

Report of Public Consultation

Ref	Name	Company/Organisation	Comment	Response	Amendment
71221	Councillor Kristie Naimo	WDC	Pg 8 One of the objectives is: • <i>to provide guidance on the use of planning conditions and Section 106 obligations to improve air quality.</i> Suggest CIL should be mentioned here also.	On liable developments, CIL will be applied and receipts allocated to projects listed on the Regulation 123 list at that point, which may or may not include projects targeting air quality. Conditions and S106 obligations will apply only in circumstances directly related to the proposed development. Therefore whilst this point is understood, it is considered that (as amended- see below) paragraph 5.57 will address this matter.	N/A
71221	Councillor Kristie Naimo	WDC	Pg 32 para 5.57 says that <i>our list does not include infrastructure to improve air quality.</i> This statement needs updating – as there are specific items on the list for 2018/19 eg Bath St Gyratory, Emscote road works, Warwick Town Centre improvement works. There must be other works that are related to air quality also on the list.	Agree that this paragraph needs amending to reflect specific projects on the CIL list, which are likely to have air quality benefits. It has to be acknowledged however that some of these projects may be led by transport changes, and over time these may change. Amended text needs to take this into account.	Amend para 5.57 to reflect that there are currently specific projects on the Regulation 123 list which should have air quality benefits, but that this list is likely to change over time.
71221	Councillor Kristie Naimo	WDC	Also on pg 8 <i>Air Quality to be considered as a material planning consideration.</i> Could I clarify that all future developments within the AQMAs will be required to submit a	The Local Validation list (p7) stipulates that an Air Quality Mitigation Statement is required with applications for “relevant developments”. Any	N/A – though the Local Validation List may need to be reviewed to ensure

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			statement of Air Quality mitigation?	<p>development within an AQMA would be considered a relevant development. <u>All developments within an AQMA will require an Air Quality Assessment, and the mitigation statement would normally be anticipated to be included within this.</u></p> <p>Development that has the potential to worsen air quality in an existing AQMA, create a new AQMA, or introduce new sensitive receptors into an area of existing poor air quality will generally be opposed unless there is a justifiable reason for the development to take place. See Table 2 and Section 5.5 of the SPD for further information.</p>	consistency with the SPD.
71221	Councillor Kristie Naimo	WDC	Pg 10 Identifying the AQMA - are there plans for more detailed work to take place in these areas to actively reduce the high level of dangerous particulates?	This is beyond the scope of the Supplementary Planning Document, which is concerned with land use planning matters. The identification and designation of AQMAs is within the remit of colleagues in Environmental Health, and they have been made aware of this comment/query.	N/A
71221	Councillor Kristie Naimo	WDC	pg 21 Low Emission Strategy Guidance for Developers (2014). 5 years out of date - will that be updated?	This document will replace the Low Emission Strategy Guidance for Developers (2014) as set out on page 21. It will also have greater weight in the planning process than the existing guidance. It is acknowledged however	In the introduction, highlight that the SPD is intended to update and replace the Low Emission Strategy Guidance.

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				that this information might be more usefully and clearly included in the introduction to the SPD.	
71221	Councillor Kristie Naimo	WDC	How can this SPD be used to protect mature trees in developments? E.g pg 32. 5.56 What about a statement to encourage retention of mature trees? These can also assist with general air quality.	<p>It is good practice to retain quality and mature trees within new developments for a range of reasons. As paragraph 5.56 highlights, there are challenges in evidencing air quality impacts of green infrastructure generally, however the general approach to highlighting the potential role of green infrastructure has been well received through the consultation. It therefore seems reasonable to include reference to retaining existing trees wherever possible.</p> <p>It should be noted however that some trees with large canopies may trap pollutants at low level so there may be instances where removing trees would improve dispersion of pollutants. Each case would have to be assessed on its merits.</p>	Include reference to retaining existing trees within paragraph 5.56, but also highlight that there may be exceptions.
71221	Councillor Kristie Naimo	WDC	Car share should be promoted more and encouraged	Agree with the principle. This is the type of principle that could be brought forward through a travel plan (table 4, type 2 mitigation). Warwickshire County Council's 'Choose how you move' active travel campaign also promotes a Warwickshire car share	N/A

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				group on their website https://www.warwickshire.gov.uk/activetravel	
71221	Councillor Kristie Naimo	WDC	Cycling infrastructure such as covered cycle racks should be essential in commercial /employment land as well as housing developments. Are bike share schemes to be considered also?	The draft Air Quality SPD refers to “measures to support cycling and walking infrastructure” as a form of type 2 mitigation in table 4. Whilst this is a general statement, the adopted Parking SPD does require secure cycle storage within commercial/employment areas, as well as housing developments. Bike share schemes could be considered as part of the cycling infrastructure.	N/A
71220	Councillor Peter Phillips	WDC	AQMAs. I am surprised that none of the AQMAs have been amended since March 2011 – and most of them since 2008 - nor any added, given the marked increase in traffic in the area in recent years.	The draft SPD is concerned with land use planning and what might be achieved through the planning system in respect of new developments. Whilst the SPD includes details of the existing designated AQMAs, and how these might impact planning consideration, AQMAs are determined through a separate process. As a result, these comments extend beyond the scope of the SPD and have instead been forwarded to colleagues in the Environmental Health team.	N/A
71220	Councillor Peter Phillips	WDC	Map 2. Warwick – Coventry Road. I fully support this area being designated as an AQMA. However I am somewhat surprised that the area from the Sainsbury’s in Coten End to the St John’s traffic lights is also not designated an AQMA, as this is	The draft SPD is concerned with land use planning and what might be achieved through the planning system in respect of new developments. Whilst the SPD includes details of the existing	N/A

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			constantly backed up with traffic throughout the day in a similar fashion to Coventry Road.	designated AQMAs, and how these might impact planning consideration, AQMAs are determined through a separate process. As a result, these comments extend beyond the scope of the SPD and have instead been forwarded to colleagues in the Environmental Health team.	
71220	Councillor Peter Phillips	WDC	Map 3. Leamington Spa. I note that Lower Avenue/Bath Place is excluded from this AQMA and would like to see it included. Lower Avenue is also consistently suffering from traffic fumes often due to congestion on Avenue Road/Spencer Street. In addition in the last 12 months All Saints House supported living scheme and the first of the (affordable housing) flats at Station Approach have been occupied, increasing the number of potentially vulnerable people in these areas. Similarly Old Warwick Road outside the Station is also excluded despite suffering from constantly backed up traffic as well as having the PBSA in Station House on that part of the road designated in the AQMA.	The draft SPD is concerned with land use planning and what might be achieved through the planning system in respect of new developments. Whilst the SPD includes details of the existing designated AQMAs, and how these might impact planning consideration, AQMAs are determined through a separate process. As a result, these comments extend beyond the scope of the SPD and have instead been forwarded to colleagues in the Environmental Health team.	N/A
71220	Councillor Peter Phillips	WDC	I would like consideration to be given to examining if an AQMA needs to be considered for i) Bridge Street in the village of Barford. This has become a rat run and the village is now congested with traffic backing up from the A429 in the afternoon/evening rush-hour ii) Birmingham Road, Hatton Park (A4177), where the traffic is very heavy in the morning and	The draft SPD is concerned with land use planning and what might be achieved through the planning system in respect of new developments. Whilst the SPD includes details of the existing designated AQMAs, and how these might impact planning consideration, AQMAs are determined through a	N/A

