

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEALS BY:  
TAYLOR WIMPEY UK LTD &  
HOMES ENGLAND**

**PICKERING'S FARM SITE, FLAG LANE,  
PENWORTHAM, LANCASHIRE PR1 9TP**

**AIR QUALITY PROOF OF EVIDENCE OF:  
NEIL MARTIN  
BSc(Hons), EnvDipMEBOSH, CEnvH MCIEH, MIEEnvSc, MIAQM**

**24<sup>TH</sup> JULY 2022**

**INSPECTORATE AND LPA REFERENCES:**

**APPEAL A**

**REF: APP/F2360/W/22/3295498  
LPA REF: 07/2021/00886/ORM**

**APPEAL B**

**REF: APP/F2360/W/22/3295502  
LPA REF: 07/2021/00887/ORM**

# 1. Introduction and scope of evidence

## Qualifications and Experience

- 1.1. My Name is Neil Martin. I have a bachelor's degree in Environmental Health, and I am registered with the Environmental Health Registration Board, being a Chartered Member of the Chartered Institute of Environmental Health. I also hold the NEBOSH Post Graduate Diploma in Environmental Management and a membership in the Institute of Air Quality Management.
- 1.2. I have worked within the Environmental Health field for over the last 20 years, both as a local authority employed Environmental Health Officer and in a private consulting role. During this time my duties have included work relating to the statutory functions of various Local Authorities around the Local Air Quality Management (LAQM) disciplines in addition to reviewing and providing commentary on planning applications, developing guidance for developers and active participation of the county air quality officers co-ordination group.
- 1.3. LAQM work has covered the monitoring and modelling of air quality impacts, both from existing sources and proposed developments, production of annual reports for submission to DEFRA, assessing and declaring Air Quality Management Areas, Drafting Air Quality Strategies and Action Plans, and the development and oversight of monitoring programs.
- 1.4. Planning work has included the review and assessment of planning applications and the request for and review of submitted air quality assessment reports together with the determination of their acceptability and provision of comments to planning departments.

## Background

- 1.5. Following the submission of two planning applications in August 2021 to South Ribble Borough Council comments were required from the Environmental Health Department on the acceptability of the development on a range of issues. These included the submitted air quality assessment report.
- 1.6. The two applications cover a site located to the west of Lostock Hall and south of Penwortham known as 'Pickering's Farm' or 'The Lanes'. The proposed development is bound by Penwortham Way to the west, the Kingsfold housing estate to the north and the railway line to the east & Chain House Lane in the south.

- 1.7. The first application 07/2022/008876/ORM was an outline application for a mixed development of up to 920 dwellings, a local centre including retail, employment and community uses, a primary school and associated infrastructure. The second application 07/2022/00887/ORM was an outline application for a development of up to 180 dwellings and associated infrastructure.
- 1.8. An air quality assessment accompanied the submission and was included as Chapter 13 of the Environmental Impact Assessment. The completion of this assessment followed pre-application discussions.
- 1.9. This evidence addresses the submitted Air Quality Assessment, “the report”, providing justification for the Council’s reason for refusal in respect of air quality.
- 1.10. The exact wording of the reason for refusal states

*“Inadequate information has been provided to address air quality impacts and insufficient mitigation has been identified to make the development acceptable. The proposal is therefore contrary to Paragraphs 185 and 186 of the NPPF and Policy 30 of the Core Strategy”*

## 2. Planning Policy

### National Planning Policy Framework

- 2.1. Paragraph 185 of the Nation Planning Policy Framework (NPPF) states *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.....”*
- 2.2. Paragraph 186 of the Nation Planning Policy Framework (NPPF) 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. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities*

*should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”*

South Ribble Borough Councils, Planning Advisory Note, Low Emissions and Air Quality, A guide for Developers.

- 2.3. The Planning Advisory Note (PAN), Ref CD7.6, provides guidance to developers to support action through the planning system to improve air quality and lower transport emissions. The approach set out within the PAN seeks to minimise harmful pollutant emissions, avoid significant impact on local concentrations and protect the wider public from unacceptable exposure to pollution. In achieving this it seeks to tailor assessment and mitigation requirements according to specific site characteristics which relate to both the nature and scale of the associated impacts and risk.
- 2.4. The PAN is based on the fundamental premise that any development which introduces additional emissions will have a negative impact on local air quality. Based on the size, location and nature of the development the guidance sets out to provide an appreciation of this impact or damage and convert this to a financial cost, with a view that mitigation should be applied to the development in line with the damage cost generated.
- 2.5. The guidance also considers the more historical methodology considering a concentration assessment approach, now largely considered out of date, but only when related to larger developments in areas of concern/poor air quality.

### 3. Consideration of the Proposed Development

- 3.1. The Report included an ADMS-5 concentration assessment and an emissions assessment (damage cost) of the proposed development post construction and an assessment of the construction phase of the development.
- 3.2. I am satisfied with the methodology utilised within the Report.
- 3.3. However, there are two key points in respect of which the submitted information is inadequate.

- 3.4. The first concerns the baseline data used within the assessment. It is understood that the Local Highways Authority (Lancashire County Council) does not accept the transport assessment submitted as part of the application.
- 3.5. Until the traffic data is firmly established no accurate and complete air quality assessment can be undertaken. Until traffic forecasts have been established (through agreement with the Local Highway Authority), the air quality impacts of the development can not be confirmed.
- 3.6. The second issues is that of the identified mitigation. The Report, identifies a damage cost of £252,046. I am satisfied with the way this has been calculated, with the caveat that the traffic data has not been established (see above).
- 3.7. The submitted information, however, fails to address how the identified damage is to be mitigated.
- 3.8. The Report identifies standard mitigation measures, required for all development in accordance with the PAN i.e. electric vehicle charging points for each house with a garage or driveway. It fails to address or mention the standard EV charging requirements for shared residential parking or local centre parking provision.
- 3.9. It further suggests a number of measures, all of which are required by the Local Highways Authority in order to make the development acceptable. It therefore uses these required measures and in effect double counts them suggesting they are additional mitigation measures. For example these include the provision of travel plans, and the provision of bus infrastructure.
- 3.10. The report continues under the proposed mitigation measures to mention the provision improved pedestrian links, and improved segregated cycle paths but fails to contain any further information regarding how these would be 'improved' beyond the normal requirement or how much they are likely to cost.

