

TR010060: A12 Chelmsford to A120 Widening Scheme Updates

Sirs,

On Thursday 12th January 2023 you kindly allowed me to address my concerns about Air Quality in so far as the scheme impacts on the residents of Hatfield Peverel. In the interest of time management within the preliminary meeting, I highlighted key points from my statement. I now set out my written statement in full for your consideration.

Statement by

Mr Mark East

[REDACTED]

Sirs,

I cordially thank the Planning Inspectorate for granting me an opportunity to pass comment on this scheme.

On 9th August 2022, I presented a submission statement that outlines my credentials. I also set out reasoned arguments against the scheme - in so far as it relates to Hatfield Peverel and Air Quality.

I am now retired but previously held the position of Group Quality Control Director at Jardine Lloyd Thompson. My primary responsibility was to head a team of international auditors responsible for technical audits to mitigate the Group's Errors and Omission exposure. Drawing upon professional experience, I have grave concerns about aspects of the proposal which is the focus of this Examination.

I do not oppose the basic objective of the project to achieve economic benefits at regional and national level. I have serious worries about the scheme at local level.

It is crass to conclude that the scheme as presented will have no negative or unacceptable impact on human health in Hatfield Peverel. My position is based on existing air quality modelling and projected levels by National Highways and other parties.

The World Health Organisation says that there are no safe limits of PM2.5 air pollution - a position that is not challenged by any parties. DEFRA has recently published its new legally binding target for PM 2.5. It recognises the need for a reduction in the number of people exposed to PM 2.5 above the new legal limit of 10 micrograms per cubic meter by 2040.

I find no comfort from the documents submitted by National Highways that this critical target can be reached. The intent is to increase the volume of traffic along the A12. A major trunk road that Hatfield Peverel has the geographical misfortune to straddle.

None of the 23 sensitive receptor points identified by National Highways indicate any improvement in air quality and all but one will be above the new legal limit. A significant component of PM 2.5 comes from the breakup of tyres on road surfaces. Therefore, this is not simply about Nitrogen Dioxide - NO2 - emissions. Indeed, it can be reasonably assumed that National Highways have stripped out other contributing factors in their PM 2.5 calculations. A 9.2% swing in PM 2.5 pollutants is considered small by National Highways - others might consider this significant when calibrated against the risk to human health.

My Local Planning Authority has questioned the accuracy of the modelling on grounds of insufficient consideration to development in the area. I share my LPA's concern.

There is as much as a 30% variance on PM 2.5 between developers' air quality assessments within Hatfield Peverel and National Highways calculations. This is astonishing given that developers have not taken into account the extra 300,000 vehicular movements per annum arising from the A12 widening and the considerable amount of new development in the area. I am unable to identify any rationale for this stance.

Experts in the field of human health, including the World Health Organisation, Committee on the Medical Effects of Air Pollutants and the Royal College of Physicians have clearly set out the position on the impact of poor air quality on human health. There can be no doubt that based on air quality modelling, the scheme - if going ahead - would represent a significant health risk. That the increases are deemed to be at worst modest is not - in my humble opinion - the point that must be considered when it comes to air quality. The WHO has strengthened its guidelines and I re-iterate: If we are to reduce the impact of poor air quality on human health - we must reduce exposure levels and not increase those levels.

The relevant point is that the air quality in Hatfield Peverel is already poor with levels above WHO recommendations and the newly established legal limit. The A12 widening scheme will worsen the quality of air that residents breathe in - at a time when the Government accepts improvements must be made. The reports and publications that I refer to have been issued after approval of the route. Yet these reports are material when considering whether the scheme can remain supported. They represent ongoing public awareness, research and data that continues to emerge. It cannot be brushed aside, leading to a position of business as usual.

Mitigation such as a contribution to the NHS cannot be an acceptable solution. The financial burden already on the NHS from conditions linked to poor air quality is alarming: asthma, cancer, heart attack, stroke, dementia, suicide, depression, stillbirths and miscarriages. It has prompted Professor Chris Witty, Chief Medical Officer for England to soberly remind the nation that 'air pollution is everybody's problem'.

Hatfield Peverel is a microscopic case in point. Residents have been informed that the benefits of the A12 widening scheme outweigh any negative impact on the village. With respect, this cannot be right when the risk to human health is at stake. Hatfield Peverel merits a bespoke analysis.

