

**Matter 12: Does the plan 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?**

**Issue (i): Is the Plan's approach to air quality issues justified, effective, consistent with national policy, and in general conformity with the London Plan?**

**Q1. How would the Plan provide an effective basis to ensure that planning decisions would sustain and contribute towards compliance with relevant limit values<sup>137</sup> 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?**

Council response:

12.1. NPPF 2021 paragraph 186 states:

*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. "...*

12.2. Improving air quality and mitigation in developments is embedded in the Plan. The Plan has regard to Air Quality Management Areas and Clean Air Zones designations in Merton and seeks to ensure planning decisions are sustained and comply with relevant limit values or national objectives for pollutants, Air Quality Management Areas and Clean Air Zones and cumulative impacts from a site.

12.3. Merton's Air Quality Action Plan ([0D24](#)) has informed the Plan and sets out the Council's priorities on air quality. It was produced as part of our duty under the London Local Air Quality Management statutory process and in recognition of the legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995.

12.4. Regarding planning decisions, the Plan clearly states what documentation needs to be submitted to support a planning application to the Council such as, assessments/statements and required standards to be applied. All of which inform planning decisions. For example:

- Applying Air Quality Neutral standards.
- The use of planning conditions or s106 agreements.
- Requiring Travel Plans.
- Adopting Air Quality Neutral approaches.

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<sup>137</sup> Per Paragraph 181 of the Framework

- Requiring Air Quality Assessment depending on the type of development including for Air Quality Focus Areas (AQFA).
- Adopting Healthy Streets Approach.
- Construction Management Statements (CMS).
- Tree Protection Orders.
- BS5837:2012 (in accordance with the London Plan G7C).
- Merton's Air Quality Action Plan.
- Odours and fume control assessments.
- Construction Logistics Plan.
- Strategic Flood Risk Assessment.
- London Plan (0D32).
- NPPF 2021 (OD22).

12.5. Merton's Air Quality Supplementary Planning Guidance ([15D10](#)) can also inform planning decisions as it provides further guidance on Air Quality assessments and other assessments more importantly what the Council requires to be demonstrated in them. The SPD covers construction stages, odour, cumulative impact and combustion flues and efflux velocity and the control of dust and emissions. The Council can use or apply planning mechanisms/tools these are outlined in the Plan for example, seeking financial contributions.

**Q2. Does Policy P15.10 serve a clear purpose, avoiding unnecessary duplication of national and local policies on air quality, in particular London Plan Policy SI 1: Improving Air Quality?**

Council response:

12.6. The Council has reviewed the policy and on the grounds of soundness and to avoid duplication with [0D32 the London Plan](#) Policy Si1 we are proposing removing part (e) of Policy P15.10 *Improving Air Quality and Minimising Pollution* as indicated in Main Modification table and add the following text in the supporting text as an Additional Modification.

Proposed Additional Modification:

**(NEW PARAGRAPH)** The Council will apply London Plan policy SI1 *Improving air quality* to all development proposals in the borough, along with associated Mayoral guidance on Air Quality Neutral and Air Quality Positive standards and on ways to reduce construction and demolition impacts.

**Q3. Is Policy P15.10 clearly written and unambiguous in respect of the scale of proposal and the degree of impact on air quality for which an Air Quality Impact Assessment (AQIA) will be required? Is the requirement for AQIAs justified, based on proportionate evidence?**

Council response:

12.7. The council has reviewed the policy and is proposing to provide the following MM clarification text to Policy P15.10 *Improving Air Quality and Minimising Pollution* to clarify (part g) as to when an AQIA is required by the Council.

12.8. The council evidence for the requirement of AQA is based on proportionate evidence for example:

*Merton's evidence documents*

- [Merton Air Quality Action Plan 2018-2023 \(0D24\)](#)
- [Merton's Air Quality Annual Monitoring Report \(15D9\)](#)
- [Merton Air Quality Supplementary Document \(15D10\)](#)
- [Merton Climate Strategy and Action Plan 2020 \(2D1\)](#)

*Mayoral Plans and Strategies*

- [The London Plan \(0D32\)](#)
- [TfL Healthy Streets for London 2017 \(16D2\).](#)
- [Mayor's Transport Strategy \(16D3\)](#)
- [London Environment Strategy \(2D6\)](#)

