

**A57 Link Roads  
TR010034  
6.5 Environmental Statement  
Appendix 5.2 Air Quality Legislation and  
Policy**

APFP Regulation 5 (2)(a)

Planning Act 2008 Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

# 1. Air Quality Legislation and Policy

**Table A.1: Relevant Air Quality Legislation and Policy**

Scale	Legislation/Regulation	Summary of Requirements
National	EU (Withdrawal Agreement) Act 2020 <sup>1</sup>	Legislation which sets out arrangements for retaining legislation after the withdrawal of the UK from the EU.
	National Policy Statement National Networks (NPS NN) 2014 <sup>2</sup>	<p>The NPS NN provides policy and guidance relating to the development of NSIPs. It recognises (paragraph 5.3) that increased emissions of pollutants during construction or operation of projects on national networks can contribute to adverse impacts on human health, on protected species and habitats. An Environmental Statement is required for projects that may have significant air quality effects.</p> <p>The NPS NN requires a judgement to be made as to the risk of a project affecting the UK's ability to comply with the Air Quality Directive.</p> <p>Paragraph 5.11: "Air quality considerations are likely to be particularly relevant where schemes are proposed: within or adjacent to AQMAs; roads identified as being above Limit Values or nature conservation sites; and where changes are sufficient to bring about the need for a new AQMA or change the size of an existing AQMA; or bring about changes to exceedances of the Limit Values, or where they may have the potential to impact on nature conservation sites."</p> <p>Paragraph 5.12: "The Secretary of State must give air quality considerations substantial weight where, after taking into account mitigation, a project would lead to a significant air quality impact in relation to EIA and/or where they lead to a deterioration in air quality in a zone/agglomeration."</p> <p>Paragraph 5.13: "The Secretary of State should refuse consent where, after taking into account mitigation, the air quality impacts of the scheme will: result in a zone/agglomeration which is currently reported as being compliant; or affect the ability of a non-compliant area to achieve compliance with the most recent timescales reported to the European Commission at the time of the decision."</p>
	The Air Quality Strategy for England, Scotland, Wales and Northern	Sets out air quality standards and objectives, to protect people's health and the environment.

<sup>1</sup> European Union (Withdrawal Agreement) Act 2020. Available From: <https://www.legislation.gov.uk/ukpga/2020/1/contents/enacted> [Accessed: February 2021].

<sup>2</sup> DfT (2014) National Policy Statement for National Networks. [Online] Available from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/387223/npsnn-web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/387223/npsnn-web.pdf) [Accessed February 2021]

	Ireland (AQS) 2011 <sup>3</sup>	
	The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019 (SI 2019 No. 74) <sup>4</sup> and the Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020 (SI 2020 No. 1313) <sup>5</sup>	Amendments to Air Quality Regulations (SI 2010 No.1001) as amended (SI 2016 No.1184) to account for EU (Withdrawal Agreement) Act 2020.
	The Air Quality (Standards) Regulations 2010 (SI 2010/2001) <sup>6</sup> as amended (SI 2016 No.1184) <sup>7</sup>	<p>English legislation which sets legally binding limit values for human health and vegetation originally set in EU Directives on ambient air quality and cleaner air for Europe (2008/50/EC and 2004/107/EC).</p> <p>EU Limit values are legally binding EU parameters that must not be exceeded.</p> <p>Limit values apply where there is 'relevant exposure' i.e. where members of the public are exposed for periods equal to or exceeding the averaging periods. Locations within 25 metres of major junctions are excluded, as are locations on the carriageway of roads and on the central reservations of roads (except where there is normally pedestrian access to the central reservation).</p>
	The Air Quality (England) Regulations 2000 (SI 2000/928) and The Air Quality (England) (Amendments) Regulations (SI 2002/3043) <sup>8</sup>	<p>English legislation which sets the objectives given in the AQS for England, Scotland, Wales and Northern Ireland, applicable to local air quality management.</p> <p>EU Limit values are legally binding EU parameters that must not be exceeded.</p> <p>Limit values apply where there is 'relevant exposure' i.e. where members of the public are exposed for periods equal to or exceeding the averaging periods. Locations within 25 metres of major junctions are excluded, as are locations on the carriageway of roads and on the central reservations of roads (except where there is normally pedestrian access to the central reservation).</p>

<sup>3</sup> DEFRA (2011) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland. [Online] Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69336/pb12654-air-quality-strategy-vol1-070712.pdf) [Accessed February 2021]

<sup>4</sup> The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019. Available from: <https://www.legislation.gov.uk/ukxi/2019/74/contents> [Accessed February 2021]

<sup>5</sup> The Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020. Available From: <https://www.legislation.gov.uk/ukxi/2020/1313/contents/made> [Accessed February 2021]

<sup>6</sup> The National Archives (2010) The Air Quality Standards Regulations 2010: from <http://www.legislation.gov.uk/ukxi/2010/1001/contents/made> [February 2021]

<sup>7</sup> The National Archives (2016). The Air Quality Standards (Amendment) Regulations 2016. Available from: <https://www.legislation.gov.uk/ukxi/2016/1184/contents/made> [Accessed February 2021].

