

Response to Environmental Protection Team comments about criticisms of the AQA for (21/504028/FULL)

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1. Executive Summary

1. Despite concerns raised by SBC that in some instances echo our own, the new AQA provided by Lustre simply repeats the inaccurate model used previously. Proposed mitigations are nonspecific. Nothing has been changed to directly challenge our criticisms. SBCs own view on public health and air pollution appears inconsistent with NPPF goals for “healthy and safe communities”. SBC has not adequately addressed our criticisms.

2. Introduction

2. The development at School Lane (21/504028/FULL) in the ward of Swale Borough Council (SBC) had an AQA written by Lustre Consulting Ltd [1]. The Centre for Health Services Studies at the University of Kent previously provided an assessment for this AQA which included significant criticism [2].
3. Subsequently, the Environmental Protection team at Swale Borough Council produced a report which responded to some of our criticisms [2], and as a result of this, Lustre submitted an amended AQA [3]. This document examines the state of affairs following the emergence of these two new documents.

3. Environmental Protection Team document

4. The environmental protection team at SBC made several recommendations. Our comments for these follow.
5. We pointed out that the cumulative impact missed several contributing sites. SBC asked the developer to include relevant sites in the next version of its AQA. The developer has included additional sites but since the baseline model remains flawed this is meaningless.
6. We observed the absence of specific mitigations. SBC does not address this point for (21/504028/FULL), although it addressed this point for the now-withdrawn Eden Meadow application. The developer however has not changed its mitigation proposal in any important manner in the new AQA so this issue still stands.

7. Swale borough council appears to dismiss the impact of air quality on health by stating “we are not required to report WHO Guidelines for health”, in response to our presentation of current scientific knowledge about the impact of air quality on health. It is our view that the NPPF asks that public health be considered as an impact when judging a development.

8. In response to our criticism of the accuracy of Lustre’s model, SBC disagrees with our argument and states:

“we need to keep in mind that TG16 is a guidance document, therefore its open to interpretation. The Environmental protection team do not feel that this makes the model unsuitable and have reviewed the evidence in the report to which we feel is acceptable. However, our team has now asked the consultant to explain the workings in more detail to address the comments raised in the independent report.”

9. We consider this dismissal of our concerns alarming. The developer’s base model has not changed at all in the new version: the previous model accuracy problems persist. We would ask why SBC appears to have favoured an interpretation of the guidance that suits the developer rather than our interpretation as an independent assessor.

10. SBC makes a comment regarding the “different base line predictions” that we pointed out among the models, but only asks that “that Willow tress (sic) application is reviewed and updated, in line with 128 High Street and School Lane applications AQAs” .

11. We would like to know why SBC has decided that Willow Trees is the one that needs to be updated and that the others should be considered the reference to which it is updated to. It isn’t clear to us that any of them should be the reference as they all suffer from similar flaws and are all inadequate to the task.

4. Jan 2022 AQA Amendment

4.1. Model

12. The baseline model has not changed between the original AQA [1] and the Jan 2022 amendment [3]. The problems with model accuracy and other related criticisms still persist.

13. The amendment does model new cumulative scenarios as we asked for (see scenario 5 in [3]). But are meaningless since the model has not changed and suffers from the same inaccuracies.

4.2. Mitigation

14. The mitigation section in the new version removes the following paragraph:

“Working with Swale environmental protection and local planning to identify suitable NOx and PM abatement measures off-site, within close vicinity to the development and/or receptors

that are more likely to be impacted due to cumulative impacts modelled. This includes, where feasible, application of emerging best available technology not entailing excessive cost.”

15. But adds the paragraph:

“It may also be more practicable to employ some of the mitigation measures as a contribution to the LPA for the total calculated damage cost, so these can be managed and co-ordinated centrally by the local council for their preferred approach.”

16. It also slightly adjusts the green-infrastructure paragraph. Thus our original statement that proposed mitigation is nonspecific and weak still stands.

5. References

- [1] Lustre Consulting, 'School Lane, Newington. Air Quality Assessment'. 07/21 [Online]. Available: Search SBC planning portal for 21/504028/FULL: <https://pa.midkent.gov.uk/online-applications/>
- [2] Ashley Mills, Stephen Peckham, 'Planning applications and air quality modelling in Newington (Dec 2021) V1.0', Dec. 2021 [Online]. Available: Search SBC planning portal for 21/504028/FULL: <https://pa.midkent.gov.uk/online-applications/>
- [3] Lustre Consulting, 'School Lane, Newington. Air Quality Assessment Jan 2022 Ammendment'. Jan. 24, 2022 [Online]. Available: Search SBC planning portal for 21/504028/FULL: <https://pa.midkent.gov.uk/online-applications/>