Great Yarmouth Third River Crossing

Application for Development Consent Order

Document 6.2: Environmental Statement Volume II: Technical Appendix 6A: Legislation, Policy and Guidance

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ("APFP")

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1 Legislation, Policy and Guidance

1.1.1 Table 1.1 to Table 1.3 summarise the applicable legislation, policy and guidance to Chapter 6: Air Quality.

Table 1.1: Summary of Legislation

Legislation	Summary	Chapter Reference
European Ambient Air Quality Directive (2008/50/EC)	The Directive is the primary driver for managing and improving air quality for each member state of the EU. The Directive sets legally binding limit values for concentrations in ambient (outdoor) air of pollutants that can impact public health, including NO_2 and particulates (PM_{10} & $PM_{2.5}$). EU limit values are set for individual pollutants and comprise a concentration value, an averaging time over which it is to be measured, the number of allowed exceedances per year (if any), and a date by which it must be achieved. Some pollutants (e.g. PM_{10}) have more than one limit value covering different averaging times.	Chapter 6: Air Quality conforms with the Directive by assessing whether sensitive receptors are predicted to experience pollutant concentrations beyond or within the EU limit values for NO_2, PM_{10}, $PM_{2.5}$ and where applicable NO_x. See Section 6.7 and 6.10.
Air Quality Standards Regulations 2010, as amended in 2016	The European Ambient Air Quality Directive was transposed into English law via the Air Quality Standards Regulations 2010, as amended in 2016.	The assessment conforms with the Regulations by assessing whether sensitive receptors are predicted to experience pollutant concentrations beyond or within the objective values for NO_2, PM_{10}, $PM_{2.5}$ and where applicable NO_x as prescribed in the

Legislation	Summary	Chapter Reference
		regulations. See Section 6.7 and 6.10.
The Environmental Protection Act (EPA) 1990	The Environmental Protection Act (EPA) (Section 79, Chapter 43, Part III - Statutory Nuisance and Inspections), contains a definition of what constitutes a 'statutory nuisance' with regard to dust and places a duty on Local Authorities to detect any such nuisances within their area. Dust arising from construction works could lead to statutory nuisance if it is 'prejudicial to health or a nuisance' i.e. affects people's wellbeing, even though it may not be prejudicial to health. A separate Statutory Nuisance Statement is presented as DCO Document 6.10.	The assessment conforms to the Act through the identification of the risk of impacts upon amenity as a result of the construction phase in Section 6.7 and Section 6.8, and through the assessment of changes to concentrations of particulate matter (PM_{10} and $PM_{2.5}$) with the operation of the Scheme as presented in Section 6.8 and Section 6.10. The assessment considers the change in pollutant concentrations at sensitive receptor locations in relation to the annual objective for NO_2, PM_{10} and $PM_{2.5}$ set for the protection of human health.

Table 1.2: Summary of Policy

Policy	Summary	Chapter Reference
National Policy Statement for National Networks (2014)	Paragraph 3.8 of the NPS NN states that *"the impact of road development on aggregate levels of emissions is likely to be very small. Impacts of road development need to be seen against significant projected reductions in carbon emissions and improvements in air quality as a result of current and future policies to meet the Government's legally*	The assessment fulfils the policy by considering the impact of the Scheme upon emissions and modelling the dispersal of the emissions and the resulting concentrations at sensitive receptor locations with and without the Scheme. The Opening Year considered in the assessment represents the worst year in terms of

Policy	Summary	Chapter Reference
	binding carbon budgets and the European Union's air quality limit values". Specifically, regarding air quality, Paragraph 3.8 of the NPS NN also states that *"aggregate air quality impacts from delivering a programme of investment on the Strategic Road Network of the scale envisaged in Investing in Britain's Future are small. Total PM_{10} and NO_x might be expected to increase slightly, but this needs to be seen in the context of projected reductions in emissions over time. PM_{10} and NO_x are expected to decrease over the next decade or so as a result of tighter vehicle emission standards, then flatten, with further falls over time due to greater levels of electric and other ultra-low emission vehicles".* The NPS NN in Paragraph 5.6 states the requirement for ES where *"the impacts of the project (both on and off-scheme) are likely to have significant air quality effects in relation to meeting EIA requirements and / or affect the UKs ability to comply with the Air Quality Directive, the applicant should undertake an assessment of the impacts of the proposed project as part of the environmental statement."*	emissions and Local Air Quality. This is because emissions from the national fleet are predicted to improve in time. See Sections 6.7 and 6.10 (document reference 6.1). A judgement of the risk to the UKs compliance with the EU Ambient Air Quality Directive is given in Appendix 6D and Section 6.10.

