

Rebuttal Statement concerning Air Quality Matters in Boydell Court, NW8 6NH. Appeal Ref: APP/X5210/W/24/3355163

Appellant's Response to the Council's Statement

This rebuttal addresses the air quality concerns raised by the Council in their statement regarding APP/X5210/W/24/3355163 - Boydell Court (01 LPA Statement of Case). We aim to clarify misconceptions regarding air quality assessment methodology, site suitability and highlight the measures in place to mitigate potential air quality issues as part of good air quality design. Air quality is given as Reason for Refusal 4 (RfR4) in London Borough of Camden's Statement of Case.

RfR 4: Air Quality includes the following points, which are responded to:

2.25. No Air Quality Assessment (AQA) was submitted with the application; however Appellant has now provided one as part of the appeal, and it is at the discretion of the Inspector as to whether this new information should be taken into account in the determination of the appeal. Notwithstanding this, the Council has reviewed this report and raises concerns with the assessment and conclusions relating to operational impacts on occupants as follows:

The Department for Environment Food and Rural Affairs (DEFRA) mapped background value for the site grid location - 526744, 184097 is not referenced in the report. **Response: Background concentrations are included in the LAEI 2019 modelling and so have been considered. It may also create confusion to include these as they would be less than the LAEI modelled concentrations and LBC measured concentrations.**

The report refers the following sources for air quality:

- Local monitoring sites – which shows levels of NO₂ under the objective level but particulate matter close to or higher than those considered to be poor air quality by the London Plan 2021.

Response: LBC are advised the targets in the London Plan 2021 are not directly enforceable through planning decisions. Instead, they serve as guidelines to influence planning policies and encourage developments to contribute to improved air quality. The LBC air quality planning guidance considers an “Area of poor air quality - an area with NO₂ or PM₁₀ concentrations within 5% below the air quality objective, 38µg/m³ (micrograms per cubic metre)”. The LAEI modelled concentrations for the site for this year (2025) are shown in Figure 3.3 of the air quality assessment (7712_002R_1-0_AG), and LBC's own monitoring at worse-case locations closer to busier roads is presented in Table 3.1 of the aforementioned assessment report. Both modelled and measured concentrations are not within areas of exceedance of the Air Quality Objectives in recent years. It is not reasonable to assume that Boydell Court is an outlier to the overall trend in reduction in air pollutant concentrations in Camden. It is also not reasonable to assume the site is an anomalous area of pollution worse than that of Camden's kerbside and roadside site monitoring locations.

