



Cambois Connection – Onshore Scheme

Environmental Statement Volume 3

Technical Appendix 14.1: Air Quality Legislation and Policy



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Basis of Report

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1.0 Introduction

1.1 Overview

Berwick Bank Wind Farm Limited (BBWFL) is a wholly owned subsidiary of SSE Renewables (SSER) (hereafter referred to as 'the Applicant'). The Applicant is proposing the development of Offshore Export Cables, Onshore Export Cables, an Onshore Converter Station and associated grid connection at Blyth in Northumberland, known as the 'Cambois Connection' ('the 'Project'). The onshore components of the Project, landward of Mean Low Water Springs (MLWS) comprise the Onshore Scheme.

The purpose of this infrastructure is to facilitate the export of green energy from the generation assets associated with the Berwick Bank Wind Farm (BBWF), located in the outer Firth of Forth. A separate application for developing a grid connection to Branxton, East Lothian, has been included as part of the Applicant's application for consent for BBWF, currently being determined separately¹. The Project will enable the BBWF to reach full generating capacity by 2030.

The Project comprises two distinct proposals, or 'Schemes', which will require three separate consents. For the Onshore Scheme (all activities and infrastructure landward of MLWS) consent will be sought via an outline planning application to Northumberland County Council (NCC) as the local planning authority (LPA) under Section 57 of the Town and Country Planning Act 1990.

The offshore components of the Project seaward of Mean High Water Springs (MHWS) ('the Marine Scheme') are located within both Scottish and English waters. In Scotland, the Marine Scheme is entirely within offshore waters (i.e., between the 12 nautical miles (nm) limit and the Scottish Exclusive Economic Zone). In England, the Marine Scheme is within offshore waters and inshore waters.

The Onshore Scheme is located at Cambois, Blyth, south of the River Wansbeck and north of the River Blyth and encompasses around 188 ha of land.

The red line boundary for this area (hereafter referred to as 'the Site') is shown on Figure 1.2 and the Indicative Zones of Infrastructure are shown on Figure 5.1 (volume 4).

1.2 Purpose of this Report

This technical appendix supports volume 2, chapter 14: Air Quality of the Onshore Scheme ES and should be read in conjunction with this chapter.

2.0 Legislative Context

A dual set of regulations, separately applicable to National and Local Government, are currently operable within the UK.

2.1 National Obligations

The Air Quality Standards Regulations 2010² (AQSR) transpose both the EU Ambient Air Quality Directive (2008/50/EC), and the Fourth Daughter Directive (2004/107/EC) within UK

¹ BBWF is subject to a separate consenting process. An application for consent under Section 36 of the Electricity Act 1989 (as amended) was submitted to MD-LOT and accepted in December 2022. The Branxton onshore infrastructure is subject to a separate planning application submitted to East Lothian Council and accepted in March 2023.

² The Air Quality Standards Regulations (England) 2010, Statutory Instrument No 1001, The Stationary Office Limited.



legislation, in order to align and mirror European obligations. The AQSR includes Limit Values which are legally binding ambient concentration thresholds which, however, are only applicable at specific locations (Schedule 1: AQSR)³. Carriageways or central reservations of roads, and any location where the public do not have access (e.g., industrial sites), are exempt. On this basis, if a sampling point does not comply with the siting locations, then strict comparison to the AQSR Limit Values cannot be made.

Following the UK's withdrawal from the EU, the Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020⁴ was introduced to mirror revisions to supporting EU legislation. As a result, the fine particulate matter (PM_{2.5}) Limit Value was reduced to 20µg/m³ (to be met by 2020).

The responsibility of achieving the AQSR (and European equivalent Directives) is a National obligation for Central Government who undertake assessments on an annual basis. Local Authorities have no statutory obligation to achieve the AQSR or the European equivalent Directives, unless otherwise instructed to assist Central Government under Ministerial Direction.

2.2 Local Obligations

Part IV of the Environment Act 1995 (as amended) requires the Secretary of State to publish a national Air Quality Strategy (AQS) every five years and established the system of Local Air Quality Management (LAQM) for Local Authorities to regularly review and assess air quality within their respective administrative areas.

The Air Quality (England) Regulations 2000 (as amended) ('the Regulations') provide the statutory basis for the Air Quality Objectives Local Authorities must adhere to under LAQM in England. PM_{2.5} is not currently cited within the Regulations; Local Authorities are however required to work towards reducing PM_{2.5}.

The Air Quality Objectives apply at locations where members of the public are regularly present and might reasonably be expected to be exposed to pollutant concentrations over the relevant averaging period (defined as 'relevant exposure'). **Error! Reference source not found.** provides an indication of those locations. Where any of the prescribed Air Quality Objectives are not likely to be achieved, the authority must designate an Air Quality Management Area (AQMA). For each AQMA, the local authority is required to prepare an Air Quality Action Plan (AQAP), which details measures the authority intends to introduce to deliver improvements in local air quality and achieve compliance.

