

Response to Swale Borough Council EHO report on proposed development in Newington.

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I do not think that I and the Council's Environmental Health Officer are in particular disagreement about many of the facts. However, we clearly place different emphasis on interpretation and impact. Local authorities are required to do more than simply develop an Air Quality Action Plan. DEFRA guidance states that where concentrations exceed national objectives, measures should be put in place to reduce emissions, and be reported in the local Air Quality Action Plan (AQAP). While we may discuss the absolute legal duty, clearly where limits are exceeded, just formulating an air quality action plan is, in itself, insufficient. There needs to be a clear demonstration about how levels of NO₂ can be reduced to meet the national objectives.

It is also true that diffusion tubes are not particularly accurate but as Swale Council chooses – like most other authorities - to measure air quality with diffusion tubes we have to take their readings as our guide for NO₂ levels and in Newington the eastern part of the AQMA does not meet national objectives. Members will note that the Air Quality specialist for Medway Borough Council uses these measurements for his comments and these are widely used for measuring and reporting NO₂ levels across the County and nationally.

The EHO appears to be suggesting that as it is difficult to assess any cumulative effect then any concerns about this – in relation to other AQMAs - should be set aside. However, the Council has an obligation under the National Planning Policy Framework to consider such cumulative effects:

Paragraph 124 of the NPPF states:

*Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, **taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.** Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.*

The importance of considering cumulative effects is also highlighted in the recent PHE/NICE (2017) guidance. No reference in the officer's report as to how other developments, including substantial brick-earth extraction leading to additional HGV movements in Newington, impact on the Newington AQMA and how, given these, action is being taken to reduce levels to meet national objectives.

DEFRA guidance in *Improving Air Quality in the UK* (DEFRA 2015) was also explicit addressing the planning impact on air quality:

The National Planning Policy Framework is clear that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. New development should be appropriate for its location, taking proper account of the effects of pollution on people's health. (Para 232)

The EHO agrees that NO₂ limits are exceeded at the eastern end of the AQMA close to where the proposed development would be sited. I agree that these exceedances are due to local factors – particularly the narrow road and possibly traffic congestion at this point. However, I am not sure that given this, the fact that the area exceeds national limits can simply be ignored. Clearly there will be an increasing level of NO₂ arising from natural traffic growth and particularly due to the substantial increase in HGV traffic as a result of the recent granting or permission for brick-earth extraction which will mean HGVs travelling along the A2 through Newington.

While there is much to commend the mitigation strategy and items highlighted for expenditure, these do not, in themselves demonstrate how car use will be minimised. Encouragement is useful but has not been shown to be particularly effective without substantial infrastructure changes. Provision of cycles depends on having safe cycle routes to places where people would normally drive – shopping, work, doctors etc. There is no safe cycle way provision along the A2 and little option for alternative routes. Buses and trains are infrequent and therefore not always useful for everyday tasks. EV charge points are good but will have limited immediate effect but could be beneficial if looking 10-15 years ahead. Eco driving courses can help but again unless uptake is widespread the overall impact will be very low.

The Council's draft strategy calls for innovative mitigation but much of what is offered is not particularly innovative as options are limited by the location. In 2013 Swale Borough Council undertook a Quantitative Appraisal of Newington AQAP Measures which provided:

... quantitative estimates of the impacts on local NO₂ concentrations likely to result from the implementation of the measures proposed in the Newington AQAP. The assessment focuses on impacts in the AQMA to predict whether compliance with NO₂ objectives is likely to be achieved if the measures are implemented" (Section 1.2).

The report concluded that to comply with NO₂ objectives **would require reductions in HGV and vehicle traffic** along with moving a pedestrian crossing. Clearly any increase in traffic would therefore exacerbate the problems of air quality in the AQMA and result in not meeting NO₂ objectives. Traffic volume has increased slightly since then but given the additional HGV traffic and any increase in vehicular traffic from this site are clearly counter to what the Council has already identified as being necessary in its Air Quality Action Plan.

In my opinion, this application will only result in an increase in levels of NO₂ which are, as recorded by Swale Council, already over the national limit within the eastern part of the AQMA and which could potentially contribute to respiratory problems for local people.

References:

DEFRA (2015) *Improving Air Quality in the UK: Tackling nitrogen dioxide in our towns and cities. UK overview document*

NICE/PHE (2017) *Air pollution: outdoor air quality and health (NG70)*