Omega St Helens/T.J. Morris Limited

SUBJECT STATEMENT OF STUART BENNETT (FOR THE APPLICANTS) ON AIR QUALITY

Call-in by the Secretary of State of an application made by Omega St Helens/T.J. Morris Limited

Land To The West Of Omega South & South Of The M62. Bold, St. Helens

LPA REF: P/2020/0061/HYBR

PINS REF: APP/H4315/V/20/3265899

CD 38.9

March 2021

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CONTENTS

1 INTRODUCTION

1.1 PERSONAL STATEMENT

1.1.1. My name is Stuart Bennett and I am an Associate Director of Air Quality within WSP's Planning and Advisory business unit. I am a Chartered Environmentalist and a Full Member of the Institution of Environmental Sciences and the Institute of Air Quality Management ("IAQM").

1.1.2. My experience relating to air quality spans more than 20 years. I have worked on all stages of the environmental assessment of planning applications, from options identification and selection, concept and detailed design, and construction management planning.

1.1.3. I have peer reviewed the Air Quality Environmental Statement ("ES") chapter (CD33.54) completed in 2019 used to inform this Subject Statement.

1.1.4. I have satisfied myself that there is an appropriate level of information provided within the ES to allow the air quality impacts of the Proposed Development to be evaluated.

1.2 SCOPE OF EVIDENCE

1.2.1. I am providing evidence in air quality matters in relation to hybrid planning application for Land to the West of Omega South & South of the M62 Bold, which has been submitted to St. Helens Council (P/2020/0061/HYBR) and Warrington Borough Council (2020/36461).

1.3 ST. HELENS COUNCIL STATEMENT OF CASE

1.3.1. The St. Helens Council Statement of Case ("SoC") (CD42.1) states that the application site is not situated within an Air Quality Management Area ("AQMA") in St. Helens. However, the north east corner of the application site is adjacent to the 'Motorway AQMA' in Warrington.

1.3.2. The St. Helens Council SoC states during the construction phase of the Proposed Development, there is the potential for adverse impacts from dust and particulate emissions. Cumulative effects are considered to be temporary in nature. Dust mitigation measures are included in a Construction Environmental Management Plan ("CEMP") to be secured by planning condition for the detailed portion of the site.

1.3.3. The St. Helens Council SoC states during the operational phase, the Proposed Development is likely to have a negligible impact at all receptors in terms of particulate matter generated by the proposals. The overall predicted local air quality effect associated with the operation of the Proposed Development is not significant and it is not necessary to specify any mitigation measures in order to reduce impacts on local air quality. However, St. Helens Council will identify the opportunities for enhancement through the provision of Electric Vehicle ("EV") and improvements to cycling and walking infrastructure, which are to be secured through planning conditions. The Proposed Development would comply with the relevant sections of the St. Helens Local Plan Core Strategy policy CP1 (CD2.6) and the National Planning Policy Framework ("NPPF") (CD1.1).

1.3.4. The St. Helens Council SoC states that on balance, the Proposed Development constitutes sustainable development that should be approved.

2 CONSULTATION RESPONSES AND OBJECTIONS

2.1.1. I have reviewed the consultation response from the St. Helens Council Environment Protection Department (CD34.76) and note that St. Helens Council consider the assessment methodology to be robust and the conclusions drawn from it reliable. As such the assessment methodology is consistent with that described in the EIA Scoping Opinion (CD33.72) provided by both St. Helens Council and Warrington Borough Council.

2.1.2. The St. Helens Council Environment Protection Department (CD34.76) consultation responses are consistent with the St. Helens Council SoC (CD42.1).

2.1.3. I have reviewed all objections submitted to both St. Helens Council (P/2020/0061/HYBR) and Warrington Borough Council (2020/36461) which refer to air quality. These are summarised in the reports from the St. Helens Council Development Management Committee (CD35.1) and the Warrington Development Management Committee (CD35.3).

2.1.4. I have found no detailed objections with respect to air quality. Most of the air quality comments are high level, typically comprising a general reference to '*air pollution*' from the Proposed Development. I identified no objections or criticisms in respect of the scope of the air quality assessment work, the approaches adopted to determining baseline conditions, the assessment methodologies applied, the analysis of results or the determination of impacts and effects.

