

Air Quality and Air Pollution Supplementary Planning Document Consultation Statement

This statement has been prepared in accordance with Regulation 18(4)(b) of the Town and Country Planning (Local Development) (England) Regulations 2004.

The Sustainability Appraisal Scoping Report

Formal consultation was carried out on the Sustainability Appraisal Scoping Report for the statutory five week period from 2nd September until 7th October 2005. The following statutory consultees were invited to comment:

- Countryside Agency
- English Heritage
- English Nature
- Environment Agency

Other consultees at the Scoping stage were:

- RSPB
- Hampshire and Isle of Wight Wildlife Trust
- Level

The Environment Agency made a number of comments relating to typographical and factual errors within the Scoping Report. These have been amended in the final Sustainability Appraisal Report. They also asked that any relevant comments they had previously made on the Sustainability Framework in June 2005 be considered.

The Countryside Agency had no specific comments to make, but made general comments on Landscape which should be considered for all Sustainability Appraisals.

The Draft SPD

In compiling the draft SPD, internal consultation was carried out:

- With the Public Protection team
- Within Planning Services
- With Transport Policy

Below is a list of bodies who were consulted for the statutory period of six weeks on the draft SPD. This consultation occurred between 9th December 2005 and 20th January 2006.

The following bodies received the consultation draft of the document, the Sustainability Appraisal report and the SPD matters.

- Government Office for the South East
- English Heritage
- Environment Agency
- Countryside Agency
- English Nature

The following organisations received a letter of notification stating that the document was at the consultation stage and that copies of the document were available on request and from various council locations around the city.

- Fareham Borough Council
- Gosport Borough Council
- Hampshire County Council
- Havant Borough Council
- Isle of Wight Council
- Winchester City Council
- Portsmouth Hospitals NHS Trust
- Hampshire Constabulary
- Environment and Transport Partnership Board - Portsmouth LSP
- Health and Social Wellbeing Partnership Board
- Bureau Veritas
- Faber Maunsell
- Air Quality Management Research – University of West England
- Pollution and Safety Service – Southampton City Council

In addition to sending letters of notification and copies of the draft documents to the above organisations, the availability of the draft SPD was publicised in the following ways:

- A notice was placed in the Portsmouth News on Friday 9th December 2005.
- The SPD and associated documentation were placed on the council's website at <http://www.portsmouth.gov.uk/living/5520.html>.
- Copies of the SPD and the associated evidence were made available at the ground floor reception in the council's Civic Offices and at all public libraries across the city.
- Paper or electronic copies of the documents were available on request.

Consultation responses received on the Draft SPD

Four consultation responses were received, making a total of twenty-seven comments on the draft SPD. The majority of the comments where a change was sought were agreed and changes have been made to reflect these comments in the final document. Most of the changes related to technical or factual updates to reflect current practice in air quality management. Other changes sought to improve sections of the text to provide clarity in their operation, such as the request for a glossary of air quality terminology within the document to assist those less familiar with the subject matter. None of the changes altered the approach of the document, but sought to improve its clarity.

No comments were received on the Sustainability Appraisal report.

All the comments received in accordance with Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2004 are reproduced in the table below.

The adopted SPD

The comments received have been taken into account in the preparation of the final SPD, as illustrated in the Portsmouth City Council responses referred to above and reproduced in full below.

Date Received	Name	Organisation	Representation No.	Relates to...	Summary of representation	Suggested change	PCC Response
10/01/2006	Julie Delcroix	Countryside Agency	1	Whole document	Unable to offer comments on this occasion		N/A
16/01/2006	Dr Richard Maggs	Bureau Veritas	1	Whole document	Include a glossary of terms	Produce a glossary of technical terms	Agree - produce glossary
16/01/2006	Dr Richard Maggs	Bureau Veritas	2	Introduction, part I, third sentence	Use of 'etc' in this sentence is confusing	Revise this sentence to reflect the content of the SPD	Agree - revise sentence to read "...the amenity of users of land in terms of odour, dust and nuisance"
16/01/2006	Dr Richard Maggs	Bureau Veritas	3	Introduction, part III, fourth sentence	To describe a development as non-polluting is inaccurate as all development is polluting	Alter to read 'low polluting' sensitive developments	Agreed - sentence revised as suggested
16/01/2006	Dr Richard Maggs	Bureau Veritas	4.1	Paragraph 1.1.4	Reference should be given to the Government's Expert Panel on Air Quality Standards (EPAQS).	Make reference to EPAQS	Comment noted and factually correct but will further complicate the document if EPAQS documents are described. This is not essential to understanding the document. No alteration made.
16/01/2006	Dr Richard Maggs	Bureau Veritas	4.2	Paragraph 1.1.4	The difference between 'standards' and 'objectives' needs to be emphasised	Objectives take account of the cost-benefit analysis of achieving the standard to a certain time frame	Comment noted and factually correct but will further complicate the document if standards are also described. The document only references objectives throughout. No alteration made.