Policy	Summary	Chapter Reference
	Paragraph 5.7 states that "The ES should describe: • *Existing air quality levels;* • *Forecasts of air quality at the time of opening, assuming that the scheme is not built (the future baseline) and taking account of the impact of the scheme; and* • *Any significant air quality effects, their mitigation and any residual effects, distinguishing between the construction and operation stages and taking account of the impact of road traffic generated by the project."* NPS NN Paragraph 5.8 explains that *"The applicant's assessment should be consistent with Defra's published future national projections of air quality based upon evidence of future emissions, traffic and vehicle fleet."* NPS NN Paragraph 5.9 states that *"In addition to information on the likely significant effects of a project in relation to EIA, the Secretary of State must be provided with a*	

Policy	Summary	Chapter Reference
	judgement on the risk as to whether the project would affect the UK's ability to comply with the EU Ambient Air Quality Directive."	
National Policy Statement for Ports (2012)	Paragraph 5.13.8 of the PNPS states that *"The NPS for Ports requires applicants to consider the effects of a project during both the construction and operational phases upon air quality taking into account the existing air quality levels."*	The assessment fulfils the policy by considering the effects of the Scheme during both the construction and operational phases. See Section 6.7 and 6.10 (document reference 6.1).
National Planning Policy Framework (2019)	Paragraph 170.e of the NPPF states that *"…Planning policies and decisions should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans."* And that*: "The environmental impact of the Proposed Development will be a*	This assessment fulfils the policy by considering the impact of the Scheme upon compliance with relevant national objectives for pollutants. The Scheme is not situated in a Clean Air Zone or an Air Quality Management Area. See Section 6.10, Section 6.5 (document reference 6.1) and Appendix 6D (document reference 6.2).

Policy	Summary	Chapter Reference
	material consideration during the planning process." Paragraph 181 of the NPPF states that *"Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan."*	
National Air Quality Strategy 2007	The UK Government and the devolved administrations are	The assessment considers the pollutants identified in the National Air Quality

Policy	Summary	Chapter Reference
	required under the Environment Act 1995 to produce a national air quality strategy. The National Air Quality Strategy 2007 sets out the UK's air quality objectives, Defra provides tools and guidance on meeting the objectives for local authorities and practitioners through the Local Air Quality Management regime. In England, the Secretary of State for Environment, Food, and Rural Affairs has responsibility for adhering to the limit values, whilst the Department for Environment, Food and Rural Affairs (Defra) co-ordinate the assessment of compliance with limit values and development of Air Quality Plans for the UK (last updated in 2017).	Strategy where roads are considered a dominant source of such pollutants. The assessment includes conclusions as to compliance with the limit values and objectives set out in the National Air Quality Strategy. See Section 6.3 and 6.10 (document reference 6.1).
The Air Quality Strategy for England Scotland and Wales	The strategy sets out air quality objectives and policy options to improve air quality in the UK.	See Section 6.3 and 6.10 (document reference 6.1).
Clean Air Strategy 2019	A new Clean Air Strategy (CAS) was issued in January 2019 outlining ambitions to reduce air pollution, make air healthier to breathe and for nature protection. The Strategy sets out how the UK Government will work towards meeting	The assessment considers the pollutants identified in the Clean Air Strategy where roads are considered a dominant source of such pollutants. See Section 6.3 and 6.10 (document reference 6.1).