Air pollution exposure is cited as a factor in the coroner's report into the death of [REDACTED] - [REDACTED] h. Sirs, I respectfully ask that you heed to the caution of [REDACTED] mother - in saying, and I quote:

‘What I have learned is that we don’t all breathe the same air ... no no no ... The closer you live to a main road ... You are going to be more impacted’.

Sirs, I again thank you sincerely for providing to me the opportunity to address my concerns. I hope that my comments will help you to reach an informed decision.

ADDENDUM

Sirs,

At the end of my oral presentation, I raised three critical points:

1. Will the Inspectors make their informed recommendations based on the recently published new legal limit for PM 2.5?
2. National Highways modelling indicates that PM2.5 levels in Hatfield Peverel will not only be above the new legal limit but will worsen as a result of the proposed scheme.
3. Is it prudent to seek independent and expert opinion on the health risks from the Committee on the Medical Effects of Air Pollutants and/or the Royal College of Physicians?

As members of the Examining Authority, you asked me to cite the relevant parts of reports to justify my position. Observing the *caveat* that it may risk giving an incomplete picture, I pinpoint three extracts from reports published by the Committee on the Medical Effects of Air Pollutants (COMEAP).

Text in bold - as per A, B and C below - is highlighted (by me) for ease of reference.

A

Source: Committee on the Medical Effects of Air Pollutants, *Advice Note* (COMEAP, 27th July 2022)

3. In this statement, we raise specific points on the evidence provided by Defra in its report on how the targets were developed and in its accompanying impact analysis. We also make some recommendations, which we hope will be helpful to Defra. We:

emphasise the health benefits of continued reductions in PM2.5 levels and recommend that Defra should consider the role of local authorities and others in continuing to improve air quality, even where the legally binding targets are met

think that interim targets will play an important role in ensuring early progress to maximise health benefits, and we encourage Defra to publish these soon

comment on the importance of considering inequalities and recommend using monitoring and/or modelling to assess whether disparities in exposure are reduced in future

reiterate our advice to examine the relationship between long- and short-term levels of PM2.5, to ensure that the targets for long-term levels protect people from effects of short-term elevated exposures

B

Source: Committee on the Medical Effects of Air Pollutants, *Advice on health evidence relevant to setting PM2.5 targets - update* (COMEAP, January 2022)

Background

1. In July 2021, we published advice¹ provided to Defra on the health evidence relevant to setting PM2.5 targets. This was intended to inform Defra's development of air quality targets under the Environment Bill 2020 (now the Environment Act 2021). The advice included that:

- a focus on reducing long-term average concentrations of PM2.5 is appropriate
- **newer evidence indicates that PM2.5 pollution can have harmful effects on people's health at lower concentrations than had been studied previously**
- the available studies have not indicated a threshold of effect below which there is no harm
- **reducing concentrations below the World Health Organization's (WHO) Air Quality Guideline (10 µg/m³) would benefit public health**

C

Source: Committee on the Medical Effects of Air Pollutants, *Advice on health evidence relevant to setting PM2.5 targets* (COMEAP, March 2021)

B5. Groups at risk from the health effects of air pollution

We know that certain groups of the population are more at risk of the effects of air pollution - either due to personal characteristics (susceptibility), or due to their level of exposure. **We propose that the aim of national targets is to deliver at least a 'minimum' standard of air quality across the country, incentivise actions that deliver the greatest public health benefits, and drive continuous improvement. Some individuals or groups are more at risk from the effects of air pollution than others - either because they are more highly exposed, or because they are more sensitive to the effects of pollutants.**

National Highway's own calculations (assuming mitigation measures are factored in) indicates that PM2.5 will be above the new target. If the scheme proceeds, air quality in Hatfield Peverel will further deteriorate.

In my experience, there was open and frank discussions with National Highways throughout the consultation stages. National Highways seemed to maintain that as the scheme was legally compliant with regard to NO₂ pollutant limits - this precluded there being a health risk. Given the overwhelming evidence from industry experts - I must respectfully disagree.

I hope my comments will help you to reach an informed decision regarding the A12 Chelmsford to A120 widening scheme.

I thank you for giving due care and attention to the important matter of Hatfield Peverel's Air Quality.

