BURO HAPPOLD

Appendix 9.1 Legislation, Policy and Guidance

1. Legislation

1.1. Air Quality Standards Regulations 2010

This UK legislation implemented the requirements of the ambient air quality directive and set legally binding limit values for air quality with respect to human health and vegetation. The Air Quality Standard Regulation 2010 (HM Government, 2010) transposes 2008 Ambient Air Quality Directive 2008/50/EC (EU, 2008). It consolidates and replaces previous ambient air quality legislation. The Regulations were subsequently updated in 2016 (The Air Quality Standards (Amendment) Regulations 2016).

1.2. Environment Act

Part IV of the Environment Act 1995, as amended by the Environment Act 2021, places a duty on the Secretary of State for the Environment to develop, implement and maintain an Air Quality Strategy (AQS) with the aim of reducing atmospheric emissions and improving air quality. The Environment Act 2021 requires the AQS to be reviewed at least every five years and create a progress report annually.

The latest AQS for England, Scotland, Wales, and Northern Ireland was published in 2023 (Defra, 2023), provides the framework for ensuring the air quality limit values are complied with based on a combination of international, national and local measures to reduce emissions and improve air quality. This includes the statutory duty, also under Part IV of the Environment Act 1995, for local authorities to undergo a Local Air Quality Management (LAQM) process. This requires local authorities to regularly and systematically review and assess air quality within their boundaries against these objectives and appraise development and transport plans against these assessments.

In areas where air quality objectives are not likely to be met by the relevant target date, local authorities are required to declare an Air Quality Management Area (AQMA) and develop an air quality action plan (AQAP) in pursuit of the air quality objectives. The national air quality objectives (AQO) relevant to this assessment, as defined by the Air Quality (England) Regulations 2000, are detailed in Table 6.2 (HM Government, 2000).

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The Environment Act was amended in 2021, requiring the government to set new targets for fine particulate matter ($PM_{2.5}$). The subsequent Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 (HM Government, 2023) set the following targets:

- Annual mean $PM_{2.5}$ concentration of 10 µg/m^3 by 2040; and
- At least a 35% reduction in population exposure of PM2.5 by the end of 2040.

The Environment Act 2021 requires the publication of an Environmental Improvement Plan every five years, with progress against the set targets reported on annually. The Environmental Improvement Plan 2023 (Defra, 2023) sets the following interim target for $PM_{2.5}$¬:

- Annual mean $PM_{2.5}$ concentration of 12 µg/m^3 by 2028; and
- At least a 22% reduction in population exposure of $PM_{2.5}$ by the end of 2028.

1.1 $PM_{2.5}$ Targets: Interim Guidance

The $PM_{2.5}$ Targets: Interim Guidance was published in 2024 (Department for Environment Food & Rural Affairs, 2024) and outlines some actions to be taken by applicants and local authorities in addressing the new $PM_{2.5}$ target. Air quality assessment reports would need to include evidence of identifying key pollution sources within their schemes and proof of actions taken to minimise $PM_{2.5}$ emissions.

With regards to the interim planning guidance relating to the new $PM_{2.5}$ targets (as outlined in section 15.19), the Proposed Development includes the following measures to minimise $PM_{2.5}$ emissions and exposure:

- Use of heat pumps as for the heating and hot water strategy of Proposed Development, minimizing emissions from energy generation;
- During construction, best practice mitigation measures will be adopted to minimise $PM_{2.5}$ emissions. The mitigation measures will be informed by the construction dust risk assessment in Appendix 8.2;
- During construction a Travel Plan will be in place for construction workers to promote and encourage use of sustainable travel to the EIA Site;
- No onsite parking space, which would likely encourage use of public and active transport, minimizing traffic emissions around the EIA Site;
- All external parking spaces shall be provided with electric vehicle charging; and
- A Framework Travel Plan will be in place which will encourage and enable residents to travel by sustainable modes.

2. Local Policy

2.1. Manchester Core Strategy (2012)

The Manchester Core Strategy Development Plan (MCC, 2012) is the primary strategic planning document in the City's Local Development Framework. It outlines the council's vision for Manchester from 2012 to 2027 and sets out planning policies that aim to help the city achieve the Local Development Framework's vision.

The Manchester Core Strategy Development Plan has adopted a number of policies relevant to air quality, including the following:

Policy EN 16 (Air Quality)

'*The Council will seek to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes and at Manchester Airport. Developers will be expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself, including from Combined Heat and Power and biomass plants.*

When assessing the appropriateness of locations for new development, the Council will consider the impacts on air quality, alongside other plan objectives. This includes cumulative impacts, particularly in Air Quality Management Areas.'