12.9. The use of Air Quality Assessments is to improve air quality, protect health and meet legal obligations.

Proposed main modifications:

Policy 15.10

- g. Development proposals must consider the impact of air quality. An AQA will be required for proposals introducing new developments in areas already subject to poor air, major developments, developments involving biomass boilers, biomass or gas CHP (including connections to existing networks where the increased capacity is not already covered in an existing AQA), substantial earthworks or demolition and any development that could have a significant impact on air quality, either directly or indirectly. The following will be needed:
- An Air Quality Impact Assessment, including where necessary, modelled data.
  - Mitigation measures to reduce the development's impact upon air quality including the type of equipment installed, thermal insulation and ducting abatement technology.
  - Measures installed in the new development to protect the occupiers of new developments from existing sources of pollution.
  - ~~Strict~~ Mitigation for developments to be used by sensitive receptors such as schools, hospitals, care homes, areas of deprivation and in areas of existing poor air quality; this, also applies to proposals close to developments used by sensitive receptors.

- v. The use of green infrastructure, including trees and hedgerows to reduce the exposure to air pollution to absorb dust and other pollutants.

**Q4. To ensure consistency with the Framework<sup>138</sup>, and general conformity with Policy SI 1 of the London Plan does Policy P15.10 firstly, identify the opportunities to improve air quality through development and via relevant strategic, site-specific and area-based policies; and secondly, the type of measures which may be expected to mitigate impacts?**

Council response:

- 12.10. Yes. The council received correspondence from the Greater London Authority dated 6<sup>th</sup> September 2021 (stage 3 consultation representation, contained in [OD6 Schedule of Regulation 19 representations](#) received and [OD7 Completed copies of all Regulation 19 Representations](#)) which said, *the Mayor welcomes Merton's approach to air quality..... which is consistent with the approach set out in Policy SI 1 of the LP2021.*
- 12.11. The Plan identifies opportunities to improve air quality through development firstly, via the following Strategic Policies in the Plan; HW10.1 Health (including mental health) and Wellbeing part (g) states *Improving air quality, reduce public exposure to poor air quality and minimise inequalities in levels of exposure to air pollution.*
- 12.12. Relevant strategic policies have identified opportunities to improve air quality for example CC2.1 *Promoting Sustainable Design to Mitigate and Adapt to Climate Change* (Part d), Chapter 01b Good Growth, O15.1 Open Space, Green Infrastructure and Nature Conservation (part a and c).
- 12.13. The plan also identifies opportunities to improve air quality via site specific and area policies such as Morden policy N5.1 (part b), following site allocations Mo4 Morden Regeneration area, RP4 Bushy Road, Mi1: Benedict Wharf and Chapter 01b Good Growth.
- 12.14. Secondly, several policies in the Plan contribute to reducing and/or mitigating the impacts of air pollution for example Chapter 01b Good Growth,

**12.15. Policy P15.10 Improving Air Quality and Minimising Pollution**

- 12.16. The policy requires seeks that all developments must be at least Air Quality Neutral and resist development proposals which would materially increase exceedances of local air pollutants and have an unacceptable impact on amenity or health unless the development mitigates this impact through physical measures and/or financial contributions to implement proposals in the Merton's Local Air Quality.

*Odours and fume control (Policy P15.10 part s) requirement of an impact assessment depending on the type of development.*

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<sup>138</sup> At paragraph 186

(part f) *Residential development proposals and change of use to residential at street level will need to submit an Air Quality Impact Assessment in areas of poor air quality.*

Part (g) *Development proposals must consider the impact of introducing new developments in areas already subject to poor air quality,*

12.17. Managing pollution from construction and demolition (policy 15.10 part y and aa) requiring Construction Management Statements (CMS).

