



**Air Quality SPD June 2021
Consultation Statement**

**Response and amendments
June 2021**

Development Strategy

Context

- 1.1 The Statement of Community Involvement (SCI) states that a Consultation Statement will be published following the close of the consultation. This will include:
 - A list of the persons consulted;
 - A summary of representation; and
 - A comment on how representations have been considered and the actions taken.
- 1.2 The consultation period ran from 9th March to the 20th November 2020. 18 consultation responses were received for consideration by the Council. A list of consultees who made representations to the consultation document can be found in Appendix A.
- 1.3 The consultation was carried out under the Town and Country Planning (Local Planning) (England) Regulations 2012 Regulations 12 and 13. The details of the consultation including where to view the document and how to respond were published on the Rugby Borough Council website and in the Rugby Observer newspaper.
- 1.4 All statutory consultees (including Parish Councils) and any individuals and businesses whose details were held on the Planning Policy Database received either a letter or an email notifying them of the consultation and where to view the document. Following the introduction of GDPR legislation, the Planning Policy Database had been updated to include only those the Council had a duty to consult, and those who had 'opted in' or expressed a wish to be notified of future Local Plan documents.
- 1.5 Copies of the consultation documents were made available on the Council's website and for viewing during opening hours at the Town Hall as well as the Rugby, Dunchurch and Wolston libraries. Representations could be made by email or by post.
- 1.6 The key issues as a result of the consultation were as follows;
 - Confusion over the actual wording of policy HS 5 and its' implementation;
 - How this SPD could mitigate the impact of the developments on the SW Rugby allocation;
 - The need for the SPD to be clearly understood by all parties so it can be used;
 - The interaction between this SPD and the SW Rugby SPD;

1.7 In response to the consultation this document outlines the following:

- A detailed table summarising the key issues raised by consultation
- Appendix A: A list of consultees who made representations.

Issues raised and suggested changes:

Respondent	Comments	RBC Response	Action	Recommended Changes in bold or as strikethrough
1.Historic England	No comments	Noted	None	None
2.Harborough DC	No comments	Noted	None	None
3.S.Hume	Do not use silver birch in planting as it worsens allergies and breathing problems	Text does not refer to any specific type of green infrastructure or planting	Add new text in para 7.16 to address this concern.	Poor air quality has an adverse impact on health. Rugby would not want to see green infrastructure being delivered that would contribute to worsening health problems. Certain tree and plant species, the silver birch (<i>Betula utilis</i>) and the male Juniper (<i>Juniperus</i>) have been shown to exacerbate breathing problems, whereas species like the whitebeam (<i>sorbus aria 'Lutescens')</i> and clematis (<i>climatis armandii</i>) reduce them. While the Council is keen to promote green infrastructure to help address air quality issues it would not support planting schemes where species that contribute to breathing problems dominate. The Tree and Design Action Group's Trees in Hard Landscapes guide and the Forestry Commission's Urban Tree Manual offer technical guidance on integrating trees into the urban landscape. The Tree Species Selection for Green Infrastructure: A Guide for Specifiers is a guide and searchable database. Advice on allergy friendly planting is available online such as www.allergyfriendlyplants.co.uk and www.allergyfree-gardening.com
4.Dunchurch Parish Council	Air quality at the Crossroads in Dunchurch is very poor and therefore, we do not want the	Development of SW Rugby allocation	None	None

	<p>situation to worsen. Poor Air Quality here needs to be addressed.</p>	<p>requires delivery of a relief road that aims to take traffic away from Dunchurch which will improve air quality</p>		
	<p>The DPC believes that lorries accessing and egressing from the Symmetry Park Development should be prohibited from passing through the cross roads, with heavy penalties for those drivers who do use the cross roads.</p>	<p>Not a matter for this SPD. The symmetry park development could have a lorry routing strategy plan imposed as part of a s106 agreement.</p>	<p>None</p>	<p>None</p>
	<p>The Symmetry Park Developers should organise an affordable bus service for their employees to reduce the number of vehicle movements passing through Dunchurch.</p>	<p>Not a matter for this SPD. Bus contributions would be part of any s106 agreement associated with a planning application.</p>	<p>None</p>	<p>None</p>