Yours sincerely

Mark East

DOCUMENT ENDS



By Email Only

Message from Chief Planner

13 January 2023

I hope you have had a good start to 2023.

Just before the break in December, the Government published a consultation on reforms to national planning policy and is now seeking views on our proposed approach to updating to the National Planning Policy Framework. An initial update to the NPPF, due in Spring 2023 and based on proposals in the consultation, will be an important first step towards the implementation of Levelling Up and Regeneration Bill (LURB) and we hope that you provide your feedback.

The NPPF consultation will be open until 2 March 2023. Public consultations on further aspects of policy and practice relating to the LURB will be published in the coming weeks.

This newsletter also provides an update on the Chief Medical Officer's annual report, which this year focuses on air pollution, and in which there are helpful recommendations and guidance for policy officers to consider.

There are also updates from DfT, on their recently published Circular; from Defra who funded the recently launched Trees and Woodland Strategy Toolkit; and from Natural England who are gearing up to the launch of the National Green Infrastructure Framework.

As you will know DfT have set up Active Travel England that will be a new statutory consultee in planning. Initial information about the thresholds for referring projects to ATE, which will commence on 1 June 2023, is provided.

Kind regards

Joanna Averley
Chief Planner



Invitation to respond to the National Planning Policy Framework (NPPF) Consultation

As set out in the Secretary of State's [Written Ministerial Statement](#) of December 6th, the Government announced it would publish a National Planning Policy consultation. This consultation was published on gov.uk <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy> on 22nd December 2022.

This is a wide-ranging consultation on proposals both for immediate implementation and then for a fuller update of the NPPF later in 2023. The proposed immediate changes are highlighted in the [tracked changes NPPF document](#) which is published alongside the [Prospectus](#). It provides wording that is indicative of what would be implemented immediately, subject to the results of this consultation.

The suite of proposals, for implementation in Spring and some later in 2023:

- Make clear how housing figures should be derived and applied so that communities can respond to local circumstances, including policies relating to the application of local housing need, how local constraints and character could be taken into account – section 4;
- Address the application of the five-year housing land supply and its impact on local plans currently being prepared – section 3;
- Boost the status of Neighbourhood Plans – section 4;
- Address issues in the operation of the housing delivery and land supply tests which relate to local authority performance – section 4;
- Increase the accountability of developers and data regarding their performance – section 5;
- Encourage local planning authorities to support the role of community-led groups in delivering affordable housing on exception sites and set clearer expectations around planning for older peoples' housing – section 5;
- Promote more beautiful homes, including through gentle densification – section 6;
- Safeguard existing biodiversity on sites proposed for biodiversity net gain (BNG) – section 7;
- Make sure that food security considerations are factored into planning decisions that affect high quality farmland – section 7;
- Seeks views on how planning policy could address climate adaptation, alongside ongoing work on flood risk assessments and exploring a form of carbon assessment for development – section 7;



- Enable new methods for demonstrating local support for onshore wind development, and reflect British Energy Security Strategy commitments to support repowering of onshore wind and energy efficiency measures – section 8;
- An outline of the programme of transition from the current method of local plan preparation to the new approach following the enactment of the Levelling Up and Regeneration Bill – section 9;
- Outline the proposed approach to preparing National Development Management Policies – section 10;
- How policy might develop to support Levelling Up – section 11;
- Outlines the focus of the fuller update of the NPPF later in 2023 to reflect the LURB after it becomes an Act – section 12.

The consultation will be open until **2 March 2023** and you are encouraged to respond before that date - you can do so [here](#). The Government will respond to this consultation in Spring 2023, publishing an updated NPPF as part of this, so that policy changes can take effect as soon as possible.

Chief Medical Officer annual report on air pollution highlights the role of planning in reducing the concentration of pollutants locally and promoting health

Professor Chris Whitty, Chief Medical Officer (CMO) for England, published his [annual report](#) on 8 December 2022, this year focusing on air pollution.

Air pollution is the largest environmental risk to public health in the UK and can affect us all throughout our lives. In England, air pollution is estimated to contribute towards between 26,000 and 38,000 deaths per year and many people suffer avoidable long-term health issues because of it. Air pollution can affect the health of different population groups including children, pregnant women and people with underlying health conditions, such as respiratory and cardiovascular disease. There are also disparities in people's exposure to air pollution, which can be higher for those living in areas of greater deprivation, near heavy traffic and some indoor air pollution can be linked to housing quality.

