

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Environmental Statement Volume 2: Appendices

Appendix 9.2 National Legislation and Planning Policy

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Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
Regulation 5(2)(a)

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
Regulation 14

APPENDIX 6.2.9.2A: AIR QUALITY NATIONAL LEGISLATION AND PLANNING POLICY**The UK air quality strategy**

European Union (EU) legislation forms the basis of air quality policy and legislation in the UK. The EU 2008 ambient Air Quality Directive¹ sets limits for ambient concentrations of air pollutants including nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}). The air quality standards and objectives are prescribed through the Air Quality (England) Regulations 2000², as amended, for the purpose of the Local Air Quality Management Framework. Miscellaneous amendments were added in 2020³ following the UK exit from the EU. Additionally, an updated PM_{2.5} objective was published in 2023⁴ with an interim target to be achieved by 2028⁵.

The UK Government are required under the Environment Act 1995⁶ to produce a national Air Quality Strategy (AQS). The AQS was first published in 1997⁷ and was most recently reviewed and updated in 2007⁸. The AQS provides an overview of the Government's ambient air quality policy and sets out the air quality standards and objectives to be achieved and measures to improve air quality.

The Environment Act 2021⁹ was granted Royal Assent in November 2021 and contains amendments to Part IV of the Environment Act 1995⁶ with regard to the Local Air Quality Management regime. Under the Environment Act 2021⁹, the Secretary of State must lay a statement before Parliament setting out progress made in meeting air quality objectives and standard in England and steps taken towards achieving the standards. The Environment Act 2021⁹ also places responsibility on local authorities to co-operate with air quality partners in the preparation of Air Quality Action Plans and identification of measures which should be monitored within the Plan and dates by which they should be implemented.

Part IV of the Environment Act⁶ requires local authorities in the UK to review local air quality within their administrative area and, if relevant air quality standards and objectives are likely to be exceeded, designate Air Quality Management Areas (AQMAS). Following the designation of an AQMA, local authorities are required to publish an Air Quality Action Plan (AQAP) detailing measures to be taken to improve local air quality and work towards meeting the relevant air quality standards and objectives.

¹ European Parliament (2008) Council Directive 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe

² HMSO (2000) Statutory Instrument 2000 No. 928, The Air Quality (England) Regulations 2000 (as amended), London: HMSO

³ Department of the Environment, Food and Rural Affairs (Defra) (2020) The Environment (Miscellaneous Amendments) (EU Exit) Regulations, London: HMSO

⁴ HMSO (2023) Statutory Instruments 2023 No. 96 The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023

⁵ Defra (2023) Environmental Improvement Plan 2023, First revision of the 25 Year Environment Plan

⁶ HMSO (1995) The Environment Act 1995, London: TSO

⁷ Department of the Environment (DoE) (1997) The UK National Air Quality Strategy, London: HMSO

⁸ Department of the Environment, Food and Rural Affairs (Defra) (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, London: HMSO

⁹ HMSO (2021) The Environment Act 2021, London: TSO

National Planning Policy Statement for National Networks

Paragraphs 5.3 to 5.15 of the National Planning Policy Statement for National Networks (NN NPS)¹⁰ provides guidance on generic air quality impacts and their assessment. Paragraph 5.7 of the NPS states that the Environmental Statement should describe:

- existing air quality levels;
- forecasts of air quality at the time of opening assuming that the scheme is not built (the future baseline) and taking account of the impact of the scheme; and
- any significant air quality effects, their mitigation and any residual effects distinguishing between the construction and operation stages and taking into account of the impact of road traffic generated by the project.

National Planning Policy Framework

The National Planning Policy Framework (NPPF)¹¹ was amended in July 2021 and sets out the Government's planning policies for England and how these are expected to be applied.

With regard to assessing cumulative effects the NPPF states:

'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.

[...]

The NPPF recognises air quality within Section 15: Conserving and enhancing the natural environment, and states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

[...]

e) 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, taking into account relevant information such as river basin management plans;

¹⁰ Department for Transport (2014) National Planning Policy Statement for National Networks, HMSO London

¹¹ Ministry of Housing, Communities & Local Government (2019) National Planning Policy Framework, HMSO London

[...]

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.

[...]

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.'

