

European Legislation

European Union (EU) air quality legislation is provided within Directive 2008/50/EC, which came into force on 11th June 2008. This Directive consolidated previous legislation which was designed to deal with specific pollutants in a consistent manner and provided new air quality objectives for particulate matter with an aerodynamic diameter of less than 2.5µm (PM_{2.5}).

National Planning Policy

The National Planning Policy Framework (NPPF)¹ - was published on 24th July 2018 (updated in 19th February 2019) and sets out the Government's core policies and principles with respect to land use planning, including air quality. The implications of the NPPF have been considered throughout this assessment.

The National Planning Practice Guidance (NPPG)² - launched by the Department for Communities and Local Government on 6th March 2014 to support the NPPF. The NPPG will be reviewed and the relevant guidance considered as necessary throughout the undertaking of the air quality assessment.

UK Legislation

The Air Quality Standards (Amendment) Regulations 2016 - these Regulations amend the Air Quality Standards Regulations 2010 and transpose the EU Directive 2008/50/EC into UK law. Air Quality Limit Values (AQLVs) were published in these regulations for 7 pollutants, as well as Target Values for an additional 6 pollutants.

Air Quality Strategy (AQS) 2007 - Sets out a framework for reducing hazards to health from air pollution and ensuring that international commitments are met in the UK. It also sets standards and objectives for ten main air pollutants to protect health, vegetation and ecosystems

Part IV of The Environment Act 1995 - requires UK government to produce a national Air Quality Strategy (AQS) which contains standards, objectives and measures for improving ambient air quality. The most recent AQS was produced by the Department for Environment, Food and Rural Affairs (DEFRA) and published in July 2007³. The AQS sets out Air Quality Objectives (AQOs) that are maximum ambient pollutant concentrations that are not to be exceeded either without exception or with a permitted number of exceedances over a specified timescale. These are generally in line with the AQLVs, although the requirements for compliance vary slightly.

National Guidance

The Chapter was undertaken in accordance with a number of guidance documents as detailed below:

- Department for Environment Food and Rural Affairs (DEFRA) (2016): Local Air Quality Management Technical Guidance LAQM TG(16)⁴;
- IAQM (2014): Guidance on the Assessment of Dust from Demolition and Construction⁵; and
- IAQM & Environmental Protection UK (EPUK) (2017): Land-use Planning & Development Control: Planning for Air Quality⁶.

Table 6.1 presents the Air Quality Objectives (AQOs) detailed within the relevant legislation, which will be considered further during the preparation of the Air Quality chapter.

Table 6.1 Air Quality Objectives

Pollutant	Air Quality Objective	
	Concentration (µg/m ³)	Averaging Period

¹ National Planning Policy Framework, Department for Communities and Local Government, 2018.

² <https://www.gov.uk/government/collections/planning-practice-guidance>

³ The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, DEFRA, 2007

⁴ Local Air Quality Management Technical Guidance 2016 LAQM (TG16), DEFRA, 2016.

⁵ Guidance on the Assessment of Dust from Demolition and Construction, Institute of Air Quality Management, 2016

⁶ Land-Use Planning and Development Control: Planning for Air Quality, Environmental Protection UK and Institute of Air Quality Management, 2017.

NO ₂	40	Annual mean
	200	1-hour mean; not to be exceeded more than 18 times a year
PM ₁₀	40	Annual mean
	50	24-hour mean; not to be exceeded more than 35 times a year
PM _{2.5}	25	Annual mean

Table 6.2 summarises the advice provided in DEFRA guidance LAQM TG(16)⁴ on where the AQOs for pollutants considered within this report apply.