There has been a steady decline in emissions of outdoor pollutants in this country since the 1980s, including sulphur dioxide and nitrogen oxides. However, ammonia emissions have been largely static and improvements in fine particulate matter (PM2.5) have stalled over the last decade. There is more we can do to improve outdoor air quality, and the report makes recommendations across a range of sectors, including transport, urban planning, industry and agriculture. As outdoor air pollution decreases in many environments, what more can we do about indoor air pollution in places where people live, work and study? Ventilation is central to



reducing unavoidable air pollution that is emitted indoors. A key engineering challenge is getting the balance right between effective ventilation and minimising energy use and heat loss.

Section 4.3, Urban Planning describes the important role of urban planning in reducing air pollution emissions and people's exposure to it. This includes infrastructure that promotes using active forms of transport (walking, wheeling or cycling), influencing the concentration of pollutants in areas of high building density and the impact of urban greening.

The CMO report has a specific recommendation on urban planning:

"With national government, local authorities are central in the response to air pollution. Urban planning should support reducing air pollution concentrations locally – such as reducing air pollution near schools and healthcare settings. Shifting to active travel where possible has direct health wins as well as reducing air pollution from vehicles – planning should support this."

For further information or queries about national government's work on air quality and health, please email OHID's Healthy Places team at HealthyPlaces@dhsc.gov.uk or the UKHSA's Cleaner Air Programme at air.pollution@ukhsa.gov.uk.

Active Travel England: Supporting cycling and walking through the planning system

Active Travel England (ATE) is a new executive agency that has been set up to make walking, cycling and wheeling the natural choice for everyday trips. With an overarching target of 50% of trips in towns and cities being walked, wheeled or cycled by 2030, ATE is supporting the Government's objective to embed active lifestyles and healthy travel principles in communities, putting active travel at the heart of plan-making and decision-making, and promoting good design as a way to build inclusive and active communities,

From 1 June 2023, ATE will become a statutory consultee on certain planning applications, as listed below. This will help to ensure that when new developments are being considered, the opportunity to build in active travel routes is fully maximised. This is about making people-friendly streets sit at the heart of planning. To that end, after 1 June, local planning authorities will be required to consult ATE on planning applications where developments meet the following minimum thresholds:

- 150 residential units (dwellings)
- 7,500m² commercial area; or
- Site having an area of 5 hectares or more.



This will apply outside of London. Inside the capital current arrangements between the Boroughs, the GLA, and Transport for London will apply unless otherwise agreed on a case by case basis.

Over the course of March 2023, ATE will undertake a series of roadshow events across the country to engage directly with local stakeholders, and in particular, planning officials. These events will provide an opportunity to hear about how the agency is developing, how the planning team will assess planning applications and other functions, including inspections and investments.

Following the 'go-live' of its statutory consultee function, ATE will also look to provide advice in the preparation of local plans and supplementary planning documents, as well as encouraging prospective applicants to take advantage of pre-application advice. Further details will follow.

Planning Advisory Service ongoing support for Nutrient Neutrality

Following amendments to the Levelling Up and Regeneration Bill tabled by the Government in December, and the ongoing development of a national Nutrient Mitigation Scheme by Natural England, the Planning Advisory Service (PAS) has updated their website, including a new set of FAQs.

You will also find a legal briefing note for LPAs affected by nutrient neutrality, commissioned by PAS. It sets out the legal principles of the Habitats Regulations, and the implications for decision-making, and will be updated as the legal and policy context evolves. Whilst nutrient focused, we think other LPAs dealing with Habitats Regulations Assessments, may also find it useful.

<https://www.local.gov.uk/pas/topics/environment/nutrient-neutrality-and-planning-system>

Community Land Auctions: Call for participation

On 17 November 2022, a time-limited, piloted measure of Community Land Auctions was introduced by Government amendment to the Levelling-up and Regeneration Bill.

CLAs are a new way of capturing land value from land when it is allocated for development in the local plan that can be used to provide vital infrastructure, including schools, roads, GP surgeries, and the affordable housing that communities need.