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			<p>only is the large village school within a few hundred yards of the proposed quarry site but is directly under the flight path of the prevailing winds that will carry this invisible lethal dust over for at least nine years. Do we want to expose our children/grandchildren, elderly and infirm to this insidious and potentially fatal disease which is preventable? The science is slow coming and up to now HSE have denied there is a risk to the general population but one day it surely will admit there is a risk. Why wait when we can all do something about it now. Think of the examples of Asbestosis, thalidomide and lung cancer in cigarette smokers where decades of institutional denial has eventually buckled under the weight of science at enormous cost to life and the subsequent gargantuan litigation. Surely we have a duty of care to the children and elderly in our village to stop sand and gravel mining on our doorstep. We have reached the stage now where we shouldn't have to prove to the institutional authorities and St.John's College Oxford there is a risk. They should prove to us there is not a risk. This major risk is entirely ignored in the SPD and presents a significant flaw as drafted. It should be included as a significant risk and given due consideration.</p>		
71220	Councillor Peter Phillips	WDC	<p>3) Many of the most modern vehicles have stop-start systems and they generally function well. For those of us who don't drive such a vehicle I would like to see WDC promote the concept of</p>	<p>Noted. This is covered by separate regulation, and is not connected to the planning process. It cannot therefore be addressed through this SPD.</p>	N/A

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			<p>turning your engine off at traffic lights rather than let the engine continue to emit exhaust fumes. This was deployed in Switzerland more than 25 years ago by the use of notices at traffic lights and general education of the local population as below. I am sure that there must be English equivalents. (If there are such signs in Warwick District, then they are conspicuous by their inconspicuousness).</p> <p>WDC has the authority under AQMAs to enforce no idling zones, with fixed penalty fines. But it would be much more effective generally if WDC were to promote and educate the public through usage of such signs , not just in AQMAs but across the District, and have a campaign to promote turning your engine off when in a stationary queue. And in particular WDC should be looking to enforce AQMA rules on buses that sit idling outside the Parish Church in Leamington on both sides of the road.</p>		
71228	Councillor Peter Phillips	WDC	<p>One further point I would like to raise that would both save money and improve air quality relates to traffic lights in the evenings and overnight. It is ridiculous for vehicles to have to stop at traffic lights in the middle of the night with no other traffic in sight. E.g. waiting at Longbridge Junction 15 with no traffic on any other part of the roundabout at 4:00 am. Instead I would like consideration be given to making many of the light sets into "part-time signals" as seen at various junctions across the country.</p>	Noted. However this is not related to the planning of new developments, and is therefore beyond the scope of the SPD.	N/A

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71219	Claire Holman	Hoare Lea on behalf of Barwood	Table 1 (page 23) sets out the classification system for minor, medium and major development. For all classes an assessment of the exposure to poor air quality of future users of the development is required. Table 1 would be clearer if it explicitly says whether a) an exposure assessment is required; and b) an air quality impact assessment is required by having two separate rows in the Table.	<p>It is not proposed that further additional rows are provided, but further clarification will be provided under Table 1 Major developments Column 4, Row 3 to include exposure assessment.</p> <p>It is also proposed to cross reference information about the criteria to trigger an exposure assessment as set out in Section 5.2.</p>	<p>Amend Table 1, column 4, row 3 to state "Air Quality Assessment required including an evaluation of changes in emissions and exposure assessment (where applicable)</p> <p>Insert sub-heading to identify exposure test requirements in section 5.2 to aid navigation.</p>
71219	Claire Holman	Hoare Lea on behalf of Barwood	<p>The quantification of the impacts is only required for major developments. These are defined as developments which:</p> <ol style="list-style-type: none"> 1. are required to have a Transport Assessment or Travel Plan and 2. are within or adjacent to an AQMA or Clean Air Zone (CAZ)1, or 3. is an Environmental Impact Assessment (EIA) development and air quality is included; or 4. meet the criteria in Table 2 of the SPD (i.e. there may be a material impact). 	Noted but do not propose to amend this as it provides indicators/examples for lay readers	N/A

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			<p>EIAs are only required to include significant effects. If none of the criteria in Table 2 are met there will be no significant impact on air quality and therefore an air quality assessment would be scoped out of the EIA.</p> <p>Therefore item three in the list on page 23 is redundant and should be deleted.</p>		
71219	Claire Holman	Hoare Lea on behalf of Barwood	<p>Table 2 of the SPD (page 24) provides a very comprehensive list of 14 additional criteria that would trigger the need for an air quality impact assessment. There is duplication of requirements. Some of them are based on old non-statutory guidance and may no longer be relevant. The source of criteria has been identified where possible. In the table EPUK is Environmental Protection UK and IAQM is the Institute of Air Quality Management. These organisations produced non statutory guidance 'Land-Use Planning & Development Control: Planning For Air Quality in 2015, which was last updated in 2017. EPUK also produced guidance in 2010 which drew on 2008 IAQM guidance. The 2010 EPUK document was replaced by the 2015 joint guidance.</p> <p>Table 1: Criteria for an Air Quality Impact Assessment</p> <p>The EPUK/IAQM non statutory guidance is very widely relied upon by both air quality consultants</p>	<p>Some additional criteria have been derived based on local knowledge and experience as well as emerging policy changes on issues such as biomass boilers, standby generators, etc. Professional judgement and liaison with developers will confirm the need for air quality impact assessments.</p> <p>It is however accepted based on detailed comments on each criterion that criterion 11 represents duplication and may be deleted.</p>	Delete Criterion 11.

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			<p>and air quality officers in local authorities. It is well understood by the profession and was produced by a working group comprising of local authority officers and air quality consultants. It was consulted on prior to its publication and is regularly updated. It is not clear why WDC believe they need a bespoke set of criteria. Pollution levels are not abnormally high in the District. Unless there are special circumstances in Warwick District it is recommended that this table is deleted and replaced with reference to the EPUK/IAQM guidance. For example, the SPD could say: "For all major development should consider the need for a detailed air quality assessment using the criteria in the latest version of the EPUK/IAQM guidance. The developer or agent will need to submit to the local planning authority either a compliant air quality assessment or the reasons why they consider one is not required."</p> <p>It is good practice to consult with local authority to agree the scope and method of assessment prior to commencing the work. This is the opportunity for the local authority to raise any local issues that may require a non-standard approach or an assessment where normally one would not be required.</p>		
71219	Claire Holman	Hoare Lea on behalf of Barwood	<p>5.1 Minor and medium development (SPD page 24)</p> <p>For minor and medium developments an assessment of exposure of future users of the</p>	Noted. Add reference to statutory guidance.	Add "Examples of where the air quality objectives should apply are

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			proposed development to poor air quality is required. This is a reasonable requirement for development where users may be exposed over the relevant averaging period of the objective. Statutory guidance provides examples of where the air quality objectives apply. It is normal practice to assess exposure against the national air quality objectives. It would be useful if this is included in the final SPD.		detailed in Local Air Quality Management Technical Guidance (TG16) by DEFRA. “
71219	Claire Holman	Hoare Lea on behalf of Barwood	If the District Council intends to use a lower value with respect to PM it should say so, and justify its choice. It should be noted that there is good evidence that the direct (exhaust) emissions of PM from road vehicle fitted with diesel particle filters (DPFs) are extremely low. This technology has been installed in new vehicles for a number of years, and as the fleet turns over the exhaust emissions of PM for traffic will continue to decline.	Do not propose to introduce more stringent PM criteria above nationally set objective levels. The SPD may be reviewed in line with any subsequent changes to legally established air quality objective levels.	N/A
71219	Claire Holman	Hoare Lea on behalf of Barwood	The draft SPD requires an exposure assessment within 20 metres of roads highlighted on Defra’s GIS model or roads with more than 10,000 AADT. The Defra GIS map does not show any exceedances of the objective in Warwick District. The air quality objective will not be exceeded alongside the vast majority of roads that meet this criterion in rural areas where background concentrations are low. Even in urban area many roads with traffic flows greater than 10,000 AADT will not exceed the air quality objective. Therefore this requirement will require a large	There are two points here: Under paragraph 5.2, one of the criteria for exposure assessment is where a proposal is in a location 20m from roads at or above the relevant national objective highlighted in the DEFRA GIS maps. Where there are no exceedances within Warwick District at the time of application, this criterion will not be triggered, however it is proposed to retain this criterion for consistency with	N/A

