M SCOTT PROPERTIES LTD
PROPOSED RESIDENTIAL DEVELOPMENT
LAND WEST OF WATLING STREET, PARK STREET

AIR QUALITY TECHNICAL NOTE

JULY 2024

the journey is the reward

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Project Code:	**Park Street (A)9.2**
Prepared by:	**Satbir Jandu MIEnvSc, MIAQM**
Issue Date:	**30th July 2024**
Status:	**ISSUED**

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1 Introduction

1.1 Mayer Brown Limited has been commissioned by M Scott Properties Ltd to produce a technical response to air quality comments made by the Rule 6 Party in relation to Appeal reference APP/B1930/W/24/3343986. The proposed development lies on a parcel of land to the West of Watling Street in Park Street, St Albans and does not sit in an Air Quality Management Area (AQMA).

1.2 The proposed development consists of:

"Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure"

1.3 Outline planning permission (22/0267) was most recently refused by St Albans City & District Council (SACDC) Planning Committee on 15/01/2024, despite recommendations from SACDC planning officers that approval be granted, subject to conditions.

1.4 This technical note has been authored by Satbir Jandu, air quality consultant at Mayer Brown. Satbir holds a BSc in Forensic Biology and an MSc in Air Pollution Management & Control. He is a full member of both the Institute of Environmental Sciences (IES) and the Institute of Air Quality Management (IAQM). Satbir has over eleven years' experience within the field of air quality consultancy and also worked part time as a planning officer for two years.

2 Rule 6 Party Comments: Air Quality

2.1 The Rule 6 Party has made the below comments with regards to air quality:

"3.7: The level of pollution at the access point to the site (AL2 2NN) is already extremely high, being at 80 percentile, which is within the top 20 most polluted addresses in the UK. Data provided by Imperial College, London gives the following levels for this location; $PM_{2.5}$: 11.49mcg/m^3 (The WHO limit is 5mcg/m^3); PM_{10}: 18.10mcg/m^3 (The limit is 15mcg/m^3)+; NO_2: 23.46mcg/m^3 (The limit is 10mcg/m^3)#.*

3.7.1: The Clean Air (Human Rights) Bill, known as Ella's Law, would establish a right to clean air and compel local authorities to bring air quality up to minimum WHO standards within five years. Whilst this bill was not enacted in the last parliament and requires inclusion within the government timetable, the pressure to act exists, which will have a direct effect on Local Authorities, who will be compelled to take action.

3.7.2: Irrespective of the status of Ella's Law, the action of Local Authorities allowing housing developments to be built in the highest polluted areas of their districts, would signal a disregard to their obligations and could give rise to liability issues in the light of Ella Kissi-Debrah's death. The High Court ruling against the Greater London Authority and Transport for London, and subsequent Coroner's report set a precedent.

3.7.3: The Coroner's Prevention of Future Death's Report stated; "In my opinion there is a risk that future deaths could occur unless action is taken". One suspects that the action he was suggesting to be taken wasn't along the lines of building housing developments alongside existing queuing traffic, in locations which already generate the highest pollution levels in the country."

3 Technical Response

3.1 Under the Air Quality Strategy, there is a duty on all Local Authorities to consider the air quality within their boundaries and prepare an annual update report. If there are exceedances, the Local Authority should declare an AQMA and produce an action plan for improving air quality.

3.2 As set out in the introduction, the site does not lie within any declared AQMA. The nearest AQMA is in excess of 1.6km to the south of the proposed development site, adjacent to the M25.

3.3 Concentrations of all pollutants at the site are expected to meet the UK Air Quality Objectives, which are legally binding in the UK. The World Health Organization (WHO) Air Quality Guidelines referred to by the Rule 6 Party in his comments hold no legal weight in the UK planning process.

