

Air Quality Policies in the Local Plan

Dear all

You may have seen the article in the Gloucestershire Echo regarding the £50,000 government grant awarded to Cheltenham Borough Council because pollution on the A40 around GCHQ, is apparently going to exceed the permitted limit in 2018. See link below:

<https://www.gloucestershirelive.co.uk/news/cheltenham-news/area-cheltenham-worst-air-quality-1393949>

This is rather puzzling as CBC's air pollution monitoring has shown that the Benhall roundabout diffusion tube has recorded low NO2 figures for the last 6 years.

In addition you may not know that Cheltenham Borough Council intends to remove Cheltenham's **whole-town Area Quality Management Area** (AQMA), and replace it with a small linear AQMA in the town centre, even though documents on Strategic Planning published by DEFRA and government guidance to Councils on the role of Local Plans say that air quality should be included in the plan. (A summary and references of to these texts are in Appendix A at the end of this document).

In Cheltenham's 2017 **Air Quality Annual Status Report** dated June 2017, CBC states:

"the Council is now considering revoking the current borough-wide AQMA in favour of a much smaller linear route across the north of the town centre, which has consistently given poor air quality results."

The new AQMA would:

Illustrate to visitors, residents, and prospective purchasers of properties within Cheltenham that the whole of the Borough is NOT an area of poor air quality

Allow more concerted and targeted action, by the District and County Councils and their partners, to address the known areas of poor air quality.

The proposed new AQMA is under consideration and will be subject to the necessary procedures before it can go to Council for approval.

In view of the above proposed changes you may be surprised to learn that there is no specific Air Quality Policy or even mention of Air Quality in the Local Plan!

CBC say that the potential changes to the AQMA are not included in the Cheltenham Plan consultation document because, even though these changes were mentioned in the 2017 Air Quality Annual Status Report, no formal proposal has been put forward or been consulted upon yet. Furthermore, Cheltenham Borough Council consider that the legislation which governs AQMA's is separate from that which the Cheltenham Plan sits under, and that this means that the Local Plan cannot make changes to the AQMA.

Cheltenham Borough Council (CBC) are instead relying ~~that~~ on Air Quality is being covered by the JCS (SD3 and INF1). CBC consider that the JCS policies and other supplementary planning documents are sufficient.

CBC also say that the Cheltenham Plan will focus development into the most accessible areas, and require proposals to increase the use of sustainable modes of transport (walk, cycle, bus) and therefore the Local Plan does not need to have an Air Quality policy.

CBC's general principle regarding transport-related strategies is that anything which reduces the volume of traffic and encourages a modal shift towards active travel usually will have a positive impact on air quality. CBC acknowledge that the impact of the JCS will probably change traffic flows, routes and driving habits; whilst the new developments (including 10,917 new houses) will potentially result in poorer air quality elsewhere.

However, the Local Plan also does not currently have a retail plan included within it. It also seeks to introduce the 'Sui Generis' class of use to sites in The Reddings that currently only have planning permission for B1 usage. BMW was given permission under Sui Generis and is now a considerable net polluter in the local area.

Although CBC say that they will still be monitoring air quality in all areas regardless of the new smaller AQMA, so we do not understand the reasons for making the AQMA smaller and how it will be of any benefit to residents.

In view of CBC's intention to remove the whole town AQMA, more information needs to be known about the current and future Air Quality monitoring in Cheltenham, and how that information is used.

The Reddings Residents' Association (TRRA), and other local resident groups, consider that given CBC's published intention to remove the whole-town AQMA, the lack of an Air Quality policy in the Local Plan is an important issue which should be raised in responses to the Local Plan.

TRRA are concerned that there is a danger that these changes are not obvious and as such, members of the community will not be aware that of something ~~that is~~ so vital as changes in the monitoring of the air we breathe is happening.

TRRA also feel that an Air Quality group is needed in Cheltenham, and that it should not be led, or organised by a political group, but should consist of representatives from the many residents groups from across the town. More information is needed about Air Pollution monitoring.

The CBC officer who deals with Air Quality is currently on long term absence. Sarah Clark is the interim team leader for Environmental Health at CBC, which includes air quality. Ms Clark and her colleague Gareth Jones (contact details are provided at the end of this document) are covering the air quality service whilst the officer is unavailable.