Table 6.2 Examples of Where the Air Quality Objectives Apply

Averaging Period	Objectives Should Apply At	Objectives Should Not Apply At
Annual mean	All locations where members of the public might be regularly exposed Building façades of residential properties, schools, hospitals, care homes etc	Building façades of offices or other places of work where members of the public do not have regular access Hotels, unless people live there as their permanent residence Gardens of residential properties Kerbside sites (as opposed to locations at the building façade), or any other location where public exposure is expected to be short term
24-hour mean	All locations where the annual mean objective would apply, together with hotels. Gardens of residential properties	Kerbside sites (as opposed to locations at the building façade), or any other location where public exposure is expected to be short term
1-hour mean	All locations where the annual mean and 24-hour mean objectives apply. Kerbside sites (for example, pavements of busy shopping streets) Those parts of car parks, bus stations and railway stations etc which are not fully enclosed, where members of the public might reasonably be expected to spend one hour or more Any outdoor locations where members of the public might reasonably be expected to spend one hour or longer	Kerbside sites where the public would not be expected to have regular access

Local Air Quality Management

Under Section 82 of the Environment Act (1995) (Part IV) Local Authorities (LAs) are required to periodically review and assess air quality within their area of administration under the system of LAQM. This review and assessment of air quality involves considering present and likely future air quality against the AQOs. If it is predicted that levels at sensitive locations where members of the public are regularly present for the relevant averaging period are likely to be exceeded, the LA is required to declare an AQMA. For each AQMA the LA is required to produce an Air Quality Action Plan (AQAP), the objective of which is to reduce pollutant concentrations in pursuit of the AQOs.

Dust

The main requirements with respect to dust control from industrial or trade premises not regulated under the Environmental Permitting (England and Wales) Regulations (2010) and subsequent amendments, such as construction sites, is that provided in Section 79 of Part III of the Environmental Protection Act (1990). The Act defines nuisance as:

"any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance."

Enforcement of the Act, in regard to nuisance, is currently under the administration of the local Environmental Health Department, whose officers are deemed to provide an independent evaluation of nuisance. If the LA is satisfied that a statutory nuisance exists, or is likely to occur or happen again, it must serve an Abatement Notice under Part III of the Environmental Protection Act (1990). Enforcement can insist that there be no dust beyond the boundary of the works. The only defence is to show that the process to which the nuisance has been attributed and its operation are being controlled according to best practice measures.

The above guidance documents will be reviewed and the relevant guidance considered as necessary throughout the undertaking of the air quality assessment

Local Planning Policy

Manchester City Council Local Plan

The Manchester Local Development Framework (LDF) Core Strategy was formally adopted in 2012 and provides a framework for development within the city. The LDF comprises a number of documents which set out MCC's spatial policy framework. A review of the Core Strategy indicated the following policy in relation to air quality that is relevant to this assessment:

- Policy EN 16 - Air Quality;
- Policy CC5 - Transport; and
- Policy DM1 - Development Management.

Reference has been made to these policies during the undertaking of this Air Quality Assessment by assessing pollutant concentrations across the Site and determining potential air quality impacts as a result of the Proposed Development.

Greater Manchester Air Quality Action Plan

The Greater Manchester Air Quality Action Plan (AQAP) has involved a review of the strategies, policies and plans which tackle or are in some way related to air quality, to develop a clear, robust and meaningful set of actions which will deliver real changes in terms of air quality, whilst supporting the sustainable economic growth of the region.

The primary objectives of the AQAP are to improve air quality across Greater Manchester and to embed low-emission behaviours into the culture of our organisations and lifestyles by 2025, whilst supporting the UK Government in meeting all EU thresholds for key air pollutants. The Plan identifies 'Key Priority Areas' which are generally locations near to major roads and heavily trafficked areas in Manchester city centre, and other major urban centres across the other nine districts.

The AQAP comprises a single document including actions that will be ratified by Transport for Greater Manchester (TfGM) and district authorities to tackle air quality in Key Priority Areas, whilst supporting the sustainable economic growth of the region. This plan will allow councils to carry out their statutory duties under Part IV of the Environment Act 1995, as its implementation will help mandatory EU limit values to be met. Consideration to the action plan has been made throughout the preparation assessment.

Reference has been made to this policy during the undertaking of this Air Quality Assessment by assessing pollutant concentrations across the Proposed Development.