

**APPENDIX B****AIR QUALITY AND LAND USE PLANNING SUPPLEMENTARY GUIDANCE****APRIL 2014****Table of Contents**

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## 1 INTRODUCTION

- 1.1 Dundee City Council and applicants seeking planning permission have a joint responsibility to ensure that appropriate standards of air quality are maintained or improved as the city is developed and regenerated. The Dundee Local Development Plan and the process of determining planning applications are important tools for maintaining and improving upon air quality standards.
- 1.2 This document provides Supplementary Guidance (SG) related to air quality and land use planning and sets out the circumstances when an assessment of the potential impact of particular types of development on existing and future air quality may be required.
- 1.3 This Supplementary Guidance outlines the main air quality issues facing Dundee and offer guidance to developers and applicants on when and where air quality issues may arise and what this entails for them. These provide information on:
- pollutants of concern and where there could be an issue;
  - assessing the need for an Air Quality Impact Assessment;
  - the various steps associated with securing planning permission; and
  - where to get further advice.
- 1.4 A Technical Guide (TG) has been developed to advise developers on the process that should be followed should an air quality assessment be deemed necessary. It should be noted that the TA is a supporting document that is subject to change as and when alteration of the technical requirements prove necessary.



## 2 POLICY CONTEXT

- 2.1 Policy 44: "Air Quality" of the Dundee Local Development Plan sets the context for considering planning applications which may have an effect on air quality. The policy background draws attention to the local authority's statutory duties, pollutants of concern in Dundee and the Council's Air Quality Action Plan.

### **Policy 44: Air Quality**

There is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.

- 2.2 The overall strategy of the Dundee Local Development Plan promotes the sustainable development of Dundee, not only in terms of the environment, but also the social and economic sustainability of the city. Proposals for new development are expected to minimise any negative effects on the environment and to uphold policies in the Local Development Plan which offer positive environmental benefits particularly with regard to air quality. These might include promotion of cycling, walking, public transport and streetscape enhancements.
- 2.3 The Local Development Plan recognises that:
- a there will be long term consequences if we fail to realise the importance of the environment; and
  - b equally poor consequences would result from a strategy that affords complete priority to the protection of the environment at the expense of all else, especially where development proposals might bring direct economic or social gain.
- 2.4 All material considerations, environmental, social and economic will therefore continue to be taken into account according to their individual merits and on the basis of all available information, in order to arrive at a balanced view of the effects of proposed development.

## 3 AIR QUALITY IN DUNDEE

- 3.1 An Air Quality Management Area (AQMA) covering the whole area of Dundee City Council (DCC) has been declared for Nitrogen Dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub>). NO<sub>2</sub> is generally emitted from combustion processes such as domestic and commercial heating, power generation and vehicle exhausts. Fine particulates are emitted from natural background sources and human activities such as road transport, combustion, quarrying, construction and waste processing.
- 3.2 Most of the City is unaffected by air quality issues. There are some areas however where pollutant concentrations of Nitrogen Dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub>) are known to be in excess of, or approaching, the national air quality objectives. These locations have been identified by the review and assessment of air quality conducted by the Council under its statutory requirements for Local Air Quality Management (LAQM).

### 3.3 Dundee's Air Quality Action Plan (Note (i)):

<https://www.dundee.gov.uk/air-quality/air-quality-dundee-air-quality-action-plan>

sets out measures to address air quality issues in the City and may itself be taken as a material consideration in assessing proposals for planning permission.

## 4 MAIN SOURCES OF POLLUTION IN DUNDEE

4.1 Road traffic at busy roads and junctions has been identified as the main man-made source of both NO<sub>2</sub> and PM<sub>10</sub> within Dundee. Ambient pollutant concentrations are likely to be higher in locations where there are high volumes of road traffic and dispersion is limited by building-structures such as narrow congested streets.

4.2 Areas where air quality is a concern have been identified principally in the city centre and alongside trunk roads and main arterial routes into the city; some of these areas are listed below. It should be noted that this list will be subject to change and Dundee City Council should be contacted for confirmation. Localised areas where air quality is a particular concern which require specific measures are mainly located within the vicinity of:

- Dock Street, Seagate, Commercial Street and Nethergate/Marketgait;
- Broughty Ferry Road (Stannergate);
- Victoria Road/Hilltown;
- Logie Street/Loons Road area, Lochee Road/Rankine Street;
- Lochee Road/Dudhope Terrace;
- Union Street;
- Whitehall Street;
- Meadowside;
- The Inner Ring Road;
- Kingsway/Forfar Road;
- Kingsway/Myrekirk Road;
- Kingsway/Strathmartine Road;
- Scott Fyfe Roundabout;
- Albert Street/Dura Street;
- Albert Street/Arbroath Road; and
- Denbank, South Road.

