



WARRINGTON

Borough Council

APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION FOR

Change of use of land to use as residential caravan site for 5 gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with the laying of hardstanding and erection of communal amenity building.

Spring Lane, Warrington WA3 7AS
(2024/00668/FUL)

Planning Inspectorate Reference:

APP/M0655/W/25/3367247

Proof of Evidence for matters of Richard Moore

On Behalf of Warrington Borough Council

Date: 6 October 2025

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Abbreviations

The following abbreviations are used within this report: -

AQAP	Air Quality Action Plan
AQMA	Air Quality Management Area
ASR	Annual Status Report
DEFRA	Department for Environment, Food and Rural Affairs
JSNA	Joint Strategic Needs Assessment
LAQM	Local Air Quality Management
NPPF	National Planning Policy Framework
PM2.5	Fine particulate
WBC	Warrington Borough Council

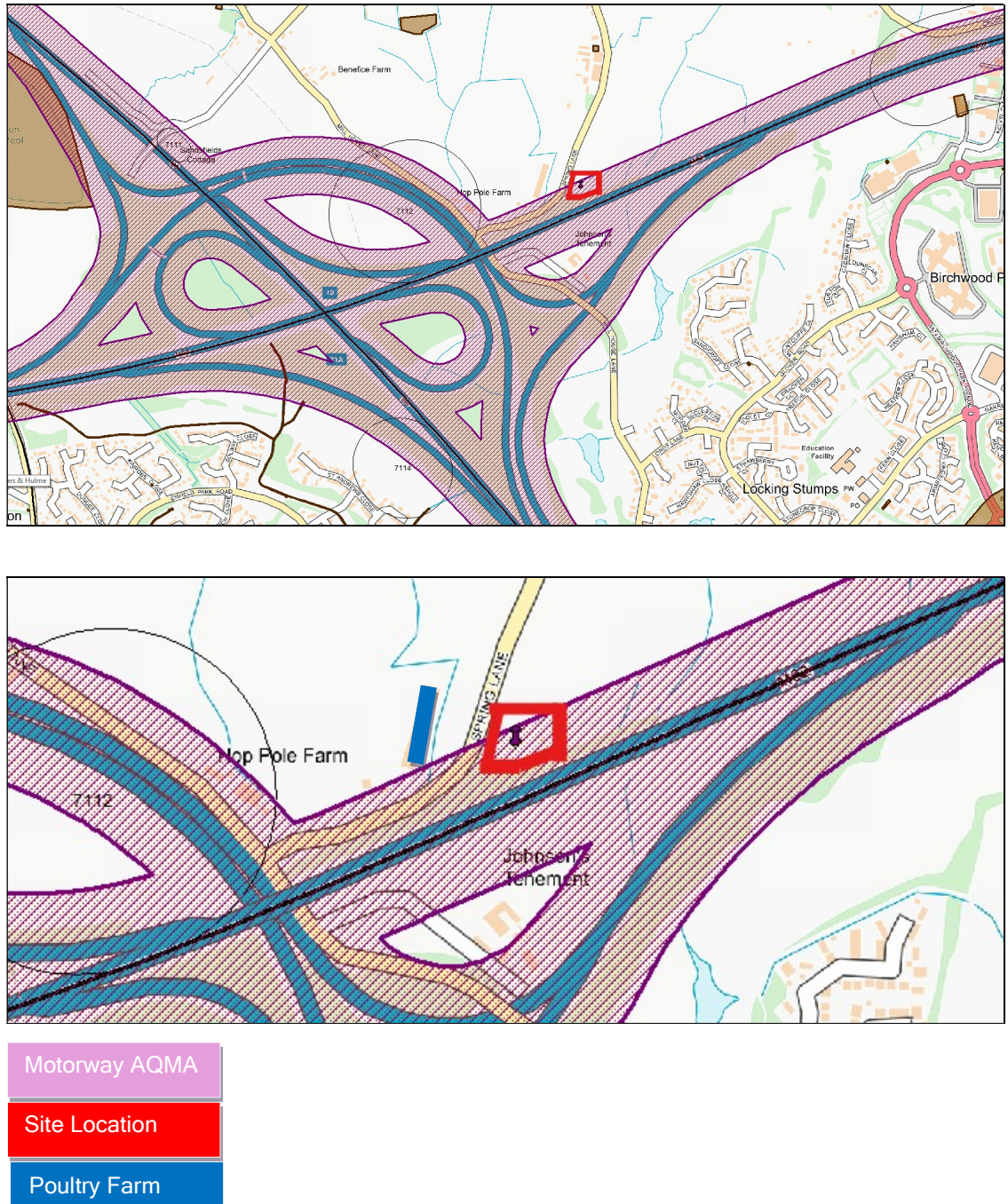
1.0. Introduction

- 1.1 My name is Richard Moore, I am the Environmental Protection Team Manager within the Place Directorate of Warrington Borough Council. I have 22 years' experience at the Council in Environmental Protection, with a specialism in air quality matters under Local Air Quality Management duties including assessing planning applications for air quality impacts. I hold a BSc (Hons) and a Masters Degree in Environmental Protection.
- 1.2 My Proof of Evidence concerns the Spring Lane planning application, ref (2024/00668/FUL), for potential impacts on future occupiers from poor air quality.
- 1.3 The planning application was refused due to an absence of adequate information submitted to be able to assess air quality impacts on the proposed development, namely from:
- traffic related emissions from the M62 Motorway; and
 - potential odour emissions from a poultry farm.
- 1.4 A robust air quality assessment is essential evidence required to evaluate measures to protect the health of future occupiers of the development from being exposed to poor air quality.
- 1.5 The evidence provided within this proof represent my true and complete professional opinion on the matters to which they refer.

2.0 The Site and the Surroundings

- 2.1 The application is for a material change of use from a plant nursery to use for residential caravan type accommodation.
- 2.2 The site is directly adjacent to the M62 motorway to the north and close to Junction 21a/10 with the M6. Approximately 60m away to the west of the site is the Maines poultry farm. There are no other residential type locations as close to the motorway in this area.
- 2.3 National objective limits (Appendix 1) for specific pollutants have been set, based on health grounds, within the Air Quality Standards Regulations 2010 (Amended 2016). Where these limits are exceeded at locations of relevant receptors, the Council is under a statutory duty to declare an Air Quality Management Area (AQMA) and to produce an Air Quality Action Plan (AQAP) to try to improve the air quality.
- 2.3.1 The M62 was designated the Motorway AQMA in 2001 for exceedances in the national objective limit set for nitrogen dioxide annual mean of $40 \mu\text{g}/\text{m}^3$. The AQMA extends for a distance 50m from the carriageway of the M62 across the proposed development site. The national objective limit is relevant for exposure at the building façade of any residential building.