**12.18. Strategic Policy CC2.1 Promoting Sustainable Design to Mitigate and Adapt to Climate Change**

(part d) *Maximise opportunities to enhance green infrastructure and tree planting to deliver multifunctional benefits such as minimising the urban heat effect, enhancing natural carbon sinks and improving air quality*

12.19. **Policy N7.1 South Wimbledon** (part f) *Encouraging measures that help to minimise and mitigate pollutants associated with the busy road network, including planting and green cover, measures to encourage walking and cycling and, electric vehicle charging points*

12.20. **Policy D12.2 Urban Design** (part g) *Proposals for changes to and enhancement of the highway and public realm shall be designed according to best practice, minimising clutter and, depending on their scale and impact, may be subject to a design review process. Proposals should include sustainable drainage measures (SuDS), urban greening features and tree planting where possible and appropriate.*

12.21. **Policy F15.9 Sustainable Drainage Systems (SUDS)** (part c) *Requiring developers to incorporate soft landscaping, appropriate planting (including trees) and permeable surfaces into all new developments including non-residential developments, in line with Policy O15.7 Urban Greening.*

12.22. **Strategic Policy T16.1 Sustainable Travel** - seeks to minimise the vehicular emissions that contribute towards climate change and local air pollution.

12.23. Policy T16.1 (part b) Apply the Healthy Streets Approach to create accessible streets and public areas where it is safe and convenient to socialise, walk, cycle and use public transport.

12.24. Policy T16.4 Parking and Low Emissions Vehicles – requiring that development proposals should manage car use and parking to ensure safety, reduce reliance on car use and support a transition to lower emissions vehicles.

**Morden: Policy N5.1**

12.25. Part (b and d) Incorporating green infrastructure that contributes to improved drainage, air quality and the creation of green links through the Morden Regeneration Zone and the Wider Morden Town centre. Incorporating green

infrastructure that contributes to improved drainage, air quality and the creation of green links through the Morden Regeneration Zone and neighbourhood.

**Wimbledon: Policy N9.1**

12.26. Part (c) requiring exemplary design and landscaping, street scene and public realm investment, taking the Healthy Streets Approach including opportunities to green Wimbledon.

12.27. Part (i) Improving health and wellbeing by promoting walking and cycling making the town centre more attractive, greener, safer, easier to get around for pedestrians and cyclists.

**Strategic Policy D12.1 Delivering well designed and resilient neighbourhoods.**

12.28. Part (b) requires sustainable design and construction principles, in order to minimise greenhouse gas emissions by considering energy efficiency, re-use of materials and buildings, waste and water management, biodiversity and the use of low carbon and renewable energy sources early in the design process

12.29. Part (d) *Ensure that the site of the development is appropriate for its proposed function and use through the analysis of site constraints such as air quality, noise pollution, land contamination, flooding (from all sources) and daylight and sunlight.*

12.30. **Site allocations design and accessibility guidance** (supporting found with each allocation) outline mitigations measure for example:

- Encouraging measures that help to minimise and mitigate pollutants associated with the busy road network, including planting and green cover.
- Enhancing pedestrian and cycle access routes around the site to improve the wider
- cycle and pedestrian network
- Development proposals expected to provide urban greening on site
- Incorporating sustainable drainage measures within the design and layout.
- Any negative transport, delivery and servicing impacts on pedestrian and cycle access and bus operations including during construction should be minimised and mitigation provided.
- Development proposals will need to demonstrate that the scale and type of development is appropriate to the accessibility of the site by sustainable modes and will not result in a reliance on car journeys.
- Requiring proposals to improve access to publicly accessible open space, either through design and public realm improvements, or by providing new publicly accessible open space on site, in accordance with the Green Infrastructure policies.

**Q5. Is it clear what and whether there is a difference between “mitigation” and “strict mitigation” referred to in Policy P15.10?**

Council response:

The council is proposing deleting the word ‘strict’ from the policy – this will be an Additional Modification.

Proposed Additional Modification:

Additional modification proposed to Policy P15.10, part g (section ix):

- ix. ~~Strict~~ Mitigation for developments to be used by sensitive receptors such as schools, hospitals, care homes, areas of deprivation and in areas of existing poor air quality; this, also applies to proposals close to developments used by sensitive receptors.

**Q6. P15.10 and its supporting text<sup>139</sup> consistent with each other and clear as to the instances when financial contributions to “offset the impact of the development on air quality may be considered”?**

Council response:

The Council is proposing Main Modification in the policy (part j) regarding financial contributions.

Proposed Main Modification:

Proposed to P15.10, part j:

- j. We will seek financial contributions using Planning Obligations towards air quality measures where a proposed development is not air quality neutral, or mitigation measures do not reduce the impact upon poor air quality. In determining the contribution, the Council will refer to the London Plan Air Quality Neutral guidance (section 5).

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<sup>139</sup> Paragraph 15.10.9