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			<p>number of unnecessary assessments to be undertaken. The local authority has, as mentioned earlier, a statutory duty to review and assess air quality in its district. This duty was introduced over 20 years ago, and therefore the local authority should have a very good idea of where air quality is poor. The need for an exposure assessment should be limited to the AQAMs and where monitoring shows that NO2 concentrations are close to the objective. For example, the SPD could state "An exposure assessment is required where new development is in an AQMA or annual average concentrations of greater than 98% or more of the air quality objective have been measured".</p> <p>It is reasonable to refuse planning consent if no suitable mitigation measures are proposed where there is a risk of users of the development being exposed to concentrations exceeding an air quality objective.</p>	<p>neighbouring authorities and in case the current situation should change over time.</p> <p>There is another criterion which requires exposure assessment:</p> <ul style="list-style-type: none"> • "the proposal is one of the following land use types: C1 to C3, C4, and D1 and is within 20m of roads with >10,000 AADT <p>Where it is clear that it is highly unlikely that air quality objectives will not be exceeded in the location of a proposal falling within the above criteria, the lack of usefulness of an exposure assessment may be agreed with Environmental Health officers at pre-application stage.</p>	
71219	Claire Holman	Hoare Lea on behalf of Barwood	<p>5.2 Major development (SPD page 38-39 and Appendix 2)</p> <p>The SPD requires a detailed air quality assessment to determine the impact on public health and the local environment. This should meet the requirements of the most recent version of LAQM.TG16 and Appendix 2 of the SPD. It does not mention the exposure assessment (or health exposure test as it is termed in Figure 1). It would be useful to</p>	<p>Agreed and need to amend Table 1 and Figure 1 to include this. Language should be consistent too 'exposure assessment'?</p>	<p>Agreed – amend Table 1, row 3 column 4 to include exposure assessment.</p> <p>Include potential need for an exposure assessment within</p>

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			reiterate that it is required in this section. It is too easy to classify a development as major and then only read the text under the Major Classified Proposals heading.		section 5.2 where it refers to major classified proposals Update Figure 1 to ensure consistent reference to 'Exposure Assessment'.
71219	Claire Holman	Hoare Lea on behalf of Barwood	The SPD directs the reader to a website (www.warwickdc.gov.uk/info2050/pollution) for further details of the air quality assessment requirements. This website does not provide further detail of the requirements.	Agreed. Link to contact details for EH team.	Page 26- Clarify this is for contact only and not further online advice: "Further details of the air quality assessment requirements can be found in Appendix 2 and through contact with the Council's Environmental Health team ¹⁷ "
71219	Claire Holman	Hoare Lea on behalf of Barwood	The SDP states " <i>Should there be no net increase in trips arising from a development scheme then the damage costs are zero</i> ". This ignores the emissions from any centralised boiler that might be part of the proposed development. This should be re-phrased to make it clear it only relates the transport emissions.	Agreed	Rephrase to reference transport emissions and highlight other emission sources that may need to be mitigated

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71219	Claire Holman	Hoare Lea on behalf of Barwood	<p>Appendix 2 states (emphasis added) <i>“An air quality assessment should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development during both the construction and operational phases. It must take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission).”</i></p> <p>It is not possible to quantify the impact of construction on pollutant concentrations. Indeed Appendix 2 of the SPD (page 38) states that modelling is not appropriate for this type of assessment. This requirement to <i>“clearly establish the likely change in pollutant concentrations”</i> for the construction phase should be deleted from the SPD.</p>	<p>Noted – the Assessing Demolition/Construction Impacts subheading explains that modelling is not required for construction/demolition impacts and that the IAQM approach should be used for the purpose of assessment</p>	<p>Amend Appendix 2 as follows: <i>“An air quality assessment should clearly establish the likely change in pollutant concentrations at relevant receptors resulting from the proposed development. It must also take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission) and assess the potential impacts arising from construction and demolition activities associated with the proposed development.”</i></p> <p>Also need to amend Page 26</p>

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					<p>under Major proposals.</p> <p>“The identification of the level of exposure through the change in pollutant concentrations at relevant receptors resulting from the proposed development. It must take into account the cumulative air quality impacts of committed developments (i.e. those with planning permission) and assess the potential impacts arising from construction and demolition activities associated with the proposed development. Mitigation</p>

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					measures should be identified and modelled where practicable.”
71219	Claire Holman	Hoare Lea on behalf of Barwood	It would be useful for there to be a paragraph on the requirements for an assessment of the impact of the demolition and construction phases in the main part of the assessment. It is currently in Appendix 2 (Page 38). In this appendix the relevant IAQM guidance is wrongly referenced. It should be ' <i>Guidance on the assessment of dust from demolition and construction</i> ' ⁴ . This uses a risk based approach with the aim of identifying the most appropriate mitigating measures commiserate with the risk.	Agreed	Correct reference to “Guidance on the assessment of dust from demolition and construction”. Include short reference to Appendix 2 in main body of SPD.
71219	Claire Holman	Hoare Lea on behalf of Barwood	For the operational impacts (Appendix 2 page 36) it is reasonable to require dispersion modelling to assess the impact of the emissions associated traffic on local air quality in most, but not in all, cases. There may be some situations where a qualitative assessment is adequate, for example where monitoring data shows that the objectives are achieved by a wide margin. It is therefore suggested that the word ' <i>generally</i> ' is inserted before 'require' in the following sentence: “ <i>The assessment will require dispersion modelling utilising agreed monitoring data, traffic data and meteorological data.</i> ”	Agreed	Revise wording to include 'generally' “The assessment will generally require dispersion modelling utilising agreed monitoring data, traffic data and meteorological data.” Page 36
71219	Claire Holman	Hoare Lea on	The key components of the Air Quality	Noted – the SPD will obviously not be	N/A

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		behalf of Barwood	Assessment (Appendix 2 page 36) are appropriate. It should be recognised, however, that the prediction of the impact of a proposed development with mitigation measures (point 4.) will require assumptions to be made where there is little empirical evidence. For example the provision of electric vehicle charging points will encourage people to use electric vehicles, but we are not aware of data relating the provision of charging points, for example in new residential developments and the use of electric vehicles.	able to cover all eventualities therefore the LPA will have to use informed professional judgement and discussion with the applicant on circumstances such as these.	
71219	Claire Holman	Hoare Lea on behalf of Barwood	The SPD (Appendix 2 page 37, third line) requires a modelling sensitivity test to be undertaken assuming that future emissions may not reduce. There is good evidence that the latest generation of diesel vehicles have lower NOx emissions than earlier generations, and that DPFs are very effective at reducing exhaust PM emissions. Therefore it is reasonable to expect vehicle emissions per kilometre driven to decline in the future. The approach taken to the sensitivity test should take into account how far ahead the assessment year is. If only one or two years ahead it is reasonable to use the same emissions per vehicle kilometre as in the base year for the sensitivity test. For an assessment year, say, ten years ahead this approach will significantly overestimate future air quality, and may result in unnecessary	Noted. It is anticipated that the SPD will be reviewed (as highlighted by comments from Leamington Town Council) at an appropriate interval, in which case this matter will be addressed. Furthermore previous toolkits have predicted vehicle emission improvements that did not materialise. Given the numerous assumptions and variables involved in air quality modelling, WDC routinely require a sensitivity analysis to evaluate a reasonable worst case scenario. The SPD will be reviewed to account for any changes/progressions in assessment tools and modelling methods.	N/A