Policy	Summary	Chapter Reference
	reductions in England. The CAS, proposes actions to reduce air pollution and its effects. Proposals in the strategy relating to roads include an emphasis on clean growth and innovation such as plans to encourage the development, manufacture and use of zero exhaust emission vehicles. The CAS has an increased focus on particulate matter emissions with a target to reduce the number of people living in locations experiencing $PM_{2.5}$ concentrations above the World Health Organisation guideline level of 10µg/m^3 by 50% by the year 2025 and to aims to reduce emissions of $PM_{2.5}$ against the 2005 baseline by 30% by 2020, and 46% by 2030. The CAS aims to reduce emissions of nitrogen oxides (NO_x) of which NO_2 is a component against the 2005 baseline by 55% by 2020, increasing to 73% by 2030. The Air Quality strategy introduces a future strategy for reducing exhaust emissions from road vehicles called 'Road to Zero' which sets out plans to end the sale of conventional petrol and	

Policy	Summary	Chapter Reference
	diesel vehicles by 2040. The CAS has been considered in this assessment. A detailed National Air Pollution Control Programme is expected to be published in 2019 and the contents of the CAS have been considered in this assessment. Under the 2017 Air Quality Plan, certain local authorities are required to undertake feasibility studies to identify options to deliver compliance with EU limit values. GYBC was not included in the list of authorities required to do this.	
East Inshore Marine Plan	The EIMP Objective 6: To have a healthy, resilient and adaptable marine ecosystem in the East marine plan areas requires applicants to consider collective pressure upon air quality including effects on adjacent coastal communities in view of identified Air Quality Management Areas and the amount of current and potential future shipping traffic in the marine plan areas.	The assessment fulfils the policy by incorporating Defra Air Quality Background Mapping pollutant concentrations in the local air quality assessment methodology that include a prediction of shipping emissions within the relevant grid square. See Table 6.8 and Section 6.5 (document reference 6.1). The adjacent coast communities have not declared Air Quality Management Areas and are beyond the study area defined by changes in traffic related to the

Policy	Summary	Chapter Reference
		scheme. See Section 6.4 for the determination of the extent of the study area.
Great Yarmouth Borough Council Core Strategy Policy CS9 **Encouraging well-designed, distinctive places**	Policy CS9 Encouraging well-designed, distinctive places states that GYBC will through planning policy: *"Seek to protect the amenity of existing and future residents, or people working in, or nearby, a proposed development, from factors such as noise, light and air pollution and ensure that new development does not unduly impact upon public safety".* *"New and existing development should not contribute to, or be put at risk from, pollution or other sources of nuisance or intrusion that could adversely affect amenity. In addition to the potential impacts of development on the amenity of people, there are other potential environmental impacts that also need to be addressed, principally in relation to air quality and light pollution".*	The assessment conforms to the policy by predicting the likely impact of the scheme upon Local Air Quality during both the operational and construction phase. The air quality assessment provides a detailed evaluation of the significance of effects of the Scheme's impact on local air quality receptors within 200 m of affected roads in Section 6.6 (document reference 6.1), where the amenity impacts from the Scheme upon local air quality would be greatest.
Policy CS16 Improving Accessibility and Transport	Policy CS16 Improving accessibility and transport states that GYBC will create a more integrated transport network.	The assessment conforms to the policy by predicting the likely impact of the Scheme upon Local Air Quality during the operational phase and the

Policy	Summary	Chapter Reference
	"A well-connected and integrated transport network supports the sustainable functioning and development of the borough. At present the majority of trips taken within and to the borough are by car, resulting in congestion and increased air pollution, particularly at peak times". *"Easing congestion and improving the transportation network will make the borough more desirable to investors and improve air quality through a reduction in traffic emissions. To help ease congestion, the Council with its partner organisations and the local transport operators are pursuing a range of different options, including: Supporting the development of a Third River Crossing to reduce congestion".*	impact of construction dust within the construction phase. The Scheme is expected to reduce congestion and the assessment within this chapter considers the change in emissions from traffic as broken down into time periods which cover the AM and PM peak periods see Appendix 6C (document reference 6.2).

