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13 May 2015

Dear Louise

**LAND AT ENDERBY WHARF, CHRISTCHURCH WAY, GREENWICH, SE10 0AG**

**15/0973/F | Revised application for the northern element of the Enderby Wharf Development comprising the erection of a cruise liner terminal building, skills academy (Use Class D1), 477 residential units (increasing from 93) (Use Class C3), retail, restaurants and cafes and drinking establishments (Use Classes A1, A3 and A4), vehicular access with associated servicing facilities, car parking, landscaping, public realm (including improvements to the Thames Path), play spaces, infrastructure and associated parking**

I am responding on behalf of Clean Air in London (CAL) to the above consultation. Information about CAL can be found at <http://cleanair.london/>. We found details of the consultation at:

<http://publicaccess.royalgreenwich.gov.uk:81/online-applications/applicationDetails.do?activeTab=dates&keyVal= GRNW DCAPR 81001>

and the 'Environmental Statement – non-technical summary' at:

[http://publicaccess.royalgreenwich.gov.uk:81/online-applications/files/9B9AA749BC45FBB76160435FAC138F61/pdf/15\\_0973\\_F-ENVIRONMENTAL\\_STATEMENT\\_NON-TECHNICAL\\_SUMMARY-292148.pdf](http://publicaccess.royalgreenwich.gov.uk:81/online-applications/files/9B9AA749BC45FBB76160435FAC138F61/pdf/15_0973_F-ENVIRONMENTAL_STATEMENT_NON-TECHNICAL_SUMMARY-292148.pdf)

Part 3 Volume 1 of the Environment Statement (Table 9-21: Operational Proposed Development – Nitrogen Dioxide (NO<sub>2</sub>) Concentration at Existing Receptors on page 9-17) shows that the development is expected to worsen annual mean concentrations of NO<sub>2</sub> from levels already exceeding the NO<sub>2</sub> annual mean limit value in 2020 (page 9-17 is attached):

[http://publicaccess.royalgreenwich.gov.uk:81/online-applications/files/166CF26CC1A706A045500051F2D570C0/pdf/15\\_0973\\_F-PART\\_3\\_VOLUME\\_1\\_ENVIRONMENTAL\\_STATEMENT-292151.pdf](http://publicaccess.royalgreenwich.gov.uk:81/online-applications/files/166CF26CC1A706A045500051F2D570C0/pdf/15_0973_F-PART_3_VOLUME_1_ENVIRONMENTAL_STATEMENT-292151.pdf)

We note that the developer referred to guidance published by Environmental Protection UK (EPUK) in 2010. Please note that this guidance has been updated by EPUK and the Institution of Air Quality Management (IAQM) with the new version published today:

<http://iaqm.co.uk/planning-for-air-quality-guidance-launched/>

The guidance in 2010 and now updated have been intended to be used in the planning process to provide expert guidance on how air quality considerations of individual schemes may be considered within the development control process. They should therefore provide, at the minimum, guidance which is consistent with the law. **However, CAL's carefully considered view is that the EPUK guidance in its 2010 form and the guidance in its updated EPUK/IAQM 2015 form are not consistent with the law e.g. Table 6.3 on page 23 of the latest version.**

You will be well aware of the recent judgments of the Supreme Court in ClientEarth versus Defra and the Court of Justice of the European Union:

<https://www.supremecourt.uk/cases/uksc-2012-0179.html>

The judgments, letter of clarification previously from the European Commission to CAL (attached) and Directive 2008/50/EC on ambient air quality and cleaner air for Europe make clear *inter alia* that: NO<sub>2</sub> limit values must be achieved urgently and 'as soon as possible' to protect public health; limit values are absolute obligations that must be attained irrespective of cost; limit values apply everywhere with four exceptions; and limit values must not be exceeded once attained.

In CAL's carefully considered view, it would be unlawful for the Royal Borough of Greenwich to approve this planning application as the development is expected to worsen already illegal concentrations of NO<sub>2</sub> in 2020 and perhaps in other time frames. Please therefore reject this application. Worsening air pollution above limit values is inconsistent with 'as soon as possible'.

CAL is concerned in any event also about shipping emissions. Please see excellent research by NABU on the need and means to reduce shipping emissions:

<https://en.nabu.de/issues/traffic/cleanairinports.html>

In CAL's opinion development proposals that worsen air pollution, where limit values are exceeded or likely to be exceeded, must ensure that their genuine net impact would be to improve air quality during demolition, construction and operation and not worsen it. Mitigation measures that could or should be undertaken anyway to achieve compliance with limit values 'as soon as possible' are not relevant to a development proposal *per se*. It is vital therefore that limit values are attained quickly.

I would be pleased to discuss this submission with you.

Yours sincerely

Simon Birkett  
Founder and Director