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			Type 1 developments, i.e. minor developments, includes construction phase mitigation measures that only apply to medium and major developments.		construction/demo lition requirements. Insert subheading after mitigation types.
71219	Claire Holman	Hoare Lea on behalf of Barwood	Whilst the SPD provides details of many mitigation measures for the operational phase, only one (on non-road mobile machinery) is provided for the construction phase. Was this imbalance intended?	Noted – most construction impacts on medium and major sites will normally be addressed separately through a construction management plan.	N/A
71219	Claire Holman	Hoare Lea on behalf of Barwood	6.2 Operational phase (draft SPD, Tables 3 to 5, pages 27 to 29) The SPD requires developers to produce a mitigation statement setting out the mitigation/compensation measures to be adopted which must be equal in value to the damage cost calculated as part of the assessment (page 27). This approach assumes that the cost of mitigation or compensation measures is equal to the damage cost. This is not the case as the damage cost is based on emissions not local air quality. One tonne of emissions of a pollutant will have a very different impact on air quality depending on where it is emitted. The mitigation (and compensation) measures should be aimed at the reducing the impact to make the development acceptable in air quality terms. There have been two recent High Court judgements where developers have lost their appeals because they failed to demonstrate that	Noted and agreed. The basis of this argument is that a development of equivalent scale and type in one location may have a greater adverse impact than in another location. However the damage cost calculation may still be similar. It is therefore important to clarify that mitigation must directly and demonstrably address the <i>impact</i> of the development in line with the policy tests of the NPPF and the statutory tests in the CIL Regulations 2010. It is assumed that one of the high court rulings referred to in this comment is the case of Gladman vs Secretary of State for Communities and Local Government (CO/873/2017). In this case, a damage cost calculation had	Amend text under 'Major Classified Proposals, B' (p26 of the consultation draft) as follows: "The pollutant emissions costs calculation will identify the damage costs associated with the proposal and will assist WDC in assessing the overall impacts on air quality arising from major developments. WDC will use

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			<p>the mitigation measures would be effective at reducing the impacts.</p>	<p>been undertaken and a suite of mitigation measures identified to the equivalent cost, with the final scheme to be approved by the Council. One of the conclusions of this judgement was that whilst mitigation measures had been proposed to mitigate the adverse impacts of the development (judged to be at least moderately adverse and therefore significant to health) in air quality terms, there was no clear evidence to demonstrate their likely effectiveness. It was further concluded that it was possible that the contributions to fund those measures potentially fail to reflect the full scale of the impact.</p> <p>On this basis it is proposed to amend the text on page 26 of the draft; 'Major Classified proposals, B'. It should be clarified that damage costs are a useful <u>guide</u> to considering the scale and nature of mitigation required. However the suite of mitigation (types 1, 2 and 3) put forward must demonstrate the likely effectiveness of mitigating the adverse impact of development in air quality terms. There is potential therefore that in some instances the damage cost calculation may not</p>	<p>damage costs as a <u>guide</u> in considering the appropriate scale and kind of mitigation that is required to make certain major schemes acceptable in terms of air quality. It should be noted however that applicants must demonstrate that proposed mitigation is likely to effectively address the adverse impact of development in air quality terms. Failure to do so may result in the application being refused. It is possible therefore that in some instances mitigation schemes might need to</p>

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				<p>effectively reflect the full scale of the impact to be mitigated, and conversely there may be instances where a mitigation scheme equivalent to less than the damage cost calculation can effectively demonstrate mitigation of the impact. This will need to be considered on a case by case basis, and it is recommended that applicants discuss assessment and mitigation with WDC planning and environmental health officers at the earliest possible opportunity – ideally through the pre-application process.</p>	<p>exceed the value of the damage cost calculation, or conversely they might have a value equivalent to less than the damage cost calculation. This will need to be evidenced and considered on a case by case basis, and the overall benefit of the scheme will be taken into account in making the site acceptable. The calculation should utilise the most recent DEFRA Emissions Factor Toolkit to estimate the additional pollutant emissions from a proposed development and the latest DEFRA IGCB Air Quality Damage Costs for the specific</p>

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					pollutant of interest, to calculate the resultant damage cost. The calculation process includes:"
71219	Claire Holman	Hoare Lea on behalf of Barwood	This approach of using the damage cost calculator to determine the amount of mitigation has been adopted by a small number of local authorities. Whilst we are not aware of any appeals relating to its use, there is increasing litigation regarding air quality in the Courts, often brought by residents groups opposing new development. There is a risk therefore, that this approach may be challenged in the future. It is recommended that it is not used to identify the mitigation measures. Mitigation measures should be identified for a development taking into account the predicted impact of the development on local air quality, and the likely impact of the mitigation measure.	As above, the damage costs calculation will be used to guide the scale and nature of mitigation. The likely impact of the mitigation proposed will need to be demonstrated. Where adverse impacts cannot be mitigated, the application should be refused.	N/A
71219	Claire Holman	Hoare Lea on behalf of Barwood	The SPD gives examples of mitigation measures are presented for each type of development. It would be useful at the start of each Table to make it clear that for Type 1 development only Table 3 applied, for Type 2 developments both table 3 and 4 apply, and for Type 3 developments Tables 3. 4 and 5 all apply. Although this is stated in the text surrounding the tables, readers may miss it.	This is already shown in Table 1 on Page 23 and Figure 1 on Page 25.	N/A

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71219	Claire Holman	Hoare Lea on behalf of Barwood	Type 1 Mitigation (Table 3) Minor Development This sets out the requirements for electric vehicle charging points for residential, commercial/retail and industrial developments. For example, this requires one charging point for dwelling with dedicated parking or one charging pointer per 10 spaces.	Noted	N/A
71219	Claire Holman	Hoare Lea on behalf of Barwood	Type 2 Mitigation (Table 4) Medium Development Most of the measures in this table are transport measures designed to support the use of monitored transport plans, public transport, cycling and walking. The only mitigation measures directly addressing air quality are those that encourage the use of low emission and electric vehicles. It should be made clear that the same transport measures can be used to mitigate transport and air quality impacts.	Noted – Mitigation proposals should be accompanied by evidence to show the likelihood of the proposals mitigating the impact in air quality terms.	N/A
71219	Claire Holman	Hoare Lea on behalf of Barwood	Type 3 Mitigation (Table 5) Major Development The measures in Table 5 are under a heading “off-set mitigation”. It is unclear what these means in this context. If it is a financial contribution it is important given the recent judicial Reviews that the measures are directly related to the impacts of development. A financial contribution for example, to an ‘Air Quality Monitoring Programme’ is not mitigation. The local authority has a statutory duty to review and assess air, and new development should not be used to support a local authority’s statutory duties.	Noted – Type 3 measures will be used to mitigate / offset air quality impacts related to development. Monitoring and assessment programmes may be needed, however, to determine the effectiveness and feasibility of proposed measures or the success of measures implemented by a developer.	N/A

