

# **Canal Corridor North Site, Lancaster**

Planning Inspectorate Reference:

APP/A2335/V/09/2095002

## **Rebuttal Evidence**

**I/AQ/R/01**

by

Mr Jonathan Brooks

On Behalf of It's Our City

of

Proof of Evidence by

Mr Nick Howard

Witness for Lancaster City Council

On

Air Quality

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1. This rebuttal is confined to the main issues, and lack of comment on other points does not imply agreement with them.
2. In Section 4.5 it is stated that Professor Duncan Laxen was “satisfied with the adequacy and robustness of the approach, technical content and reporting of the finalised air quality assessment.”
  - a. However, as detailed in my Proof of Evidence [I/AQ-01] the Nitrogen Dioxide measurements for 2006 that are used to verify the atmospheric dispersion model, do not tally with Lancaster Council’s own published records. Such a glaring error must cast doubt on whether the technical quality of the Air Quality Assessment was adequately scrutinised.
3. Section 4.6 claims that the Assessment met all reasonable requirements and reflected good practice on the part of the authoring consultants.
  - a. As shown in my Proof, DEFRA’s Technical Guidance LAQM TG(03) makes it clear that where there is a disparity between the predicted and the measured concentrations (and there were large disparities in this case), the first step should always be to check the input data and model parameters in order to minimise the errors. If required, the second step will be to determine an appropriate adjustment factor that can be applied. This step has clearly not been taken otherwise the erroneous data would have been noticed and corrected. Adjustment factors in this case have therefore been derived from erroneous data and this is clearly not good practice.
4. Section 4.7 says that the air quality impacts of planning applications subject to this public inquiry have the potential to work against the aim of future measures to reduce road traffic flows and congestion on roads within and feeding into the Lancaster air quality management area, to a small degree.”
  - a. Suggesting a potentially small effect is a gross understatement. Lancashire County Council’s consultation response [I/AQ-06 (also within CD72)] covering Impacts on Wider City Centre Network makes it clear that “The inclusion of the Canal Corridor development and committed developments will result in congestion levels increasing significantly at a number of locations within the City Centre,” This does not imply a small degree of impact on measures to reduce air pollution unless those measures are expected to have a minimal effect in any case.
  - b. Section 6.1 of my proof shows that according to the Local Transport Plan [CD83] the only three measures considered to have a high impact on air quality are a park and ride, an air quality zone and a major highway scheme but the Lancaster AQAP [CD82] shows that in this case these measures would have a negligible effect. Furthermore, a park and ride has been dismissed without proper consideration and the effectiveness of any air quality zone will be significantly undermined by the traffic attracted by this development. The air quality impacts are

therefore likely to work against future measures of the AQAP to a major degree. Formulating actions to reduce traffic flows and congestion after permitting the 800 space multi-storey car park element will be like closing the gate after the horse has bolted.

5. Section 4.8 says “It is my belief that the air quality implications of the planning applications subject to this public inquiry were properly assessed and considered by the Local Planning Authority when reaching its relevant planning decisions.
  - a. The risk of extension of the AQMA due to the presence of a permitted residential application on St Leonard’s Gate was dismissed in the officers report to planning committee of 13th Oct 08 based entirely on the applicants modelling results [CD30 page 114 para 4], despite the Council’s 2006 Further Assessment explicitly highlighting the circumstances which may lead to an extension of the AQMA.
  - b. As my Proof explains, this risk was given further weight by the high Annual Mean Nitrogen Dioxide measurement obtained from a new diffusion tube located on St Leonard’s Gate in Feb 2008. Page 20 of the 2006 Further Assessment [CD79] says “..., if any residential properties were likely to be developed in this area it would be necessary to extend the AQMA boundary to encompass them. In those circumstances the council would need to consider extending the boundaries in order to make the air quality issues in this area clear with regard to any potential development.”
  - c. Records show that the Local Planning Authority have never properly addressed this issue and it was not included in the deliberations of the planning committee. The residential planning application (08/00864/OUT) that raises the prospect of extension of the AQMA on St Leonard’s Gate and which forms part of the applicant’s masterplan was also not referred to GONW by Lancaster Council despite the fact that it clearly plays a central role in the question of the possibility of an extension of the AQMA in relation to this development. The air quality implications of the planning applications subject to this public inquiry were therefore not properly assessed as claimed.
6. Section 7.3 says “The policy requirements of PPS23 for applications where air quality is a material consideration have been complied with in relation to the consideration and decisions reached by the City Council as Local Planning Authority.”
  - a. My proof outlines several requirements of PPS23 that have not been complied with. In general, the aims and spirit of PPS23 have been undermined by Lancaster Council’s handling of the air quality aspects of the plans and this will be covered in cross examination.