- 2.3.2 The site is located within the Motorway AQMA as shown in figure 1.

Figure 1: Site location in relation to AQMA and poultry farm



2.3.3 Annual Status Reports (ASR) are produced by the Council summarising the air quality across the borough. This is supported by monitoring data where there is a risk of exceedance and where there are relevant receptors, for example residential.

2.3.4 The closest residential receptor to the site, approximately 125m away, relevant for the AQMA, is an agricultural dwelling (planning ref 2013/22695). This is located on the edge of the designation of the Motorway AQMA, 50m from the carriage way. No air quality assessment was requested for this. A decision was made that a ventilation condition to bring in cleaner air from the north façade, outside of the AQMA, would be acceptable. This is supplemented by the noise condition requiring no trickle vents on the southern, western and eastern sides. It is noted that the building is of brick design which will be more air-tight compared to the mobile home type residential under the proposal. It is also noted that the nearest residential caravan is located closer to the M62 carriageway, approximately 35m away, with the amenity block an approximate distance of 20m away. At this distance, the proposed caravan homes will be located in an area of potentially higher pollution compared to the agricultural dwelling.

3.0 Reasons for refusal

3.1 Reason 3 of the Decision Notice (dated 19 March 2025) states

“The proposed development will be located in an area of potentially poor air quality and odours given the close proximity to the M62 motorway and a chicken farm. Insufficient consideration of air quality impacts /odours or assessment has been submitted with the application, therefore it has not been demonstrated that the proposal would provide an acceptable and/or safe habitable environment, and as such the proposal is contrary to Policy ENV8 of the Warrington Local Plan and the NPPF.”

- 3.2 An Air Quality Report was subsequently provided by the applicant. This though, was the Council's own Annual Status Report 2024 on air quality and was not relevant to the location of the proposed site.

4.0 Relevant legislation and guidance

4.1 National Policies.

- 4.1.1 The National Planning Policy Framework (NPPF) is the overarching planning policy and includes air quality.

Paragraph 187 states

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

*e) preventing new and existing development from contributing to, **being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.**"*

Paragraph 199 states

*"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.**"*

Paragraph 200 states

*"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. **Where the operation of an existing business or community facility could have a significant adverse effect***

on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed"

- 4.1.2 The Environment Act 1995 (amended 2021) established the legal framework for Local Air Quality Management (LAQM), requiring local authorities to review, assess, and act to improve local air quality by meeting national air quality standards. This process involves monitoring pollutant levels, identifying areas not meeting targets, and implementing Air Quality Action Plans (AQAPs) with specific measures and timelines to improve air quality.