2.1.5. The objections/comments made can be broadly categorised as follows:

- General increases in air pollution
- Impacts on air quality as a result of congestion increases in diesel HGVs
- Air pollution impacts on schools and large residential areas
- Impacts on respiratory health
- Compromise of the ability to meet national, regional and local statutory air quality obligations

2.1.6. It is not necessary to consider the objections or the above categories individually as the air quality assessment has appraised all of the potentially significant air quality effects in accordance with best practice and as agreed in the St. Helens Council consultation response (CD34.76).

2.1.7. The St. Helens Council Development Management Committee report (CD35.1) concludes that the Proposed Development will comply with the relevant sections of policy CP1 and the NPPF at paragraph 7.237 and paragraph 8.9 of that report. St. Helens Council recommends approval on the discharge of condition 7 relating to electric car charging infrastructure which should remain in perpetuity.

2.1.8. The Warrington Development Management Committee (CD35.3) offers no objection to the application subject to conditions contained within a CEMP, a Construction, Highways and Environmental Management Plan, and specific condition 18 relating to the control of process odours and fumes.

3 AIR QUALITY ASSESSMENT

SCOPING AND CONSULTATION

3.1.1. The scope of the Air Quality assessment was determined through a formal scoping process. The St. Helens Council and Warrington Borough Council Environmental Protection Departments were consulted in October 2019 and the assessment methodology and scope were agreed as reported in EIA Scoping Opinion (CD33.72).

3.1.2. The following elements were scoped out of the assessment because it was considered they would not give rise to significant effects on local air quality:

- construction phase plant and non-road mobile machinery exhaust gas emissions
- construction phase road vehicle exhaust gas emissions
- construction phase fugitive dust nuisance from demolition activities
- construction and operational phase fugitive dust and exhaust gas emissions at the Manchester Mosses Special Area of Conservation ecological designation.

3.1.3. The following elements were scoped in to the assessment because it was considered they could give rise to significant effects on local air quality:

- construction phase fugitive dust nuisance from construction, earthworks and trackout activities
- operational phase road vehicle exhaust gas emissions.

3.1.4. It is my opinion that the air quality assessment work has been correctly scoped and is consistent with the consultation responses from St. Helens (CD34.76) and the EIA Scoping Report (CD33.66).

LEGISLATION AND POLICY

3.1.5. The legislative framework and policy which was applicable to the ES when completed in 2019 is summarised as follows:

Legislation Framework

- The Air Quality Strategy for England; Scotland, Wales and Northern Ireland, 2007 (CD4.123)
- Directive 2008/50/EC of the European Parliament on Ambient Air Quality, 2008 (CD43.61)
- Part IV of the Environment Act, 1995 (CD43.16)
- Environmental Protection Act, 1990 (CD43.22)
- The Air Quality (England) Regulations 2000. 2000 SI 2000/928 (CD43.17)
- The Air Quality (England) (Amendment) Regulations 2002. 2002 SI 2002/3043 (CD43.18)
- The Air Quality Standards (Amendment) Regulations 2010, as amended 2016. 2016 SI 2016/1184 (CD43.38).

National Policy

- Clean Air Strategy, 2019 (CD4.118)
- National Planning Policy Framework (NPPF), 2019 (CD1.1 Paragraphs 54, 103, 170, 180, 181 and 183).

Local Policy

- St. Helens Local Plan Core Strategy, 2012 (CD2.6) policy CP1.

- St. Helens Borough Local Plan Submission Draft, 2019 (CD3.18) policies LPD09, LPA07, LPA09, LPA11 and LPD01.
- Warrington Local Plan Core Strategy, 2014 (CD2.7) policies QE6 and CS4.
- Warrington Proposed Submission Version Local Plan 2017 – 2037 (CD2.9) policy ENV8.

BASELINE AIR QUALITY

3.1.6. Baseline air quality is presented for St. Helens Council and Warrington Borough Council (CD33.54 Section 6.3). The information includes that contained within the Council Local Air Quality Management ("LAQM") review and assessment reports which are submitted to Defra on an annual basis.

3.1.7. St. Helens Council (CD4.130) and Warrington Borough Council (CD4.126) have published Air Quality Action Plans with the aim of tacking poor air quality, particularly elevated concentrations of nitrogen dioxide (NO_2).