	<p>New access roads to any new housing developments should be put in place prior to any of the dwellings being occupied, to reduce vehicle movements passing through the crossroads.</p>	<p>Not a matter for this SPD. Delivery of Homestead link road to mitigate impact of SW Rugby allocation on Dunchurch crossroads addressed by Local Plan Policy DS 8, DS 9 and the SW Rugby SPD.</p>	<p>None</p>	<p>None</p>
	<p>Developers of new developments should plant as many trees and shrubs as possible to mitigate against a reduction in air quality</p>	<p>Noted. SPD sets out a number of ways to mitigate air quality which includes green infrastructure.</p>	<p>None</p>	<p>None</p>
	<p>All major developments need to address air quality from the outset and LPA should ensure that measures are monitored and enforced.</p>	<p>Noted. One of the purposes of developing this SPD is to raise profile of air quality issues with developers, AQ monitoring undertaken by environmental</p>	<p>None</p>	<p>None</p>

	Objected to WCC minerals plan due to traffic implications for Dunchurch.	health. RBC has enforcement powers. Beyond the scope of this SPD.	None	None
5. Warwickshire County Council – Lead Flood authority	<p>We advocate the use of green infrastructure / sustainable drainage systems to manage runoff on new developments (i.e. ponds, swales). These can bring benefit to air quality.</p> <p>On brownfield sites or urban regeneration sites, tree pits can be used successfully to help capture pollutants in runoff meanwhile benefiting air quality also (for examples see https://www.greenblue.com/gb/green-infrastructure/).</p> <p>With the above in mind, we would welcome an addition to Section 7.13 to 7.15 which acknowledges that certain green infrastructure can also deliver multiple benefits for example on flood risk reduction, sustainable</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	<p>None</p> <p>Amend para 7.15 to include this</p> <p>Amend para 7.13 to include this text.</p>	<p>None</p> <p>The Woodland Trust has published guidance on how trees can improve air quality this can be found here: Warwickshire County Council have also produced guidance that can benefit air quality via green infrastructure, link here: https://www.greenblue.com/gb/green-infrastructure/</p> <p>Plants and trees provide an aesthetically pleasing aspect to a scheme, may benefit biodiversity, flood risk reduction, sustainable drainage, and water quality improvements and may also be used to provide a barrier from a pollutant source such as a trafficked road. Green infrastructure in general can also be used in both large and small schemes to help in mitigating the impacts of air quality.</p>

	drainage and water quality improvements.			
6.Cllr N Sandison	In terms of CIL or Section 106 contributions developers should be encouraged to contribute to air quality improvements like modal shift in transport to reduce pollutants by encouraging people to cycle or use hydrogen or electric public access transport and interchanges to reduce emissions.	These measures are already referred to in SPD text and in tables 2 and 3 as acceptable forms of mitigation.	Add new text in paras 7.17-7.21 on these issues.	<p>Introduce text in paragraphs 7.17-7.21 to address these issues.</p> <p>Those installing electric vehicle charging will be required to comply with the most up to date guidance that applies at the time the planning application is submitted. This is currently the Code of Practice for Electric Vehicle Charging Equipment Installation (4th Edition)</p> <p>Policy D2 of the adopted Local Plan seeks the provision of electric vehicle parking in new developments in line with the standards set out in Appendix 5 of the Local Plan. These are set out below. If an applicant wished to exceed this level of provision in an attempt to help mitigate the air quality impacts of their proposal the Council is likely to be supportive of such an approach.</p> <p>Appendix 4 sets out some advice on electric vehicle parking, provided by Warwickshire County Council, the local highways authority. The Council would encourage applicants to comply with this advice but accept there may be site specific issues that mean an alternative approach is necessary.</p> <p>Hydrogen, which emits no carbon dioxide, can be used as an alternative to natural gas to transfer and store energy and could replace fossil fuels in industrial processes, internal combustion engines and homes. Going forward hydrogen is likely to play an increasing role in society and the Council would want to future-proof development to enable easy conversion to an economy that makes greater use of hydrogen. So, for example, in considering a planning application for a petrol filling station the Council would like to see evidence that pumps could be easily adapted to dispense hydrogen or that space exists within the site to install hydrogen pumps.</p>

