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

21 June 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 (Additional Information and Revised Plans)

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/>

CAL is a voluntary organisation which campaigns to achieve urgently and sustainably full compliance with World Health Organisation (WHO) guidelines for air quality throughout London and elsewhere. Further information about CAL can be found at <http://cleanair.london/>.

CAL is independent of any government funding, has cross party support and a large number of supporters, both individuals in London and organisations. CAL provides a channel for both public concern and expert opinion on air pollution in London. This document provides both general and expert comments in response to the Consultation.

Revised application and consultation

In relation to air quality it seems the main changes to the previous application are a letter to you from the applicant dated 8 June 2015 that makes reference, *inter alia*, to various Defra guidance on Local Air Quality Management published in 2009 and the new EPUK/IAQM guidance referred to by CAL in its letter to you. The applicant seems to be arguing now that it did not need to undertake an air quality assessment based on Defra's 2009 guidance or otherwise.

CAL considers that Defra's 2009 guidance is very out of date and no longer consistent with Directive 2008/50/EC and other legal requirements e.g. for shipping emissions. You will be aware of the Mayor's Air quality Strategy published on 14 December 2010 that highlighted the impact of shipping emissions at air pollution hotspots such as those in Greenwich (page 21). The main pollutant of concern in the current context is emissions of oxides of nitrogen (NO_x) (including NO₂) not oxides of sulphur (SO_x) (including SO₂). See:

<https://www.london.gov.uk/priorities/environment/publications/mayors-air-quality-strategy>

It is likely for this large development, with so many residential units, that additional road traffic movements will cause or be significant contributors to breaches of Directive 2008/50/EC.

In CAL's opinion, the developer must assess the air quality impacts of its development and in any event has previously done so and identified legal breaches which have not since 'gone away'. Further, Royal Greenwich properly required in its Decision Notice dated 11 February 2015 various air quality analyses which still do not seem to have been provided by the applicant.

Legal analysis

As far as CAL can see, the applicant has not changed its underlying analysis showing that the development would cause breaches of NO₂ limit values and/or Directive 2008/50/EC.

CAL's legal analysis and representations to you in our letter dated 13 May 2015 are still therefore fully relevant to the latest application and are hereby incorporated in our response to this consultation.

Shipping emissions

CAL is concerned about the harmful impacts of shipping emissions (as well as transport emissions). It brings to your attention two new reports and supporting information highlighting actions that should be taken to mitigate shipping emissions particularly in ports:

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

https://en.nabu.de/imperia/md/content/nabude/verkehr/cleanair/150529-nabu-cleanair_manual.pdf

<http://www.ecofys.com/en/publication/potential-for-shore-side-electricity-in-europe>

<http://www.ecofys.com/files/files/ecofys-2014-potential-for-shore-side-electricity-in-europe.pdf>

The recommendations in these reports should be adopted for any shipping terminal in Europe. CAL attaches also a copy of Barratt Development's sustainability statement from July 2013 which seems relevant.

CAL's response

Please consider the contents of our earlier letter dated 13 May 2015 as applying equally to this latest revised application **15/0973/F** except where inconsistent with this letter in which case this letter prevails.

It is apparent from the application 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.

You will be aware also that Article 4(3) of the Treaty of the Functioning of the European Union sets out that:

“States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the treaties or resulting from the acts of the institutions of the Union.”

All public authorities are subject to this duty.

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 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

Enclosures

1. CAL letter dated 13 May 2015 which forms part of this submission
2. Barratt Development's sustainability statement