Alongside the need for piloting authorities after the Bill receives Royal Assent and the secondary legislation has been made, DLUHC are looking to hear from local planning authorities and other key stakeholders who might be interested to attend



workshops and roundtable discussions to find out more information about the Community Land Auctions pilot.

Those who wish to find out more are invited to get in touch with the developer contributions team at: DeveloperContributions@levellingup.gov.uk

Updated Circular on the Strategic Road Network

The Department for Transport has published Circular 01/2022: the strategic road network (SRN) and the delivery of sustainable development.

<https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development>

The Circular sets out how National Highways engage in plan-making and decision-taking as well as what the operators of Motorway Service Areas (MSAs) and other roadside facilities must provide for users to be eligible for signing on the strategic road network.

The Circular update responds to the government's commitments in the transport decarbonisation plan and the delivery of zero emission transport. Updates include but are not limited to:

- the creation of better facilities for HGV drivers and other network users;
- the provision of user friendly and accessible electric vehicle chargepoints at motorway service areas; and
- additional safeguards to ensure new development is vision led and not reliant on the SRN for access to goods and services, optimising the use of the local highway network and supporting the delivery of new and enhanced walking, wheeling, cycling and public transport provision.

These updates followed an eight-week consultation over the summer on the Circular 02/2013. Both the [government response](#) to the consultation and the [updated Circular](#) were published on 23 December 2022.

New Toolkit for Local Authorities published to maximise the benefits of trees and woodlands in communities across England

A new [Trees and Woodland Strategy Toolkit](#) has been published to equip Local Authorities to plan, create or update their own Trees and Woodland Strategies (TAWs) and harness the long term benefits that trees can bring to local communities. It provides practical guidance and insightful case studies from Local Authorities around the country.



Funded by Defra, and co-created by The Tree Council, Forestry Commission, Fera Science, and Forest Research, the Toolkit also highlights how Local Authorities can draw on the current Government funding for tree-planting, to enhance treescapes for local communities and respond to climate change and biodiversity loss.

The Tree Council and partners will host an online event to introduce the Toolkit to Local Authorities and other stakeholders on **Monday 16 January 2023**. [Participants can register for the online launch event here](#). This event will be followed by a series of face-to-face regional workshops to further support local authorities on their journey towards developing their strategy. If you would like to be involved in these events and the ongoing programme of research, please get in touch with The Tree Council at scienceandresearch@treecouncil.org.uk.

Launch of the National Green Infrastructure Framework by Natural England

The launch of the National Green Infrastructure Framework: Greening our towns and cities to deliver for climate, nature, health, and prosperity will take place from **10 am to 11.30 am on Tuesday, January 31st, 2023**, with an online webinar hosted by Natural England.

The webinar is a free event, please click the link to register for tickets [here](#). This event will be of interest to local planners, developers, parks and greenspace managers, and communities.

Consistent approach to sustainable drainage set to reduce flood risk and clean up rivers

On 10 January 2023 the government published the [Sustainable drainage systems review](#) and have accepted the recommendation to make sustainable drainage systems mandatory for new developments in England and will progress with the implementation phase. This will reduce the risk of surface water flooding, pollution and help alleviate the pressures on our traditional drainage and sewerage systems.

The new approach to drainage will ensure sustainable drainage systems are designed to reduce the impact of rainfall on new developments by using features such as soakaways, grassed areas, permeable surfaces and wetlands. This reduces the overall amount of water that ends up in the sewers and storm overflow discharges. Certain features such as tanks and water butts also allow for water reuse and reduce pressures on water resources.

Government will now devise regulations and processes for the creation of sustainable drainage systems through the implementation of Schedule 3 to the Flood and Water Management Act 2010. Implementation of the new approach is expected during 2024.

Schedule 3 provides a framework for the approval and adoption of drainage systems, a sustainable drainage system approving body within unitary and county



councils, and national standards on the design, construction, operation, and maintenance of sustainable drainage systems for the lifetime of the development. It also makes the right to connect surface water runoff to public sewers conditional upon the drainage system being approved before any construction work can start.

Government will now give consideration to how Schedule 3 will be implemented, subject to final decisions on scope, threshold and process, while also being mindful of the cumulative impact of new regulatory burdens on the development sector. This will include a public consultation later this year, which will collect views on the impact assessment, national standards and statutory instruments.