

# Prosiect Maen Hir

Solar a Storio Ynni



## Preliminary Environmental Information Report Volume III

Appendix 15-7: Legislation and Policy

Prosiect Maen Hir - September 2024

EN010156

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## Appendix 15-7 Legislation and Policy

### National Legislation and Planning Policy

The following national legislation and planning policy is relevant to air quality and is summarised below:

- European Parliament, EU 2008 Ambient Air Quality Directive (2008)<sup>1</sup>;
- HMSO, Air Quality (Wales) Regulations (2000)<sup>2</sup>;
- HMSO, Environment Act (1995)<sup>3</sup>;
- HMSO, Environment Act (2021)<sup>4</sup>;
- HMSO, Air Quality (Wales) (Amendment) Regulations (2002)<sup>5</sup>;
- HMSO, Air Quality Standards (Wales) Regulations (2010)<sup>6</sup>;
- Department for Environment, Air Quality Strategy (1997)<sup>7</sup>;
- Llywodraeth Cynulliad Cymru Welsh Assembly Government, Air Quality Strategy (2007)<sup>8</sup>;
- Llywodraeth Cymru Welsh Government, The Clean Air Plan for Wales (2020)<sup>9</sup>;
- Department for the Environment, Food and Rural Affairs, The Environment (Miscellaneous Amendments) (EU Exit) Regulations (2020)<sup>10</sup>;
- Llywodraeth Cymru Welsh Government, Planning Policy Wales (2021)<sup>11</sup>;
- Well-being of Future Generations (Wales) Act (2015)<sup>12</sup>; and
- Future Wales: The National Plan 2040 (2021)<sup>13</sup>.
- Anglesey and Gwynedd Joint Local Development Plan (2017)<sup>14</sup>

### Overview of UK Air Quality Strategy

European Union (EU) legislation forms the basis of air quality policy and legislation in the UK. The EU 2008 Ambient Air Quality Directive<sup>1</sup> sets limits for ambient concentrations of air pollutants including nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The air quality standards and objectives are prescribed through the Air Quality (Wales) Regulations 2000<sup>2</sup>, as amended, for the purpose of the Local Air Quality Management Framework. The Air Quality (Wales) Regulations were amended in 2002<sup>5</sup> and again in 2010<sup>6</sup>, with miscellaneous amendments added in 2020<sup>10</sup> following the UK exit from the EU.

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<sup>1</sup> European Parliament (2008) Council Directive 2008/50/EC on Ambient Air Quality and Cleaner Air for Europe

<sup>2</sup> HMSO (2000) Statutory Instrument 2000 No. 928, The Air Quality (Wales) Regulations 2000 (as amended), London: HMSO

<sup>3</sup> HMSO (1995) The Environment Act 1995, London: TSO

<sup>4</sup> HMSO (2021) The Environment Act 2021, London: TSO

<sup>5</sup> HMSO (2002) Statutory Instruments 2002 No. 3043, The Air Quality (Wales) (Amendment) Regulations 2002, London: HMSO

<sup>6</sup> HMSO (2010) Statutory Instruments 2010 No. 1001 Air Quality Standards Regulations 2010. London: HMSO

<sup>7</sup> Department of the Environment (DoE) (1997) The UK National Air Quality Strategy, London: HMSO

<sup>8</sup> Llywodraeth Cynulliad Cymru Welsh Assembly Government (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, London: HMSO

<sup>9</sup> Llywodraeth Cymru Welsh Government (2020) The Clean Air Plan for Wales

<sup>10</sup> Department of the Environment, Food and Rural Affairs (Defra) (2020) The Environment (Miscellaneous Amendments) (EU Exit) Regulations, London: HMSO

<sup>11</sup> Llywodraeth Cymru Welsh Government (2021) Planning Policy Wales, HMSO London

<sup>12</sup> Llywodraeth Cynulliad Cymru Welsh Assembly Government (2015) Well-being of Future Generations (Wales) Act

<sup>13</sup> Llywodraeth Cymru Welsh Government (2021) The National Plan 2040

<sup>14</sup> Isle of Anglesey County Council and Gwynedd Council (2017) Anglesey and Gwynedd Joint Local Development Plan – Written Statement. Available at: <https://www.gwynedd.llyw.cymru/en/Council/Documents--Council/Strategies-and-policies/Environment-and-planning/Planning-policy/Anglesey-and-Gwynedd-Joint-Local-Development-Plan-Written-Statement.pdf>

The UK Government are required under the Environment Act 19953 to produce a national Air Quality Strategy (AQS). The AQS was first published in 19977 and was most recently reviewed and updated in 2023 however this update applies to England only following the replacement of the AQS in Wales by The Clean Air Plan<sup>9</sup>.

The Environment Act 20214 was granted Royal Assent in November 2021 and contains amendments to Part IV of the Environment Act 19953 with regard to the Local Air Quality Management regime. Under the Environment Act 20214, the Secretary of State must lay a statement before Parliament setting out progress made in meeting air quality objectives and standard in England and steps taken towards achieving the standards. The Environment Act 20214 also places responsibility on local authorities to co-operate with air quality partners in the preparation of Air Quality Action Plans and identification of measures which should be monitored within the Plan and dates by which they should be implemented.

Part IV of the Environment Act<sup>3</sup> requires local authorities in the UK to review local air quality within their administrative area and, if relevant air quality standards and objectives are likely to be exceeded, designate Air Quality Management Areas (AQMAs). Following the designation of an AQMA, local authorities are required to publish an Air Quality Action Plan (AQAP) detailing measures to be taken to improve local air quality and work towards meeting the relevant air quality standards and objectives.

### Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act<sup>12</sup> was published in April 2015 and details the way in which specified public bodies must work, and work together to improve the well-being of Wales. The Act<sup>12</sup> provides seven well-being goals which are to be considered during decision making across Wales as follows:

- A prosperous Wales;
- A resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities;
- A Wales of vibrant culture and thriving Welsh language; and
- A globally responsible Wales.

### Future Wales: The National Plan 2040

Published in February 2021, this document<sup>13</sup> is the national development framework for Wales and provides a spatial plan for development to 2040. Within this, Policy 18 – Renewable and Low Carbon Energy Developments of National Significance sets out the criteria for such proposals, including that “*there are no unacceptable adverse impacts by way of [...] air quality [...] disturbance*”.

### Planning Policy Wales (PPW)

Planning Policy Wales<sup>15</sup>, last revised in February 2021, details the land use planning policies for Wales, to ultimately contribute to sustainable development through a well-functioning planning system. As part of this, exposure to and mitigation against noise pollution is noted as part of developing healthier places.

Notable to the Project, it is stated in the context of renewable and low carbon energy that:

*“Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:*

- *the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations.”*

### National Planning Policy for Wales

The National Planning Policy for Wales<sup>15</sup> recognises air quality within Section 6.7 Air Quality and Soundscape and states:

#### *“Framework for Addressing Air Quality and Soundscape*

*The planning system should maximise its contribution to achieving the well-being goals, and in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution alongside action to tackle high pollution hotspots. In doing so, it should consider the long-term effects of current and predicted levels of air and noise pollution on individuals, society and the environment and identify and pursue any opportunities to reduce, or at least, minimise population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so.*

*In taking forward these broad objectives the key planning policy principle is to consider the effects which proposed developments may have on air or soundscape quality and the effects which existing air or soundscape quality may have on proposed developments.*

*Air Quality and soundscape influence choice of location and distribution of development and it will be important to consider the relationship of proposed development to existing development and its surrounding area and its potential to exacerbate or create poor air quality or inappropriate soundscapes. The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable.*

*In proposing new development, planning authorities and developers must, therefore:*

- *Address any implication arising as a result of its association with, or location within, air quality management area, noise action planning priority areas or areas where there are sensitive receptors;*

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<sup>15</sup> [https://www.gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11\\_0.pdf](https://www.gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf)

- *Not create areas of poor air quality or inappropriate soundscape; and*
- *Seek to incorporate measures which reduce overall air and noise pollution and create appropriate soundscapes.*

*To assist decision making it will be important that the most appropriate level of information is provided and it may be necessary for a technical air quality and noise assessment to be undertaken by a suitably qualified and competent person on behalf of the developer.*

*[...]*

*Taking a sustainable approach will mean balancing short-term needs against long-term objectives to reduce public exposure to airborne pollution and giving particular consideration to the presence of air quality management areas, noise action planning priority areas and areas with sensitive receptors when proposing new development and particularly when preparing development plans. It will be important to identify wider mitigation solutions to reduce air and noise pollution and to avoid exacerbating problems in existing air quality management areas or noise hotspots through the provision of green infrastructure identified as part of Green Infrastructure Assessments, by the provision of electric vehicle charging infrastructure or through promoting the need to consider effective design solutions. Planning Authorities should work closely with bodies such as the Public Service Boards in the preparation of their well-being plans and seek input from their own Environmental Health departments.*

*[...]”*

### Clean Air Plan for Wales

The Clean Air Plan for Wales<sup>9</sup> was adopted in 2020 and provides steps to achieving improved air quality across Wales. The Plan<sup>9</sup> sets out a ten year pathway to achieving cleaner air and is structured around four core themes; People, Environment, Prosperity and Place and are aligned with the goals detailed in the Well-being of Future Generations (Wales) Act<sup>12</sup>.

### Local Policy Review

#### Anglesey and Gwynedd Joint Local Development Plan – Written Statement

The Isle of Anglesey County Council and Gwynedd Council adopted the Joint Local Development Plan<sup>14</sup> in July 2017. This sets out the strategy and policies for implementing development within the two local authorities between 2011 and 2026. The following policies are of relevance to air quality:

#### *POLICY PCYFF 2: DEVELOPMENT CRITERIA*

*“A proposal should demonstrate its compliance with:*

- 1. Relevant policies in the Plan;*
- 2. National planning policy and guidance.*

*[...]*

*Additionally, planning permission will be refused where the proposed development would have an unacceptable adverse impact on:*

*7. The health, safety or amenity of occupiers of local residences, other land and property uses or characteristics of the locality due to increased activity, disturbance, vibration, noise, dust, fumes, litter, drainage, light pollution, or other forms of pollution or nuisance;*

*8. Land allocated for other development/ uses.”*

**POLICY ADN 2: PV SOLAR ENERGY**

*“[...] Proposals for Solar PV Farms of 5MW or more and other solar schemes of up to 5MW will be permitted provided that the proposal conforms to the following criteria:*

*1. All impacts on landscape character, heritage assets and natural resources have been adequately mitigated [...];*

*2. The proposal will not result in significant harm to the safety or amenity of sensitive receptors including effect from glint and glare and will not have an unacceptable impact on roads, rail or aviation safety;*

*[...]*

*4. The proposal will not have unacceptable cumulative impacts in relation to existing solar PV farms and those which have permission and other prominent landscape features*

*[...]*

*6. That a Construction Environmental Management Plan (CEMP) is provided to demonstrate that any potential negative effects arising during construction and decommissioning phases are avoided.”*