

London Borough of Merton
Merton Civic Centre London Road
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SM4 5DX

Our ref:
Your ref:

Date: 01 February 2020

Draft London Borough of Merton Air Quality Supplementary Planning Document (SPD)

Thank you for consulting the Environment Agency on the draft London Borough of Merton Air Quality Supplementary Planning Document (SPD). As you're aware managing air quality requires ongoing partnership working and targeted interventions based on the latest evidence and monitoring data. Our key messages are:

- Ensuring high environmental standards at waste management sites supported with modern buildings and high environmental standards to prevent pollution such as dust or mud and high standards of fire prevention measures. We understand the SPD is focused on new development however a number of existing developments require upgrading and regular reviews to ensure business is not contributing to poor air quality. We have raised these issues and opportunities in our input to the [South London Waste Plan](#) to ensure high standards at all waste management sites.
- Close partnership working and joined up working and joined up enforcement actions to ensure high environmental standards and preventing poor compliance with planning and permitting regimes. A good example of this is the ongoing joint LB of Merton and Environment Agency action days to address issues at industrial estates such as Weir Road and Willow Lane. Air Quality monitoring is ongoing in the Weir Road area following complaints and we will continue to share this data and evidence with you and agree joint actions to manage air quality issues.
- Ensuring businesses are aware and are adapting to climate change and impacts of longer drier summers which require adaption and promotion of [urban greening in](#) new development and retrofitting in existing developments.
- Encouraging residents and businesses to report environmental incidents to our incident hotline <https://www.gov.uk/report-an-environmental-incident>
- Sharing information and evidence on air quality hot spots and agreeing joint actions to resolve air quality issues for businesses, landlords and organisations involved. We recommend awareness raising to encourage residents and businesses to sign up for air quality alerts and air quality forecasts <https://uk-air.defra.gov.uk/>
- Raising awareness on the potential for construction and demolition sites becoming illegal waste sites. We recommend the Air Quality Action SPD references this ongoing issue and the need for high standards and visible security on vacant sites to manage this and prevent sites becoming illegal waste sites through trespassers gaining access and creating illegal waste sites which the landlord can be responsible for clean-up costs.

We hope our response is helpful, if you have any questions or require more information please let me know. We look forward to continuing to work in partnership with you to deliver environmental protection and enhancement across the London Borough of Merton.

Yours sincerely

James Togher
Sustainable Places Team Leader - South London

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Section 1 – Detailed feedback

The Environment Agency – our role in Air Quality

We have a number of duties related to air quality;

1. We ensure that the industrial facilities we regulate comply with the Environmental Permitting Regulations, thus contributing to compliance with:
 - UK requirements such as the UK Air Quality Strategy, the Countryside and Rights of Way Act and the Natural Environment and Rural Communities Act; and
 - EU requirements on the UK such as Air Quality Directives, Habitats Directive, the National Emissions Ceiling Directive and the Industrial Emissions Directive.
2. We support local authorities in improving local air quality, particularly through providing technical guidance on behalf of Defra to local authorities in respect of industrial facilities they regulate.
3. We coordinate ambient air quality monitoring for incidents that may have a significant impact on air quality.
4. We were not generally responsible for assessing or monitoring ambient air quality until April 2016 when we took on the contract management of the latter in the form of the ten monitoring networks that were formally managed by Defra.

Our Commitments.

The Environment Agency is committed to working with local authorities and to play our part fully in Local Air Quality Management (LAQM). We have found that several sectors we regulate under the Environmental Permitting Regulations have the potential to affect air quality negatively. Nationally some individual installations in these sectors have already been found to contribute significantly and we have been working with the affected local authorities for some time to implement the necessary improvements. Installations we regulate may be covered by freestanding Air Quality Action Plans or ones, which are transport-related and incorporated into Local Transport Plans.

Preferred Positions in the Air Quality Action Plan.

