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16th January 2017

Dear Sirs

**Nationally Significant Infrastructure Project - M20 Junction 10A
Rule 8 letter**

Thank you for the question addressed to Public Health England as part of the Rule 8 letter on the 9th December 2016. We have copied the question below for information along with the PHE response.

Question 5.1 Part iv

Having regard to the judgment of the High Court on 2 November 2016 in which the Court found in favour of the Claimant (ClientEarth) and against the Defendant (the Secretary of State for Environment, Food and Rural Affairs (SoSEFRA)), and quashed Defra's Air Quality Plan (AQP) of December 2015:

- iv) What is the response of the local authorities and Statutory Parties (the Environment Agency, Public Health England) to this judgment in terms of the air quality assessment for the proposed development?

PHE response

It is noted that the applicant is asked a number of sub questions that precede the question above which drill down into specifics of the applicants modelling in comparison to elements of the High Court judgement.

It is understood that the applicant's air quality assessment has considered predicted local levels against air quality objectives, as well as compliance with EU limit values (as would be undertaken on an annual basis nationally by Defra through the application of the pollution climate mapping (PCM) model, to assess compliance at locations defined within the Directives).

The applicant's air quality assessment indicates that concentrations of nitrogen dioxide (NO₂) are predicted to exceed air quality objectives with or without the Scheme at some locations in the study area. However, the promoter states that no exceedances are predicted to be caused by the Scheme and any changes in NO₂

concentrations are predicted to be 'imperceptible' (i.e. a concentration change of less than $0.4\mu\text{g}/\text{m}^3$ of NO_2). As we have highlighted during the consultation stages, the applicant's air quality assessment is dependent on a number of assumptions, for example related to traffic flows and traffic emissions. We understand that the applicant has undertaken a number of steps to try to consider the limitations and uncertainties in the modelling methodologies applied (associated with traffic and air quality predictions). For example IAN 170/12 guidance has been used to consider uncertainty associated with future NO_2 projections and the applicant has verified the modelling output by comparing modelled data against monitored data in the baseline year and applying an 'uplift' factor for subsequent years. We would expect the applicant to comment in more detail on specific modelling input parameters in comparison to those used by Defra which were highlighted in the High Court judgement and any potential impact on their assessment.

The High Court judgement raises potential limitations associated with the input parameters for the PCM model. We would expect the applicant to review/update their assessment once Defra update/re-issue the PCM model predictions. It would also be prudent to request that Highways England evaluates the scheme once the development is complete. If it is found that that the development has worsened air quality, a scheme of mitigation should be developed and implemented in consultation with the relevant local authorities.

Should you have any questions or concerns please do not hesitate to contact us.

Yours faithfully

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Please mark any correspondence for the attention of National Infrastructure Planning Administration.