

REPORT TO: STRATEGY AND RESOURCES COMMITTEE

Date: 5TH OCTOBER 2020

**TOPIC: AMENDED AIR QUALITY SUPPLEMENTARY
PLANNING DOCUMENT**

REPORT BY: HEAD OF PLACE

1 INTRODUCTION

1.1 The Air Quality Supplementary Planning Document (SPD) was adopted at Strategy and Resources Committee on 1st June 2020. As it supplements the joint Local Plan, it was always intended that it would need to be adopted by Torridge DC as well. It is scheduled to be taken to Torridge's Council meeting on 5th October for it to be adopted.

1.2 Subsequent to its adoption in North Devon in June, Natural England has provided the Council with positive feedback.

"I'm getting a lot of positive feedback nationally for you guys having adopted this guidance – I think you are the first nationally to do so and hopefully others will follow suit. I've also informed DEFRA who are looking to potentially beef up ... the NPPF at some point in the future."

1.3 However, Natural England has also identified a minor inconsistency with the advice being provided and the need for clarification, despite the original wording being what they had requested. They are now recommending minor changes to paragraph 7.5, which relates to the circumstances whereby a SCAL assessment is required for agricultural development in order to address potential air quality impacts arising from ammonia. The proposed wording changes to paragraph 7.5 are set out in Appendix A.

1.4 The version of this SPD being recommended for adoption by Torridge DC incorporates this new advice. To reflect the latest advice from Natural England and to ensure consistent guidance and procedures to be provided by both districts to supplement relevant policies in the joint Local Plan, it is proposed that an amended version of the SPD is adopted which incorporates these proposed wording changes, as set out in Appendix A.

2 RECOMMENDATIONS

2.1 That the SPD is readopted to include the proposed wording changes set out in Appendix A.

2.2 That the amended SPD is treated as a material consideration in determining relevant planning applications.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To reflect the latest advice from Natural England and to ensure policy guidance consistent with that being provided by Torridge DC.

4 REPORT

- 4.1 Supplementary Planning Documents provide additional detail for relevant policies in the NDTLP in order to provide guidance for developers and local communities as to how policies will be interpreted and what is required to satisfy policy requirements. Once adopted an SPD becomes a material consideration in planning decisions and planning appeals and will be used by the Councils in decision making when considering relevant forms of development. SPDs will also assist with the policies being applied consistently.
- 4.2 Whilst SPDs supplement policies within the NDTLP, they cannot create new policies. The proposed wording changes shown in Appendix A do not change policy at all; they change guidance only slightly from that in the previous SPD. The original SPD (adopted June 2020) can be viewed in full on the Council's website <http://www.northdevon.gov.uk/council/strategies-plans-and-policies/environment-and-planning-policies/local-plan/supplementary-planning-documents-spd/> .
- 4.3 The proposed use of the SSSI Impact Risk Zone (IRZ) if they are within a maximum of 10 kilometres of a European protected site or 5 kilometres of a Site of Special Scientific Interest is less onerous than the previous standardised requirement within a maximum of 10 kilometres of a European protected site or 5 kilometres of a SSSI.
- 4.4 With formal SCAIL assessments required on fewer occasions, the resultant benefits when they are no longer required are:
- a) Cost savings for the applicants in not having to get them prepared;
 - b) Time savings for the case officer, consultees and the Planning Committee in not having to consider them;
 - c) Time savings for Natural England who would have had to consider them formally and advise of any mitigation requirements.
- 4.5 The footnote link to MAGIC Maps will assist applicants with finding the extent of Impact Risk Zones.
- 4.6 All other parts of the Air Quality SPD remain unchanged, including all the advice relating to Air Quality Impact Assessments arising from traffic generation and demolition and construction works.

5 RESOURCE IMPLICATIONS

- 5.1 The cost of adopting this amended SPD, including its publication on the Councils' websites can be met within existing resources.
- 5.2 Avoiding the submission of SCAIL assessment when Natural England advise they are no longer required will help save officer times for those

applications, as well as enabling planning decisions to be taken more quickly.

6 EQUALITY and HUMAN RIGHTS

- 6.1 The policies within the NDTLP were assessed previously in terms of equality issues and there were not considered to be any significant human rights, equality and/or diversity implications arising from the policies within the NDTLP.

7 CONSTITUTIONAL CONTEXT

Article and paragraph	Appendix and paragraph	Referred or delegated power?
Part 3, Annexe 1.1		Referred

8 STATEMENT OF CONFIDENTIALITY

- 8.1 This report contains no confidential material under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

- 9.1 The following background papers have been used in the preparation of this report:-
- ◆ *North Devon and Torridge Local Plan 2011–2031 (adopted October 2018)*
 - ◆ *National Planning Policy Framework (February 2019)*
 - ◆ *Clean Air Strategy (DEFRA, 2019)*
 - ◆ *Air Quality Supplementary Planning Document (adopted June 2020)*
 - ◆ *Air Quality Consultation Statement (June 2020)*

- 9.2 Background papers will be available for inspection and will be kept by the author of this report.

10 STATEMENT OF INTERNAL ADVICE

- 10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Lead Member for Economic Development and Strategic Planning Policy: Cllr Malcolm Prowse

Author: Andrew Austen (Lead Officer Planning Policy)

Date: 10 September 2020

Reference: S&R – 5 October 2020 (AQ SPD)

APPENDIX A – TRACKED CHANGES TO SECTION 7 OF ADOPTED SPD

7 Agricultural Development

7.1 Air quality is affected adversely by ammonia (NH₃), which is harmful both to the natural environment and human health. 87% of ammonia (5) is produced by the agricultural sector with dairy and beef contributing 48% of all agricultural emissions.

7.2 The UK has adopted legally binding international targets to reduce emissions of ammonia by 2020 and 2030. The Clean Air Strategy (6) 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.

7.3 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.

7.4 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.

7.5 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). Whether or not an assessment needs to be undertaken in response to proximity to SSSIs or European Designated Sites can be established by consulting the SSSI Impact Risk Zone (IRZ) layer on MAGIC ⁽⁷⁾. This assessment must include, as a minimum, a Simple Calculation of Atmospheric Impact Limits (SCAIL) assessment. For development of the types set out in a), b) and c), this applies only the need for a SCAIL assessment will only apply if they are within a maximum of 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.

7.6 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.

7.7 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.

7.8 The SCAIL input and output files ⁽⁷⁾ 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.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778483/Emissions of air pollutants 1990 2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778483/Emissions_of_air_pollutants_1990_2017.pdf)

6 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 <https://magic.defra.gov.uk/>

Refer to SCAIL User Guide:

https://www.scail.ceh.ac.uk/agriculture/Sniffer%20ER26_SCAIL_Agriculture%20USER%20GUIDE%20Final%20Issue%2011032014.pdf