Date Received	Name	Organisation	Representation No.	Relates to...	Summary of representation	Suggested change	PCC Response
16/01/2006	Dr Richard Maggs	Bureau Veritas	5	Paragraph 1.1.5	This paragraph states that the most up to date information on air quality will be available on the website	Include a paragraph stating that developers should check with the Council to ensure this is the case	Agree - sentence altered to encourage developers to obtain the latest information. Minor drafting error corrected to indicate that the website will be periodically updated but may not have the latest information.
16/01/2006	Dr Richard Maggs	Bureau Veritas	6	Paragraph 1.1.6, last sentence	Terrestrial, rather than marine eco-systems form the basis of the objectives. Compliance with these objectives is at national, rather than local level. Consequently, the SPD perhaps puts too much emphasis on the use of such objectives.	Include further details on the eco-systems that fall within these specified area (Portsmouth Harbour, Langstone Harbour and Portsdown Hill). Reduce emphasis on national level targets	Agreed reference to vegetation objectives removed.
16/01/2006	Dr Richard Maggs	Bureau Veritas	7	Paragraph 1.2.1, fifth bullet	Bullet point is too vague	Revise to read "To grant permission for the development would lead to a conflict with the Council's Air Quality Action Plan within an Air Quality Management Area, thus rendering any improvement in air quality unworkable"	Partially agree. Changed to read: - "To grant permission for the development would lead to a conflict with measures that the Council intends to include in its Air Quality Action Plan (or Local Transport Plan), thus rendering any improvement in air quality unworkable." PCC currently does not have a Action Plan and elements of the Plan will form part of the LTP.

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16/01/2006	Dr Richard Maggs	Bureau Veritas	8	Paragraph 1.2.2.1, third bullet	The likelihood of this occurring is very remote. The inclusion of this would lead to an over-emphasis of potential problems	Remove bullet point	Disagree. This point is consistent with the DEFRA criteria for screening against benzene. Until the DEFRA guidance is updated, this reference should be retained.
16/01/2006	Dr Richard Maggs	Bureau Veritas	9	Paragraph 1.2.2.1, fifth bullet	This only applies to fugitive emissions	The SPD should recognise emissions released from controlled point sources which result in plume grounding some distance away from the industrial site	Comment is correct in principle. In practice however, proximity to a point source is the only realistic way to screen for such sites. This is reflected in the consultation criteria for Part A and B processes in PPS23. No change proposed.

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16/01/2006	Dr Richard Maggs	Bureau Veritas	10	Paragraph 1.2.2.3	The current approach to this example is weak. It does not encourage developers to participate in major regeneration projects which occur on a piece-meal basis. Current wording infers that the last developer on site that causes the pollution level to exceed desired levels would bear the brunt of the 'polluter pays' principle.	Highlight that the Council will engage with developers on wider regeneration schemes to discuss the approach to impact assessment. It should be made clear that any off-set should be equally shared by all developers on the wider site.	In principle we agree that any implications should be shared between all developers. However, it would be difficult to implement this type of measure as we do not have foresight into which sites will be developed in the future or indeed what affect these future developments <i>may</i> have on air quality objectives. It is suggested that where a major development site is the subject of an Area Action Plan and there is an Air Quality issue (an AQMA within the boundary for instance), a policy or consideration of air quality issues should be included. Amend text to reflect this stance, but the text should not refer to offsetting
16/01/2006	Dr Richard Maggs	Bureau Veritas	11	Paragraph 1.2.5, last sentence	The SPD does not go far enough in defining how to carry out site-specific measurement of air quality	SPD should include typical timescales for monitoring against the pollutant objectives in accordance with LAQM.TG(03)	Agreed. Paragraph modified to refer to recommended timescales for monitoring