Ref	Name	Company/Organisation	Comment	Response	Amendment
71219	Claire Holman	Hoare Lea on behalf of Barwood	5.5 Specific issues The draft SPD includes minimum standards for heating plant. These are the same as used in the 2014 London Supplementary Planning Guidance on Sustainable Design & Construction.	Noted	N/A
71219	Claire Holman	Hoare Lea on behalf of Barwood	5.53 Standby/ backup power generation It would be useful to include a statement that the air quality assessment should consider both the long term and short term impacts, and that the assessment should use the maximum number of hours per year that it will operate. Consideration should be given to including a condition to the planning permission restricting operation to the number of operational hours included in the assessment.	Agreed	Amend wording of Section 5.53 as follows: “All standby/back-up power generation applications will require a full air quality assessment to assess the acceptability of the site for such a scheme. Any assessment shall consider both the short and long term air quality impacts of the proposed standby/back up power generation scheme, and shall specify the maximum number of hours per year

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					that it will operate.”
71219	Claire Holman	Hoare Lea on behalf of Barwood	<p>5.55 Mechanical ventilation</p> <p>This section is too prescriptive requiring sensitive development, to be at least 20m from the kerb, with the arrangement of living space to afford separation from a pollutant source. This is again too prescriptive. This should only apply where an air quality objective is predicted to be exceeded. The use of mechanical ventilation to protect users of a development should not be dismissed out of hand. In the planning balance it might be better to have housing with mechanical ventilation than no housing.</p>	Noted - This is intended for areas of poor air quality thus locations where air quality objectives are predicted to exceed. These are listed as considerations rather than mandatory requirements. Professional judgement and discussion with the applicant will be used to determine acceptability of schemes within AQMAs.	N/A
71218	Jasbir Kaur	Warwickshire County Council	The County council has been engaged and contributed to the development of this SPD. Therefore, we support the SPD.	Noted	N/A
71217	Elaine Kemp	TidCom Group, Hatton Park Residents	<p>The air quality in the County of Warwickshire has been documented as having one of the highest levels of pollution in the country.</p> <p>Our county is surrounded by M40/M42/M6/M5/M45 and with recent press coverage that there has been an increase of 2.5 million additional cars on the roads in the last five years, it clearly shows that WDC are truly out of touch in monitoring the severe high levels of pollution being added to this county, which is totally unsustainable.</p>	Noted. The aim of the SPD is to give greater weight to considering air quality impacts and appropriate mitigation in all new developments across the district.	N/A

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			<p>Warwickshire has also the highest rate of Asthma diagnosis amongst youngsters in the country.</p> <p>As a sufferer myself of bronchiectasis which has been the result of living near to the M40 since it was built , clearly shows that there are many other suffers with respiratory conditions caused by heavy pollution being dispersed in now rural surroundings as well as towns and villages.</p>	The SPD once adopted, would apply to consideration of planning applications in both the urban and rural areas.	N/A
71217	Elaine Kemp	TidCom Group, Hatton Park Residents	Also we would question any information that states pollution levels meet current standards in this district. The current rate of houses being built adds further pollution to residents lifestyle. Construction traffic dominates the projects for a year. Residents have to deal with dust and additional pollutants in the atmosphere, from cement mixers, running engines and the list is endless.	Noted. The aim of the SPD is to give greater weight to considering air quality impacts and appropriate mitigation in all new developments across the district. The draft also seeks to mitigate the impacts at the construction phase.	N/A
71217	Elaine Kemp	TidCom Group, Hatton Park Residents	We would like to ask about the monitors placed on the A4177 and Ugly Bridge road back in July 2017. Which were logged for just 36 hours? We would question the ability of getting a true reading when this exercise was conducted in the school holidays and the levels of traffic were lower than they would be in normal term time.	This query does not directly relate to the draft policy within the SPD. Monitoring queries have been forwarded to the Environmental Health team.	N/A
71217	Elaine Kemp	TidCom Group, Hatton Park Residents	Transport quite regularly comes to a grinding halt within the vicinity of Hatton Park, which was the case two weeks ago when traffic was gridlock from Hockley Heath to Leamington following a	Noted. The SPD aims to re-affirm the principle of the district as an emission reduction area.	N/A

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			<p>major fire on North and southbound of the M40 near Henley in Arden.</p> <p>Morning traffic from 7.30 - 9 am is at a standstill most days while queuing down the A4177 into Warwick. Residents all around are breathing in obnoxious air pollution from the exhaust fumes.</p>		
71217	Elaine Kemp	TidCom Group, Hatton Park Residents	More houses means more cars means higher pollution, as it will take another two decades to address all cars becoming electric .	Noted. The SPD aims to re-establish the principle of the district as an emission reduction area. It sets out an assessment and mitigation framework.	N/A
71217	Elaine Kemp	TidCom Group, Hatton Park Residents	<p>The only way to reduce pollution is stop decimating the green belt area.</p> <p>Trees are being cut down when there should be more Planted to help keep the air cleaner.</p>	Noted. The SPD aims to re-establish the principle of the district as an emission reduction area. It sets out an assessment and mitigation framework for new developments within the district. It also highlights the role of green infrastructure.	N/A
71217	Elaine Kemp	TidCom Group, Hatton Park Residents	<p>I feel very sorry for the next generation who will not thank us for the way in which we have left this planet, by over populating small areas with thousands of houses which equate to more cars on the road.</p> <p>2.5 million more cars on the road in just 5 years sends out a clear message to WDC in the way they address air pollution for the next 40 years.</p>	Noted. As above.	N/A
71216	Jessica Evans	Barton Wilmore on behalf of Stoford Developments	Stage 1 - Development Type Classification Table 2 (Additional Trigger Criteria for Major Developments) is generally in accordance with IAQM guidance on the assessment of traffic	This can be addressed by providing clarification in a separate construction and demolition section in the SPD	Insert new section on construction and demolition activities after

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		Limited	impacts and other Air Quality/Low Emissions Strategies that have been published to date. However, it is considered that the inclusion of demolition and construction criteria is not commensurate with the impacts. Construction and demolition will be associated with fugitive dust generation, which can be mitigated by standard construction techniques. The fact that a development involves demolition and construction may not be related to the level of traffic generated and therefore the need for operational mitigation.		other types of mitigation.
71216	Jessica Evans	Barton Wilmore on behalf of Stoford Developments Limited	Stage 3 - Mitigation This section refers to Paragraph 152 of the previous NPPF (March 2012), so needs to be updated to refer to Paragraph 32 of the Revised National Planning Policy Framework (NPPF) (July 2018).	Agreed.	Update section 3 reference to the updated NPPF (July 2018)
71216	Jessica Evans	Barton Wilmore on behalf of Stoford Developments Limited	Table 3 (Type 1 Mitigation) lists out a series of mitigation measures related to electric vehicle charging. Stoford Developments Limited agree with the phasing of EV charging points for industrial development. However, they do not agree that rapid chargers should be provided for industrial development. The parking time for rapid chargers is limited to one hour and this is not practical to enforce on employees that are parking there for longer periods (i.e. for a full working day). It is also not clear what is meant by 'All charging units shall be installed where practical' and we request that	Noted - Rapid chargers should be considered at commercial developments – in a retail situation, a rapid charging facility may be appropriate for customers that only spend an hour or two visiting the premises. In an office situation where there is predominantly staff parking with limited vehicle turnover, a rapid charger may not be appropriate. However, table 3 only refers to 'considering' rapid charging unit in industrial developments. Infrastructure	N/A