<sup>8</sup> The National Archives (2002) The Air Quality (England) (Amendment) Regulations 2002: from: <https://www.legislation.gov.uk/ukxi/2002/3043/introduction/made> [Accessed February 2021]

	Environment Act 1995 (Part IV) <sup>9</sup>	Sets provisions for protecting air quality in the UK and for local air quality management.
	National Air Quality Plan 2017 <sup>10</sup>	The government produced a UK plan for tackling roadside nitrogen dioxide concentrations in July 2017 (last updated in 2018) which sets out the approach for meeting the statutory limit values for nitrogen dioxide in the shortest possible time.
	Highways England Delivery Plan 2020-2025 <sup>11</sup> and Road Investment Strategy (RIS) 2020-2025 <sup>12</sup> ,	The Highways England Delivery Plan 2020-2025 identifies Highways England's commitment to investing the government funding of £27.4 billion in the strategic road network (SRN) up to 2025. The Delivery Plan includes a performance framework which sets outcomes and targets to be achieved over the 2020 to 2025 period. The target of relevance to air quality is "Bring links agreed with the department and based on the Pollution Climate Mapping model into compliance with legal NO <sub>2</sub> limits in the shortest timescales possible of outcomes, including targets related to air quality".  The second Road Investment Strategy (RIS2) sets a strategic vision for the network for the 5 year period 2020 to 2025. With that vision in mind, it then: specifies the performance standards Highways England must meet; lists planned enhancement schemes that are expected to be built; and states the funding that will be made available during the second Road Period (RP2), covering the financial years 2020/21 to 2024/25. In total, RIS2 commits the Government to spend £27.4 billion during RP2.
	Highways England Air Quality Strategy 2017 <sup>13</sup>	Sets out Highways England's approach to improving air quality. As part of the strategy, Highways England has identified four priority action areas; policy, planning, monitoring and operational management, and has committed to "where appropriate, design out or mitigate poor air quality for our schemes"
Regional	Greater Manchester Combined Authority (GMCA) (encompassing Stockport and Tameside) Transport	The local transport strategy (LTS) details their vision for 2040. Policy 8 - Environmental responsibility, states they "will work with partners to reduce, as far as possible, the emissions from transport, particularly CO <sub>2</sub> , NO <sub>2</sub> , particulates and noise." This document in combination with the Greater Manchester Low Emission Strategy <sup>15</sup> (2016), and 5-year Environment Plan for Greater

<sup>9</sup> DEFRA (2009) Local Air Quality Management. [Online] Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69348/pb13566-laqm-policy-guidance-part4-090302.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69348/pb13566-laqm-policy-guidance-part4-090302.pdf) [Accessed February 2021]

<sup>10</sup> DEFRA (2017) UK plan for tackling roadside nitrogen dioxide concentrations (last updated in 2018). [Online] Available from: <https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017> [Accessed February 2021]

<sup>11</sup> Highways England (2020) Delivery plan: 2020-2025 [Online] Available from: <https://highwaysengland.co.uk/media/vh0byhfl/5-year-delivery-plan-2020-2025-final.pdf> [Accessed April 2021]

<sup>12</sup> Department for Transport (2020) *Road Investment Strategy 2: 2020-2025, March 2020* [Online] Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/951100/road-investment-strategy-2-2020-2025.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951100/road-investment-strategy-2-2020-2025.pdf) [Accessed April 2021]

<sup>13</sup> Highways England (2017) Highways England Delivery Plan 2017-2018. [Online] Available from: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642750/Highways\\_England\\_Delivery\\_Plan\\_Update\\_2017-2018.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642750/Highways_England_Delivery_Plan_Update_2017-2018.pdf) [Accessed February 2021]

<sup>15</sup> Transport for Greater Manchester (2016) Greater Manchester Low-Emission Strategy. Available From <https://www.greatermanchester-ca.gov.uk/media/1276/low-emission-strategy-dec-2016.pdf> [Accessed February 2021]