St. Helens

3.1.8. The St. Helens Council LAQM report (CD43.64) confirms that four Air Quality Management Areas (AQMAs) have been declared within their administrative area. However, the application site is not situated within an AQMA.

Warrington

3.1.9. The Warrington Borough Council LAQM report (CD43.64) confirms that two AQMAs have been declared within their administrative area. The site is not located within either AQMA but the north east corner of the application site is bounded to the 'Motorway AQMA' which is described as:

> *A 50 m continuous strip on both sides of the M6, M62 and M56 corridors, due to the potential exceedances of the annual mean NO_2 objective.*

CONSTRUCTION PHASE EMISSIONS

3.1.10. Air emissions released during the construction of the Proposed Development have the potential to temporarily change human exposure to harmful air pollutants and these have been assessed using the IAQM Guidance on the assessment of dust from demolition and construction (IAQM construction guidance) (CD4.120).

3.1.11. Based on the criteria detailed in the IAQM construction guidance (CD4.120 Section 7.2, 7.3 and 7.3), the impact at the application site would be categorised overall as low risk, but there is still potential for minor adverse effects with regards to dust soiling and of human health effects.

3.1.12. Therefore, in the absence of mitigation there is likely to be a direct, temporary, short-term adverse effect on nearby sensitive receptor locations of minor adverse significance. With the implementation of mitigation measures the impact will be not significant (CD33.54 Section 6.6.21).

OPERATIONAL PHASE EMISSIONS

3.1.13. Air emissions released during the operation of the Proposed Development have the potential to permanently change human exposure to harmful air pollutants. These impacts were assessed using the following guidance (CD33.54 Section 6.5):

- Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) Land-Use Planning & Development Control: Planning for Air Quality, 2017 (EPUK/IAQM planning guidance) (CD4.119)
- Department for Environment, Food and Rural Affairs (Defra) Local Air Quality Management Technical Guidance (LAQM.TG16), 2016 (CD4.121)
- Air Quality Consultants Ltd (AQC) Calculator Using Realistic Emissions for Diesel methodology (CD43.51).

3.1.14. In accordance with guidance, the complex atmospheric dispersion model ADMS v4.1.1 was used to predict air quality in opening year 2021 and future assessment year 2036 with vehicle emissions represented by the modelled traffic data and the Defra Emissions Factors Toolkit ("EFT") v9.0 (CD43.63).

3.1.15. To enable the impact assessment, pollutant predictions were made with and without the Proposed Development in place. This included pessimistic 'sensitivity' scenarios where higher background air quality and NO_x emissions than those projected through the Defra EFT where applied to allow for any uncertainty in future projections (CD33.54 Paragraphs 6.2.16, 6.2.26 and 6.2.27).

3.1.16. Modelled predictions were assessed against the National Air Quality strategy objectives and significance assessed in accordance with the joint EPUK / IAQM guidance (CD4.119), which states that the assessment of overall significance should be based on professional judgement, taking into account several factors, including:

- The existing and future air quality in the absence of the development;
- The extent of current and future population exposure to the impacts; and,
- The influence and validity of any assumptions adopted when undertaking the prediction of impacts.

3.1.17. The relevant air quality objectives for NO_2, PM_{10} and $PM_{2.5}$ are predicted to be met at all receptor locations considered in the assessment for the opening year (2021) and design year (2036) (CD33.54 Paragraphs 6.6.35, 6.6.37, 6.6.40, 6.6.45 and 6.6.48). Therefore, with reference to the significance criteria outlined in the EPUK/IAQM planning guidance (CD4.119 Table 6.3 and Section 7), there is likely to be a direct, temporary, long-term adverse effect on nearby sensitive receptor locations of negligible significance, which is considered to be not significant.

4 SUMMARY

4.1.1. This Subject Statement has provided a review of the potential air quality impacts and the assessment methodology for the Proposed Development.

4.1.2. It has addressed local impacts during both construction and operation.

4.1.3. The Proposed Development will not impact on any AQMAs in St. Helens. However, in Warrington the north east corner of the application site is bounded to the 'Motorway AQMA' which is a 50 m continuous strip on both sides of the M6, M62 and M56 corridors, due to the potential exceedances of the annual mean NO_2 objective. The position of the application site with respect to the designated AQMAs in St Helens and Warrington was accurately described in the ES and there has been no change to these designations since completion of the ES in 2019.

