

A83 Rest and Be Thankful

LTS EIAR VOLUME 4, APPENDIX 7.1 - AIR QUALITY
LEGISLATION, POLICY AND GUIDANCE

Transport Scotland

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A7-1. Legislation, Policy and Guidance

A7-1.1. Legislation

A7-1.1.1. There are two types of air quality legislation that apply in Scotland:

- those implementing limit values originally set by EU Directive and
- those implementing national air quality objectives.

A7-1.1.2. [The EU \(Withdrawal Agreement\) Act 2020](#) and [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) implement the legally binding, mandatory limit values originally set by the EU Directive 2008/50/EC on ambient air quality and cleaner air for Europe (previously included in Air Quality Scotland Regulations 2010 (SI 2010 No.1001) and as amended (SI 2016 No.1184)) and

A7-1.1.3. Regulations implementing national air quality objectives as set out in the [Air Quality Strategy for England, Scotland, Wales and Northern Ireland \(AQS\)](#): [Air Quality \(Scotland\) Regulations 2000](#) (SI 2000/97) and [Air Quality \(Amendment\) \(Scotland\) Regulations 2002](#) (SI 2002/297).

A7-1.1.4. The air quality criteria in the context of this assessment for the protection of human health for nitrogen dioxide (NO₂) and fine particulate matter are presented in are presented in Table A7-1.1.

Table A7-1.1: Air Quality Criteria in Scotland

Pollutant	Criteria
NO ₂	Hourly mean concentration should not exceed 200 µg/m ³ more than 18 times a year Annual mean concentration should not exceed 40 µg/m ³
PM ₁₀	24-hour mean concentration should not exceed 50 µg/m ³ more than 7 times a year Annual mean concentration should not exceed 18 µg/m ³

Pollutant	Criteria
PM _{2.5}	Annual mean concentration should not exceed 10 µg/m ³ Exposure reduction [^] (UK urban areas): target of 15% reduction in concentrations at urban background between 2010 and 2020

Table Note - [^] EU limit value exposure reduction target of 20% reduction between 2010 and 2020.

A7-1.1.5. Responsibility for achieving the national air quality criteria lies with the Government, although local authorities should contribute to this through local action plans designed to reduce pollution levels in AQMAs, and through the targeted feasibility studies, including clean air zones where appropriate, to supplement the government’s [air quality plan for nitrogen dioxide in the UK](#).

[2007 Air Quality Strategy for England, Scotland, Wales and Northern Ireland](#)

A7-1.1.6. This sets out the national air quality standards and objectives for a number of local air pollutants. The standards are set by expert organisations with regard to scientific and medical evidence on the effects of the particular pollutant on health and define the level of pollution below which health effects are expected to be minimum or low risk even for the most sensitive members of the population. The objectives are targets for air pollution levels to be achieved by a specified timescale, which take account of the costs and benefits of achieving the standard, either without exception or, for certain short-term averaging period standards, with a permitted number of exceedances.

[Clean Air Strategy 2019](#)

A7-1.1.7. In January 2019, the UK Government published a new Clean Air Strategy, which set out actions to improve air quality by reducing pollution from a wide range of sources, including road traffic. Although international air quality commitments are agreed at UK level, air quality is a substantially devolved policy area.

Cleaner Air for Scotland 2 (CAFS2) Strategy

- A7-1.1.8. The CAFS2 Strategy sets out how the Scottish Government proposes to reduce air pollution to protect human health and fulfil Scotland's legal responsibilities over the period 2021 to 2026.

Environment Act 1995 (amended by Schedule 11 of the Environment Act 2021)

- A7-1.1.9. Local authorities have a responsibility (under Part IV of the Environment Act 1995, as amended by Schedule 11 of the Environment Act 2021) to review and assess local pollution levels against the Air Quality Strategy (AQS) objectives.
- A7-1.1.10. It should be noted that the AQS objectives only apply in locations likely to have 'relevant exposure' i.e., where members of the public are exposed for periods equal to or exceeding the averaging periods set for the standards. For this assessment, locations of relevant exposure including building façades of residential premises, schools, public buildings and medical facilities; places of work (other than certain community facilities) are excluded.

United Nations Economic Commission for Europe (UNECE)

Ecological Criteria

- A7-1.1.11. Critical loads for nitrogen deposition have been set by the UNECE. A critical load is a quantitative estimate of an exposure to one or more pollutants below which significant harmful effects on specified sensitive elements of the environment do not occur, according to present knowledge. Critical loads vary by type of habitat and species and are available from the [Air Pollution Information System](#) (APIS) website. The critical load for nitrogen deposition (eutrophication) is given as a range and is quoted in units of kilograms per hectare per year (kg/ha/year), however the lower limit of the range is typically used in assessment as a precautionary principle.

A7-1.2. National Policy

National Planning Framework 4 (NPF4) 2023

- A7-1.2.1. It sets out policies for the development and use of land across Scotland up to 2045. It provides guidance for local authorities on incorporating air quality considerations into planning decisions and aims to protect the environment and to promote sustainable growth. Policy 27: Health and Safety states that *“Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely”*.
- A7-1.2.2. There are no actions specific in NPF4 to the improvement of air quality although associated improvements are noted for the following national developments which will support the delivery of the spatial strategy: Urban Mass/Rapid Transit Network and National Walking, Cycling and Wheeling Network.

A7-1.3. Regional Policy

Argyll and Bute Council Local Development Plan 2 (LDP2) 2024

- A7-1.3.1. This LDP2 was adopted in February 2024, superseding the Argyll and Bute Council LDP 2015 and associated Supplementary Guidance (March 2016 and December 2016). The LDP2 sets out a strategic planning framework and the council’s vision and objectives to deliver sustainable and inclusive development and to meet wider Government aims.

Strategic Environmental Assessment (SEA)

- A7-1.3.2. The SEA for the LDP2 notes for air quality *“Argyll and Bute is a predominantly rural area, with a relatively low population density and low level of emissions from transport and industry. It is unlikely that Argyll and Bute will have any Air Quality Management Areas declared. Good air quality is indicated by the*

prevalence of lichen communities and native woodlands of international importance.”

Loch Lomond and The Trossachs National Park LDP 2017-2021

A7-1.3.3. The LDP includes Overarching Policy 2 which requires that development proposals address the following requirements in relation to air quality:

- Amenity and Environmental Effects: avoid any significant adverse impacts of ... air emissions/odour/fumes/dust.
- Natural Environment: protect and/or enhance the biodiversity, sites and species designated at any level (international, national or local) including ancient and semi-natural woodland, green infrastructure and habitat networks.

A7-1.4. Guidance and Standards

Design Manual for Roads and Bridges (DMRB) - LA 105 Air Quality

A7-1.4.1. The DMRB LA 105 Air Quality standard sets out the requirements for assessing and reporting the effects of highway projects on air quality from the delivery of motorway and all-purpose trunk road projects in the United Kingdom. The air quality standard covers both construction and operational effects and provides assessment methodology, reporting requirements and mitigation measures suitable for such schemes.

Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2012

A7-1.4.2. There are no national criteria or guidelines for dust deposition currently set in the UK. This is mainly due to the difficulty that any standard set would need to relate to dust being a subjective, perceptual problem, rather than being specifically related to quantifiable health effects. A threshold of 200 mg/m²/day is recommended by the best practice guidance as a level for taking mitigating action against potential loss of amenity.