

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

**AGAINST THE DECISION OF UTTLESFORD DISTRICT
COUNCIL TO REFUSE PLANNING PERMISSION FOR**

**AN OUTLINE APPLICATION FOR THE ERECTION OF UP TO 233 RESIDENTIAL
DWELLINGS INCLUDING AFFORDABLE HOUSING, WITH PUBLIC OPEN SPACE,
LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND ASSOCIATED
WORKS, WITH VEHICULAR ACCESS POINT FROM RADWINTER ROAD, WITH ALL
OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION**

**AT LAND SOUTH OF (EAST OF GRIFFIN PLACE) RADWINTER ROAD,
SEWARDS END, SAFFRON WALDEN, ESSEX, CB10 2NP**

**ON BEHALF OF ROSCONN STRATEGIC LAND AND THOMAS ERIC
BAKER AND SALLY ROSE HALL, THE EXECUTORS OF MR E C BAKER
AND MRS J BAKER**

PINS REF: APP/C1570/W/22/3296426

LPA REF: UTT/21/2509/OP

PROOF OF EVIDENCE OF SIMON GRUBB BSc (Hons), MA, MEnvSc, MIAQM

AUGUST 2022

1.0 INTRODUCTION

SIMON GRUBB BSc (Hons), MA, MEnvSc, MIAQM will say:

- 1.1 I have a Bachelor of Science degree in Geography and Information Technology, and a Masters degree in Spatial Planning. I am a full member of the Institute of Environmental Science and the Institute of Air Quality Management. I am a Director of Air & Acoustic Consultants (AAC). I have 10 years' extensive experience of working within the private sector delivering a wide range of environmental assessments including air quality and odour impact assessments, and appeared at a public inquiry.
- 1.2 On 2nd August 2022, the Rule 6 Party provided comments on the draft Scott Schedule, which was issued to them by the Appellants' Planning Consultant on 20th July 2022. In making a response, the Rule 6 Party reaffirmed the calling of a witness on matters relating to Air Quality.
- 1.3 In response to the Statement of Case from the Rule 6 Party, a Written statement had been prepared for appending to the Planning Proof of Evidence prepared by Mr Peter Frampton. This Statement is now presented as an outline Proof of Evidence. It is anticipated that there will be a need for the preparation of Rebuttal Evidence on Air Quality matters upon receipt of the Written Evidence from the Rule 6 Party.

1.4 In preparing my Evidence, I understand my professional duty to the Inquiry. I declare that:

- a) to the best of my knowledge, information and belief, this Proof of Evidence complies with the requirement of the giving of expert evidence and, as a witness, I understand my duty to the Inspector and have complied with this duty;

- b) I believe the facts I have stated in this Proof of Evidence are true and the opinions I have expressed are correct;

- c) the Proof of Evidence includes all the facts which I regard as being relevant to the opinion which I have expressed, and I have drawn to the attention of the Inspector any matter which would affect the validity of that opinion; and

- d) the provision of the Proof of Evidence complies with the Code of Professional Conduct of the Institute of Environmental Sciences and the Institute of Air Quality Management.

Signed:



Dated:

08/08/2022

2.0 Topic H – Air Quality - H1 – Scale of development located where it is necessary to travel through the AQMA.

2.1 Detailed assessments have been carried out based upon the traffic data provided by the project transport consultant. The change in nitrogen dioxide (NO₂) and Particulate Matter (PM₁₀ & PM_{2.5}) concentrations have been assessed at specific receptors, including receptors located within the Air Quality Management Area (AQMA). The change in concentrations as a result of the proposed development have been considered against the impact descriptors outlined in Environmental Protection UK (EPUK) & Institute of Air Quality Management (IAQM) (2017) ‘Land-Use Planning & Development Control: Planning For Air Quality’, document which is considered to be appropriate guidance and recognised within the industry and regulatory services.