TRRA were made aware that air quality in The Reddings has been the subject of monitoring since January 2018 (following earlier complaints about air quality to CBC). The survey is due to conclude at the end of March 2018. However, we had been unable to locate the monitoring device (which we expected would be located on Grovefield Way, or Hatherley Lane, where the pollution can be now be tasted when the traffic is regularly at a stand-still due the over-development of the area over the past few years). James Russell (candidate for the local elections in 3/5/18) has assisted us and ~~has~~ we have finally discovered its location.

The monitor has been placed opposite the Pigeon Racing HQ, at the bottom of The Reddings, which is about as close to the clean air of the greenbelt as you can get, whilst still being in the current Principal Urban Area. Please see images below with serial numbers.

We question why the monitor has been placed on the quiet up-wind edge of the town, which is almost certainly going to provide results indicating good quality air.



The employment land next to Asda has not yet been developed, neither has the Grovefield Way site next to BMW, nor have the 27 houses been built next to Asda, nor has the care home (in the woods behind Cheltenham Film Studios, opposite Asda) been built yet. The Local Plan also proposes extensions to the Principal Urban Area, which will allow even more development in the greenbelt along Grovefield Way and The Reddings. The pollution will continue to increase. However, Cheltenham Borough Council will be able to argue that they have monitored the air quality in The Reddings and that it is acceptable!!

The implementation of the final phases of the Cheltenham Transport Plan will be complete in the next few months when Cheltenham's 'Inner Ring Road' is closed at Boots Corner. Residents and visitors travelling from the south of the town to the north (i.e. from The Reddings, Up Hatherley, Leckhampton etc) will have to use the A40/Princess Elizabeth Way, or Gloucester Road, or College Road instead. This will increase the amount of traffic on Grovefield Way and the A40/PE Way.

The JCS proposes development of the Cyber Park and development of over 5,000 houses to be located in the Hesters Way/Springbank area. This will require doubling of the capacity of the Park and Ride in The Reddings (to multi-storey) to provide parking and transport for the Cyber-Park. The local companies (BMW, GCHQ, etc) that currently park in the Park and Ride (100 or more spaces) will be displaced during construction, in order to provide the projected 1000-car capacity to service those that actually want to park and ride, not just walk. The cars parked by the local employees ~~and~~ will then need to use local roads for parking.

The Local Plan proposes restrictions on parking spaces on new developments (and those already built), in order to encourage modal shift. However, when the companies/developers do not stick to the travel plans and no/insufficient modal shift occurs in line with CBC's planning policy (such as with BMW), the planners/CBC then refuse to enforce the conditions that were attached to the planning permission. Consequently, more local congestion, more pollution and more rat-running occurs, contrary to local and national policy. If the plan is to be sound and legal, then planning policies must be enforced after permission is granted.

Furthermore, the JCS traffic plan identifies that until the money for a 4-way junction at J10 of the M5 is found, and the construction is completed, the Arle Court roundabout on the A40, (next to the claimed GCHQ polluted section that was identified as requiring a grant) will be operating at an eye-watering 187% of capacity. Worryingly, it is very unlikely the junction will be open until 2025 at the very earliest, hopefully - 2031 at the latest.

Where is the “joined-up” thinking? Surely the purpose of the Local Plan is to deal with matters such as these?

TRRA believe that it is essential for the Cheltenham Local Plan to have an Air Quality policy which will ensure that air pollution is properly monitored, especially in the light of all these JCS and local proposals that will have a direct and significant impact on The Reddings, Benhall, Up Hatherley, Badgeworth, Leckhampton, Hesters Way, Springbank, etc, i.e. across the West, South-West and South of Cheltenham.

Local air quality issues must be properly integrated into land use planning, especially where existing communities are likely to be adversely affected by potential exposure to poorer air quality as a result of the new development. CBC have already admitted that they will not force developers to implement their own travel plan issues in the local area once the buildings are in use. Cheltenham's massive West and North West Strategic Urban extension is almost certain to create adverse effects locally if they are not considered, properly managed and enforced, especially combined with current policy problems and future development potential in the local area. The piecemeal development that has dogged The Reddings for the last 20 years must end, and the Local Plan must live up to its own stated principal/vision to ensure it does. Without an Air Quality Policy in the local plan, the plan must be determined to be unsound.

Maidstone Borough Council's Local Plan includes an Air Quality Policy to deal with new development which would affect its AQMA's, whether that development is within, or near to an AQMA. In addition, a number of other local authorities in the Black Country, West Yorkshire and Hertfordshire are also making Air Quality policy provision in their local plans.

We believe Air Quality deserves to be managed by policies in planning documents at **all** levels, not just in the higher level regional Joint Core Strategy.