Planning Practice Guidance

The Planning Practice Guidance (PPG) for air quality¹² was updated in November 2019 and provides guiding principles on how the planning process can take account of the impacts of new development on air quality.

The PPG¹² sets out the following with regard to air quality and planning:

- *'what air quality considerations does planning need to address;*
- *what is the role of plan-making with regard to air quality;*
- *air quality concerns relevant to neighbourhood planning;*
- *what information is available about air quality;*
- *when could air quality considerations be relevant to the development management process;*
- *what specific issues may need to be considered when assessing air quality impacts;*
- *how detailed does an air quality assessment need to be; and*
- *how can an impact on air quality be mitigated'.*

¹² Department for Communities and Local Government (2019) Planning Practice Guidance Air Quality

Technical Appendix: Chapter 6.1.9 Air Quality

The PPG¹² sets out the pollutants for which there are legally binding limits for concentrations and those which the UK also has national emissions reduction commitments.

The PPG¹² states that development plans may need to consider:

- *‘what are the observed trends shown by recent air quality monitoring data and what would happen to these trends in light of proposed development and / or allocations;*
- *the impact of point sources of air pollution (pollution that originates from one place);*
- *the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments, including their implications for vehicle emissions;*
- *ways in which new development could be made appropriate in locations where air quality is or is likely to be a concern, and not give rise to unacceptable risks from pollution. This could, for example, entail identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable; and*
- *opportunities to improve air quality or mitigate impacts, such as through traffic and travel management and green infrastructure provision and enhancement’.*

The PPG¹² also states what may be considered relevant to determining a planning application and these include whether a development would:

- *‘lead to changes (including any potential reductions) in vehicle-related emissions in the immediate vicinity of the proposed development or further afield. This could be through the provision of electric vehicle charging infrastructure; altering the level of traffic congestion; significantly changing traffic volumes, vehicle speeds or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; could add to turnover in a large car park; or involve construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more;*
- *introduce new point sources of air pollution. This could include furnaces which require prior notification to local authorities; biomass boilers or biomass-fuelled Combined Heat and Power plant; centralised boilers or plant burning other fuels within or close to an air quality management area or introduce relevant combustion within a Smoke Control Area; or extraction systems (including chimneys) which require approval or permits under pollution control legislation;*
- *expose people to harmful concentrations of air pollutants, including dust. This could be by building new homes, schools, workplaces or other development in places with poor air quality;*
- *give rise to potentially unacceptable impacts (such as dust) during construction for nearby sensitive locations; and*

- *have a potential adverse effect on biodiversity, especially where it would affect sites designated for their biodiversity value’.*

The PPG¹² provides guidance regarding what should be included within an air quality assessment. Examples of potential air quality mitigation measures are also provided.

LOCAL PLANNING POLICY

Blaby District Local Plan Core Strategy

The Blaby District Local Plan Core Strategy¹³ was adopted in February 2013 and sets out the policies for development in Blaby up until 2029. The following policy relates to air quality:

‘Policy CS3 – Sustainable Urban Extension

[...]

General Infrastructure

[...]

The development will need to include appropriate measures to mitigate the noise and air quality impacts arising from the development on new and existing residents (primarily, but not exclusively, those impacts caused by proximity to the M1 and M69 motorways).’

Blaby District Local Plan Delivery Development Plan Document

In addition, Blaby District Local Plan Delivery Development Plan Document¹⁴ includes site allocations and development management policies that are relevant to air quality:

‘Development Management Policy 13

Land Contamination and Pollution

Development proposals will be required to clearly demonstrate that any unacceptable adverse impacts related to land contamination, landfill, land stability and pollution (water, air, noise, light and soils) can be satisfactorily mitigated.

For the following circumstances, development proposals will be supported where they are accompanied by a detailed investigation of the issues and appropriate mitigation measures are identified to avoid any adverse impact upon the site or adjacent areas:

¹³ Blaby District Council (2013) Blaby District Local Plan: Local Plan Core Strategy Development Plan Document

¹⁴ Blaby District Council (2019) Blaby District Local Plan: Local Plan Delivery Development Plan Document

[...]

c) Close to or within an air quality management area or key transport corridors that may be affected by air quality;

[...].’