Figure 3.3: 2019 LAEI modelled annual mean NO₂ concentration for 2025

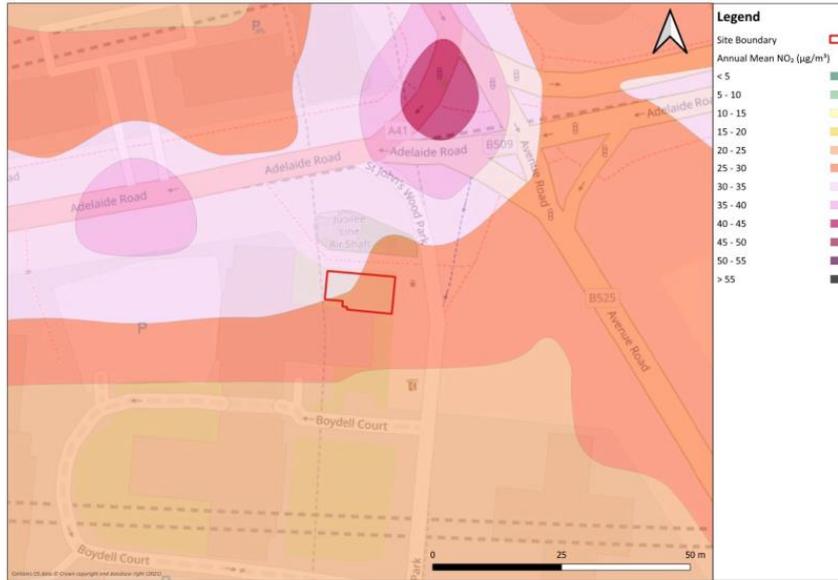


Table 3.1. Annual mean concentrations from LBC CMS monitoring

Site ID	Distance to site (km)	Type	Pollutant	Annual mean concentrations (µg/m ³)					AQO
				2019	2020	2021	2022	2023	
Swiss Cottage (CD1)	0.30 NW	Kerbside	NO ₂	43	33	44	37	33	38
			PM ₁₀	19	16	16	21	18	40
			PM _{2.5}	11	10	9	12	10	20
Camden High Street (CD010)	2.08 W	Roadside	NO ₂	-	-	30	29	28	38
London Bloomsbury (BL0)	3.97 SE	Urban Background	NO ₂	32	28	27	26	24	38
			PM ₁₀	18	16	16	17	13	40
			PM _{2.5}	11	9	9	9	8	20

Note: Exceedances of the annual mean objective limits (as amended for 5% reduction in NO₂ objective as required by Camden) are shown in **bold**.

- London Atmospheric Emissions Inventory (LAEI) 2025 projections of 2019 modelling - The AQA should not use old projections to 2025 as these are based on assumptions. If 2019 mapping indicates the area has poor air quality, then as the proposal introduces new receptors, the AQA should model the site using DEFRA background concentrations/traffic data and sense check against recent monitoring data. **Response: Following the London Borough of Camden Air Quality Planning Guidance Table 1: Air quality assessment triggers using LAEI 2019 modelled concentrations for 2025 and LBC monitoring data at worse case locations than the proposed development site, it is indicated that neither Basic or Detailed air quality assessment is required. Basic assessment was provided at LBC's request and shows the criteria for either Basic or Detailed air quality assessment is not met as the site and worse case monitoring locations are not within 5% of the AQO and there are no impacts from the proposed development. It is, therefore, both illogical and unreasonable that a Detailed assessment is required when LBC's own guidance says that and air quality assessment is Not required.**

Criteria met →				→ Assessments required		
Scale	Area of poor air quality ¹	Scheme brings sensitive receptors	Scheme brings air quality impacts ²	Air Quality Assessment type	Air Quality Neutral	Construction and Demolition Impacts
Major	Yes	Yes	Yes	Detailed	Required	Required
			No	Detailed		
		No	Yes	Detailed		
			No	Basic		
	No	Yes	Yes	Detailed		
			No	Basic		
		No	Yes	Detailed		
			No	Basic		
Minor	Yes	Yes	Yes	Detailed	Not required	³ May be required
			No	Basic		
		No	Yes	Basic		
			No	Not required		
	No	Yes	Yes	Detailed		
			No	Not required		
		No	Yes	Basic		
			No	Not required		

Definitions

¹ Area of poor air quality - an area with NO₂ or PM10 concentrations within 5% below the air quality objective, 38µg/m³ (micrograms per cubic metre).

The Camden Planning Guidance (CPG) on Air Quality clearly states that that modelling should not predict improvements to future years (future vehicle emissions or future background concentrations):

Response: Following consideration of the LBC air quality planning guidance and appraisal of measured concentrations at worse case locations closer to busier roads Basic air quality assessment is not required. Detailed assessment is also not required. The approach to not consider measured improvements in air quality is not logical or reasonable.

- The Council expects use of the nearest and most representative valid data source or sources to the proposed site. Other things being equal, Monitoring (Sic) Emissions to Air, Land and Water (MCERTS) approved monitors are preferable versus diffusion tubes, while triplicate tube sites are preferred over single tube sites.

Response: LBC’s monitoring using Reference Methods shows that at worse-case locations closer to busier roads, the criteria for air quality assessment is not met, and neither Basic nor Detailed assessment is required, following the triggers in Table 1 of their guidance.