			<p>In November 2020 the Government published their “Ten point plan for a Green revolution” and one of them is driving the growth of low carbon hydrogen with an aim to generate 5GW of low carbon hydrogen by 2030. Given Government support for this sector the importance of hydrogen appears likely to grow.</p> <p>Policy D1 seeks to reduce traffic movements by promoting sustainable transport and through the use of travel plans. One way to reduce traffic movements is to promote car clubs, these are identified as a form of mitigation set out in Table 3 above. Car clubs are short-term car rental services that allow members access to locally parked cars and pay by the hour or day. Car clubs offer an alternative model to private car ownership for individuals and businesses. Car clubs reduce the need for private parking and can help more people give up their cars while allowing for occasional car travel. The benefits they offer include:</p> <ul style="list-style-type: none"> • Sustainable travel behaviour. Car clubs have the potential to reduce car ownership, inspiring a shift away from private car use to walking, cycling and public transport instead. • Benefits for businesses. Car clubs can help businesses and charities access the cleanest vans and cars, save money and reduce emissions. • Transition to electric vehicles. Many car clubs now operate electric or hybrid vehicles capable of operating with zero emissions. • Environmental and safety benefits. By encouraging people to transition to cleaner vehicles with the highest safety rating, car clubs can improve air quality and reduce CO2 emissions. <p>Further information on car clubs is available from a number of websites such as</p> <ul style="list-style-type: none"> • CoMoUK
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	Urban tree planting can also help to reduce urban heat sinks and absorb emissions developers can tree plant or provide open spaces with a financial contribution and look to make a net gain in air quality.	These measures are already referred to in SPD text and in tables 2 and 3 as acceptable forms of mitigation.	None	<ul style="list-style-type: none"> BVRLA <p>None</p>
7.Barton Willmore on behalf of Taylor Wimpey	Object to SPD requiring air quality neutrality	Policy HS5 with further information in this SPD seeks to ensure that if developments are not air quality neutral they need to mitigate. That is not the same as making developments air quality neutral. The details of the mitigation are set out in the SPD.	None	None

	<p>Will be making substantial contributions to deliver air quality mitigations as part of SW Rugby development. This should be acknowledged in this SPD and should not seek extra contributions for air quality.</p>	<p>The SW Rugby SPD defers the detail associated with air quality issues to this SPD. This is not an extra requirement but is further explanation to policy HS5. Air Quality for the SW SPD will be treated in the same manner as other development, explaining that there are on-site and off-site mitigations for air quality as explained in the SPD subject to viability.</p> <p>The SPD cannot make detailed comments about parcels within the SW, this is a matter for</p>	<p>None</p>	<p>None</p>
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		separate negotiation for each planning application.		
8.Marrons on behalf of L&Q Estates	<p>Our understanding is that the proposed tariff within the draft South West Rugby SPD will require contributions towards strategic infrastructure, including the delivery of the spine road network, cycling network, and public transport routes. As these measures will all benefit air quality, as noted in paragraph 4.13 of the draft Air Quality SPD, it must be the case that no further off site measures, or financial contributions will be required. It would be helpful in this respect if that is confirmed within the South West Rugby SPD.</p> <p>There is therefore now an element of uncertainty as to whether an applicant can demonstrate compliance with Policy HS5 if they have not addressed air quality neutral standards. L&Q Estates would</p>	<p>The merits of each application cannot be predetermined by SPD.</p> <p>The SPD sets out a number of mitigations that may be appropriate in terms of both on and off site, depending on the site context. It will be for discussion between developers and RBC to set out the specific mitigations during the process of a planning application and S106 negotiations but</p>	None	None
			None	None

	therefore welcome further clarity on this aspect in any final SPD.	the explanation of the SPD requires both on and off site mitigation for major schemes, addressing both transport impacts and on-site emissions, subject to viability.		
9. B.Coleman	Given that warehousing application been approved should divert traffic away from Dunchurch, plant more trees and greenery and encourage electric based public transport	The consideration of a specific planning application is not a matter for this SPD. The associated S106 agreement is likely to address vehicle movement and landscaping. Whilst the development of electric bus fleet may have benefits the requirement of	None	None

		<p>this initiative would be a consideration for planning applications and the specific circumstances of the case and whether those levels of contributions would be reasonable.</p>		
<p>10. Thurlaston PC</p>	<p>Ensure warehousing scheme complies with policy.</p> <p>There needs to be a monitoring station at warehousing site to monitor air quality levels.</p>	<p>There will be a detailed s106 agreement between developer and RBC to address this issue.</p> <p>Location of air quality monitoring stations not a matter for SPD. Permission will have conditions attached, planning service</p>	<p>None</p> <p>None</p> <p>None</p>	<p>None.</p> <p>None.</p> <p>None.</p>

	<p>How will air quality measures be enforced.</p>	<p>can take enforcement action against breaches of conditions if and when they arise.</p> <p>Not a matter for this SPD will be a matter for detailed negotiation as part of s106 agreement or enforcement of conditions.</p> <p>WCC consulted on any relevant application.</p>	<p>None</p>	<p>None.</p>
	<p>What specific measures will be imposed.</p>	<p>The imposition of conditions is not a matter for this SPD.</p>	<p>None</p>	<p>None.</p>
			<p>None</p>	<p>None.</p>

