

Dear Mr Birkett

Please find our response to your e-mail dated 16 September to Paul Robinson.

1. Within precisely which two years does the Highways Agency (HA) expect the concentrations of NO₂ to return to pre-scheme levels e.g. 24 months ending 31/12/2013 or 31/12/2015? See letter dated 7 August.

To help clarify the response to your question regarding the date by which the impact of the scheme is expected to return to pre-scheme levels I have included a table below for Receptor R5 (Figure 1 of the Environmental Assessment Report). Receptor R5 is identified as exceeding the UK Air Quality annual average objective for nitrogen dioxide with pre-scheme concentrations of 54.8µg/m³ and has the greatest increase in NO₂ concentrations of 1.1µg/m³ for any receptor, going up to 55.9µg/m³ with the scheme.

Table 1 Annual Change in Annual Average NO₂ Concentrations at Receptor R5 from With Scheme Levels, Based on Long Term NO₂ Projections

Year	Annual Average NO ₂ Concentration (µg/m ³)	Change in NO ₂ relative to 2011 (µg/m ³)
2011	55.9	0.0
2012	55.5	-0.4
2013	55.1	-0.8
2014	54.7	-1.2

As illustrated in Table 1, based on long term NO₂ projections (Table A2 Annex 1, IAN 170/12) that annual average NO₂ concentrations would fall below pre-scheme levels of 54.8µg/m³ in 2014.

2. The DfT's letter from Adam Spencer dated 19 June 2013 refers in the penultimate paragraph to making clear in the revised 'in-draft' version of the WebTAG unit it does not imply that exceedances of limit values can be permitted. Has that WebTAG been updated and if so please may I see it and did the HA take it into consideration when making its recent decision re the M4 bus lane?

For the avoidance of doubt I have provided verbatim the entirety of the sentence included in Mr Spencer's letter of the 19th June 2013 to yourself from which you make reference to the '...exceedanecs of limit values...'.
(Note: 'exceedanecs' is a typo for 'exceedances')

"In the revised "in-draft" version of the unit we will make it clear that the use of abatement costs in economic appraisal in areas where limit values are exceeded does not imply that such

exceedances can be permitted but that they represent the indicative costs of additional abatement effort that would be required if the scheme were to go ahead."

To clarify that when considering the extract referred to in Question 2, it is in relation to the use of abatement costs in the economic appraisal and not related to the consideration of the significance in Environmental Assessment i.e. undertaking the calculation for WebTAG and determining the abatement costs is of itself not mitigation, where required, for exceedances of the limit values.

It is worth clarifying at this point the difference between WebTAG appraisal process and the Design Manual for Roads and Bridges (DMRB) assessment process.

The outcomes of the environmental sections of the DMRB assessment process inform any decision as to whether a scheme would or would not result in a significant impact as required by the EIA Directive. WebTAG is usually informed by the outcomes of the DMRB assessment process, but is not a mechanism for determining whether a scheme does or does not have a significant impact. Rather it is a DfT procedure to meet the Treasury Green Book Requirements and assessing value for money of scheme in line 'Managing Public Money'.

I attach the relevant links below:

This is the general GB link for the Green Book:

<https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government>

The specific guidance on AQ, which includes the abatement cost approach:

<https://www.gov.uk/government/publications/green-book-supplementary-guidance-air-quality>

Managing Public Money link can be found is here:

<https://www.gov.uk/government/publications/managing-public-money>

The 'in-draft' version of WebTAG Unit 3.3.3 (air quality) [accessed the 18th September 2013] has not been updated and is the same version that you previously provided comments on as part of the consultation process.

As the unit is still an 'in-draft' version we have not used this Unit to inform the WebTAG appraisal for this scheme.

3. In your email of 14 August you say Defra has told the European Commission that London is likely to exceed the NO₂ annual mean limit value 'beyond 2030'. Is this correct as Defra has said previously 'by 2025'?

We have checked with Defra, and they confirm that they have reported to the European Commission that London Agglomeration should achieve compliance by 2025 (<http://uk-air.defra.gov.uk/library/no2ten/index>).

I trust this is helpful.

Regards