- For background concentrations, the Council expects the use of the nearest AMS station’s most recent valid data or the DEFRA mapped value, whichever is greater.

Response: Noted, but this point is not relevant to the air quality assessment, or the consideration of the planning application, as existing measured and LAEI modelling has been used to show site suitability and that following the triggers in Table 1 of Camden’s guidance, air quality assessment is not required.

- The Council expects use of baseline year data for development year scenarios – especially vehicle emission factors and background concentrations. On the basis of reliability, forward projected values are not accepted except for road movements.

Response: Noted, but this point is not relevant to the air quality assessment, or the consideration of the planning application, as existing measured and LAEI modelling has been used. The emissions in the LAEI 2019 for 2025 are shown as valid given the reduction in measured concentrations and correlation with the LAEI2019 modelling for 2025. It is noted that following the triggers in Table 1 of Camden’s guidance, air quality assessment is not required.

It is also noted that the LAEI mapping doesn't take into account the London Underground ventilation shaft. There is reference to two documents and a statement that "Whilst data on the quantification of emissions from operational Transport for London (TfL) underground ventilation shafts is limited, some studies have been published" ... "Research undertaken on emissions from a ventilation shaft on the Victoria Line concluded that there was little evidence to suggest that ventilation shaft emissions increased dust concentrations and dust deposition rates beyond baseline conditions."

The following referenced documents could not be located by the Council:

- 4-Rail Services Ltd, 2011. Analysis of Airborne Dust Samples Collected from Victoria Line Vent Shafts Adjacent to Vauxhall Station and from Platforms [R210828x](#)

https://cleanair.london/app/uploads/CAL-209_TfL-9-in-3rd_Analysis-of-dust-from-Vic-Line.pdf

- Crossrail Ltd/ERM 2009. Environmental Statement
[FOI request detail - Transport for London](#)

Response: Links to the documents and extracts are provided in this note.

It is noted that Section 6.3.2 of the AQA states: "The TfL ventilation shaft is located within 10m of the northern façade of the building and research However, due to the close proximity of the proposed development and its high sensitivity receptors to the shaft vent, it is recommended to follow good air quality practice and include a PM filtration system to the MVHR system for the proposed development. The MVHR system is proposed to use an F7 pollen filter to capture fine particles in addition to the coarse pre-filter to the MVHR". Further information would be required to confirm the conclusion that the "shows that ventilation shafts do not typically create a significant change to the baseline PM concentrations within the area."

Response: Potential effects, however unlikely, are controlled and mitigated through the MVHR particulate filtration system. It is noted that the existing Boydell Court residential building is also within 10 m of the ventilation shaft and the dwellings there do not have MVHR with particulate filtration. If there was a potential health effect or nuisance from the vent shaft emissions on existing receptors, LBC would have considered these and ensured mitigation at source. No record can be found of such concerns or actions by LBC. With these facts and the mitigation proposed as good practice, it is considered this is an invalid point for refusal.

Considering the most recent mapping of the site from the LAEI 2019 (see below) the site is considered to be in an area of particularly poor air quality and therefore it was expected that the AQA having noted this would have undertaken up to date site specific modelling in order to determine the current air quality for the site and appropriate use of the site or mitigation required such as design considerations including setting residential property back from polluted roads and other sources.

Response: The concentrations in the LAEI2019 for 2019 are for concentrations over 5 years prior to when the proposed development would be occupied and do not include the reduction in concentrations from the ULEZ, other GLA measures and measures in the LBC Air Quality Action Plan. The effect of these measures is clearly shown through the measured concentrations in the LBC Air Quality Annual Status Reports. The development itself does not generate traffic and so has no impacts that require modelling. The measured concentrations at worse case locations closer to busier roads show air quality assessment is not required, following LBC's air quality planning guidance. To not consider their own guidance and improvements in air quality from 2019 to 2025 appears to be an illogical, irrational and questionable approach to making planning decisions.

There are no valid reasons for refusal of the appeal on air quality matters.