	<p>Work with WCC to address air quality issues.</p> <p>Lower polluting vehicles are a long term ambition.</p> <p>Potsford Dam link is crucial and must be delivered.</p> <p>Use of realistic and enforceable travel plans for warehousing scheme.</p>	<p>Agreed but not a matter for this SPD.</p> <p>Detail of travel plans will be a matter for detailed discussion as part of s106 agreement.</p> <p>Issue for LP policies DS 8 and SWR SPD.</p>	<p>None</p> <p>None</p> <p>None</p>	<p>None.</p> <p>None.</p> <p>None.</p>
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	Major development schemes need to prioritise walking and cycling routes.			
11. S.Lewington	Concerned about traffic and noise from Tritax warehousing permission, need to undertake adequate monitoring to ensure compliance with air quality neutrality.	S106 agreement will address vehicle movements and air quality/noise issues. Environmental health determine location of monitoring stations not a SPD.	None	None.
12. Wolston PC	Want an AQ monitoring station in Wolston.	Not a matter for this SPD	None	None.
13. William Davis Ltd	Installing electric vehicle charging points may impact on viability.	Introducing any SPD does not override the need for development to remain viable.	None	None.
14. Woodland Trust	More recent guidance on the benefits of green infrastructure is now available, link attached.	Add link to text in para 7.15.	Amend text.	The latest research from Birmingham University shows that absorption of pollutants by tree foliage is important but a much greater effect is obtained by trees, shrubs and hedges acting as a barrier between people and sources of pollution (eg between housing areas and heavily trafficked roads). https://bham.cloud.panopto.eu/Panopto/Pages/Viewer.aspx?id=e5bfd240-332e-4316-8e78-ab5901437983
15. Framptons	Query concept of air quality neutrality on a greenfield site.	Although policy seeks air quality	None	None.

<p>on behalf of Tritax</p>	<p>Use of may in damage cost calculations is ambiguous</p> <p>Set out detail of appropriate mitigations and include model conditions.</p>	<p>neutrality it does not demand it, policy allows for development to mitigate negative air quality impacts. Higher level of mitigation is likely to be required for a greenfield site than a brownfield one.</p> <p>Use of may reflects that diverse applications may require different approaches.</p> <p>Given diversity of applications and site contexts available in Rugby setting out detail of all mitigations and possible conditions would</p>	<p>None</p> <p>None</p>	<p>None.</p> <p>None</p>
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		make SPD too long and would not allow for new solutions as technology changes.		
	Requirements around NRMM are too strict, may not be enforceable and may not be planning matters and covered by other legislation.	No evidence submitted to show that standards are too onerous. Would be imposed by a planning condition so fall under planning enforcement.	None	None
	Query figure in appendix 2 for car clubs.	Appendix 2 works through a hypothetical example of how calculation of mitigation should be done. In this example mitigation in form of contributions to a car club.	None	None

	Air quality neutral costs should be off set against any air quality positive measures developers bring forward.	Agreed.	None	None
16. Homes Engand	Query concept of air quality neutrality and its application.	A new 40 mph road without signals may show better air quality than alternative of moving through existing crossroads at Dunchurch	None	None.
	Use of may in damage cost calculations is ambiguous	Use of may reflects that diverse applications may require different approaches.	None	None.
	Clarity required over when type 1 and type 2 mitigations required.	Unclear what further clarity was sought.	None.	None.
	How will NRMM standards be enforced. They will be stricter in Rugby Urban Area.	Enforcement will be a planning matter. AQ	None	None.

	How will road schemes be considered	worse in Rugby UA so standards stricter. Yes, a major scheme like a road would be required to comply with the policy.	None	None.
	How will costs of infrastructure be calculated.	Ensuring all schemes make appropriate funding is addressed in SWR SPD.	None	None.
17. R.Holt	See Table 2	See Table 2	As below	As below
18. H.Biddington	This is a duplicate of the R.Holt response	See Table 2	As below	As below

Table 2 - Detailed Response from R.Holt

Page/Paragraph	Existing Issue	Revised Wording	Response
Glossary	Include the dictionary definition of "Commercial"	Commercial organisations and activities are concerned with making money or profits, rather than, for example, with scientific research or providing a public service.	Agreed.
Section 6	From an implementation viewpoint, Section 6 needs to be redrafted for		Noted.

