

Appendix 7.1 - Legislation and Policy



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1.0 INTRODUCTION

- 1.1.1 This Technical Appendix provides the Legislation and Policy considered within the assessment. It should be read in conjunction with the Air Quality Chapter of the Environmental Statement and the other Technical Appendices.

2.0 LEGISLATION

2.1 Air Quality Strategy

- 2.1.1 The Air Quality Standards Regulations (2010)¹ and subsequent amendments, include Air Quality Limit Values (AQLVs) for seven pollutants, including nitrogen dioxide (NO₂) and particulate matter with an aerodynamic diameter of less than 10µm (PM₁₀). Air quality target values were also determined for several additional pollutants. It should be noted that the AQLV for particulate matter with an aerodynamic diameter of less than 2.5µm (PM_{2.5}) stated in the Air Quality Standard Regulations (2010) was amended in the Environment (miscellaneous Amendments) (EU Exit) Regulations (2020)².
- 2.1.2 The Air Quality Strategy (AQS) was produced by the Department for Environment, Food and Rural Affairs (DEFRA) and published in July 2007. The document contains standards, objectives and measures for improving ambient air quality, including a number of Air Quality Objectives (AQOs). These are maximum ambient pollutant concentrations that are not to be exceeded either without exception or with a permitted number of exceedences over a specified timescale. These are generally in line with the AQLVs, although the requirements for the determination of compliance vary.
- 2.1.3 The Environmental Improvement Plan 2025³ was published in December 2025, providing long term and Interim Targets in order to reduce population exposure to PM_{2.5}. The Concentration Target for 2040 was adopted in the Environmental Targets (Fine Particulate Matter) (England) (Regulations) (2023).
- 2.1.4 Table 1 presents the AQOs, Interim Target and Concentration Target for pollutants considered within the assessment.

¹ The Air Quality Standards Regulations (2010), UK Government, 2010.

² The Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020, UK Government, 2020.

³ Environmental Improvement Plan 2025, DEFRA, 2025.

Table 1 Air Quality Objectives/ Interim Target/ Concentration Target

Pollutant	Air Quality Objectives/ Interim Target/ Concentration Target	
	Concentration ($\mu\text{g}/\text{m}^3$)	Averaging Period
NO ₂	40	Annual mean
	200	1-hour mean, not to be exceeded on more than 18 occasions per annum
PM ₁₀	40	Annual mean
	50	24-hour mean, not to be exceeded on more than 35 occasions per annum
PM _{2.5}	10 ^(a)	Annual mean
	10 ^(b)	Annual mean

Note: (a) Interim Target to be achieved by 2030.

(b) Concentration Target to be achieved by 2040.

2.1.5 Table 2 summarises the advice provided in DEFRA guidance⁴ on where the AQOs for pollutants considered within the Air Quality Chapter apply.

Table 2 Examples of Where the Air Quality Objectives Apply

Averaging Period	Objective Should Apply At	Objective 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

⁴ Local Air Quality Management Technical Guidance (TG22), DEFRA, 2022.

Averaging Period	Objective Should Apply At	Objective Should Not Apply At
1-hour mean	All locations where the annual mean and 24 and 8-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

2.2 **Local Air Quality Management**

2.2.1 Local Authorities (LAs) are required to periodically review and assess air quality within their area of jurisdiction under the system of Local Air Quality Management (LAQM). This review and assessment of air quality involves comparing present and likely future pollutant concentrations against the AQOs. If it is predicted that levels at locations of relevant exposure, as summarised in Table 2, are likely to be exceeded, the LA is required to declare an Air Quality Management Area (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.

2.3 **Dust**

2.3.1 The main requirements with respect to dust control from industrial or trade premises not regulated under the Environmental Permitting (England and Wales) Regulations (2016) 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."

2.3.2 Enforcement of the Act, in regard to nuisance, is currently under the jurisdiction 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). The only defence is to show that the process to which nuisance has been attributed and its operation are being controlled according to best practicable means.

3.0 POLICY

3.1 National Planning Policy Framework

3.1.1 The revised National Planning Policy Framework⁵ (NPPF) was published in December 2024 and amended in February 2025. The document sets out the Government's planning policies for England and how these are expected to be applied.

3.1.2 The purpose of the planning system is to contribute to the achievements of sustainable development. In order to ensure this, the NPPF recognises three overarching objectives including the following of relevance to air quality:

"c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

3.1.3 Chapter 15 of the NPPF details objectives in relation to conserving and enhancing the natural environment. It 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, or 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 [...]"

3.1.4 The NPPF specifically recognises air quality as part of delivering sustainable development and states that:

⁵ NPPF, Ministry of Housing, Communities and Local Government, 2024.

"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."

