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By email: louise.thayre@royalgreenwich.gov.uk

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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

Part 3 Volume 1 of the Environment Statement (Table 9-21: Operational Proposed Development – Nitrogen Dioxide (NO₂) Concentration at Existing Receptors on page 9-17) shows that the development is expected to worsen annual mean concentrations of NO₂ from levels already exceeding the NO₂ 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

We note that the developer referred to guidance published by Environmental Protection UK (EPUK) in 2010.

This guidance has been updated¹. However, neither the version to which the developer refers nor the updated guidance takes account of or correctly states the significance of the very recent legal developments which have clarified the law. For that reason *inter alia* it is our view that the guidance is flawed in important respects.

We refer to 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, the 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: NO₂ 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.

It is apparent from the documents that the development, if approved, would worsen already illegal concentrations of NO₂ in 2020 (and perhaps also in other time frames). To worsen air quality contradicts the duty under Directive 2008/50/EC and would be unlawful. None of the exceptions to attaining limit values applies. Please therefore reject this application.

CAL is also concerned 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 cannot be relied upon to reduce their impact. Limit values must be attained quickly and cannot thereafter be exceeded.

I would be pleased to discuss this submission with you.

Yours sincerely



Simon Birkett
Founder and Director

¹ http://cleanair.london/wp-content/uploads/CAL-304-EPUK-IAQM-air-quality-planning-guidance_Final-130515.pdf