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			this is clarified.	will need to be fit for purpose, and where considered inappropriate, rapid charging units may not be sought. The reference to installation of charging points where practical links back to policy TR2 (d).	
71216	Jessica Evans	Barton Wilmore on behalf of Stoford Developments Limited	For Type 1 Mitigation, Stoford Development Limited welcome the inclusion of green infrastructure and planting where it can be shown that it will reduce exposure from air pollution.	Noted.	N/A
71216	Jessica Evans	Barton Wilmore on behalf of Stoford Developments Limited	It is considered that Table 3 relates to Type 1 Mitigation for Minor Development. Table 3 identifies that Construction Environmental Management Plans (CEMPs) should be incorporated into Medium and Major developments. On this basis, a CEMP is not applicable to Minor development and should therefore be omitted from Table 3.	Agreed	Omit CEMP from table 3. Create a section subheading for construction and demolition mitigation.
71216	Jessica Evans	Barton Wilmore on behalf of Stoford Developments Limited	Table 4 (Type 2) Mitigation lists out a series of mitigation measures including: monitored Travel Plan; measures to support public transport infrastructure and promote use; and measures to support cycling and walking infrastructure. Stoford Development Limited support these measures through their development schemes. Table 4 also sets out commercial development-specific measures. Given that commercial/retail is set out separately to industrial development in Table 3, we presume that commercial	Noted Need to clarify this to <u>include</u> industrial developments	N/A Clarify Table 4 as follows: "Commercial and

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			development in Table 4 does not include industrial development. Therefore, we request that this is clarified in Table 4.		Industrial development specific:"
71216	Jessica Evans	Barton Wilmore on behalf of Stoford Developments Limited	<p>Section 106 Agreements and the Community Infrastructure Levy (CIL)</p> <p>This section refers to Paragraph 203 of the previous NPPF (March 2012) so needs to be updated to refer to Paragraph 56 in the Revised NPPF (July 2018). In line with this national guidance, Stoford Developments Limited support the approach to Section 106 Agreements and consider contributions should be:</p> <ul style="list-style-type: none"> • Necessary to make the development acceptable in planning terms; • Directly related to the development; and • Fairly and reasonably related in kind and scale to the development. 	Noted and agreed.	Update this section to refer to the updated NPPF (July 2018)
71215	Victoria Geffert	Warwickshire County Council (Senior Transport Planner)	The Warwick District Council draft Air Quality Supplementary Planning Document mentions ultra-low emission buses but this can include a diesel Euro VI as a minimum standard. Should we start pushing for all-electric buses, which are zero emission?	Noted - The preference would be for all-electric buses; however, the relevant charging infrastructure would first need to be in place before this could be routinely requested.	N/A
71214	Robert Nash	Royal Leamington Spa Town Council	The SPD is welcomed and represents an important document to be used in conjunction with other Planning Policies to achieve an acceptable balance between the need for development and environmental protection.	Noted	N/A
71214	Robert Nash		Measures to seek financial compensation through the use of Section 106 Agreements, where mitigation measures cannot be integrated	Noted	N/A

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			into a planning proposal, are welcomed.		
71214	Robert Nash	Royal Leamington Spa Town Council	The SPD does not indicate a time span or date for review. Given the pace of technological change in terms of both vehicles and societal attitudes, it is suggested that a review is conducted no later than on the fifth anniversary of the SPD adoption	Noted. The SPD should indeed be updated to reflect technological advances. Given that this document is an SPD, this is likely to be linked to policy changes also. It is therefore difficult to specify a review trigger/timescale at this time.	N/A
71214	Robert Nash	Royal Leamington Spa Town Council	It is pleasing to see a Section (5.56) devoted to “green infrastructure”. Whilst there remains some conflicting evidence on the benefits of the green environment to managing air quality, the Town Council firmly endorses the principles within the District Council Green Spaces Strategy and advocates the retention of trees within the sites of future developments wherever possible. Where trees need to be removed there should be compensatory planting elsewhere within the same site.	Noted and agreed.	Include reference to retaining existing trees in developments, and where necessary replacing them (see also rep 71221 above in respect of a similar comment).
71213	Rodney King	Cycleways	P8, para2 – <i>The guidance establishes the principle of Warwick District as an emission reduction area and requires developers to use reasonable endeavours to minimise emissions and, where necessary, offset the impact of development on the environment.</i> This statement would benefit by being specific and measurable.	Each case has to be determined on its planning merits. In respect of air quality this will depend on the type and scale of development and its location within the district.	N/A
71213	Rodney King	Cycleways	P8 - Sets out the WDC’s objectives, however, objectives need to be measurable, incorporating terms such as: Define, List, Measure, State, etc.	As above	N/A
71213	Rodney King	Cycleways	P6 – Sustainable Development, (SD), needs to be defined, it is used in line 3 of para1, p8	Sustainable development and the achievement thereof, is set out on page	N/A

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				5 of the NPPF – the national tier of planning policy which all other local policies expand upon.	
71213	Rodney King	Cycleways	P15 – reference to particulates: The underlying feature of vehicle particulates is that they are toxic. As a DEFRA study noted, <i>There is no known safe level for exposure to particulate matter, it is not appropriate to rely solely on the use of air quality objectives¹.</i> The hazard of particulates is of particular relevance to children, hence high levels of traffic adjacent to schools are of significant concern.	Agreed. The draft SPD acknowledges the impact of particulate matter on health on page 15.	N/A
71213	Rodney King	Cycleways	P17, 181, AQMAs and Clean Air Zones. Within this context it is worth noting the experience from London. Evidence that Low emission zones, LEZs, work is mixed.....Three years after the introduction of the London scheme, there was no evidence of improvement in air quality.	Noted.	N/A
71213	Rodney King	Cycleways	P17, 102 It would be more prescriptive to state, <i>Transport issues must be considered.</i> Likewise, it would be helpful to define what the <i>transport issues</i> are.	Page 17 of the draft SPD quotes paragraphs from the National Planning Policy Framework. It would not therefore be appropriate to amend these in the SPD.	N/A
71213	Rodney King	Cycleways	P18, 103 Within the context of sustainable development, it would be useful to <u>state</u> the transport modes.	Page 18 of the draft SPD quotes paragraph 103 of the NPPF.	N/A
71213	Rodney King	Cycleways	TR1, p21, Access and choice, p28, Table 4 – Type 2 Mitigation, and p29 Table 5 – Type 3 Mitigation	Noted and agreed. However as a land use planning tool, there are limitations to what and SPD can achieve.	N/A

¹ 2nd Report produced by the Air Quality Expert Group, 2005, for DEFRA

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			<ul style="list-style-type: none"> • Policies to support and deliver walking and cycling need to include measure that will bring about behaviour change, as well as the high standard of physical infrastructure required. • Behaviour change needs to start at the front door when designing for the provision of attractive options for walking and cycling. Thus, <i>streets within housing developments should be safe and attractive places to walk or cycle, to encourage a shift away from car based travel.</i>² • Car parking should be located away from the house. • For cycling, secure and accessible undercover cycle storage should be provided close to the house. • The workplace destination should 	<p>Agreed. This is specifically addressed in Local Plan policies SCO and BE1, and other best practice guidance. Layout and street design are outside the scope of this SPD.</p> <p>Car parking is addressed specifically in the adopted Parking SPD.</p> <p>Agreed. This is specifically addressed in the adopted Parking SPD, and falls within the mitigation suggested in table 4.</p> <p>As above, this matter is specifically addressed in the adopted Parking SPD, and included in the mitigation suggested in table 4.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