Policy EN 7 (Energy Infrastructure opportunities)

Policy EN 7 sets out a general presumption in favour of low and zero carbon decentralised energy schemes, subject to a number of considerations.

Policy DM 1 (Development Management)

Policy DM 1 outlines the key parameters that should be addressed as part of the planning proposal, those relevant to Air Quality include:

'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.

- *Design for health*
- *Vehicular access and parking*
- *Effects relating to biodiversity, landscape, archaeological or built heritage.*
- *Green infrastructure including open space, both public and private.'*

2.2. Addendum to Manchester Core Strategy (2024)

The Greater Manchester Combined Authority (GMCA) launched the Places for Everyone Joint Development Plan Document (PfE) (GMCA, 2024) to create a comprehensive, long-term strategy for sustainable growth across nine Greater Manchester districts: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, and Wigan. This plan aims to promote sustainable development, support infrastructure development, provide housing and

employment and protect environmental assets. The Manchester Core Strategy was updated in March 2024 to align with the Places for Everyone Plan. This ensures that local policies in Manchester are consistent with the regional strategy.

Amendments in Manchester Core Strategy that are relevant to Air Quality include:

CS Policy EN16 Air Quality

Section to be replaced:

', and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes and at Manchester Airport' from the first sentence:

Replaced by PfE Policy JP-S5: Clean Air

1. *'Policy JP-S5: Clean Air 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:*
2. *Locating and designing development, and focusing transport investment, so as to reduce reliance on forms of transport that generate air pollution;*
3. *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;*
4. *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;*
5. *Restricting developments that would generate significant point source pollution such as some types of industrial activity and energy generation;*
6. *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.'*

2.3. The Greater Manchester Strategy

The Greater Manchester Strategy 2021-2027 (GMCA, 2021) is the GMCA's plan for recovery and renewal following the pandemic. It provides a clear direction of travel for the city-region, focused on those areas where all parts of the conurbation need to work together to achieve the shared vision of Good Lives for All: that Greater Manchester is a great place to grow up, get on and grow old; a great place to invest, do business, visit and study.

With regards to improving the environmental conditions of GM, particularly air quality, the following statement is made in the strategy:

Greater Manchester's system-wide priorities:

'We will create a carbon neutral Greater Manchester by 2038, with better air quality and natural environment.'

2.4. Greater Manchester Transport Strategy 2040 (TfGM, 2021a) and Our Five-Year Transport Delivery Plan 2021-2026

Greater Manchester Transport Strategy 2040 (TfGM, 2021b) sets out a commitment to provide a transport system which:

- Supports sustainable economic growth and the efficient and effective movement of people and goods;
- Improves the quality of life for all by being integrated, affordable and reliable;
- Protects environment; and
- Supports the net zero target as well as improving air quality.

The Transport Strategy has adopted a number of policies relevant to air quality, including the following:

Policy 3: *'We will maintain a programme of interventions encouraging people to make sustainable journeys. We will support this programme through journey planning tools, and information to encourage travel behaviour change and mode shift, in order to make the most efficient use of available capacity (particularly during peak periods).'*

Policy 9: *'We will work with partners and key stakeholders to bring nitrogen dioxide (NO2) levels on local roads within legal limits, and to reduce levels of particulate matter.'*

Policy 16: *'We will work with partners to support a rapid transition towards low-emission vehicles in Greater Manchester, including developing a clear strategy on the Electric Vehicle Charging Infrastructure network required to provide greater confidence to residents and businesses to invest in electric vehicles.'*

To achieve long-term ambitions as set out in the Transport Strategy, the Our Five Year Transport Delivery Plan is published to respond to the transport opportunities and challenges facing Greater Manchester, in parallel with the spatial planning processes over 2021-2026. The aim is to provide an integrated approach to transport and land use planning by identifying the strategic transport interventions required to deliver the scale of growth envisaged across GM.

Improving air quality is one of the key areas for GMCA's investment and intervention in the 5-year plan. To do so, GMCA pledged to deliver:

'a package of interventions forming the Clean Air Plan that are reasonably expected to reduce NO2 concentrations to legal levels and have wider air quality benefits'

2.5. GMCA 5-year Environment Plan 2025-2030

The 5-Year Environment Plan (GMCA, 2024) sets out the long-term vision and immediate actions for the environment. The plan sets out that improving air quality and thereby enhancing health, wellbeing and quality of life is one of GMCA's eight aims. The plan also outlined key priorities for improving air quality and reducing emissions caused by travel, including reducing the necessary travelling distance, increasing public transport and active travel, phasing out fossil fuelled vehicles, establishing a zero-emission bus fleet and decarbonising road freight transport.