4.3 Other areas of concern exist in the City which do not currently exceed standards but could in future if development introduces eg additional traffic to already busy areas or other new pollution sources. The Council will seek to ensure that the air quality impacts of new development in these parts of the City are minimised.

## **5 LAND USE PROPOSALS WITH POTENTIAL AIR QUALITY ISSUES**

5.1 Air quality is a material consideration in determining applications for planning permission when development is of an appropriate scale or close to the locations listed above. For example:

- through direct impact on air quality eg resulting from the particular business or use of land proposed;
- cumulative impact ie as a result of a number of developments which when added together would have a significant effect on air quality;
- indirect impacts eg as a result of traffic generated by the proposed land use; and
- exposure eg through introducing new human exposure into areas of known poor quality without appropriate mitigation measures in place.

5.2 It is also a material consideration when a proposed development would:

- be affected by existing or potential sources of pollution;
- conflict with or render unworkable, any elements of the approved Air Quality Action Plan which have a land use aspect. For example measures contained within the Action Plan can be compromised when significant levels of traffic, parking provision or servicing are generated by proposals which affect a local area sensitive to air quality issues; or
- result in pollutant concentrations rising to a level where designation of a new Air Quality Management Area becomes necessary.

## **6 PRE-PLANNING AND PLANNING APPLICATION GUIDANCE**

6.1 An air quality impact assessment may on some occasions be necessary in support of a planning application to inform decisions on the expected impact of any particular proposed development on local air quality.

### **6.2 Pre Application Stage**

- a It is essential that developers consult with the Planning Division if they consider that a proposal may have an impact on air quality (see earlier examples). Where appropriate the Planning Division will consult with the Environment Department (Environmental Protection Division) and if necessary the Transport Division early in the application process. The type, size and location of the proposed development will be taken into consideration in identifying whether an air quality assessment is required and to what level of detail. A pro-forma to assist developers in providing enough relevant information early in the initial consultation stage has been prepared. The pro-forma (Form 1) is included in the Appendix at the end of this document.
- b The objective is to assist applicants at the earliest stage to find ways of minimising or mitigating any impact of their proposal on air quality. This can be facilitated by working together on the details which are expected to cause the impact, some of which may on occasion be overcome fairly easily, for example,

through changes to layout or other minor aspects of design. Following receipt of the pro-forma a decision will be taken on whether an air quality assessment is required. If so, the applicant must submit an assessment/modelling method statement for agreement with the Council before carrying out the assessment.

- c Information provided by a developer at the pre application stage will be assessed to establish whether an Air Quality Impact Assessment should be carried out by the applicant in support of the proposed development.

### 6.3 Application For Planning Permission

The planning application will then be processed accordingly, taking the statement and further information into consideration.

### 6.4 Recommendation And Decision


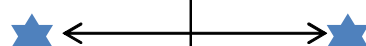
Where planning permission is granted, this may be subject to conditions mitigating air quality issues. Very occasionally planning obligations under Section 75 of the Town & Country Planning (Scotland) Act 1997 may be necessary in relation to air quality. The preferred approach is to address air quality issues as part of the design process.

### 6.5 Process

The process that will be followed when considering air quality in the development management system is presented below.

Figure 1: Planning Application Process.

	Applicant	City Development Department (Planning Division)	Environment Department (Environmental Protection Division)
<b>Pre Application Stage.</b>			
Pre-application discussions between applicant and Planning.	★ ← → ★		
Is air quality a potential issue?		★ ← → ★	
- No	Applicant proceeds to application stage.		
- Yes	Applicant to submit Form 1 To City Development Department for early consideration.		
Is an air quality assessment required?		★ ← → ★	
- No		Process planning application as normal.	

	Applicant	City Development Department (Planning Division)	Environment Department (Environmental Protection Division)
- Yes		Informs applicant that an assessment/modelling method statement is required.	
	Applicant to submit assessment/modelling method statement (see Technical Guide Appendix 1).		
Agree scope of assessment proposed			
	Applicant to conduct air quality assessment, identifying impacts and proposing mitigation to Planning.		
Is scope of assessment carried out sufficient?			
- No	Further assessment may be required.		
- Yes	No further action required.		Evaluate assessment and feedback to Planning Division.
<b>Applicant applies for planning permission.</b>			
		Results of air quality assessment taken as material consideration in assessing application for planning permission.	