² Ch 5, p60, Cherwell Design Guide, www.cherwell.gov.uk

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			<p>provide similar storage, plus changing and wash/shower facilities, along with clothes lockers. Such arrangements should be part of a planning condition on new employment centres.</p> <ul style="list-style-type: none"> Residential areas should be connected to places of work, leisure, shopping etc, with a network of good quality cycle routes. 	<p>Agreed. This is covered by other design and layout policies including those sited above, and other best practice guidance. It is not within the scope of this SPD.</p>	N/A
71213	Rodney King	Cycleways	<p>Other information and guidance, The Copenhagen Reverse Traffic Pyramid³ Lynn Sloman – A nationally recognised expert in design and evaluation of sustainable transport investment programmes⁴. London Cycling Design Standards⁵,</p>	Noted	N/A
71212	Elaine Dixon	Individual	<p>I have looked through the supplementary planning document & the Annual Status Report. I am encouraged to see the council is working to address the high pollution levels in our area.</p>	Noted	N/A
71212	Elaine Dixon	Individual	<p>I should like to know if an evaluation has been undertaken on the A4177 Birmingham Road by Hatton Park? As I am sure you are aware during the peak travel hours traffic is often stationary or</p>	<p>Noted. This does not directly relate to the draft policy in the SPD. A response to this question has been sent separately.</p>	N/A

³ Introduction, Healthy Travel Choices in Warwickshire, 2016, WCC

⁴ lynn@transportforqualityoflife.com

⁵ London Cycling Design Standards, Transport for London, www.tfl.gov.uk

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			slow moving. I can see the report mentions site W68 Birmingham Road but I couldn't see it in the street maps & I wondered if it was a monitor by the A46?		
71211	Jacqui Salt	Natural England	Whilst we welcome the opportunity to give our views, the topic of the SPD does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.	Noted	N/A
71210	Eri Wong	Highways England	Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. We have reviewed the consultation document provided. Given the distance of the SRN to the locations that it specifies, we can confirm that the plans and policies set out within the Draft Air Quality Supplementary Planning Document are unlikely to have implications for the continued safe operation and functionality of the SRN. We welcome the opportunity to provide comments to this consultation, and support the sustainable development principles contained within the Air Quality SPD, but have no comments to make on its contents.	Noted	N/A
71209	Ian Dickinson	Canal and River Trust	In Chapter 5, Table 4 sets out the range of measures identified as Type 2 mitigation and	Acknowledged. The canal towpaths could fall within the category of	N/A

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			includes measures to support cycling and walking infrastructure. The Trust manages some 37km of canals across the district, passing through both rural and urban areas. The canal towpath can provide a sustainable, traffic-free environment for walking and cycling for accessing services and facilities or for leisure and recreation. In order to fully realise the potential of canal towpaths to fulfil this role and contribute to reducing reliance on private motor vehicles for journeys, it is important to ensure that they are, and will remain, in good condition, and that they are as accessible as possible to the widest range of people.	supporting cycling and walking infrastructure.	
71209	Ian Dickinson	Canal and River Trust	The Trust considers that it is reasonable and justified to consider improvements to canal towpaths, whether in the form of upgrading towpath surfaces or improving access arrangements, as being appropriate mitigation measures that developers could be required to contribute towards. We suggest that reference to this could be included within the SPD as an example of appropriate Type 2 mitigation	It is considered that the general mitigation principle outlined above is capable of including canal towpaths, and this is therefore sufficiently incorporated. Clearly each planning application and any improvements to be made have to be considered on a case by case basis. In singling out towpaths might set a precedent for other types of routes or infrastructure, which could make this SPD unwieldy.	N/A
71208	Matthew Benson	Hitchman Stone Architects	We have completed a few developments now with a Low Emission Strategy and are used to the process. We note the additional triggers proposed for a Major Development.	Noted	N/A
71208	Matthew Benson	Hitchman Stone Architects	Mitigations On the projects that we have completed we have	The emissions calculations/damage	N/A

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			<p>incorporated mitigations as outlined in the AQA Addendum, not all of them can be adopted on each project and we have to balance the needs/operation of the end user with the requirements of the AQA Addendum. Paragraph 5.3 states that "mitigations/compensation measures are to be equivalent to the value of their emissions calculation". Is this going to apply to ALL developments in of Minor/Medium/Major Classification?, or just Major as at present?.</p> <p>We note that for Type 1 mitigations (Table 3) the proposals are expanded and include rapid charging units to be incorporated to commercial/retail and industrial developments.</p> <p>We note that for Type 2 mitigations (Table 4) measures to support public transport infrastructure and promote its use, measure to support cycling/walking infrastructure and measures to support an electric vehicle plan are included. We envisage that these would require and a section 106 or equivalent agreement with the developer.</p> <p>We note that for Type 3 mitigations (Table 5) it is proposed to add CAZ, LEZ and LES operations, again no doubt this would need to be conditioned or part of a section 106 or equivalent agreement. It also proposes a plugged in development and demonstration scheme which</p>	<p>costs will apply to Major developments only. This is intended to guide the scale and kind of mitigation needed, though such mitigation will need to demonstrate how it is likely to address the impact of development in air quality terms.</p> <p>Noted.</p> <p>Noted. The use of conditions and obligations is addressed in paragraph 5.57.</p> <p>Noted. The mitigations in the tables are given as examples. It is accepted that the appropriateness of different mitigation measures will need to be considered on a case by case basis, as will the mechanisms by which they can</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

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			could encourage the use of green vehicles. Infrastructure for low emission, alternative fuels for service vehicles, refuse collections and community transport services is more difficult to achieve depending on the development.	be secured. Mitigation measures proposed should be accompanied by evidence of the likely effect in addressing the impacts.	
71208	Matthew Benson	Hitchman Stone Architects	The proposal to add NRMM controls (Table 6) also seems to be unworkable as this is proposed to be included in Construction Environmental Management Plan, which will no doubt be a conditions/section 106 agreement or equivalent to be attached to any planning application. The onus then falls on the contractor to ensure that equipment they use meets the standard. Who is going to ensure this is being complied with?, and what penalties would they face if caught in breach of the condition/S106?.	NRMM controls will be managed through construction management plans which will be required by a planning condition as necessary. The contractor will be required to provide documentation with the construction management plan such as statements of conformity to demonstrate that the plant complies with the NRMM requirements. If the plant on the development site differs from those provided in the construction management plan, it will be a breach of planning control and enforced accordingly if it does not meet the relevant standards.	N/A
71208	Matthew Benson	Hitchman Stone Architects	With regard to the new AQMA zones in Warwick and Kenilworth. Have sufficient traffic management schemes been considered?. These areas do suffer from serious peak hour traffic congestion, however at quiet times traffic congestion could probably be eased with better controls to traffic light sequences to ensure that at quiet times the traffic can flow more freely.	Noted – though this is beyond the scope of what the SPD can achieve.	N/A
71223	Dan	Marrons on	3. Provision of charging points on unallocated	As this comment notes, p27 identifies	N/A

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	Robinson-Wells	behalf of Hallam Land Management and William Davis	<p>parking spaces is not accordance with TR1</p> <p>One of the Type 1 mitigation examples provided includes 1 vehicle charging points for every 10 unallocated spaces. However, Local Plan policy TR1 is clearly states that the provision of charging points should only be considered, where practical, where development proposals include the provision of off street charging.</p> <p>In addition, whilst the SPD states that all the mitigation measures are only examples, there is concern that these will become standards. If they were to be applied in practice as such it would go beyond the remit of an SPD as it would be setting policy requirements. Legal judgements have confirmed that SPDs cannot set policy, which should be tested through a DPD examination process nor be used to amend plan policy to address new evidence. For instance see William Davis Ltd & Ors v Charnwood Borough Council [2017] EWHC 3006 (Admin) (23 November 2017).</p>	<p>that the suite of measures included in the mitigation tables; specifically Table 3 in this instance; are examples. It is identified that they can be adapted for particular locations and needs as identified.</p> <p>It should also be noted that this type of mitigation is identical to that in the existing Low Emission Strategy Guidance for Developers (2014), and given the objectives of the SPD, it is considered perverse to give examples lower than the Council has previously encouraged.</p> <p>Local Plan policy TR1 is specific about <u>off street</u> parking, however this does not preclude additional provision where this is practicable. It should also be noted that there is a subtle difference between 'off-street' parking (as specified in the Local Plan) and 'unallocated parking' as defined in the example mitigation measures (and indeed in the adopted Parking Standards SPD). Unallocated parking spaces might not be exclusively accommodated on street – i.e. they could be off-street.</p>	

