Appendix 10.1: Legislation and Guidance – Air Quality

HMSO, (2010) Air Quality Standards Regulations 2010[i;ii;iii]

European Union (EU) legislation forms the basis for current UK air quality legislation and policy. The EU Air Quality Framework Directive 96/62/EC on Ambient Air Quality Assessment and Management came into force in September 1996. This is a framework for tackling air quality through European-wide air quality limit values in a series of daughter directives, prescribing how air quality should be assessed and managed by the Member States. Directive 96/62/EC and the first three daughter objectives were combined to form the new EU Directive 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe, which came into force June 2008. The Air Quality Standards Regulations 2010 set out the combined Daughter Directive limit values and interim targets for Member State compliance. The UK left the EU on 31st January 2020 and is no longer a member state. However, the current framework of air quality legislation was converted into domestic law through the European Union (Withdrawal) Act 2018.

Welsh Government (2024) Planning Policy Wales[iv]

European Planning Policy Wales sets out the land use planning policies of the Welsh Government. Section '6.7 Air Quality and Soundscape' discusses the importance of local air quality and emphasises the importance of air quality objectives advising that "*it is desirable to keep levels of pollution as low as possible*". The document also provides a framework for addressing air quality and advises at 6.7.6 that in proposing new development, planning authorities and developers must:

- "*address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;*
- *not create areas of poor air quality or inappropriate soundscape; and*
- *seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes*."

Mitigation measures are considered at 6.7.8 and the document advises that developments should have "*good design, for example setting back buildings from roads to avoid canyon effects*" and that "*mitigation measures must be capable of being effectively implemented for their intended purpose, and could include those related to:*

- *traffic management and road safety;*
- *ensuring progress towards a shift to low or zero emissions means of road transport, such as electrical charging points;*
- *supporting low or zero emissions public transport;*
- *providing active travel infrastructure; and*
- *incorporating green infrastructure, where it can improve air quality by removing air pollution and aiding its dispersal, reduce real or perceived noise levels by absorbing and scattering noise and introducing natural sounds to soften man-made noise, provide areas*

of relative tranquillity, and reduce exposure by putting a buffer between sources of pollution and receptors."

Wrexham County Borough Council (2023) Wrexham County Borough Local Development Plan 2013 – 2028[v]

Policy SP14: Natural Environment states:

"*Development will only be permitted where it seeks to protect, conserve and enhance the natural environment including:*

… The quality of natural services including water, soundscape, air and soils…"

Policy DM1: Development Management Considerations states:

"*Development proposals, where relevant, must:*

… Safeguard the environment from the adverse effects of pollution of water, land, noise, light or air, or land instability, arising from development…"

Policy MW3: Sustainable Supply of Minerals states:

"Areas where proposals for mineral extraction are unlikely to be acceptable are identified on the Proposals Map as Extraction Exclusion Areas.

Proposals for mineral extraction outside the Extraction Exclusion Areas will be supported where they are necessary to enable the local authority to meet a need identified at the regional level, or the needs of the industry concerned provided it can be demonstrated that:

…Air quality would not be adversely affected by dust, smoke or fumes…"

Department of Environment Food and Rural Affairs (Defra), (2022) Local Air Quality Management Technical Guidance TG(22) (LAQMTG22)[vi]

This technical guidance, provided by Defra, is designed to support local authorities in carrying out their duties in relation to local air quality management. It provides guidance on air quality monitoring and modelling.

IAQM, (January 2017) Land Use Planning and Development Control: Planning for Air Quality[vii]

This document provides guidance on how to assess air quality impacts of developments. It is applicable to assessing the effects of changes in exposure of members of the public resulting from residential and mixed-use developments.

Defra Background Maps[ix]

Air pollution background concentration maps are published by Defra and the Devolved Administrations to assist local authorities in carrying out 'Review and Assessment' of local air quality as part of their duties under the Environment Act 1995.

The main purpose of the background maps is to provide estimates of background concentrations for specific pollutants. These can then be used in air quality assessments to better understand the contribution of local sources to total pollutant concentrations. They provide information on how pollutant concentrations change over time and across a wide area; they also provide an estimated breakdown of the relative sources of pollution. The maps allow for the assessment of new pollutant sources that are introduced into an area and the impact they may have upon local air quality.

DEFRA Air Quality Management Area Maps[x]

This online resource provided by DEFRA identifies the locations of air quality management areas declared by local authorities.

DEFRA NO_x to NO_2 Calculator[xi]

This calculator allows users to derive NO_2 from NO_x wherever NO_x is predicted by modelling emissions from roads. The calculator can also be used to calculate the road component of NO_x from roadside NO_2 diffusion tube measurements. Version v8.1 of the calculator was utilised in this assessment.