Table 1.3: Summary of Guidance

Guidance	Summary	Chapter Reference
United Nations Economic Commission for Europe (UN/ECE) Critical Loads	The United Nations Economic Commission for Europe (UN/ECE) Critical Loads provides critical load values for nutrient nitrogen deposition when undertaking assessment of the effects of changes in air quality upon designated ecological	The assessment predicts the likely impact of the Scheme upon designated ecological sites considered sensitive to changes in air quality during the operational phase and the potential impact of construction dust during the construction

Guidance	Summary	Chapter Reference
	sites.	phase. See Section 6.4, Section 6.6, Section 6.8 (document reference 6.1) and Appendix 6G (document reference 6.2).
Design Manual for Roads and Bridges (DMRB) HA207/07 Air Quality	The DMRB technical guidance sets out the circumstances of when an assessment may be required providing details of the information required to undertake such an assessment of the effect of a Scheme upon Local Air Quality upon sensitive receptors and designated ecological sites considered sensitive to NO_x and Nitrogen deposition.	The assessment follows the DMRB technical guidance in the methodology of the Operational Local Air Quality Assessment, see Section 6.4 (document reference 6.1), the methodology of the Ecological Air Quality Assessment, see Section 6.4 (document reference 6.1) and in the methodology of the Operational Regional Air Quality Assessment in Section 6.4 (document reference 6.1).
Institute of Air Quality Management (IAQM) Land Use Planning and Development Control Planning for Air Quality (2017)	The IAQM Land Use Planning and Development Control Planning for Air Quality technical guidance sets out the circumstances of when an assessment may be required providing details of the information required to undertake such an assessment of the effect of a Scheme upon Local Air Quality and the methodology to determine the significance of impacts upon Local Air Quality.	The assessment follows the IAQM technical guidance in the methodology applied to determining the significance of impacts upon Local Air Quality. See Section 6.4, 6.7 and 6.10 (document reference 6.1).
Institute of Air Quality Management (IAQM)	The IAQM Guidance on the Assessment of Dust	The assessment follows the IAQM technical

Guidance	Summary	Chapter Reference
Guidance on the Assessment of Dust from Demolition and Construction (2014)	from Demolition and Construction technical guidance sets out the circumstances of when an assessment may be required providing details of the information required to undertake such an assessment of the effect of dust generated during the construction of a scheme upon receptors considered sensitive to dust impacts.	guidance in the methodology applied to determining the significance of construction dust impacts during the construction phase. See Section 6.4, Section 6.10 (document reference 6.1) and Appendix 6B (document reference 6.2).
Defra Local Air Quality Management Technical Guidance LAQM TG(16)	LAQM TG(16) sets out the methodology for air quality monitoring and the dispersal model verification procedure.	The assessment follows LAQM TG(16) in the method and approach applied to the dispersal model verification procedure given in Appendix 6C (document reference 6.2).
Highways England IAN 175/13 Updated air quality advice on risk assessment related to compliance with the UE Directive on ambient air quality and on the production of Scheme Air Quality Action Plans for users of DMRB Volume 11, Section 3, Part 1 'Air Quality'	IAN 175/13 provides advice on conducting risk assessments related to compliance with the EU Directive on ambient air quality. The IAN is withdrawn pending the issue of new guidance. However, the compliance risk assessment for the Scheme has been conducted following the IAN methodology in the absence of updated guidance.	The compliance risk assessment follows the method specified in IAN 175/13 as summarised in Appendix 6D (document reference 6.2).
Highways England IAN 174/13 Updated advice for evaluating significant local air quality effects (2013)	IAN 174/13 provides advice on categorizing the impacts of changes in air quality upon sensitive receptors where the predicted concentrations	The approach to determining significance in guidance produced by the IAQM and within the Highways England IAN guidance differs in the

Guidance	Summary	Chapter Reference
	are within 10% of the relevant Air Quality Standards objective concentrations.	method by which the change between the Do Minimum and Do Something results for the Local Air Quality Assessment are defined as significant. Further information on the determination of significance is given in Section 6.4 (document reference 6.1). The IAN methodology considers only receptors where the concentration of a pollutant falls within 10% of the relevant objective or is in exceedance of the objective in the Do Something scenario whereas the IAQM methodology for determining significance categorises all changes in concentration in relation to the annual mean air quality objective for NO_2 and PM_{10}. The conclusions on significance given in this assessment are based upon the IAQM methodology which was deemed more appropriate as the predicted concentrations in the Opening Year across the study area do not fall within 10% of the relevant air quality objectives.