	<p>greater clarity for developers and development management officers. Within that general point there are some specific points that need to be addressed. At present Environmental Health are tied up with the Covid-19 Pandemic. They have not had time to comment on this document but if section 6 is to be revised, their input is important.</p>										
<p>Table 1 – Air Quality Classification of Developments</p>	<p>Please see attached suggested redrafting of Table 1.</p> <p>This table needs to set out when policy HS5 is applied relating to the type of development</p>	<p>Add this table after para 6.4</p> <p>Table 1 – Air quality classification of developments</p> <p>Some development falls outside of policy HS5, some falls within it and needs to comply with the policy. The following table classifies the difference:</p> <table border="1" data-bbox="759 1023 1776 1347"> <thead> <tr> <th data-bbox="759 1023 1043 1131">Scheme Type</th> <th data-bbox="1043 1023 1218 1131">Does HS5 apply or not?</th> <th data-bbox="1218 1023 1525 1131">Type of Mitigation</th> <th data-bbox="1525 1023 1776 1131">Notes</th> </tr> </thead> <tbody> <tr> <td data-bbox="759 1131 1043 1347">Development below 10 units or 1000 metres in floorspace which is outside the AQMA (regardless of whether or not it</td> <td data-bbox="1043 1131 1218 1347">Policy HS5 does not apply</td> <td data-bbox="1218 1131 1525 1347">No mitigation required*</td> <td data-bbox="1525 1131 1776 1347">There are some types of development, such as Biomass boilers, that will require air quality</td> </tr> </tbody> </table>	Scheme Type	Does HS5 apply or not?	Type of Mitigation	Notes	Development below 10 units or 1000 metres in floorspace which is outside the AQMA (regardless of whether or not it	Policy HS5 does not apply	No mitigation required*	There are some types of development, such as Biomass boilers, that will require air quality	<p>Agreed.</p>
Scheme Type	Does HS5 apply or not?	Type of Mitigation	Notes								
Development below 10 units or 1000 metres in floorspace which is outside the AQMA (regardless of whether or not it	Policy HS5 does not apply	No mitigation required*	There are some types of development, such as Biomass boilers, that will require air quality								

		generates new floorspace)			considerations as part of SDC 1. These types of development are explained within section 7.	
		Development below 10 units or 1000 square metres which generates new floorspace and is inside the AQMA	Policy HS5 applies	Type 1 Mitigation	<p>Extensions to existing dwellings may not require mitigation if no new boilers are included as part of the scheme as a whole.</p> <p>Annexes to dwellings which require their own heating would require mitigation.</p> <p>Changes of use/new uses from an empty shell would require mitigation if new/upgraded heating is included as part of scheme.</p>	

					Extensions to existing uses would require mitigation if new/upgraded heating is required due to the increase in floorspace.	
		Development below 10 units or 1000 square metres which does not generate new floorspace inside the AQMA	Policy HS5 does not apply	No mitigation required		
		Development above 10 units or 1000 square metres (regardless of whether or not it is inside or outside the AQMA)	Policy HS5 applies	Type 1 and Type 2 mitigation required. If NRMM used as part of scheme, Table 4 applies		
		<p>*A standard informative seeking the take up of ultra low emission boilers and other associated measures will be added to planning permissions.</p> <p>There are some types of development, such as Biomass boilers, that will require air quality considerations as part of SDC 1. These types of development are explained within section 7</p>				
Para 6.2	"Type 1 mitigation is listed in table 2 and Type 2."	Amend para 6.2 to say: " Type 1 mitigation is listed in table 2 and Type 2. Tables 2 and 3 list the types of mitigation required. These are divided up into Type 1 and Type 2 Mitigation measures. "				Agreed.

	This sentence does not make sense.		
Sub-title on page 17	This sub-title refers to 'Additional Floorspace within an AQMA'. It should clarify that this is referring to non-majors	Before para 6.5 add this heading: "Additional Floorspace within the AQMA below 10 units or 1000 square metres."	Agreed.
Para 6.5	Existing text in this para asks for 'an assessment'. This can be confused with an air quality assessment which would not be required for smaller developments within the AQMA. Suggest re-wording in accordance with amended Table 1.	Amend para 6.5 as follows "6.5 Smaller development proposals may not in themselves create an additional significant air quality problem but will may add cumulatively to local air pollution and potentially introduce more people likely to be exposed to existing levels of poor air quality. Even if car free, smaller developments could affect the AQMA by introducing additional gas boilers as part of the development. An assessment of the likelihood of introducing additional exposure will be determined if If the proposal is in the AQMA, and generates new floorspace, mitigation measures may be required in line with Type 1 mitigation listed in Table 2 in this document. If the proposal does not involve the creation of new floorspace, or does not introduce new gas boilers, mitigation may not be required as part of the policy.	Agreed.
Paragraph 6.6	This paragraph misquotes the policy by stating that the policy must achieve or exceed air quality neutral standards <u>and</u> provide appropriate mitigation measures. This is an incorrect interpretation of the policy. Mitigation measures are only required if air quality	Amend para 6.6 as follows "Policy HS5 states that additional floorspace within the AQMA must achieve or exceed air quality neutral standards and or provide appropriate mitigation measures."	Agreed.