## 7 ABOUT THE AIR QUALITY IMPACT ASSESSMENT

- 7.1 The type of assessment and level of detail required by the Council will be based on the nature, scale and location of the proposed development. This could take the form of a qualitative, screening or detailed dispersion modelling assessment. Following completion of the assessment the applicant must then form a view on the significance of any impact the development has on air quality. In most cases where an air quality assessment has been required for the application process, mitigation measures should also be specified by the applicant.

## 8 DETERMINING AND ASSESSING THE SIGNIFICANCE OF THE PREDICTED IMPACT ON AIR QUALITY

- 8.1 Applicants should outline their estimation of significance in the submitted report. The methodology for determining significance of air quality impacts in Dundee is the

same as that outlined in the EPUK Development Control guidance and is described in detail in the Technical Guide. Information is also provided on considerations which should be taken into account when assessing the level of significance of the predicted impact on air quality that has been determined.

## **9 MITIGATION MEASURES THAT MAY BE REQUIRED TO REDUCE THE AIR QUALITY IMPACT**

- 9.1 In most cases where an air quality assessment has been required for the application process, mitigation measures should also be specified by the applicant. This aims to ensure that the proposed development is sustainable and “air quality neutral” as far as is practicable. All mitigation measures sought will be related to the scale of the impact of the development.
- 9.2 There are various ways to mitigate air pollution emissions attributable to the construction and operational phases of a new development; and to reduce public exposure in areas where air quality is known to be poor.
- 9.3 Mitigation of air quality impacts should be considered during the design stage of a development and evidence of this should be included in the air quality assessment.
- 9.4 Mitigation measures can be broadly categorised as relating to:
- Demolition and Construction phase impact management;
  - operational phase impact management eg transport related, topographical and building design, energy/heating system design; and
  - planning agreements and conditions: where the Council seeks the provision of infrastructure, or air quality monitoring, or a financial contribution by a developer eg towards AQAP measures.

## **10 APPENDIX: INFORMATION REQUIRED FROM DEVELOPER TO HELP DETERMINE IF THERE IS A NEED FOR AN AIR QUALITY ASSESSMENT**

Locality of Development	Where is the proposed development site (please provide a scale map showing boundary of site relative to nearby residential and commercial properties)?  Is the site located near to (<250m ) any of the known areas highlighted in Section 4 of the Dundee City Council air quality SPG document?
Nature of Development	What is the proposed use of the development and the number of units proposed or commercial floor space?
Construction	How long is the proposed construction period for the development?



Roads and Traffic	<p>Has a traffic impact assessment been conducted? Local Authority Traffic Planners/Engineers should advise, in consultation with Air Quality officers, what is required for the traffic impact assessment?</p> <p>Will there be any alteration to the access roads, or road layouts as result of the development?</p> <p>How many parking spaces are included within the proposal?</p>
Energy Usage	<p>What are the planned source(s) of energy and number/size (MW) of appliances; CHP, biomass, individual boilers etc?</p>

## 11 USEFUL CONTACTS

### 11.1 Dundee City Council Planning Division:

For general advice and information, telephone 01382 433105 or e-mail [development.management@dundeecity.gov.uk](mailto:development.management@dundeecity.gov.uk).

Website: <http://www.dundeecity.gov.uk/citydevelopment/planningdivision/>

### 11.2 Notes

- a Responsibility for the assessment and improvement of air quality standards lies with Dundee City Council as a whole. This is co-ordinated on behalf of the Council by the Environment Department (Environmental Protection Division) with assistance from other departments. Dundee's Air Quality Action Plan has been developed to promote a wide range of actions which seek to impact on Dundee's air quality issues.

## 12 ADDITIONAL INFORMATION

### 12.1 Dundee Local Development Plan 2014 – 2019:

<http://www.dundeecity.gov.uk/localdevplan/>

TAYplan Strategic Development Plan 2012-2032: <http://www.tayplan-sdpa.gov.uk/FINAL%20Approved%20Plan%20June%202012%20low%20res.pdf>.

Dundee Urban Design Guide - City Development Department, Dundee City Council – 2002:

[http://www.dundeecity.gov.uk/sites/default/files/publications/publication\\_540.pdf](http://www.dundeecity.gov.uk/sites/default/files/publications/publication_540.pdf)  
[http://www.dundeecity.gov.uk/sites/default/files/publications/publication\\_540.pdf](http://www.dundeecity.gov.uk/sites/default/files/publications/publication_540.pdf).

Dundee - Streets Ahead City Development Department, Dundee City Council – 2005:

<http://www.dundeecity.gov.uk/gsearch/Streets%2BAhead>

The Development Quality Service - General Advice and Information:

<http://www.dundeecity.gov.uk/citydevelopment/planninggeneraladvice>.

All also available to download:

Defra Smoke Control Areas website: <http://smokecontrol.defra.gov.uk/>