-related uses. Development on this site will comply with the Broadwater Road West Supplementary Planning Document. Development on this site will conform to the Strategy Diagram shown in Figure 10 below and the following principles:

- i. To create a sustainable neighbourhood with an appropriate mix and density of uses for its central location; and to support living and working in close proximity;

- ii. *To establish strong connections between the east side of town, the site and through to the town centre;*
- iii. *To provide a wide mix of housing types, sizes and tenures, including a minimum of 30% of all units as affordable housing unless it can be robustly demonstrated that such a proportion would not be viable; housing for older people;*
- iv. *To use the industrial heritage as a cue for form, character and identity – re-use listed structures and ensure sympathetic development;*
- v. *To adopt the urban design principles set out in the Broadwater Road West Supplementary Planning Document;*
- vi. *To accommodate large scale uses which would best be located near the town centre;*
- vii. *To incorporate open space in accordance with the principles set out in the Broadwater Road West Supplementary Planning Document;*
- viii. *At least 17,650 square metres of Class B1 employment floorspace will be provided in addition to that which was already provided on the site as at 1st April 2016. Within this total, SDS3 should provide a minimum of 6,400 square metres of Class B1 employment floorspace. The BioPark site will be retained in Class B1b use unless it can be demonstrated that it is no longer suitable for use as a research facility or it is reprovided elsewhere in Welwyn Hatfield.*
- ix. *About 1,020 dwellings will be provided in addition to those already provided on the site as at 1st April 2016. Affordable housing will be sought on the basis of an overall 30% on-site delivery target.*
- x. *Provision will also be made for community uses, fitness / leisure, retail (about 570 square metres), cafés / restaurants / bars and a hotel Development at this site must contribute towards school provision off-site in the immediate vicinity. Development at this site will also need to include upgraded wastewater infrastructure and take into account noise from the railway and adjacent commercial activities as well as the potential for contaminated land. Once constructed, all new class B development on this site will be afforded the same policy protection as that accorded by Policy SADM9 of this plan.*

Reason

Broadwater Road West is a former industrial site, across the East Coast mainline railway from Welwyn Garden City Town Centre. The site adjoins Welwyn Garden City Railway Station which serves as an interchange between frequent trains, the local bus network and walking and cycling facilities. This highly accessible location presents the opportunity for high density development. The provision of employment here is an important component of the plan's strategy to provide employment in highly accessible locations. This mixed use development site (as set out on the Policies Map) is the subject of the Broadwater Road West Supplementary Planning Document, December 2008. The council's vision for Broadwater Road West is to deliver an energetic and pioneering scheme of development which integrates the spirit of the garden city with the very best of high quality 21st Century design, seizing the opportunity to enhance the local environment and create a sustainable, supported neighbourhood of an appropriate scale, which successfully integrates with the local community"

- 6.1.8. WHBC has also published a Supplementary Planning Document (SPD) on the Broadwater Road West site¹⁰ which sets out “the Council's vision for the future of Broadwater Road West and sets out a masterplan to guide and promote the comprehensive redevelopment of this key site”. This includes details of the WHBC’s vision for the site such as:

“To deliver an energetic and pioneering scheme of development which integrates the spirit of the garden city with the very best of high quality 21st Century design, seizing the opportunity to enhance the local environment and create a sustainable, supported neighbourhood of an appropriate scale, which successfully integrates with the local community”

¹⁰ WHBC (2008). Broadwater Road West Supplementary Planning Document .