The latest AQS for England was published in 2023⁵. The AQS provides the delivery framework for air quality management across England for local authorities and summarises the air quality standards and objectives operable within England for the protection of public health and the environment.

2.3 Applied Air Quality Assessment Levels

The ambient air quality standards of relevance to this assessment (collectively termed Air Quality Assessment Levels (AQALs) throughout this report) are provided in **Error! Reference source not found.** These are primarily based upon the Air Quality Objectives Local Authorities are responsible for achieving – reflective of the Local Planning Authority's duties. The PM_{2.5} AQSR AQAL has, however,

³ [Schedule 1 of the 2010 AQSR](#) provides the locations of the sampling points where the AQSR Limits Values can be assessed.

⁴ The Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020, Statutory Instrument No. 1313, The Stationary Office Limited.

⁵ Air Quality Strategy: Framework for Local Authority Delivery, Defra. April 2023.



also been included for completeness, to provide an indicative assessment (as the sampling point may not comply with the siting locations prescribed under Schedule 1: AQSR³).

Table 2-1: Relevant Ambient AQALs (England)

Pollutant	AQAL ($\mu\text{g}/\text{m}^3$)	Averaging Period
Nitrogen Dioxide (NO_2)	40	Annual mean
	200	1-hour mean (not to be exceeded on more than 18 occasions per annum)
Particles (as PM_{10})	40	Annual mean
	50	24-hour mean (not to be exceeded on more than 35 occasions per annum)
Particles (as $\text{PM}_{2.5}$)	20	Annual mean

Table Notes:
 The $\text{PM}_{2.5}$ AQAL is not prescribed within the Air Quality (England) Regulations 2000 / 2002 and there is no requirement for local authorities to meet it. Exceedances are only valid at the AQSR specific siting locations (Schedule 1: AQSR)³.

Table 2-2: Human Health Relevant Exposure

AQAL Averaging Period	AQALs Should Apply At	AQALs Should Not Apply At
Annual Mean	Building facades of residential properties, schools, hospitals etc.	Facades of offices Hotels Gardens of residences Kerbside sites
24-hour mean	As above together with hotels and gardens of residential properties	Kerbside sites where public exposure is expected to be short term
1-hour mean	As above together with kerbside sites of regular access, car parks, bus stations etc.	Kerbside sites where public would not be expected to have regular access

2.4 Environmental Protection Act 1990

The Environmental Protection Act 1990⁶ sets out provisions for the regulation of statutory nuisances. Section 79 sets out this statutory nuisance as, 'any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance'.

Section 79 requires that, where a complaint of a statutory nuisance is made to it by a person living within its area, a Local Authority must take steps as are reasonably practicable to investigate the complaint. Fractions of dust greater than $10\mu\text{m}$ (i.e. greater than PM_{10}) in diameter typically relate to nuisance effects as opposed to potential health effects and therefore are not covered within the UK AQS. In legislation there are currently no numerical limits in terms of what level of dust deposition constitutes a nuisance.

⁶ The Environmental Protection Act 1990. Available at <http://www.legislation.gov.uk/ukpga/1990/43/contents>.



2.5 Ecological Habitats

Ecological habitats vary in terms of their sensitivity, perceived ecological value, geographic importance, and level of protection. Within the UK, there are three types of nature conservation designations: international, national and local designations, with a greater level of protection afforded to the former, relative to the latter.

The EU Habitats Directive (1992) requires member states to introduce a range of measures for the protection of habitats and species. This requirement was transposed into UK legislation by the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations')⁷. These regulations were amended in 2019 to make them operable from 1 January 2021 despite the UK's withdrawal from the EU, via the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019⁸.

The Habitats Regulations introduces the precautionary principle for protected European sites, i.e., that projects can only be permitted to proceed; having ascertained that there will be no adverse effect on the integrity of the designated site. It requires an assessment to determine if significant effects are likely, followed by an 'appropriate assessment' by the competent authority, if necessary.

European Sites include Special Areas of Conservation (SAC) and Special Protection Areas (SPA), previously termed the Natura 2000 network, and now collectively called the national site network following the changes introduced by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Other sites of international significance are Ramsar sites, which are wetlands protected under the 1971 Ramsar Convention⁹. Many of these sites in the UK were initially selected on the basis of their importance to waterbirds and are therefore also classified as SPAs.

The Countryside and Rights of Way Act (2000) provides protection to Sites of Special Scientific Interest (SSSI) to ensure that developments are not likely to cause damage.

3.0 Policy

The following policies have been considered within this assessment, where relevant.