## 4. Party Discussions

- 4.1. Discussions have since been held with the developers' air quality consultants on the 31<sup>st</sup> May and 7<sup>th</sup> July 2022.
- 4.2. Both parties have agreed to a number of points, and these are presented in Appendix 1. Principally it has been agreed that
  - The Report must be updated once the traffic information has been agreed with the Local Highways Authority.
  - The methodology used within the Report is acceptable.
  - The methodology used for calculation of the damage costs is acceptable (subject to the traffic data),
  - That mitigation measures will be either identified as part of the reserved matters applications following the final calculated damage costs figure or a finance contribution shall be made to the Local Authority and ring fenced for spending on air quality measures within the area.
- 4.3. The exact wording of the agreement regarding the finance contribution has not been reached, but it has been agreed that it must consist of a graduated payment should suitable mitigation measures not be identified based on the phasing of the development and to ensure action can be taken by the authority in a timely manner.
- 4.4. Initial actions by the local authority are likely to include provision of EV charging points off site and along with secure cycle storage, and wider promotion of active travel options.

## 5. Conclusions

- 5.1. The submitted application currently fails to adequately address the impact on air quality from the development. The basis of the submitted air quality report is currently considered to be inadequate due to the fact that the Local Highways Authority do not accept the submitted transport assessment, although it is acknowledged that the methodology behind the Report is acceptable.
- 5.2. The application fails to adequately address the harmful air quality impact of the development on the locality and the health of residents, by failing to identify suitable mitigation measures.

5.3. Discussions since the original decision have identified a way forward to address the above issues;

- a revised air quality assessment will be produced once the local Highways Authority have agreed the transport assessment.
- this will include a revised damage cost assessment for the development
- mitigation measures will either be identified as part of the reserved matters applications or a finance contribution will be paid to the Local Authority equivalent to the identified damage costs minus any agreed mitigation measures.

5.4. Agreement on the wording of a section 106 agreement is still required to facilitate the above.

Signed:



Neil Martin  
Senior Environmental Health Officer

Date: 13/07/22

On behalf of South Ribble Borough Council

## Appendix A – Statement of Common Ground

Appeal by Taylor Wimpey and Homes England: Pickering’s Farm Site, Flag Lane, Penwortham

(PINS Appeal refs: APP/F2360/W/22/3295498, APP/F2360/W/22/3295502)

Reason for Refusal 8. Air Quality SOCG – Scott Schedule

**Table A: Common Ground (i.e. Matters Agreed)**

Matter	The Agreed Position
AQ Assessment Method	<p>The ENSAFE technical assessment (ES Chapter and Appendices) submitted with the Planning Application(s) has been undertaken in line with the Councils low emissions strategy methodology: <i>‘Planning Advisory Note (PAN) – Low Emissions and Air Quality’</i>.</p> <p>[This has been confirmed in Environmental Health response to Development Management, Dated 16<sup>th</sup> November 2021.]</p>
AQ Assessment Findings	<p>The air quality report methodology and conclusion are acceptable, subject to traffic numbers (i.e. model inputs) being accurate, see ‘matters not agreed’ below.</p> <p>[This has been confirmed in Environmental Health response to Development Management, Dated 16<sup>th</sup> November 2021.]</p>
AQ Damage Costs: Calculation	<p>The method for calculation of AQ damage costs is acceptable. The damage cost on air quality for the development amounts to £252,046.</p> <p>[This has been confirmed in Environmental Health response to Development Management, Dated 16<sup>th</sup> November 2021.]</p>
AQ Damage Costs: Mechanisms for Investment	<p>SRBC’s <i>‘Planning Advisory Note (PAN) – Low Emissions and Air Quality’</i> paragraph 3.6 allows for both targeted measures and also a financial contribution towards wider compensatory measures, typically including investment in local fleets, road networks or low emission infrastructure. Any monies should be ringfenced for spend on the Council identified AQ measures within the wider area of the development.</p>



	[confirmed in N. Martin SRBC Environmental Health response to M. Stoaling, Dated 31 <sup>st</sup> May 2022]
S.106 agreement	The provision of a S.106 agreement allowing the total damage cost sum to be payable to the Council at an agreed instalment rate based on the development progress would be acceptable as a way of dealing with the damage / mitigation measures for the air quality issue. Any monies would be ringfenced for spend on the Council identified AQ measures within the wider area of the development.  [confirmed in N. Martin SRBC Environmental Health response to M. Stoaling, Dated 31 <sup>st</sup> May 2022]

**Table B: Matters Not Agreed**

<b>Matter</b>	<b>The Appellant's Case</b>	<b>The Council's Case</b>
Inputs: Traffic Data	That the traffic input data used in the air quality assessment is appropriate for purposes of the air quality assessment.  [Note: this is a matter for the Appellant's Highways Witness]	That the traffic input data used in the air quality assessment is not appropriate for purposes of the air quality assessment.  [Note: this is a matter for the Lancashire Council / SRBC Highways Witness]

Signed 

Neil Martin  
Senior Environmental Health Officer

Date: 12/07/22

On behalf of South Ribble Borough Council