3.1.5 The implications of the NPPF have been considered throughout the assessment.

3.2 Planning Practice Guidance

3.2.1 The National Planning Practice Guidance (NPPG)⁶ web-based resource was launched by the Department for Communities and Local Government it provides detailed guidance on how to interpret the policies of the NPPF. The NPPG outlines issues to be considered when undertaking Air Quality Assessments in support of planning applications.

3.3 Regional Planning Policy

3.3.1 The Places for Everyone Plan (PfEP)⁷ was produced by the Greater Manchester Combined Authority (GMCA) and became part of the statutory development plan for each of the relevant Councils on 21st March 2024.

3.3.2 A review of the PfEP indicated the following policies of relevance to air quality that have been considered throughout this assessment:

"Policy JP:S5: Clean Air

⁶ NPPF, Ministry of Housing, Communities and Local Government, 2024.

⁷ PfEP, GMCA, 2024.

A comprehensive range of measures will be taken to support improvements in air quality, focusing particularly on locations where people live, where children learn and play, where there are impacts on the green infrastructure network and where air quality targets are not being met, including:

1. Locating and designing development, and focusing transport investment, so as to reduce reliance on forms of transport that generate air pollution;
2. Determining planning applications having regard to the most recent development and planning control guidance published jointly by the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK), and the most recent IAQM Guidance on the Assessment of Dust from Demolition and Construction, or relevant successor guidance, including the requirement for developers to submit construction management plans as appropriate;
3. Requiring applications for developments that could have an adverse impact on air quality to submit relevant air pollution data so that adverse impacts on air quality can be fully assessed and development only permitted where they are acceptable and/or suitable mitigation can be provided;
4. Restricting developments that would generate significant point source pollution such as some types of industrial activity and energy generation;
5. Significantly expanding the existing commercial network of electric vehicle charging points, both for public and private use, including as part of new developments;
6. Implementing the Clean Air Plan and associated measures;
7. Facilitating the more sustainable distribution of goods within the urban area, including through accommodating urban consolidation centres and urban distribution centres that use ultra-low-emission vehicles, and local delivery facilities to reduce repeat delivery attempts;
8. Designing streets to avoid trapping air pollution at ground level, including through the appropriate location and scale of buildings and trees;
9. Controlling traffic and parking within and around schools, early years sites and other locations that are particularly sensitive to air quality;
10. Promoting actions that help remove pollutants from the air, such as enhancing the green infrastructure network and using innovative building materials that capture air pollutants; and,
11. Development should be located in areas that maximise the use of sustainable travel modes and be designed to minimise exposure to high levels of air

pollution, particularly for vulnerable users."

"Policy JP-P1 Sustainable Places

We aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with:

[...]

15. Comfortable and inviting, with indoor and outdoor environments:

A. Offering a high level of amenity that minimises exposure to pollution; and,

[...]"

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

3.4 Local Planning Policy

- 3.4.1 The Manchester Local Plan consists of a series of planning documents of which the Core Strategy Development Plan Document (DPD)⁸ is central. This was adopted by Manchester City Council (MCC) on 11th July 2012.

- 3.4.2 Review of the Core Strategy DPD indicated the following policies of relevance to the assessment:

"Policy DM 1 Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

⁸ Core Strategy DPD, MCC, 2012.

[...]

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise."

"Policy EN 16 Air Quality

The Council will seek to improve the air quality within Manchester."

3.4.3 It should be noted that MCC issued an addendum to the Core Strategy DPD⁹ in 2024. This confirms that the remaining text of Policy EN16 has been superseded by PfE Policy JP-S5, as referenced in Section 3.3.

3.4.4 MCC has also produced the 'Air Quality & Planning Technical Guidance Document'¹⁰ which provides guidance on assessing the impact of proposed development on air quality.

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

3.5 Greater Manchester Clean Air Plan

3.5.1 The UK Government has instructed a number of LAs to take rapid action to reduce harmful roadside levels of NO₂ within their areas of jurisdiction in the quickest possible timeframe. The GMCA and Transport for Greater Manchester (TfGM) have collaborated to develop a Clean Air Plan (CAP) to ensure Greater Manchester achieves compliance with the relevant AQOs for NO₂ by 2026 at the latest. The initial CAP proposal included implementation of a Class C charging Clean Air Zone. The GMCA has subsequently updated the CAP proposals¹¹ to comprise an investment-led, non-charging approach.

⁹ Core Strategy DPD, MCC, 2012.

¹⁰ Air Quality & Planning Technical Guidance Document, MCC, 2022.

¹¹ Case for a New GM Clean Air Plan, GMCA and TfGM, 2022.

This was approved by the UK Government on 23rd January 2025. The implications of the CAP were taken into account during the undertaking of this assessment.