LAQM duties are carried out in accordance with Defra technical and policy guidance LAQM.TG22 (2025) and LAQM.PG22 (2022). LAQM.PG22 states:

"The planning system can play a crucial role in managing or improving air quality. Planning policy is a key factor for local authorities in carrying out their air quality functions, close cooperation between planning and air quality officers is essential."

4.2 Local Policy.

- 4.2.1 Section 9.8 and Policy ENV8 within the Local Plan covers Environmental and Amenity Protection and sets out the following:

*"Development proposals for sensitive end uses (including but not limited to residential, schools, nurseries, hospitals) are not desirable where they are located in areas of poor air quality including AQMAs, unless a suitable assessment, review and identification of mitigation to lessen the effects on future site users is provided. **An air quality assessment will be required where a development may place new sensitive receptors in areas of poor air quality;** and/or that may lead to a deterioration in local air quality resulting in unacceptable effects on human health and/or the environment."*

- 4.2.2 The Environmental Protection Supplementary Planning Document (SPD) sets out how air quality is considered within planning applications under section 2:

“An appropriate assessment of air quality must be included with any planning application that may adversely affect local air quality or that would be located and be unduly influenced upon by existing levels.”

The SPD has included and refers to the Institute of Air Quality Management (IAQM) guidance on planning matters relating to air quality and odour, specifically Land-Use Planning & Development Control: Planning for Air Quality (2017) and the Guidance on the Assessment of Odour for Planning (2018).

- 4.3 Under Local Air Quality Management (LAQM), The Council is under a statutory duty to assess air quality across the borough and to compare levels for specific pollutants against set national limits known as objectives, as set out in the Air Quality Standards Regulations 2010 (amended 2016). The objective limits are based on exposure for a number of pollutants for the protection of human health.

From this, there were exceedances of the national annual mean objective for nitrogen dioxide which led to the designation of the Motorway AQMA in 2001 (Appendix 1). This covers an area 50 metres from the carriageway for the M56, M6 and M62 motorways.

Annual Status Reports (ASR) on air quality are produced by the Council which contain a summary of all monitoring data. These reports are submitted to Defra for appraisal and have been approved. At the time of the application, the ASR 2024 was available. Since September 2025, the ASR 2025 has been produced and is now available.

4.4 Health impacts from poor air quality.

The Council recognises that air pollution is an important determinant of health and that it affects the most vulnerable in our society in particular. Warrington Borough Council is committed to reducing the exposure of people in Warrington to poor air quality in order to improve the health and wellbeing of our residents.

Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease, strokes and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues, because areas with poor air quality are also often the less affluent areas

There is now a substantial body of evidence showing health impacts from poor air quality. A Joint Strategic Needs Assessment (JSNA) for local health impacts from exposure to poor air quality in Warrington was adopted in 2018. Nationally it is estimated that the effects of nitrogen dioxide on mortality are equivalent to 23,500 deaths in the UK annually (DEFRA, 2015 *'Improving air quality in the UK: Tackling nitrogen dioxide in our towns and cities, UK overview document'*). Many of the sources of nitrogen dioxide are also sources of particulate matter (PM). The impact of exposure to fine particulate matter pollution (PM_{2.5}) is estimated to have an effect on mortality equivalent to nearly 29,000 deaths in the UK (Committee on the Medical Effects of Exposure to Air Pollutants, 2010 *'The Mortality Effects of Long-Term Exposure to Particulate Air Pollution in the United Kingdom'*). There are no figures locally for health impacts due to nitrogen dioxide, but the Public Health Outcomes Framework Indicator 3.01, produced by Public Health England, reports the percentage of deaths in persons aged 30 and above where death was attributable to fine particulate air pollution PM_{2.5}. This estimates that for Warrington in 2023, 4.9% of all mortality

is attributable to PM_{2.5}. This is estimated to equate to over 100 premature deaths per year. In addition to this, poor air quality affects the wellbeing of residents and during high pollution episodes there can be an increase in hospital and GP admissions.

Excessive odour impacts can affect health by causing symptoms like headaches, nausea, and irritation, and can also lead to mental health issues such as stress and anxiety due to prolonged exposure. They can affect a people's quality of life and use and amenity of a property by not being able to use outside areas or needing to keep windows closed, especially during warmer and hotter weather.

5.0 The Case for the Local Planning Authority

It is considered that the application has not considered potential air quality impacts on the site either from traffic emissions (nitrogen dioxide and PM_{2.5}) associated with the M62 motorway or from odour impacts from the poultry farm. Without this information, the Authority is unable to determine the application for air quality and health related impacts on future occupiers of the site.