Hinckley and Bosworth Borough Council (HBBC) Local Development Framework Core Strategy

The HBBC Local Development Framework includes the Core Strategy¹⁵ which was adopted in December 2009 and provides the over-arching strategy and long term vision for HBBC up to 2026. There are no relevant policies for air quality within the current Core Strategy. However, consideration was given to the following objective included within the Core Strategy:

‘THE ENVIRONMENT

Spatial Objective 12: Climate Change and Resource Efficiency

To minimise the impacts of climate change by promoting the prudent use of resources through sustainable patterns of development, investment in green infrastructure, minimising the use of resources and energy, increasing reuse and recycling of natural resources, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.

[...].’

Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies Development Plan Document

In addition, the HBBC Site Allocations and Development Management Policies DPD¹⁶ refers to air quality in the following policies:

‘DM7 Preventing Pollution and Flooding

Adverse impacts from pollution and flooding will be prevented by ensuring that development proposals demonstrate that:

[...]

f) it will not contribute to poor air quality;

¹⁵ Hinckley and Bosworth Borough Council (2009) Local Development Framework Core Strategy

¹⁶ Hinckley and Bosworth Borough Council (2016) Site Allocations and Development Management Policies Development Plan Document

[...]

Applicants will be required to demonstrate that new development should not result in adverse impacts, including cumulative impacts upon air quality. Appropriate construction design and mitigation measures, appropriate distances and screening between developments and sensitive uses will protect the amenity of residents and workers and the environment.

[...]

DM10 Development and Design

Developments will be permitted providing that the following requirements are met:

It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, (including odour), noise, vibration and visual intrusion;

[...]

Rugby Borough Council Local Plan 2011-2031

In June 2019, RBC adopted Rugby Borough Council Local Plan 2011-2031¹⁷ to set out the strategy for development across the Rugby Borough for the period up to 2031. The following policies relates to air quality:

'Policy ED2: Employment Development Within Rugby Urban Area

[...]

Applicants will be required to demonstrate that any potential impacts on neighbouring land uses, particularly those especially sensitive to noise, visual amenity or air quality impacts arising from industrial uses are avoided, or where this is not possible, mitigated to an acceptable level.

[...]

Policy HS5: Traffic Generation and Air Quality, Noise and Vibration

Development proposals should promote a shift to the use of sustainable transport modes and low mission vehicles (including electric/hybrid cars) to minimise the impact on air quality, noise and vibration caused by traffic generation. Proposals should be located where the use of public transport, walking and cycling can be optimised. Proposals should take full account of the cumulative impact of all development including that proposed in this Local Plan on traffic generation, air quality, noise and vibration. Development proposals should complement the Air Quality Action Plan.

¹⁷ Rugby Borough Council (2019) Rugby Borough Council Local Plan 2011-2031

Technical Appendix: Chapter 6.1.9 Air Quality

Development throughout the Borough of more than 1,000 sqm of floorspace or 10 or more dwellings or development within the Air Quality Management Area (see Appendix 8) that would generate any new floorspace must:

1. Achieve or exceed air quality neutral standards; or

2. Address the impacts of poor air quality due to traffic on building occupiers, and public realm or amenity space users by reducing exposure to and mitigating their effects, proportionate to the scale of the development. This can be achieved using design solutions that include:

- Orientation and layout of buildings, taking into account building occupiers, public realm and amenity space users;*
- Appropriate abatement technologies; and*
- Urban greening appropriate for providing air quality benefits.*

3. Where air quality neutral standards are not met, measures to offset any shortfall will be required, according to the following hierarchy:

- On-site measures; then*
- Off-site measures; then*
- Financial contributions.*

[...]

Harborough Local Plan 2011-2031

The Harborough Local Plan¹⁸ was adopted in April 2019 and sets out the policies for development in the Harborough District up until 2031. The following policy relates to air quality:

'IN2 Sustainable transport

[...]

2. Residential and commercial development proposals will be permitted, subject to the provision of:

[...]

¹⁸ Harborough District Council (2019) Harborough Local Plan 2011-2031

g. mitigation for any adverse impact on air quality, especially in Air Quality Management Areas, and residential amenity, including traffic noise.

[...]

The above policies were taken into consideration throughout the undertaking of the assessment.