Review of Institute of Air Quality Management Guidance (2019):
A guide to the assessment of air quality impacts on designated nature conservation sites

This review is provided in response to a request by the Wealden District Local Plan Examination Inspector Louise Nurser dated 15 July 2019. The inspector requested the review of the IAQM guidance to determine if it “has any implications to the approach that was taken in respect of the air quality and Habitats Regulation Assessment which accompanied the submission version of the (Wealden) Plan.”

Introduction

The Institute of Air Quality Management (IAQM) produces guidance and best practice for air quality professionals in the UK. The IAQM guidance “A guide to the assessment of air quality impacts on designated nature conservation sites” to be refer to as “the guidance”, was published in June 2019.

Guidance objectives

The IAQM guidance focuses on air quality assessments in support of Habitats Regulations Assessments (HRA) but is also useful when assessing the individual projects air quality impacts on national or local designated nature conservation sites, such as SACs or SPAs. The guidance provides relevant reference guidance and appropriate methodologies i.e. Natural England¹, DMRB² and the Environment Agency³.

Case law

The guidance identifies UK (Wealden Judgement) and CJEU (C-293/17 and C-294/17⁴) case law regarding the appropriate assessment of air quality impacts on sensitive habitats. The CJEU ruling referred to in the guidance highlighted that the assessment may not take into account, amongst others, “‘autonomous’ measures, if the expected benefits of those measures are not certain at the time of that assessment.”. The assessment should therefore consider autonomous measures going forward if these are proven and not ignore them, such as policies to reduce emissions (i.e. Euro standards and NECD⁵).

Assessment of impacts

The guidance provides an overview of the process and methodologies to assess potential impacts through the stages from Scoping through to Detailed assessments. The guidance highlights that the

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assessment of impacts needs to be considered as both ‘alone’ and ‘in combination’ assessments and needs to identify the relative contribution of individual and combination of Local Plans.

The assessment additionally relies on professional judgement and “is precautionary in its approach, but not so precautionary as to produce results that are unrealistic.” The guidance therefore adheres to the CJEU ruling on precautionary principle but also identifies that assessments should not have unrealistic inputs resulting in overly precautionary results.

Local Plans

The guidance refers to the ‘Wealden judgement’ in that local plans need to consider the impact from other Local Plans as well as their own. The guidance points toward authorities working in partnership rather than in isolation, stating there is a “greater need for local authorities to consider modelling their Local Plan air quality impacts collectively…”.

The guidance also sets out that the “application of national forecasts to local conditions may need to be justified to ensure the assessment is robust and not subject to challenge”. In considering this IAQM identifies the need for robust, quantifiable data including traffic forecasts, emissions rates and projections which are validated and sourced from recognised EU and national agencies including Defra and DfT. The assumption that vehicle emissions are not improving between 2015 and 2030 is unrealistic.

Summary

In summary the IAQM guidance follows best practice and adheres to recent case law. The Wealden LP HRA has taken a strict precautionary and unrealistic approach which is contrary to Natural England and the IAQM guidance, as stated in the (underlined) points above.