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16/01/2006	Dr Richard Maggs	Bureau Veritas	12	Paragraph 1.3.4, first sentence AND Appendix C, Model Description, second main bullet.	The statements are inaccurate - DEFRA does not recommend the use of any one commercial model over another	Should be amended to recognise that commercially available models should be used	Agreed. Referenced to approved models removed.
16/01/2006	Dr Richard Maggs	Bureau Veritas	13	Note on SOPO, diagram, page 16	More guidance on SOPO should be provided. Other planning authorities have used criteria based on percentage change relative to do-nothing scenarios.	Consider supplementing the existing notes with numerical criteria	Disagree. There is no nationally accepted criteria. Setting a local criteria would be arbitrary. SPD is consistent with the NSCA Guidance in this regard.
16/01/2006	Dr Richard Maggs	Bureau Veritas	14	Paragraph 1.5.10.2, first bullet	Council should re-emphasise its stance on the use of this mitigation as a last resort, to present a consistent viewpoint throughout the SPD		Paragraph numbering in error now corrected to refer to 1.5.11.2 Agree paragraph modified to suggest that sealed building designs are undesirable and only acceptable in the last resort.
16/01/2006	Dr Richard Maggs	Bureau Veritas	15	Appendix B, point 4, first bullet	Reference to both AADT and peak hour traffic flows is misleading		Disagree. Reference is clear that either AADT or peak flow would trigger the criterion.
16/01/2006	Dr Richard Maggs	Bureau Veritas	16	Appendix B, point 4, third bullet	Heavy Duty Vehicles encompasses both buses and Heavy Good Vehicles (HGVs). Currently the contribution of buses to air quality is ignored	Include Heavy Duty Vehicles (HDVs)	Agreed HGV altered to read HDV (includes HGV and buses and coaches)
20/01/2006	Gareth Collins	Faber Maunsell Ltd	1	Paragraph 1.1.6, fourth sentence	Unlikely that the hourly NO2 objective would be exceeded without an exceedance of the NO2 annual mean objective.		Agreed risk of exceedance of hourly objective only applies where annual average objective exceeded.

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20/01/2006	Gareth Collins	Faber Maunsell Ltd	2	Paragraph 1.1.6, last sentence	Ecosystem/vegetation objectives only relevant in non-urban situations.		Agreed reference to vegetation objectives removed.
20/01/2006	Gareth Collins	Faber Maunsell Ltd	3	Paragraph 1.2.1, second bullet	May need to define 'significantly worse'		Disagree. There is no nationally accepted criteria. Setting a local criteria would be arbitrary. SPD is consistent with the NSCA Guidance in this regard.
20/01/2006	Gareth Collins	Faber Maunsell Ltd	4	Paragraph 1.2.2.1, second sentence in first three bullet points	Second sentence in each of the three bullet points could be reworded	Reword to read "This form of development may expose members of the public to pollutant concentrations above objective levels for nitrogen dioxide and PM ₁₀ "	Agreed suggest rewording is clearer and has been amended.
20/01/2006	Gareth Collins	Faber Maunsell Ltd	5	Appendix C - fifth paragraph	The baseline scenario is normally called the 'Without development' or Do-Minimum scenario. Baseline is usually the existing situation.	Replace 'baseline' scenario with 'without development' scenario	Agree altered as suggested.
20/01/2006	Gareth Collins	Faber Maunsell Ltd	6	Appendix C - General Issues, fifth bullet	Ecological sensitive areas'... not relevant – see earlier comment about last sentence in 1.1.6		Agreed reference removed.
20/01/2006	Gareth Collins	Faber Maunsell Ltd	7	Appendix C	No mention of model verification with monitoring data in the existing case.		New short section included on verification. New bullet point included in General Issues requiring consistency with PCC air quality assessments.

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20/01/2006	Laura Short	Environment Agency	1	Whole document	Document is well structured and provides developers with a useful guide on when air quality will be a material planning consideration		Comment welcomed
20/01/2006	Laura Short	Environment Agency	2	Whole document	The EA supports PCC's target of improving air quality and reducing the number of AQMAs		Support welcomed