	neutral standards are not met. This paragraph needs re-wording.		
Paragraph 6.7	This paragraph introduces the concept of air quality assessments in a section which relates to additional floorspace within the AQMA. This is unlikely to occur in reality especially if the development is car free.	Delete paragraph 6.7 and instead insert a note in the subsequent section relating to air quality assessments for major development as they are more likely to be required.	Agreed.
Paragraph 6.8	This paragraph introduces the concept of exposure assessments which has no reference in the policy. This would rarely be required for smaller developments within the AQMA. The only time this would be required would be if a development proposes living accommodation in close proximity pollution hotspots such as Dunchurch Crossroads, or if biomass boilers were to be located next to residential. It is unlikely that the latter	<p>Replace para 6.8 and underneath insert the following subtitle:</p> <p>“Additional floorspace outside of the AQMA below 10 units or 1000 square metres.</p> <p>6.7 Some types of development may not be classified as major development and may not be located within the AQMA. These types of development may still have an impact on air quality, by virtue of their type and location in relation to areas of air quality exceedance or due to the very nature of their use. Examples include new residential floorspace in areas of high exceedance such as in proximity to the Gyrotory or Dunchurch Crossroads, or Biomass boilers. These types of schemes will primarily be determined in accordance with policy SDC 1, rather than HS5, which requires that:</p> <p>“proposals for new development will ensure that the living conditions of existing and future occupiers are safeguarded, and that “proposals for housing and other potentially sensitive uses will not be permitted near to or adjacent [to] sites where there is a potential for conflict between uses....Such proposals must be accompanied by supporting information demonstrating that the existing use and proposed uses would be compatible and that the proposal has addressed any</p>	Agreed.

	would be introduced in the AQMA given its urban nature. It is suggested that additional paragraphs in a separate section to cover this point.	<p>potential effects of the existing use on the amenity of the occupiers of the proposed development.”</p> <p>This includes air quality and the impacts upon existing or future occupiers and such proposals may need a bespoke air quality assessment and mitigation which is likely to be site specific. Further information may be sought from the Commercial Regulation Team as to the exact form of the air quality assessment required.</p>	
Paragraph 6.9	This paragraph needs to expand the policy itself, i.e. the need to be either air quality neutral, or to mitigate to an acceptable level where impacts are minimised.	<p>Suggest re-writing this to state:</p> <p>“6.9 It is important that all schemes that meet the above threshold should identify suitable assessment requirements and potential mitigation. in order to achieve or exceed air quality neutral standards or to mitigate their impacts successfully. It is recommended that early pre-application discussions are undertaken to consider the Council’s requirements.</p>	Not Agreed but further refinement needed. Suggest instead “ Schemes that meet the above threshold are unlikely to be air quality neutral. They will therefore require mitigation. ”
Paragraph 6.10	This paragraph needs to differentiate between when an air quality assessment is required, and when adherence to the policy is required. Currently it talks about air quality assessments without clarifying when they are needed. They will not be needed for all majors.	<p>Amend para 6.10:</p> <p>6.10 The scale and nature of a proposed development, together with its proximity to areas of air quality exceedences within the borough, particularly the Gyrary and Dunchurch Crossroads may mean that a detailed air quality assessment will be required to determine the impacts, especially if required as a result of non-planning air quality regulations. on public health and the local environment. Not all major schemes will require an air quality assessment as a result of their location, for example, if they are remote from air quality exceedance locations or if they are car free. Air quality assessments only measure vehicle trip emissions as a result of developments, not on-site emissions from gas boilers. Policy HS5 requires major development to be either air quality neutral, or to mitigate their impacts. An Air Quality Assessment may be a useful tool to contribute to this process, but it would</p>	Agreed.