3.1 Clean Air Strategy

The 2019 Clean Air Strategy¹⁰ sets out the Government's proposals aimed at delivering cleaner air in England and indicates how devolved administrations intend to make emissions reductions. It sets out the comprehensive action that is required from across all parts of government and society to deliver clean air.

3.2 Environmental Improvement Plan 2023

The 2023 Environment Improvement Plan¹¹ is the first revision of the UK Government's 25 Year Environment Plan (25YEP) – planned on a five-year rolling cycle. This document sets out the 5-year delivery plan to improve the natural environment. The 2023 Environment Improvement Plan builds on the 2019 Clean Air Strategy by setting environmental targets

7 The Conservation of Habitats and Species Regulations 2017 Statutory Instrument 490.

8 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

9 Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat.

¹⁰ The Clean Air Strategy, Defra. January 2019.

¹¹ Environmental Improvement Plan 2023, Defra. 2023



and commitments to reduce air pollution. Goal 2 of the 25YEP is Clean Air – which relates to improving air quality.

3.3 National Planning Policy Framework

The 2021 update to the National Planning Policy Framework¹² (NPPF) sets out planning policy for England. The NPPF states that the planning system should contribute to and enhance the natural and local environment, by preventing new development from contributing to or being adversely affected by unacceptable concentrations of air pollution, and development should, wherever possible, help to improve local environmental conditions such as air quality.

In specific relation to air quality policy, the document states:

Chapter 15 - Conserving and Enhancing the Natural Environment

Para 186. “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.”

The NPPF is accompanied by web based supporting Planning Practice Guidance¹³ (PPG) which includes guiding principles on how planning can take account of the impacts of new development on air quality. In regard to air quality, the PPG states:

“The Department for Environment, Food and Rural Affairs carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with relevant Limit Values. It is important that the potential impact of new development on air quality is taken into account where the national assessment indicates that relevant limits have been exceeded or are near the limit, or where the need for emissions reductions has been identified.”

“Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.”

The PPG sets out the information that may be required within the context of a supporting air quality assessment, stating that *“Assessments need to be proportionate to the nature and scale of development proposed and the potential impacts (taking into account existing air*

¹² National Planning Policy Framework (2021). Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>.

¹³ Planning Practice Guidance Air Quality (2014) (Nov 2019 Update) Ministry of Housing, Communities and Local Government. Accessed through <http://planningguidance.planningportal.gov.uk>.



quality conditions) [...] Mitigation options will need to be locationally specific, will depend on the proposed development and need to be proportionate to the likely impact”.

3.3.1 Northumberland Local Plan 2016-2036

The Northumberland Local Plan 2016-2036¹⁴ was adopted by NCC on 31st March 2022. The Local Plan is now part of the development plan for Northumberland and forms the basis of decision making on planning applications across Northumberland (excluding the areas covered by the Northumberland National Park) alongside the made Neighbourhood Plans. Within the Local Plan, the following policies relate to air quality:

“Policy POL 2: Pollution and air, soil and water quality

- 1 *Development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported.*
- 2 *Development proposals that may cause pollution of water, air or soil, either individually or cumulatively, are required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, people or biodiversity.*
- 3 *Development proposed where pollution levels are unacceptable, and unable to be mitigated to acceptable levels, will not be supported. [...]*
- 4 *Development will be required to help:*
 - c) *Maintain air quality standards and support improvements in any identified Air Quality Management Areas consistent with any local air quality action plans.”*

Furthermore, the Onshore Scheme area is located within the Blyth Estuary Strategic Employment Area under the following policy:

“Policy ECN 2: Blyth Estuary Strategic Employment Area (Strategic Policy)

- 5 *Land at Blyth Estuary is allocated as a ‘Strategic Employment Area’ within which the following sectors within the main employment industrial uses will be prioritised:*
 - a) *Offshore and sub-sea engineering;*
 - b) *Energy generation sectors with special emphasis on renewable and low carbon;*
[...]
- 6 *Development proposals in the above categories will be supported where there is no unacceptable adverse impact upon:*
 - a) *Neighbouring sites of biodiversity importance, including the Northumbria Coast Special Protection Area (SPA) and Ramsar Site, the Northumberland Marine SPA, the Northumberland Shore Site of Special Scientific Interest (SSSI), and the Blyth Estuary Local Wildlife Site, including the Mount Pleasant Peninsula*
- 7 *Within the wider hinterland of Blyth Estuary:*
 - a) *favourable consideration will be given to proposals which will directly or indirectly support the growth of the Blyth Estuary Strategic Employment Area and its prioritised industrial sectors, especially on key employment sites in South East Northumberland*

¹⁴ Northumberland County Council, Northumberland Local Plan 2016-2036, Adopted March 2022.



b) necessary infrastructure improvements will be sought that allow the smooth flow of goods to and from the Port of Blyth and the wider Blyth Estuary area.”



