

Mr Mark Chapman comments

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Section: [N/A](#)

Overall the Policy on Improving air quality is very positive; however it will not yield any significant effects unless the wording is improved to ensure developers are aware of their obligations to adopt it. Currently the wording is too lenient, and therefore it will not be actioned beyond it's minimum requiriements, which are no improvement on existing policy.

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Section: [SI1](#)

With the exception of SI1.1.4, all other Policy items are worded as '**should**' instead of '**must**'. Whereas '**must**' means it is an absolute or mandatory requirement with no deviation, '**should**' simply denotes a guideline or recommendation where non-compliance is permissible. To *ensure* that developer's understand their strength of obligation, all references to '**should**' must be changed to '**must**'; otherwise developer's will simply not address the issues being raised, ultimately making the Policy worthless.

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Section: [9.1.2](#)

Stating a requirement for new developments to not cause new exceedances of legal air quality standards, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits is SUPPORTED; however developers will require very clear guidance as to how such assessment is to be undertaken. Currently guidelines are only available for the assessment of air quality impacts against national air quality objectives, not legal air quality standards (EU Limit Values). Clear direction regarding the legal determination of a new exceedance or a delay must be provided as there are already conflicting legal opinions held, for example those of Client Earth and those of Defra.

The use of the wording however 'endeavor' negates the power of the word 'must' and must be removed.

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Section: [9.1.3](#)

To ensure that developer's understand their strength of obligation, reference to '**should**' must be changed to '**must**'; otherwise developer's will simply not address the issues being raised, ultimately making the Policy worthless.

Whereas '**must**' means it is an absolute or mandatory requirement with no deviation, '**should**' simply denotes a guideline or recommendation where non-compliance is permissible.

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Section: [9.1.4](#)

To *ensure* that developer's understand their strength of obligation, reference to '**should**' must be changed to '**must**'; otherwise developer's will simply not address the issues being raised, ultimately making the Policy worthless.

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Section: [9.1.5](#)

To *ensure* that developer's understand their strength of obligation, reference to '**should**' must be changed to '**must**'; otherwise developer's will simply not address the issues being raised, ultimately making the Policy worthless.

Whereas '**must**' means it is an absolute or mandatory requirement with no deviation, '**should**' simply denotes a guideline or recommendation where non-compliance is permissible.

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Section: [9.1.6](#)

To ensure that developer's understand their strength of obligation, reference to 'should' must be changed to 'must'; otherwise developer's will simply not address the issues being raised, ultimately making the Policy worthless. Whereas 'must' means it is an absolute or mandatory requirement with no deviation, 'should' simply denotes a guideline or recommendation where non-compliance is permissible.

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Section: [9.1.8](#)

There is no indication as to when the database should be checked, what it should be checked for, or what should be done with the information once checked. Ultimately this item is redundant as it doesn't state a requirement/action to be taken.

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Clear guidance as to what acceptable mitigation consideration may be, and how offsetting payments are to be calculated - for example as a minimum damage cost valuations provided in Defra's Green Book must be used.

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Section: [9.1.10](#)

Definitions must be provided for "significant improvements" and "poor level" as these will be argued by developers to avoid compliance. To ensure that developer's understand their strength of obligation, reference to 'should' must be changed to 'must'; otherwise developer's will simply not address the issues being raised, ultimately making the Policy worthless. Whereas 'must' means it is an absolute or mandatory requirement with no deviation, 'should' simply denotes a guideline or recommendation where non-compliance is permissible. Finally, the focus should not just be on 'air quality limits', but also national air quality objectives, which are a separate regulatory regime. It may be beneficial to state an initial definition of the use of the word 'limit' including all regulatory standards/objectives and limit values, etc.