

# Cabinet Meeting

## 16 September 2015

<b>Report title</b>	Draft Black Country Air Quality Supplementary Planning Document (SPD)	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson City Assets	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Nick Edwards, City Assets	
<b>Originating service</b>	Planning	
<b>Accountable employee(s)</b>	Michele Ross	Senior Planning Officer
	Tel	01902 554038
	Email	Michele.ross@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Planning for Growth Board	5 August 2015
	Strategic Executive Board	18 August 2015

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### Recommendation(s) for action or decision:

Cabinet is recommended to:

1. Approve public consultation on the draft Black Country Air Quality Supplementary Planning Document (SPD) and associated Sustainability Appraisal Report and Strategic Environmental Assessment Screening Report;
2. Delegate authority to the Cabinet Member for City Assets in consultation with the Service Director City Assets to make any minor amendments to the draft SPD which may be required before consultation to ensure consistency across the Black Country;
3. Subject to no significant objections being submitted, authorise the Cabinet Member for City Assets in consultation with the Service Director City Assets to approve the Council's response to representations received on the Draft SPD and any minor amendments, and to adopt the document as SPD.

## **1.0 Purpose**

- 1.1 To summarise the principles set out in the draft Black Country Air Quality SPD and to seek approval for public consultation on the draft SPD (in parallel with Dudley, Sandwell and Walsall Councils) and adoption of the SPD if no major objections are received, subject to approval by the Cabinet Member for City Assets in consultation with the Service Director City Assets.

## **2.0 Background**

- 2.1 The planning process has a significant role to play in ensuring health and wellbeing by encouraging more sustainable development, including measures to secure air quality improvements. The whole of Wolverhampton is a designated Air Quality Management Area and so all planning applications must be assessed for their air pollution potential in accordance with Policy ENV8: Air Quality of the adopted Black Country Core Strategy (2011).
- 2.2 Wolverhampton City Council works closely with the other West Midlands local authorities as part of the Department for Environment, Food and Rural Affairs (Defra) supported West Midlands Low Emission Towns & Cities Programme (LETCP). The LETCP seeks to promote joint working to reduce regulated road transport emissions, primarily Oxides of Nitrogen (NOx) and particulates (as coarse, PM10 and fine, PM2.5, fractions). Building on policies and measures designed to encourage a shift to sustainable transport modes, the LETCP seeks to target emission improvements of the vehicle fleet through the accelerated take-up of cleaner fuels and technologies and by discouraging the use of high emission vehicles.
- 2.3 The air quality impacts of development can extend across local authority boundaries. To enable a consistent approach to implementation across the Black Country, a joint Air Quality Supplementary Planning Document (SPD) has been developed by the Black Country authorities which provides important guidance on implementation of Policy ENV8 in light of the more recent LETCP Good Practice Air Quality Planning Guidance (AQPG) produced in 2014 as part of the West Midlands Low Emissions Towns & Cities Programme (LETCP).

## **3.0 Draft Air Quality SPD Principles and Consultation Arrangements**

- 3.1 In the Black Country it is necessary to adopt the AQPG as an SPD to demonstrate that the new system accords with Policy ENV8 and to ensure it has full weight as a planning consideration in determination of planning applications.
- 3.2 The AQPG aims to streamline the process for developers as for all but the “major” applications there will no longer be a requirement to undertake costly air quality assessments and modelling, so long as they install low cost electric vehicle charging infrastructure and commit to green travel plans. Major applications will still be required to provide air quality assessments but these will be used to require bespoke mitigation which may exceptionally include environmental damage costs to be paid by the developer to offset impact on local air quality. Monies raised from these developments could then be used to deliver air quality based programmes or schemes to improve and

monitor air quality in the local area. In areas where the air quality objective is borderline or already exceeded the Council will continue to resist inappropriate development proposals. However, there are only a few hotspots around the city where this would be an issue.

- 3.3 The SPD will reduce the burden on developers in Wolverhampton in relation to air quality, help demonstrate that the City is committed to European air quality requirements and will also promote electric vehicle use across the City, in line with Black Country Smart City objectives.
- 3.4 The draft SPD and associated Sustainability Appraisal Report and Strategic Environmental Assessment Screening Report are attached as Appendices to this report. The SPD sets out guidance for dealing with all planning applications where air quality needs to be addressed. The document:
- Explains why air quality is important in the Black Country and set out the existing policy framework;
  - Presents the methodology for identifying development proposals where an air quality assessment will be required, and the processes involved;
  - Identifies the types of development where appropriate air quality mitigation measures, including electric vehicle charging points, will be required to offset an incremental increase in pollutant emissions;
  - Proposes various options for site specific mitigation to protect future occupiers from poor air quality, and how such measures will be secured and delivered.
- 3.5 The Black Country authorities are all going through the same consultation and adoption process for an identical SPD document. Public consultation on the draft SPD is planned in Wolverhampton for six weeks during November and December 2015, in parallel with consultation in the rest of the Black Country. During that time the document will be made available at the Civic Centre and main libraries and on the Council's website, and statutory consultees and key stakeholders will be notified and engaged.
- 3.6 Any representations received during the consultation period will be considered by the Black Country authorities together and, where appropriate, minor changes will be made to the SPD. Subject to no major objections being received, it is expected that all Black Country authorities will adopt the SPD in early 2016. In Wolverhampton, adoption will be subject to approval by the Cabinet Member for City Assets in consultation with the Service Director City Assets.

#### **4.0 Financial implications**

- 4.1 The costs of preparing the SPD are being met from the approved Local Plan budget for 2015/16.  
[TK/14082015/T]

#### **5.0 Legal implications**

- 5.1 Following adoption the Air Quality SPD will become a material consideration in the determination of planning applications. The SPD is being prepared under the provisions of the Planning and Compulsory Purchase Act (2004) and the Town and Country

Planning (Local Development) (England) Regulations 2004 as amended.  
[LD/19082015/B]

## **6.0 Equalities implications**

6.1 The Council adopting the SPD will not result in any changes to current planning policy. Although para 3.2 might constitute a change in policy in terms of the Equality Act 2010, this change will result in an improvement in air quality impacts, and therefore on human health, equally across all groups in the City. Therefore this report has no equality implications.

## **7.0 Environmental implications**

7.1 Air quality is a key environmental issue. The draft SPD will help ensure the Council is meeting its obligations regarding air pollution.

## **8.0 Human resources implications**

8.1 The report has no human resources implications.

## **9.0 Corporate landlord implications**

9.1 The report has no specific corporate landlord implications.

## **10.0 Schedule of background papers**

10.1 West Midlands Low Emissions Towns & Cities Programme Good Practice Air Quality Planning Guidance (May 2014)  
Available at: [www.walsall.gov.uk/low\\_emissions\\_towns\\_and\\_cities\\_programme](http://www.walsall.gov.uk/low_emissions_towns_and_cities_programme)