In principle any air quality action plan should;

1. Have a clear commitment to meeting the relevant air quality standards;
2. Clearly state the current status of air quality within the borough.
3. Clearly report on the progress against targets set out in any previously published Air Quality Action Plans (if appropriate).
4. Where the borough does not meet the relevant air quality standards, they should clearly detail what mitigation measures will be used to ensure compliance with air quality standards in the shortest possible time period. It should ensure that compliance is not just 'possible' but 'likely'.
5. Make clear what other organisations the borough is working with to implement mitigation measures required in 2 above and what they have agreeing to deliver.
6. Include basic costs require to implement the required mitigation standards and compare against the level of funding available.
7. Take steps to ensure the measures in the Mayor of London's SPGs on sustainable design and construction or similar document to an equal or higher standard are implemented into the air quality action plan; In particular this should include;
 - a) Require all new buildings be constructed and designed in a manner that minimises emissions of pollutants to the air both during construction and demolition and post-construction, making new development 'air quality neutral' or better;
 - b) In the case of a major development, include an air quality assessment as set out in Mayor of London's SPGs on sustainable design and construction or similar document to an equal

or higher standard, that considers the potential impacts of pollution from the major development and on neighbouring areas during construction and operation, including development related traffic and the potential for exposure to pollution levels above

- c) Implement any policies on transport which pertain to improving air quality.
- d) Require any waste transfer stations to be in a building, enclosed on all vertical sites with small access and egress points covered by doors which default closed when not in use and an air extraction and filtration system to collect particulates.
- e) Require all industrial sites that use non road going mobile machinery to meet the latest NRMM standards on the date of purchase.
 - 8. Contribute to achieving EU established health-based standards and objectives for the relevant air pollutants (particularly NO₂, PM₁₀, and PM_{2.5}).
 - 9. Take steps to ensure measures in the Mayor of London's London Environment Strategy (LES) (See the chapter on Air Quality proposals) are fully adopted by your Air Quality Action Plan.

General – Air quality has a significant role to play in the health and wellbeing of communities and the prospects of the natural environment, reducing both life expectancy and biodiversity in heavily polluted areas, and otherwise impacting upon the perception of the quality of life and amenity offered by the area. For example figures show that there over 9,000 early deaths per year in neighbouring Greater London due to air pollution.

We suggest that any new air quality action plan adheres to the principles in the Mayor of London's policy for air quality neutrality, as well as the relevant SPGs and helps to bring local air quality below EU limit values for local pollutants and in particular PM₁₀, PM_{2.5} and NO₂, as expressed in the EU Air Quality Directive and implemented in the UK through the 2010 air quality regulations.

Traffic – There is a significant incidence of poor air quality within and adjacent to the borough and in most cases this is directly attributable to emissions from road traffic. For this reason air quality action plans must work in partnership with transport policies and the borough's own fleet procurement policies.

Developments – Any new development, particularly in air quality 'hotspots', will need to consider how they mitigates the impacts of poor air quality. During construction, the main air quality effects from development are anticipated to result from emissions of oxides of nitrogen (NO_x) and fine particulate matter and dust (PM₁₀ and PM_{2.5}) emanating from an increase in road traffic, and from traffic management schemes. Therefore mechanisms for minimising air pollution will need to be closely tied into the transport policies in the London Plan and London Environment Strategy.

Major developments planned within the borough will need to significantly mitigate their emissions and thus contribute towards improving local air quality. This is particularly the case where they include potentially new sources of emissions such as biomass boilers, combined heat and power plants, and increased traffic-generated emissions. The effects on air quality during construction will also need to be managed, both in terms of that generated from traffic, and from the treatment and processing of material from demolition and excavation.

Non-Road Mobile Machinery (NRMMs) Construction and demolition works should be required to meet or exceed the requirements set out in the Mayor of London's published supplementary planning guidance on Sustainable Design and Construction, and on the Control of Dust and Emissions during Construction and Demolition. This includes Non-Road Mobile Machinery used on these sites.

Waste Management Sites – The borough's waste management sites are a potential source of fine particulate emissions to air. Those sites which mitigate the potential effects of air

pollution by enclosing processes within buildings tend to be less polluting and enclosure is now recognised as best practice for such sites. Consequently we recommend that any new air quality strategy and planning policies should require the further enclosure of existing waste handling sites, and expect new waste developments to be fully enclosed within buildings to minimise health impacts and contribute towards air quality neutrality.

Regional Approach to Local Air Quality - It is recognised that the London Boroughs will need to work with others on the implementation of the measures necessary to address poor air quality as the matter is not confined to one planning authority area, and development is often governed by separate regulatory regimes and legislation, such as building regulations and environmental permitting. We are pleased to note that the London Boroughs regularly participate in the Air Quality Cluster Group with representatives from adjacent boroughs, the Environment Agency and the Greater London Authority.