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				Some developments can include unallocated off street parking where EV charging infrastructure could be provided i.e. office accommodation, residential flats/apartment buildings.	
71222	Dan Robinson-Wells	Marrons on behalf of Hallam Land Management and William Davis	<p>The approach to mitigation in accordance with Local Plan policy TR2</p> <p>Local Plan Policy TR2 states the following: "Any development that results in significant negative impacts on air quality within identified Air Quality Management Areas or on the health and wellbeing of people in the area as a result of pollution should be supported by an air quality assessment and, where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts."</p> <p>On the basis of the above policy only development that results in significant negative impacts should require mitigation.</p> <p>The principle of only significant impacts being assessed is set out in the NPPG: "When deciding whether air quality is relevant to a planning application, considerations could include whether the development would: Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly</p>	<p>The draft SPD clearly sets out in table 1 the categorization of development types, and demonstrates that the level of assessment and mitigation required is proportionate to these categories. In line with policy TR2, the SPD requires an Air Quality Assessment where the impact is deemed to be significant, as well as appropriate and proportionate mitigation measures falling within types 1, 2 and 3.</p> <p>Policy TR2 does not preclude consideration and mitigation of air quality impacts where that impact is not concluded on its own to be significant. Indeed the final sentence of policy TR2 requires full consideration of the cumulative impacts of all development on traffic generation and air quality.</p> <p>Furthermore, the explanatory text associated with local plan policy TR2 (most notably paragraph 5.50) sets out that all development proposals which</p>	N/A

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			<p>changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; adds to turnover in a large car park; or result in construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more."</p> <p>NPPG 005 Reference ID: 32-005-20140306</p> <p>Furthermore, the NPPG is clear that the purpose of mitigation is to prevent "unacceptable" risks.</p> <p>"Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation where the relevant tests are met."</p>	<p>generate traffic movements should demonstrate how they have addressed the three stage process set out in the Low Emission Strategy Guidance (2014). This SPD is effectively an evolution of that document (it will supersede it) and includes the same three stage process of classification, assessment and mitigation.</p> <p>In summary therefore, it is concluded that the SPD is aligned with the policy intentions of TR2.</p>	
71222	Dan Robinson-Wells	Marrons on behalf of Hallam Land Management and William	<p>2. It is unclear and significant impacts are not defined</p> <p>As noted above, significant impacts are not defined in the SPD. However for Major</p>	<p>Under the three stage process in the SPD, it is set out that mitigation has to be proportionate to the impact of a development proposal, albeit that cumulative impacts with other</p>	N/A – see earlier representation regarding damage costs.

Ref	Name	Company/Organisation	Comment	Response	Amendment
		Davis	<p>developments at the assessment stage, a damage costs calculation is required. Concern is raised that the Council will require compensation or mitigation for mitigation for proposed development undertaking this exercise irrespective of whether overall the impact is deemed significant.</p> <p>Furthermore, paragraph 5.4 suggests that only WDC can assess the significance and acceptability of a development proposal, based on local air quality knowledge and cumulative impacts. This statement is not considered an appropriate response in a supplementary planning document which is meant to expand upon development plan policies and provide clear guidance as to what may or may not be acceptable. In addition, the methods for assessing cumulative impacts exist, and data in relation to existing, committed and planned development sufficient for assessment.</p>	<p>commitments have to be considered as well in line with local plan policy TR2. As noted above, it is recommended that the relationship of damage costs and mitigation be clarified. Therefore damage costs will assist WDC as a guide to the scale and nature of mitigation required. It must however be demonstrated that any mitigation proposed is likely to specifically address the assessed impact on air quality.</p> <p>This was not the intention of paragraph 5.4, and therefore it is suggested that the paragraph be reworded. The paragraph should indicate that WDC will consider all material considerations when determining the acceptability of a scheme. This may include consideration of the proposals in the context of local air quality knowledge and cumulative impacts of schemes.</p>	Amend paragraph 5.4 as outlined.
71230	Lee Osborne	FSB	Our response focuses on a number of key principles that should be considered by Local Authorities in relation to small businesses when developing measures to tackle air pollution. Supporting small businesses in tackling air pollution	Noted	N/A

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			<p>* The FSB understands that improving our air quality in urban areas, is a complex issue and requires the joint action of Government and local authorities. One of the most significant challenges is the build-up of nitrogen dioxide concentrations around some local roads.</p> <p>In response to this policy development the FSB released its report 'Clearing the Air: Supporting small businesses in tackling air quality in England (November 2017). The report is designed to help Government and local authorities to understand the diverse small business audience in relation to development of policies designed to tackle air pollution. The report is available here and we have highlighted some of the main recommendations in our response.</p>		
71230	Lee Osborne	FSB	Engagement with the small business community is key when developing guidance and we are therefore grateful for the opportunity to respond to this consultation on planning guidance and the designation of five air quality management areas.	Noted. However, the SPD does not designate the AQMAs, it makes reference to them in respect of how planning decisions should respond to the air quality context. The AQMAs are already defined through separate processes.	N/A
71230	Lee Osborne	FSB	Despite widespread concern about the issue, it is important to note that air quality is improving nationally. By 2022 only 10 local authorities in England are forecast to still be in breach of air quality limits, even without the addition of new remedies. In the consultation guidance it states that air quality management areas established do not breach Air Quality Objectives.	Noted	N/A

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71230	Lee Osborne	FSB	However it is acknowledged that fine particulate matter levels have a significant impact on health across the district and reductions will still bring health benefits to the local population. As a result we would welcome regular assessment of measures to determine whether proposed mitigation measures are proportion or whether additional measures need to be included.	Noted - Addressed under our local air quality management responsibilities	N/A
71230	Lee Osborne	FSB	The document proposes a number of mitigation measures for minor, medium and high new developments against the threshold criteria. These must be fair and transparent allowing those in the areas affected to adapt to and take advantage of any new requirements. The impact on small businesses operating in the designated areas and those travelling into the areas and impacted by any new developments should be considered when determining mitigation measures. The FSB believes that WDC in planning requirements should ensure that important and small business trades and services are not being deterred from the designated areas and town centres.	Noted	N/A
71230	Lee Osborne	FSB	The mitigation measures for major new developments include the establishment of Clean Air Zones. Where these are proposed as part of the planning requirements the FSB believe there should be further engagement and to ensure that small businesses are fully account for as part of the development process. Businesses must be	Noted. These are given only as an example of the suite of mitigation measures which might be appropriate, and are not necessarily therefore a default requirement.	N/A

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			given further fair opportunity to input and comment on proposals.		
71230	Lee Osborne	FSB	Any supplementary planning documents and guidance resulting from this consultation should be implemented and followed fairly and transparently by planning officers so that a consistent and proportionate approach is taken to any new development.	Noted and agreed	N/A