5.1 Traffic emissions.

The primary source of traffic emissions relates to the M62 motorway. The site is located within the Warrington AQMA and will introduce new sensitive receptors in the form of residential.

The Council does not currently carry out any air quality monitoring in the area. Monitoring is carried out on a targeted risk-based approach to assess worst case levels where there are existing sensitive receptors. At the development site, there are currently no other sensitive receptors as close to the motorway edge as the proposed development.

The nearest Council monitoring point is over 3km away, near to the M62 to the west of the proposed development. This location is also affected by traffic emissions associated with the A49 Wlnwick Road. This monitors nitrogen dioxide, the nearest particulate monitor is over 6km away which is not located near to a motorway. The proposed development location will be affected by a different traffic flow and the M6 junction 21a/10 layout. There is also a different land profile between the locations that will affect dispersion of any emissions. Therefore the monitoring point is not reflective of the same conditions as would be expected at the development site and no comparison can be made with the data.

5.2 Odour emissions.

The proposed development site is located 60m away from the Maines Poultry Farm. No consideration has been given within the application as to any potential odour impacts from this. Currently the closest residential is approximately 150m away. Placing residential closer to the poultry farm may result in odour impacts on the residents. If this resulted in an odour complaint, this would be investigated under the statutory nuisance provisions in the Environmental Protection Act 1990. If this found a nuisance was occurring, the Council would have a duty to issue an abatement notice on the poultry farm. This would be against the “Agents of Change” principle in the NPPF and should have been addressed at planning stage.

5.3 LAQM duties.

Through a mix of local measures in the Air Quality Action Plan, Local Transport Plan and Local Plan in conjunction with national policies and the uptake of cleaner vehicles, the trend for air quality is that over the last 5 years levels have been improving. Levels at all monitored locations where there are existing sensitive receptors are now consistently below the national objective limits for

nitrogen dioxide. Therefore, it is the Council's intention to revoke all existing AQMAs and to produce an Air Quality Strategy. If the proposed development is granted permission in an area that exceeds the national objective limits, then the AQMA will need to remain. If permission is granted without an appropriate assessment, it is not considered appropriate for the Council to undertake additional monitoring and assessment to re-evaluate the decision to revoke due to the introduction of new sensitive receptors. Levels of PM_{2.5} have not seen the same level of reduction as nitrogen dioxide and there remains concerns, due to the specific health impacts, over these levels.

6.0 Conclusion

The Council is unable to make an informed decision on the air quality, including odour, impacts on the proposed site. Accurate air quality information is essential to prevent future users from the site being exposed to poor air quality and to reduce the risk of harm to existing areas that have exceedances in the national limits. If the proposed development goes ahead without air quality information, there is a real risk that new sensitive receptors are located in an area of poor air quality to the extent that the AQMA could not be revoked. This would be at odds with national plans to meet the air quality objectives in the shortest time possible.

As insufficient information has been provided to be able to determine air quality impacts, it is my opinion that the appeal should be dismissed.

In summary, the information that has not been provided to be able to determine potential air quality impacts are:

1. An Air Quality Assessment for traffic emissions from the M62 motorway across the site for nitrogen dioxide and PM_{2.5}; and
2. An Air Quality Odour Assessment for potential odours from the Poultry farm.

References

Air Quality Action Plan, WBC 2021

Air Quality Standards Regulations 2010 (amended 2016)

Annual Status Report 2025, WBC

Environmental Protection SPD 2023, WBC

Guidance on the Assessment of Odour for Planning 2018, IAQM

Improving air quality in the UK: Tackling nitrogen dioxide in our towns and cities, UK overview document, DEFRA, 2015

Joint Strategic Needs Assessment: Air Quality, WBC 2018

Land-Use Planning & Development Control: Planning for Air Quality 2017, IAQM

LAQM.TG22 and LAQM.PG22, Defra

Public Health Frameworks Indicator 3.01, Public Health

The Mortality Effects of Long-Term Exposure to Particulate Air Pollution in the United Kingdom, Committee on the Medical Effects of Air Pollutants 2010

Appendix 1: Air Quality Objectives

Pollutant	Air Quality Objective ¹	
	Concentration	Measured as
Nitrogen Dioxide (NO ₂)	200 µg/m ³ not to be exceeded more than 18 times a year	1-hour mean
	40 µg/m ³	Annual mean
Particulate Matter (PM ₁₀)	50 µg/m ³ , not to be exceeded more than 35 times a year	24-hour mean
	40 µg/m ³	Annual mean
Particulate Matter (PM _{2.5})	20 µg/m ³ , by 1 January 2020	Annual mean
	35% reduction in population exposure by 31 December 2040	Annual mean
	10 µg/m ³ , by 31 December 2040	Annual mean

Appendix 2: Motorway AQMA

