

Dear ExA,

Deadline 4 - Friends of the Earth

I expect that we will like to speak at the ISH on environmental issues on 28th March please.

We wish to comment on the Applicant's Written Summary of their Oral Submission at the ISH on environmental issues on 18th January (document ref 8.61), and particular to their comments on the ExA's question 4.13, and within that to the Applicant's comments regarding Friends of the Earth's oral points made that day.

We refer to the bullet points in the Applicants section on Friends of the Earth, which we refer to as by number (1 to 21).

Bullet 2: We consider our position is far from extreme, but rather a rational and right one to the extreme position the UK is in regarding failure to comply with EU and UK law on air pollution - being over time on compliance, and with current Air Quality Plans deemed illegally weak by the High Court.

Bullets 4 and 5: we consider that where a scheme would worsen air quality over limits by a material or significant amount then development consent should be refused, as it should if a new breach would be caused. We consider that this should be for changes in concentration of 0.1 i.e. not just whole numbers.

Bullet 6: The Applicant is presenting this point as a false choice - the choice is not between doing nothing and the scheme which would they say have a net beneficial impact, but which worsen air in some places and for some people - but rather between this scheme and alternatives which could be developed as a better response to the problems and needs of the area (such as much more investment in a non-road package)

Bullet 11: the section i read from of the judgement on Client Earth 2 was from the Conclusion (para 95, i) ) and i particularly referred to the need to choose a route to meeting limits by the soonest date possible which reduces exposure as quickly as possible (as i referred to in my Written Summary of my oral representations of 18th January). This point is also referred to in paragraph 52.

Bullet 12: The point about reducing exposure does give added strength to the requirement to refuse development consent where there would be a worsening of an exceedance above the Limit Value (although it has always been the case that limits must be met everywhere in an Air Quality Zone and must not be averaged, as my Written Summary of my oral representations of 18th January set out). It should be noted that exposure reduction must apply everywhere in a Zone i.e. apply for all people.

Bullets 13 and 14: It is indeed the case that the new Air Quality Plan will have to bring forward compliance and so background levels will have to reach lower levels sooner than they would have been if the current Air Quality Plan were to remain - but the baseline levels from which stronger measures will have to bring

air pollution down from will be higher (ie worse) as Defra have to re-model on more realistic/less optimistic assumptions.

Bullet 16: If Mr de Cani's points were not as it seemed a criticism of a reliance on the NN NPS test on compliance (which would allow worsening of air over limits as long as elsewhere in the AQ Zone is even worse )- then so be it, but there is support for our view from the EAC and a London Plan Inspector (as set out in our Written Summary of our oral representations of 18th January)

Bullet 18: As stated in response to the Applicant's bullets 13 and 14, the new AQ Plan will have to be stronger but it will have to start from a less optimistic starting point.

Bullet 21 / Conclusion: we maintain our position that consent must be refused - a worsening of air pollution over Limit Values would not be acceptable, nor any new breach.

Further to our submission to Deadline 3 - the link in our paragraph 20 did not take you to the actual page required (the site was not functioning at the time of writing) - the link to look at is

PM10 [https://www.cleanerairforlondon.org.uk/sites/default/files/LAEI/data-dashboard/GLA\\_PM10\\_EmissionsTotals.pdf](https://www.cleanerairforlondon.org.uk/sites/default/files/LAEI/data-dashboard/GLA_PM10_EmissionsTotals.pdf)

PM2.5 [https://www.cleanerairforlondon.org.uk/sites/default/files/LAEI/data-dashboard/GLA\\_PM25\\_EmissionsTotals.pdf](https://www.cleanerairforlondon.org.uk/sites/default/files/LAEI/data-dashboard/GLA_PM25_EmissionsTotals.pdf)

And in relation to paragraph 21 of that submission i did not include links, which are as follows:

EXHALE

<http://www.kcl.ac.uk/lsm/research/divisions/aes/research/ERG/research-projects/EXHALE.aspx>

[http://www.newhamrecorder.co.uk/news/environment/air\\_pollution\\_expert\\_brands\\_silvertown\\_tunnel\\_plans\\_criminal\\_and\\_unjust\\_1\\_1831084](http://www.newhamrecorder.co.uk/news/environment/air_pollution_expert_brands_silvertown_tunnel_plans_criminal_and_unjust_1_1831084)

ELLA ROBERTA

<http://ellaroberta.org/ellas-campaign-in-the-news/>

<http://ellaroberta.org/about-ella/>

<http://www.standard.co.uk/news/health/sadiq-khan-londons-poorest-are-most-likely-to-suffer-lung-diseases-a3264431.html>

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