The lack of an Air Quality policy in Cheltenham's Local Plan is an issue that needs to be addressed during its consultation and its examination. It must not be accepted until it does.

If you wish to comment directly to CBC and the inspector as a part of this local plan consultation, you must do by 9th April.

You may also wish to copy in the relevant officers that are listed below with comments:

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Appendix A

Summary of documents regarding Strategic Planning published by DEFRA and government guidance to Councils on the role of Local Plans with regard to air quality.

1) Extracts from documents on the net:

From page 9 of the document below states that:

<https://laqm.defra.gov.uk/assets/aqmaprocedures.pdf>

Strategic Planning

There is a need for AQMAs to be identified in local plans, unitary plans, transport plans, and any local authority plan where policies and actions may impact on efforts to reduce the air quality concentrations locally. Air quality officers, environmental health professionals and all those involved in facilitating the LAQM process should ensure that the necessary local authority departments are made aware of any designated AQMAs. Such departments should also be made aware of any subsequent AQMA revocations, amendments or new AQMAs as a result of subsequent rounds of air quality assessment.

2) Please also see page 11 of this planning guidance document which sets out how Air Quality policies need to be included in Local Development Plans (and their integration with subsidiary SPD's and/or Action Plans):

<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

3) Extract are below from this government document:

<https://www.gov.uk/guidance/air-quality--3#what-is-the-role-of-local-plans-with-regard-to-air-quality>

What is the role of Local Plans with regard to air quality?

Local Plans can affect air quality in a number of ways, including through what development is proposed and where, and the encouragement given to sustainable transport. Therefore in plan making, it is important to take into account [air quality management areas](#) and other areas where there could be specific requirements or limitations on new development because of air quality. Air quality is a consideration in Strategic Environmental Assessment and sustainability appraisal can be used to shape an appropriate strategy, including through establishing the 'baseline', appropriate objectives for the assessment of impact and proposed monitoring.

Drawing on the review of air quality carried out for the local air quality management regime, the Local Plan may need to consider:

- the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments;
- the impact of point sources of air pollution (pollution that originates from one place); and,

- ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable.

Paragraph: 002 Reference ID: 32-002-20140306

Revision date: 06 03 2014

4) The "Integrated Appraisal" document prepared by Enfusion for Cheltenham Borough Council relies upon the existing Air Quality Action Plan (2014) and upon the whole borough AQMA, as shown in the following extract in para 316:

"Cheltenham Borough Council Air Quality Action Plan, 2014. This sets out a number of actions that if implemented could have a positive impact on air quality within Cheltenham, and contribute to the reduction of emissions in areas that currently fail to meet the air quality objective for nitrogen dioxide. The effects of development on air quality will be an important consideration for both the Cheltenham LP and IA as the whole Borough is currently a designated Air Quality Management Area."
(TRRA underlining)

5) and in para 329:

"The whole of Cheltenham Borough is a designated Air Quality Management Area (AQMA). Most nitrogen dioxide emissions are from road traffic exhaust emissions. There are five key areas within the Borough where nitrogen dioxide levels exceed air quality objectives:

- *High Street – Bath Road; a reduction of 24% is required*
- *Swindon Road – St Georges Street Junction; a reduction of 17% is required*
- *Fairview Road – Winchcombe Street Junction; a reduction of 8% is required*
- *London Road – Hales Road Junction; a reduction of 19% is required*
- *High Street (Western End) – Junction with Gloucester Road; a reduction of 14% is required."*

It can be seen that the above junctions do not line up for the replacement small linear AQMA, nor would they all be included in the new linear route.

6) This is also a very interesting case where Canterbury council has been challenged in the courts for not properly considering Air Quality within its Local Plan:

<https://www.leighday.co.uk/News/News-2017/September-2017/Canterbury-resident-brings-air-pollution-legal-cla>

7) Other recent air pollution monitoring scandals- The first two relate to East Cheshire Council:

<http://www.bbc.co.uk/news/uk-england-manchester-40757465>

<https://www.airqualitynews.com/2017/09/19/police-probe-cheshire-east-air-quality-data/>

8) The next two concern Waverley Borough Council (Farnham):

<http://www.ehn-online.com/news/article.aspx?id=16725>

<http://www.haslemereherald.com/article.cfm?id=125860&headline=Criminal%20probe%20launched%20into%20air%20quality%20monitoring%20%E2%80%98errors%E2%80%99§ionIs=news&searchyear=2018>