3.4 The WHO states:

"The World Health Organization's Air quality guidelines (AQG) serve as a global target for national, regional and city governments to work towards improving their citizen's health by reducing air pollution." [1]

3.5 Furthermore, the Environmental Health Officer (EHO) at SACDC raised no concerns around air quality in either their pre-application or application consultee responses and deemed the proposals acceptable in that regard.

3.6 The IAQM & Environmental Protection UK (EPUK) have published guidance *Land-Use Planning & Development Control: Planning for Air Quality (2017)*[2].

3.7 This document provides advice and guidance to ensure that air quality is adequately considered in the land-use planning and development control processes. This is particularly applicable to assessing the effect of changes in exposure of members of the public resulting from residential and mixed-use developments, especially those within urban areas where air quality is poorer.

3.8 The IAQM & EPUK guidance contains indicative criteria for determining when a detailed air quality assessment in required. These criteria are outlined below.

[1] https://www.who.int/news-room/feature-stories/detail/what-are-the-who-air-quality-guidelines
[2] Environmental Protection UK & Institute of Air Quality Management (EPUK & IAQM) (2017) Land-Use Planning & Development Control: Planning for Air Quality, EPUK & IAQM, London

Table 6.2: Indicative criteria for requiring an air quality assessment

The development will:	Indicative Criteria to Proceed to an Air Quality Assessment [a]
1. Cause a significant change in Light Duty Vehicle (LDV) traffic flows on local roads with relevant receptors. (LDV = cars and small vans <3.5t gross vehicle weight).	A change of LDV flows of: - more than 100 AADT within or adjacent to an AQMA - more than 500 AADT elsewhere.
2. Cause a significant change in Heavy Duty Vehicle (HDV) flows on local roads with relevant receptors. (HDV = goods vehicles + buses >3.5t gross vehicle weight).	A change of HDV flows of: - more than 25 AADT within or adjacent to an AQMA - more than 100 AADT elsewhere.
3. Realign roads, i.e. changing the proximity of receptors to traffic lanes.	Where the change is 5m or more and the road is within an AQMA.
4. Introduce a new junction or remove an existing junction near to relevant receptors.	Applies to junctions that cause traffic to significantly change vehicle accelerate/decelerate, e.g. traffic lights, or roundabouts.
5. Introduce or change a bus station.	Where bus flows will change by: - more than 25 AADT within or adjacent to an AQMA - more than 100 AADT elsewhere.
6. Have an underground car park with extraction system.	The ventilation extract for the car park will be within 20 m of a relevant receptor. Coupled with the car park having more than 100 movements per day (total in and out).
7. Have one or more substantial combustion processes, where there is a risk of impacts at relevant receptors. NB. this includes combustion plant associated with standby emergency generators (typically associated with centralised energy centres) and shipping.	Typically, any combustion plant where the single or combined NO_x emission rate is less than 5 mg/sec[a] is unlikely to give rise to impacts, provided that the emissions are released from a vent or stack in a location and at a height that provides adequate dispersion. In situations where the emissions are released close to buildings with relevant receptors, or where the dispersion of the plume may be adversely affected by the size and/or height of adjacent buildings (including situations where the stack height is lower than the receptor) then consideration will need to be given to potential impacts at much lower emission rates. Conversely, where existing nitrogen dioxide concentrations are low, and where the dispersion conditions are favourable, a much higher emission rate may be acceptable.

3.9 None of the indicative criteria outlined above will be triggered and as such, a detailed assessment of air quality was not required.

3.10 In conclusion, it can be demonstrated that:

- The site does not sit within, or adjacent to, a designated AQMA;
- The SACDC EHO made no objection to the development proposals in respect of Air Quality;
- The WHO guidelines referred to by the Rule 6 party hold no weight within the current planning system.

3.11 Giving due consideration to the above, it is plain that the proposed development did not need to be the subject of an air quality assessment as the proposals will not give rise to any material air quality impacts. Consequently, SACDC were correct not to object to the proposed development on the grounds of air quality.