4.1.4. Construction phase emissions have been assessed according to appropriate guidance and the assessment work is robust.

4.1.5. A series of detailed, iterative dispersion modelling studies of the potential operational impact of the Proposed Development have been completed and submitted in support of the planning application, focussing on the effects of increased traffic in St. Helens and Warrington. The assessment methodology is appropriate for the Proposed Development and has taken into account uncertainties associated with air quality monitoring, modelling, the future projection of vehicle emissions, locations of traffic congestion and cumulative traffic growth (CD33.54 Section 6.2). It is my opinion that the operational phase impact assessment has been assessed using the correct tools and datasets available in 2019 and that the model predictions are robust.

4.1.6. In my opinion the correct legislative framework, national policies and local policies were applied to the ES in 2019 and these remain valid. Furthermore, the assessment methodology is consistent with that described in the EIA Scoping Opinion (CD33.72) provided by both St. Helens Council and Warrington Borough Council.

4.1.7. For the construction phase, in the absence of mitigation there is likely to be a direct, temporary, short-term adverse effect on nearby sensitive receptor locations of minor adverse significance. With the implementation of the mitigation measures described in the ES (CD33.54 Section 6.6) the impact will be not significant. I agree with this conclusion and the approach to secure these measures through the CEMP and a Construction, Highways and Environmental Management Plan.

4.1.8. In the operational phase, predicted pollutant concentrations are below the objectives at all existing receptors in 2021 or 2036, with and without the Proposed Development and the modelled impacts of the operation of the Proposed Development (CD33.54 Section 6.6). As a result, there is likely to be a negligible effect on local air quality as a consequence of the permanent operation of the Proposed Development and it is judged that the residual local air quality effect will be not significant (CD33.54 Paragraph 6.60).

4.1.9. Impacts during construction will be mitigated by the rigorous application of dust mitigation measures which will be included in a CEMP and secured by planning conditions for the detailed portion of the site (CD33.73 Appendix 6.2).

4.1.10. The Omega site already incorporates embedded air emissions mitigation in the form of the operational renewable biomethane compressed natural gas (Bio-CNG) refuelling station within Omega South which is enabling the switch away from the use of polluting diesel HGVs. The

Proposed Development's commitment to the provision of electric vehicle charging points, promotion of sustainable transport and financial contribution to local bus services will further reduce the impact of emissions from the Proposed Development's traffic.

4.1.11. The air quality assessment has appraised all of the potentially significant air quality effects and issues raised in the consultation responses and objections and in my opinion, has been completed in accordance with the EIA Scoping Report (CD33.66) and best practice methodologies.

4.1.12. It is therefore my opinion that the position presented in the SoC (CD42.1) is robustly evidenced and the Proposed Development is compliant with relevant paragraphs 54, 103, 170, 180, 181 and 183 of the NPPF (CD1.1), policy CP1 of the St. Helens Local Plan Core Strategy (CD2.6), policies LPD09, LPA07, LPA09, LPA11 and LPD01 of the St. Helens Borough Local Plan Submission Draft (3.18), policies QE6 and CS4 of the Warrington Local Plan Core Strategy (CD2.7), and policy ENV8 of the Warrington Proposed Submission Version Local Plan (CD2.9).

5 CONCLUSION

5.1.1. The air quality assessment completed for the Proposed Development is consistent with the EIA Scoping Report (CD33.66) and demonstrates that air quality will not present a significant planning constraint.

5.1.2. The air quality assessment has appraised all of the potentially significant air quality effects and issues raised in the consultation responses and objections and, in my opinion, is robust and has been completed in accordance with best practice.

5.1.3. It is my opinion that the position presented in the St. Helens Council Environment Health Division consultation response (CD34.76), the councils' planning committee reports (CD35.1, CD35.3) and the SoC (CD42.1), which agrees that the Proposed Development will be compliant with policy CP1 (CD2.6) and the NPPF (CD1.1) subject to conditions, is robust and properly evidenced.

5.1.4. The Proposal Development is compliant with all legislation, and national and local planning policies and actions within the Air Quality Action Plans of St. Helens Council and Warrington Borough Council (CD4.130, CD4.126) and I agree with the St. Helens Council SoC (CD42.1) which states that on balance, the Proposed Development constitutes sustainable development that should be approved.

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