

Tabled Paper – Deferred item 3: 16/501266/FULL 99 High Street And Land To The North Of High Street

We have received an additional letter from a local resident raising concerns about the increases in traffic on local roads. They consider that the application should be refused.

Officers have been contacted by the Department of Communities and Local Government. They have been contacted by a member of the public with concerns about the impact of this development. No further information has been provided by DCLG but they have asked us to inform them of the outcome of the planning committee and will be providing an official response in advance of any planning permission being issued, should members determine the application in this way.

We have received an additional report from Professor Peckham on behalf of CPRE. This report responds to the comments of the Environmental Protection Team Leader that have been appended to the report (appendix A). It is understood that this report has been circulated to Members of the committee. I will therefore summarise the main conclusions of this report:

- Considers that the Council should go further than producing an Air Quality Action Plan in an effort to reduce NO<sub>2</sub> levels;
- Agrees that diffusion tubes are 'not particularly accurate' but considers that as the data is collected by SBC, it should be used;
- Cumulative effects should be considered and there is no reference of other traffic generating developments in the area;
- The fact that NO<sub>2</sub> exceedances are due to local factors does not mean that they should be ignored;
- Mitigation measures should include 'substantial infrastructure changes' such as safe cycleway provision along the A2, increasing buses and trains;
- Innovative mitigation options are limited by location;
- Increases in traffic will exacerbate the problem of air quality in the AQMA and this would be contrary to the Air Quality Action Plan.

Cllr John Wright has emailed Members of the Planning Committee criticising the air quality mitigation measures put forward by the developer. He lists a number of alternative mitigation measures that he considers should be put in place to reduce air pollution in the AQMA. These include: moving the pedestrian crossing; contributions to cleaner buses on the route and better signage for HGVs.

The Environmental Services Team Leader will be providing a response on these air quality comments and Members will be updated at the meeting.

We have received a further comment from the applicant's air quality consultant which responds to the first report by Professor Peckham. They have also had sight of the comments from the Environmental Services Team Leader that are appended to the committee report. They are in complete agreement with the response by the Environmental Services Team Leader. They note that Professor Peckham found their assessment to be comprehensive. They go on to justify why there

are often variations between modelled and actual NO<sub>2</sub> levels and drew our attention to the raft of mitigation measures put forward by the developer and which are in line with Swale Borough Council's Air Quality Planning Technical Guidance (December 2016). Lastly, they stress the point that the site is in a sustainable location.

**2<sup>nd</sup> TABLED UPDATE: Deferred Item 3 16/501266/FULL - 99 High Street and land to the north of High Street, Newington**

Environmental Protection Team Leader responses

1. *Response to Professor Peckham comments dated 14<sup>th</sup> July:*

I would respond to Professor Peckham's latest submission for the above site by making the following comments.

Firstly, to reiterate what I said earlier, i.e. that we agree on many points, but those that we do disagree about are significant.

He seems to indicate that we have not put measures in place regarding the Newington AQMA – this is not true. We have had an accompanying Air Quality Action Plan in Newington since the AQMA was declared in 2009 and are currently updating it. However, many of the latest measures are highway-related and require the agreement of other agencies to become a reality.

NO<sub>2</sub> diffusion tubes are inherently inaccurate; their results become more relevant with increasing time, as indicative trends can be recognised. In 2016, 3 out of the 8 Newington tube locations exceeded the guidelines – outside 60 High Street, 64 High Street and High Street opposite Church Lane. None were in the vicinity of No. 99 High Street.

They exceed at the above locations because of the local factors that exist in those localities as I have previously explained, but even a short distance away from the kerb side the levels will drop significantly. A study carried out by Air Quality Consultants in 2008 showed that NO<sub>2</sub> levels fall by as much as 20% within 3 metres from the kerb side, and by up to 50% within 40 metres. The nearest property in the new development is some 40 metres north of the A2 and also screened by existing buildings. The majority of dwellings in the new development are at least 100 metres to the north. Many of the dwellings on the North of the A2 in the eastern part of the AQMA are not close to the kerb side, some are as far as 20 metres away, thus future residents of these properties are unlikely to be exposed to levels in excess of the guidelines.

It is true that most UK authorities only use diffusion tube measurements for their reporting of pollution levels, e.g. as Swale does for the new Teynham AQMA. This is often because they do not have continuous analysers. However, we have 3 and they are used to report the levels within the relevant AQMA. There has been no exceedance of the NO<sub>2</sub> annual mean since the inception of the Newington AQMA in 2009.

I am not suggesting that cumulative effects should be set aside; just that it is often difficult to quantify them. The effect of extra vehicles has been modelled for this site, as have traffic flows. This has then shown the anticipated impact on the AQMA from this site when the proposal has been completed. I stated that it is very difficult to model in the effect of the other 4 AQMAs in the borough, one of which is nearly 10 miles distant. They are all situated to the east of Newington and against the prevailing wind, which is an important and often overlooked vector for transmitting pollution.

The fact that some exceedances of NO<sub>2</sub> guideline values occur in Newington is recognised and is not being ignored, merely put into perspective. The measures suggested in the accompanying AQ Action Plan to improve existing and future levels of air pollution are aspirational and largely highways-based, for which we do not have the final decision. Unless there is a major change in traffic infrastructure here, air pollution is not likely to change much.

The best hope for improvement is a change and improvement in vehicle technology and removal of the most polluting vehicles which tend to be older, HGV, and diesel in nature.

I therefore am still of the opinion that there is sufficient evidence from the developer's AQ consultant assessments to show that this proposal will at worst only have a negligible impact to the existing levels found in the Newington AQMA.

*2. Response to Cllr Wright e-mail dated 16<sup>th</sup> July 2017*

The key points made in response are as follows:

- There will be elevated levels of air pollution from the lorries in connection with brick earth extraction, which I was concerned about, but these lorries are only in operation for a maximum 6 weeks /year and should not affect the annual mean significantly.
- The properties at the former Newington Working Men's Club do not form a true single façade as part of a canyon as there is a significant opening within them allowing dispersion of any build-up of pollution, and the new properties will have non-openable windows on the front façade.
- There is already a mechanism in place for the public to be warned about elevated air pollution levels by signing up for air alerts via the Kent Air website.
- There is no necessity for non-openable front windows for the development at the rear of 99 High Street, as these properties are not as close to the High Street as they are on the Working Men's Club site. There is no evidence to indicate that AQ levels will exceed the current guidelines on this site.

JRW – 20<sup>th</sup> July 2017