	<p>The bullet points and following A, B and C do not make logical sense if we are explaining policy HS5 here. These points relate to DEFRA damage calculations that don't directly relate to policy HS5. These could be given in a different section (perhaps Appendix 1) or be part of a separate air quality note but this information needs to be placed in the correct context, and informed by the Regulation team as it is out of context here. Suggest selective deletion as shown and a more general paragraph about the quantification of impacts used instead.</p>	<p>not be the sole determining factor in meeting the policy as consideration of local on-site non car emissions is also required to be taken into account when considering mitigation. Further information on the specification of an air quality assessment can be obtained from the Council's Commercial Regulation Team and in Appendix 1.</p> <ul style="list-style-type: none"> • The identification of the level of exposure through the change in pollutant concentrations including cumulative impacts arising from the proposal, during both demolition/construction operations and operational phases. Mitigation measures should be identified and modelled where practicable • The calculation of pollution emission costs from the existing and proposed development. Where there is long development build out programmes, we may require the developer to consider a longer period than 5 years where construction activity is likely to be intensive. <p>A. the methodology to be used for the determining of pollutant concentration change should meet the requirements of the Department for the Environment, Food and Rural Affairs (DEFRA) Technical Guidance Note LAQM TG (16)⁴. Further details of the air quality assessment requirements can be found in Appendix 1 and through the Rugby Commercial Regulations Team.</p> <p>All major development is assumed not to be air quality neutral unless proven otherwise in comparison with the previous lawful use which may have been a higher polluting use (providing the use has not been abandoned). In demonstrating air quality neutrality, calculations such as the</p> <ul style="list-style-type: none"> B. The calculation should utilise the most recent DEFRA Emissions Factor Toolkit to estimate the additional pollutant emissions from a proposed development and the latest DEFRA IGCB Air Quality Damage Costs for the specific pollutant of interest, to calculate the resultant damage cost may be required. The damage costs associated with the existing/lawful development and the proposed development should be clear to assist 	<p>Agreed.</p>
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		<p>development management officers in assessing the overall impacts on air quality arising from the development.</p> <p>✎ A comparison of emissions from the proposed development with those associated with the previous use of the site and how the proposed mitigation measures aim to ensure that the development achieves air quality neutral would be a further consideration. Evidence must be provided to demonstrate emissions from the development being no worse, if not better, than those associated with the previous use would be required.</p>	
Paragraph 6.11	Damage costs needs refinement specifically	<p>Amend para 6.11:</p> <p>6.11 Development Management Officers may use the damage costs DEFRA Emissions Factor Toolkit on considering ...</p>	Agreed.
Paragraph 6.12	Is para 6.12 required? Doesn't it repeat paragraph 6.11	Delete paragraph 6.12	Agreed.
Paragraph 6.13	Set para in context.	Amend para 6.13 The DEFRA Emissions Factor Toolkit calculation process includes:	Agreed
Paragraph 6.14	It should be made clear that local air quality effects may still be needed for majors due to gas boiler emissions which are not calculated by the toolkit	<p>Amend para 6.14 as follows:</p> <p>6.14 The calculation is summarised below. Further information can be obtained from the Commercial Regulations Team. Should there be no net increase in trips arising from a development scheme then the damage costs are zero. Further information on damage costs can be found in Appendix 2. Whilst there may be no damage costs associated with vehicle trips, local on-site air quality impacts will still require mitigation, most likely in line with Type 1 mitigation, which would principally include the need for ultra-low emission boilers.</p>	Agreed
Paragraph 6.15	It may be that an air quality assessment is also assessed in terms of non-planning air quality regulations. A reference to this may be required.	<p>Amend para 6.15 as follows</p> <p>6.15 All Air quality assessments will be assessed by the Council against the requirements of this Supplementary Planning Guidance and any relevant non-planning air quality regulation requirements</p>	Agreed

<p>Pages 20 and 21</p>	<p>Page 20 has a 'Table 2 – Type 1 Mitigation', Page 21 has 'Table 3 – Type 2 Mitigation', and underneath Table 3, there is another 'Table 3 – Non-Road Mobile Machinery (NRMM) Controls.</p> <p>Having two sequential tables both called 'Table 3' is confusing.</p>	<p>Re-name the second Table 3 to:</p> <p>“Table 4 – Non-Road Mobile Machinery (NRMM) Controls”</p>	<p>Agreed</p>
<p>Table 2</p>	<p>Reference to NRMM in Table 3 needs to be changed to Table 4</p>	<p>Change:</p> <p>“Code of Construction Practice Construction Environmental Management Plan (CEMP) to be incorporated into developments and agreed with Council Officers. This shall include NRRM controls (see Table 3 & 4)</p>	<p>Agreed</p>
<p>Para 6.21</p>	<p>This paragraph states:</p> <p>“Due to elevated concentrations of particulate matter in the Borough, developments will be required to implement suitable abatement controls for the use of non-road mobile machinery (NRMM) Table 3”</p>	<p>Amend para 6.21:</p> <p>“Due to elevated concentrations of particulate matter in the Borough, when development involves the use of non-road mobile machinery, developments will be required to implement suitable abatement controls for the use of non-road mobile machinery (NRMM); the mitigation for this type of development is listed in Table 4”</p>	<p>Agreed</p>