	Strategy (2040) <sup>14</sup>	Manchester 2019-2024 (2019) <sup>16</sup> detail strategies and measures related to air quality.
	Greater Manchester Clean Air Plan <sup>17,18</sup>	The Greater Manchester local authority areas have developed a joint Clean Air Plan that aims to bring NO <sub>2</sub> concentrations on local roads within EU Limit Value legal limits as soon as possible (by mid-2026). The Clean Air Plan includes the introduction of a Category C Clean Air Zone (CAZ). The public consultation for the proposals took place in late 2020 with the final Clean Air Plan expected to be published no later than summer 2021, and the CAZ introduced by Spring 2022.
	Derbyshire County Council (encompassing High Peak) Local Transport Plan (2011-2026) <sup>19</sup>	The local transport plan highlights “a considered approach to new infrastructure and packages for improvement where there are air quality issues due to local traffic” as one of the key transport priorities and investment priorities for 2011-2026 underlining the county council’s commitment to air quality.
Local	Tameside Unitary Development Plan <sup>20</sup>	Tameside adopted the Tameside Unitary Development Plan in 2004 which includes policy MW14 Air Quality with reference to considering air quality impacts associated with developments. Tameside is currently preparing a Local Plan which will replace the Unitary Development Plan.
	Stockport Core Strategy <sup>21</sup>	The Stockport Core Strategy provides the overall spatial strategy for the Local Development Framework (LDF). The Core Strategy covers the period from its adoption in 2011 to 2026 and references air quality in Objective 5 Safeguard and Improve the Borough's Environment and Objective 6 Transport where the strategy commits to assisting improvements in air quality through spatial planning and transport infrastructure planning; and improving air quality, particularly within Air Quality Management Areas, respectively.
	High Peak Local Plan <sup>22</sup>	The High Peak Local Plan was adopted in April 2016 and sets out the council's vision and strategy for the borough until 2031 and supports air quality through Policy EQ 10 - Pollution Control and Unstable Land and Policy CF 6 - Accessibility and Transport.
Local Air Quality Action Plans	Greater Manchester Air	The plan covers the Greater Manchester AQMA which extends into Stockport and Tameside council areas. Key initiatives outlined in the AQAP include increasing travel

<sup>14</sup> Transport for Greater Manchester (2017) Greater Manchester Transport Strategy 2040. Available From [https://downloads.ctfassets.net/nv7y93idf4iq/7FiejTsJ68eaa8wQw8MiWw/bc4f3a45f6685148eba2acb618c2424f/03\\_GM\\_2040\\_TS\\_Full.pdf](https://downloads.ctfassets.net/nv7y93idf4iq/7FiejTsJ68eaa8wQw8MiWw/bc4f3a45f6685148eba2acb618c2424f/03_GM_2040_TS_Full.pdf) [Accessed February 2021]

<sup>16</sup> Greater Manchester Combined Authority (2019) 5-year Environment Plan for Greater Manchester 2019-2024. Available From: [https://www.greatermanchester-ca.gov.uk/media/1986/5-year-plan-branded\\_3.pdf](https://www.greatermanchester-ca.gov.uk/media/1986/5-year-plan-branded_3.pdf) [Accessed February 2021]

<sup>17</sup> Greater Manchester Clean Air Plan, Clean Air Greater Manchester. Available From: <https://cleanairgm.com/clean-air-plans/> [Accessed April 2021]

<sup>18</sup> Clean Air Greater Manchester (2020). Greater Manchester Clean Air Plan Consultation Document, October 2020. Available from <https://cleanairgm.com/clean-air-zone/> [Accessed February 2021]

<sup>19</sup> Derbyshire County Council (2011) Local Transport Plan 2011-2026. Accessed 2020, from <https://www.derbyshire.gov.uk/site-elements/documents/pdf/transport-roads/transport-plans/ltp3/derbyshire-local-transport-plan-three-ltp3-2011-to-2026-full-document.pdf>

<sup>20</sup> Tameside Metropolitan Borough (2004) The Tameside Unitary Development Plan, November 2004., Available From: <https://www.tameside.gov.uk/udp/writtenstatement.pdf> [Accessed February 2021]

<sup>21</sup> Stockport Metropolitan Borough Council (2011) Cores Strategy DPD, March 2011., Available From <https://s3-eu-west-1.amazonaws.com/live-iaq-static-assets/pdf/LDF/AdoptedPlans/Core+Strategy+DPD.pdf> [Accessed February 2021]

<sup>22</sup> High Peak Borough Council (2016) High Peak Local Plan, April 2016. Available From; [https://www.highpeak.gov.uk/media/160/The-High-Peak-Local-Plan-Adopted-April-2016/pdf/The\\_High\\_Peak\\_Local\\_Plan\\_Adopted\\_April\\_2016.pdf?m=1514473710280](https://www.highpeak.gov.uk/media/160/The-High-Peak-Local-Plan-Adopted-April-2016/pdf/The_High_Peak_Local_Plan_Adopted_April_2016.pdf?m=1514473710280) [Accessed February 2021]

	Quality Action Plan <sup>23</sup>	by sustainable modes, better integration of transport and new development and improving network efficiency.
	High Peak AQMAs Air Quality Action Plan	High Peak Borough Council Annual Status Report <sup>24</sup> (ASR) states that an AQAPs are currently under development for the Tintwistle AQMA and the Glossop AQMA.

<sup>23</sup> Greater Manchester Combined Authority (2016) Air Quality Action Plan. Available From <https://www.greatermanchester-ca.gov.uk/media/1272/air-quality-action-plan-2016-21.pdf> [Accessed February 2021]

<sup>24</sup> High Peak Borough Council, 2018 and 2019 Annual Status Report, September 2019. Available from [https://www.highpeak.gov.uk/media/4583/High-Peak-ASR-2019/pdf/High\\_Peak\\_ASR\\_2019.pdf?m=1569832485487](https://www.highpeak.gov.uk/media/4583/High-Peak-ASR-2019/pdf/High_Peak_ASR_2019.pdf?m=1569832485487) [Accessed February 2021]

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