2.6. GMCA Air Quality Action Plan

An air quality management area (AQMA) has been declared across the City of Manchester and encompasses all major roads within GM owing to exceedances of the annual mean Air Quality Objective for NO2. Thereby an Air Quality Action Plan (AQAP) has been produced by the GMCA, which outlines the mitigation measures and strategic approach to improve air quality within the city and surrounding boroughs (GMCA / TfGM, 2016). The seven targeted actions aimed at improving air quality, and specific mitigation measures, are outlined below:

- **Actions for Managing New Development:** *Creation and management of a database of significant planning application and related air quality assessments.*
- **Actions for Freight Vehicles:** *Locations for potential distribution centres will be identified in the Greater Manchester Spatial Framework.*
- **Actions for Buses:** *Consideration and trial of a range-extender bus or other ultra-low emission vehicles, which can be implemented to the wider public transport strategy.*
- **Actions for Cycling:** *Improvement to the cycle networks focusing on safe green routes, away from areas of high pollution.*
- **Actions for Travel Choices:** *Appraisal of existing car sharing schemes and their impacts on modal shift. Use this information to expand existing schemes and inform future areas of focus.*
- **Actions for Car:** *Continual expansion of EV charging points through the Plugged-in-Places programme.*
- **Actions for Information and Resources:** *More resource and investment to the Great Air Manchester website.*

To report on the LAQM monitoring results and the progress of actions within the AQAP, an Annual Status Report (ASR) is produced in each calendar year in fulfilment of the statutory duties placed on local authorities under the Environment Act 1995.

2.7. GM Clean Air Plan

The ten GM local authorities have been instructed by the government to bring NO2 pollution levels within legal limits through a Clean Air Plan (CAP) (GMCA, 2023).

Since 2018, GM has carried out a separate air quality monitoring survey for the launch of the CAP. Together with LAQM monitoring, the two monitoring schemes provide a more thorough picture of the air quality condition across GM.

3. Guidance

3.1. IAQM land-use planning & development control: planning for air quality

This document from EPUK and the Institute of Air Quality Management (IAQM) provides detail on the consideration of air quality within the land-use planning and development control processes (IAQM , 2017). The guidance provides an approach to determining significance of air quality impacts, which takes account of the percentage change in concentrations relative to the relevant air quality objective. The guidance also provides a screening approach to determine whether emissions from road traffic generated by a development have the potential for significant air quality impacts.

3.2. Defra Local Air Quality Management Technical Guidance ('TG22')

The Local Air Quality Management Technical Guidance (TG22) (Defra, 2022) is designed to support local authorities and air quality professions in carrying out their duties under the Environment Act 1995 as amended by the Environment Act 2021. The guidance sets out what local authorities should do and the legal duties they must comply with to improve local air quality. It supports evidence-based action planning for public health and well-being by updating existing air quality tools and measures, outlining detailed air quality assessment methodology, and adding new products and supporting material to help assess the impact of measures (Manchester City Council, 2022).

As per Defra LAQM TG22, potential air quality impacts from the railway will be assessed based on the status of locomotives, if any of the conditions below are met.

Stationary diesel or steam locomotives:

- Identify locations where diesel or steam locomotives are regularly (at least three times a day) stationary for periods of 15 minutes or more; and
- Determine relevant exposure within 15 m of the locomotives.

Moving diesel locomotives:

- Determine relevant exposure within 30 m of the relevant railway tracks (the Manchester Piccadilly to Manchester Deansgate rail line is identified in TG22 as a line with heavy traffic of diesel passenger trains); and
- Identify whether the background annual mean NO_2 concentration is above 25 µg/m^3 in these areas.

3.3. MCC Air Quality and Planning Technical Guidance

One of the actions outlined in the GM air quality action plan is to develop air quality and planning guidance. The guidance document (MCC, 2022) aims to encourage developers to follow good practice and to mitigate impacts. It outlines the expectations of MCC with regards to air quality in the planning context for both the construction and operation of a development.

The guidance recommends following IAQM and EPUK guidance when assessing impacts associated with both construction and demolition. It also recommends usage of Defra's damage cost calculations (for additional

pollutant population exposure emissions costs) for major developments and/or where there may be a cumulative impact.