	The para needs to make it clear that not all developments will utilise non-road mobile machinery – in fact very few. It also needs to take into account that there are two tables named 'Table 3'.		
Table 2 – Type 1 Mitigation	<p>Include within the definition of 'Commercial – Leisure Developments'</p> <p>Also cross refer the definition of commercial</p>	<p>Add in a footnote to the term "Commercial"</p> <p>"Commercial¹, Industrial and Retail</p> <p>"¹Commercial includes Leisure developments in accordance with the definition in this SPD"</p>	Agreed
Table 3 – Type 2 Mitigation	<p>Within Table 3 the fifth bullet point refers to NRMM controls and points the reader to 'see Table 6' when it is below in Table 3</p>	<p>Change the reference in the fifth bullet point to Table 4:</p> <p>Table 3 – Type 2 Mitigation</p> <ul style="list-style-type: none"> • Monitored Travel Plan • Measures to support public transport infrastructure and promote use; • Measures to support an Electric Vehicle Plan • Non-road mobile machinery (NRMM) (see table 6 4) 	Agreed
Paragraph 7.6	<p>Double check that all Part A and B processes will actually require an air quality assessment.</p>	<p>Simplify text in para 7.6 as regulations may change over time: Industrial processes which may range from large industrial plant to dry cleaners and paint spraying workshops, are regulated by the Environment Agency (Part A1 processes) and the borough (Part A2 and Part B processes).</p>	Agreed
Paragraph 7.11	<p>Some of the requirements are quite specific and are not mentioned in policy HS5 (such as sensitive</p>	<p>Text is purely advisory and is not setting out a policy requirement. Text does not need to change.</p>	No Change

	development needing to be 20m from the kerb). Consider if this paragraph is introducing policy in the SPD which would not be lawful.		
Paragraph 7.12	Refer back to policies HS5 or SDC1	Amend para 7.12: Where the above considerations cannot achieve acceptable exposure for a sensitive development then consideration should be given to the refusal of the scheme if the proposal conflicts with policy HS5 or SDC1.	Agreed
Appendix 1 title	Change title to be more specific	"Air Quality Assessment Protocol"	Agreed
Appendix 1 generally	Please consult with the Commercial regulation team to ensure that the way that Air Quality Assessments are carried out accord with this appendix	Noted	Agreed.

Table 1 – Air Quality Classification of Developments

Some development falls outside of policy HS5, some falls within it and needs to comply with the policy. The following table classifies the difference:

Scheme Type	Does HS5 apply or not?	Type of Mitigation
Development below 10 units or 1000 metres in floorspace which is outside the AQMA (regardless of whether or not it generates new floorspace)	Policy HS5 does not apply	No mitigation required

Development below 10 units or 1000 square metres which generates new floorspace and is inside the AQMA	Policy HS5 applies	Type 1 Mitigation
Development below 10 units or 1000 square metres which does not generate new floorspace inside the AQMA	Policy HS5 does not apply	No mitigation required
Development above 10 units or 1000 square metres (regardless of whether or not it is inside or outside the AQMA)	Policy HS5 applies	Type 1 and Type 2 mitigation required. If NRMM used as part of scheme, Table 4 applies

There are some types of development, such as Biomass boilers, that will require air quality considerations as part of SDC 1. These types of development are explained within section 7

Response – Add table to SPD.

Appendix A– A list of consultees who made representations

First Name	Surname	Organisation
Rosamund	Worrall	Historic England
Joanna	Ellershaw	Harborough DC
Shenagh	Hume	
Gill	Peacock	Dunchurch Parish Council
Daniel	Lamb	Warwickshire CC Lead Flood Authority
Councillor Neal	Sandison	
Gemma	Johnson	Barton Willmore on behalf of Taylor Wimpey
Gary	Stephens	Marrons on behalf of London & Quadrant
B	Coleman	
Parish	Clerk	Thurlaston Parish Council
Stephen	Lewington	
Maria	Meede	Wolston Parish Council
James	Chatterton	William Davis Ltd
Nick	Sandford	Woodland Trust
Louise	Steele	Framptons on behalf of Tritax Symmetry



Air Quality SPD Consultation Statement

Anna	Jones	Homes England
Richard	Holt	Rugby BC
Henry	Biddington	Rugby BC