2.2 The conclusions for the assessments was that when considering both the ‘with link road’ and ‘without link road’ scenarios, the impacts were negligible for all receptors. To note paragraph 7.6 of the EPUK & IAQM (2017) guidance states that:

“In those circumstances where a single development can be judged in isolation, it is likely that a ‘moderate’ or ‘substantial’ impact will give rise to a significant effect and a ‘negligible’ or ‘slight’ impact will not have a significant effect, but such judgements are always more likely to be valid at the two extremes of impact severity.”

2.3 Based upon paragraph 7.6 of the EPUK & IAQM (2017) guidance, the overall modelled pollutant concentrations were not close to the respective air quality objectives / target, and the impacts of the proposed development on receptors inside and outside the AQMA, (considered in isolation) were ‘negligible.’ it is my professional opinion, and in line with the guidance, that the impacts would be ‘not significant.’ On this basis the proposals are expected to comply with Policy ENV13 – Exposure to Poor Air Quality of the Uttlesford District Council (UDC) Local Plan.

- 2.4 To note, the National Planning Policy Framework (NPPF) (2021) states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objectives of achieving sustainable development include healthy communities and minimising pollution, on which basis the assessment of the proposals are deemed to comply with.
- 2.5 A detailed set of mitigation measures was set out in Section 6.17 of the Committee Report, aiding the compliance with paragraph 186 of the NPPF (2021). The proposed mitigation is expected to be secured by planning conditions and S106 agreement.

3.0 Topic H – Air Quality – H2 – Objection by EHO

3.1 UDC’s Environmental Health Officer had initially made an objection on air quality grounds for the following:

- The development needed to include mitigation against the impact on the AQMA;
- An assessment was required for a scenario where the Link Road and subsequent highways improvements would not be carried out; and
- An in-depth look at effect of additional traffic on Thaxted Road / Radwinter Road junction was required.

3.2 This objection was later withdrawn, as set out in Section 6.17 of the committee report (further information can be found in the committee report). However, in summary it states:

“This service therefore withdraws our objections to the scheme, subject to the conditions discussed below”

3.3 To note, AAC have been advised that during the planning process, detailed scoping for the assessment was undertaken and agreed with the Environmental Health Officer (EHO) at UDC. The assessment was also peer-reviewed by the EHO for Chelmsford City Council (CCC) – who came to the same conclusion as the UDC EHO.

3.4 Modelling of the Thaxted Road / Radwinter Road junction has been carried out, which has accounted for slowing traffic and congestion, in line with Local Air Quality Management (LAQM) Technical Guidance (TG(16))¹. To note, LAQM TG(16) states:

“For junctions, common sense, driving experience and local knowledge are helpful to estimate speeds. For example, for a section of road leading up to traffic lights, the aim should be to estimate average speeds over a 50m section of road:

- *Traffic pulling away from the lights, e.g. 40-50kph;*
- *Traffic approaching the lights when green, e.g. 20-50kph; and*

¹ Department for Environment, Food & Rural Affairs, 2021. Local Air Quality Management. Technical Guidance (TG16).

- *Traffic on the carriageway approaching the lights when red, e.g. 5-20kph, depending on the time of day and how congested the junction is.*

It is considered that the combined effect of these three conditions is likely in most instances to be a two-way average speed for all vehicles of 20 to 40kph. Speeds in similar ranges would also apply at roundabouts, although on sections of large roundabouts, speeds may well average between 40-50kph.”

- 3.5 Furthermore, this junction has been referred to as a ‘problem junction’ due to congestion, yet the air pollution monitoring that has been carried out in the area around this junction has demonstrated compliance with the NO₂ annual mean objective at the automatic and diffusion tube monitoring sites, and 1-hour mean objective at the automatic monitoring site, including the most representative monitoring years (2017 – 2019, which was prior to the COVID-19 pandemic).
- 3.6 The proposed mitigation is expected to be secured by planning conditions and S106 agreement, which will mitigate the impact of the proposed development on the AQMA.