

## **Committee: Cabinet**

**Date: June 2021**

**Wards:** all.

**Subject:** Adoption of Merton's draft Air Quality Supplementary Planning Document (SPD).

**Lead officer:** Director for Environment and Regeneration, Chris Lee

**Lead member:** Councillor Martin Whelton, Cabinet Member for Housing, Regeneration, and the Climate Emergency

**Contact officer(s):** Ann Maria Clarke: Strategic Policy Planner, Future Merton  
Jason Andrews: Environmental Health Manager (Pollution team)

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### **Recommendations:**

That Cabinet adopts the Air Quality guidance as a supplementary planning document to Merton's Local Plan.

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. This report recommends the adoption of the Air Quality Supplementary Planning Document (SPD).
- 1.2. In October 2020, Borough Plan Advisory Panel (BPAC) and Cabinet Resolved supported that a public consultation would take place on the draft Air Quality SPD.
- 1.3. During November 2020 – February 2021, a 11-week public consultation was held on the draft supplementary planning document, at the same time of the Local Plan consultation. Following feedback from the consultation lead to some amendments to the SPD. These are:
  - Moving text on Air Quality Focus Areas (AQFAs) Low Emission Neighbourhoods (LENs) and Clean Air Zones (CAZs) from chapter 9: Transport to chapter 1: Introduction
  - Added additional text on the link between air pollution and increased mortality from Covid -19.
  - Added supporting text on Smoke Control Areas in chapter 6: Development and building design principles.
  - Added further guidance on the role of trees in section 7: Air quality and green infrastructure.
  - Changes to chapter 9: Transport following comments from Transport for London (TfL) and Merton's Transport Planner.
- 1.4. Should Cabinet approve the adoption of Air Quality SPD, officers will arrange graphic design of the final document.

## **2 DETAILS**

- 2.1. Our environment can impact significantly on the health and wellbeing of the population and of all the environmental factors, air pollution has the greatest impact. Current evidence shows that air pollution is associated with cardiovascular disease, lung cancer, respiratory disease, asthma and stroke.

- 2.2. The planning system has a key role in protecting people from unacceptable risks to their health and wellbeing in providing an adequate protection to the local environment.
- 2.3. The purpose of this SPD is to help developers, Planning Application Committee, development agents, residents and other interested parties to identify air quality issues to be addressed by way of development proposals. The SPD outlines:
- Planning policy framework.
  - Explains why tackling poor air quality is important.
  - Emphasise the importance of air quality as a material planning consideration.
  - The role of green infrastructure and design in improving air quality.
  - Provides a step-by-step guidance on the process of Air Quality Assessments, how to carry them out and when development proposal will need to submit AQA (Air Quality Assessments).
  - The Council's approach to the use of planning conditions and S106 agreements in respect of air quality.
- 2.4. During the consultation, the Council used different methods of public engagement to maximise public involvement and raise public awareness of the consultation.
- A survey was conducted using Survey Monkey, the reason being it is a user friendly, recognisable and trusted portal. As well as Survey Monkey other consultation methods used for the consultation were:
    - Dedicated webpage with copies of the guidance and supporting documents.
    - Consultation details tweeted on Merton's Twitter account and information on the Council's Facebook page by Merton's Communication team
    - Consultation information was placed on the Council's website home page.
    - Formal written consultation letters and emails sent to residents, businesses, residential groups/organisations, environmental stakeholders e.g. Environment Agency, Thames Water and other interested parties.
- 2.5. At the close of the consultation 34 responses were received appendix A summarises in more details. The final document will be sent to a publisher/designer and will included pictures and other artwork.

### **3 ALTERNATIVE OPTIONS**

- 3.1. The alternative option is to not adopt the SPD, this option is not recommended.
- 3.2. The SPD builds upon and provide more detailed guidance about policies in Merton's emerging Local Plan. The SPD will be a material consideration in determining planning applications. More importantly, the Council made a commitment to produce the SPD in Merton's Air Quality Action Plan.

#### **4 CONSULTATION UNDERTAKEN OR PROPOSED.**

- 4.1. A summary of the comments received, and the actions undertaken are contained within Appendix A consultation statements for SPD final documents are available online via

#### **5 TIMETABLE**

- 5.1. N/A

#### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. The costs of preparing the SPD are covered in existing budgets. There are no further financial implications arising from this report.

#### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. This report is based on the process for Supplementary Planning Documents is set out in Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and augmented by Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 (legislation.gov.uk) and the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020.
- 7.2. The Air Quality SPD is being prepared a supplementary planning document to Merton's Local Plan:
- Emerging Local Plan Policy P.8.9 Improving air quality and minimising pollution -Air Quality/ Noise and vibration/ Light pollution/ Odours and fume control/ Land contamination/ Managing pollution from construction and demolition.
  - Site and Policies Plan DMEP4 Pollutants.
  - Core Planning Strategy policy CS15 Climate Change.

#### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. No implications. The SPD has been subject to a Strategic Environment Assessment (SEA) screening. The Council is statutorily required to consult with three government environmental advisor bodies namely the Environment Agency, Historic England and Natural England. The Council received comments from Natural England and the Environment Agency both, supported the findings of the SEA screening.

#### **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. No implications. The Metropolitan Police Service (MPS) were consulted. The Council did not receive any comments from the MPS.

#### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. No implications.

#### **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1 – Air Quality SPD for adoption
- Appendix 2 – Consultation report on the draft Air Quality SPD

- NPPF (National Planning Policy Framework) 2019 and draft 2021
- Planning White Paper 2020
- National Planning Policy Guidance
- London Plan 2021
- Merton's Core Planning Strategy 2011.
- Merton's sites and policies plan 2014.
- Merton's emerging Local Plan 2021