

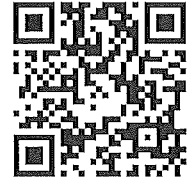
### DEVELOPMENT CONTROL COMMITTEE AGENDA

**Date:** Monday, 22 April 2024

**Time:** 1.30 pm

**Venue:** Pavilion Arts Centre, Pavilion Gardens, Buxton

You can view the agenda online by using a smart phone camera and scanning the code below:



12 April 2024

### PART 2

10. Appeals Report – Update Sheet (Pages 3 - 8)

*(Paragraph 2, 5 - Information which is likely to reveal the identity of an individual.*

*Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)*

### MARK TRILLO

#### EXECUTIVE DIRECTOR AND MONITORING OFFICER

#### Membership of Development Control Committee

Councillor R McKeown (Chair)

Councillor A Barrow

Councillor S Gardner

Councillor A Hopkinson

Councillor P Roberts

Councillor G Scott

Councillor D Lomax (Vice-Chair)

Councillor C Farrell

Councillor P Hardy

Councillor I Huddleston

Councillor J Todd

This page is intentionally left blank

**NOT FOR PUBLICATION****UPDATES REPORT**

**The following item is exempt by virtue of Paragraphs 2 and 5 of Part 1 of  
Schedule 12A of the Local Government Act 1972**

Additional information regarding Refusal Reason 1 – Air Quality.

The fact that there will be additional traffic is inevitable given the site is allocated for housing in the Local Plan. The AQMA was designated in 2019, after the adoption of the Local Plan and Para 5.86 of the Local Plan says that there were no AQMA in the plan area. As the AQMA post-dates the allocation, then this might amount to a change in circumstances to justify an approach contrary to that set out in the Local Plan.

Further information has been sought as to why environmental health officers did not object to the proposed development and why they sought further monitoring equipment as mitigation rather than mitigation that would reduce emissions. Their response is as follows:

**Air Quality (AQ) Assessment Background**

The potential AQ impacts on the AQMA and the need for an AQ assessment and the scope of the assessments were discussed with the applicants consultant pre application (Feb 2022 – see attached). The proposed methodology for the assessment was generally accepted (subject to a few comments) and was in line with the recognised best practice. The consultancy the applicant used for the assessment was a company called Royal HaskoningDHV, who are a well established and recognised environmental / engineering consultancy.

The proposed (standard) methodology was essentially to set up a computer model, based on the most robust available data (traffic data / weather data and HPBC own monitoring data), which in this instance was data from 2019 (pre the covid pandemic). Once this model has been set up correctly, this can then be used to predict the pollutant concentrations at the time the development is scheduled open, in this instance 2026. The predicted pollutant concentration in 2026 is then determined for both, “with” the development taking place and “without” the development taking place. The difference in the output (pollutant concentrations) between the two, equates to the impact of the development and is dependent on the changes in the model inputs as a result of the development. In this instance, that is potentially changes to the total number of vehicles on the road or changes in the road layout / traffic speeds between the “with” and “without” scenarios.

So the process is essentially:

- The model is set up for the baseline (2019) conditions and predicted pollution levels are generated.
- These predicted levels are then checked/ validated against the actual recorded levels, provided by our own (HPBC) monitoring data for 2019 at those locations. The model is then corrected if necessary
- The model is then run again for 2026 using predicted 2026 data (e.g traffic data for that year etc) without the development taking place
- The model is then run again for 2026 using predicted 2026 data (e.g traffic data for that year etc) but also with the additional predicted changes in data due to the development (e.g more traffic)
- The difference between the two 2026 outputs indicates the likely pollutant increase attributable to this development.
- The significance of this increase is then generally assessed inline with guidance, most commonly the IAQM and EPUK guidance (IAQM & EPUK, 2017)

### **Reports / Assessment**

The applicant produced an initial Air Quality Assessment Reference: PC2304-RHD-ZZ-XX-RP-Z-0002 Date: 10 August 2022 and submitted this in support of the application.

This initial report was not accepted by HPBC and concerns regarding the report were discussed directly with the applicant in a meeting on the 22<sup>nd</sup> November 2022. It was agreed at this meeting that the applicant would submit a revised assessment which would include:

- The Impacts of the A57 link road which has been approved.
- Inclusion of model input parameters, including clarity regarding traffic speeds (including justification for their use), model receptor locations/ heights/ use of the 'Advanced Street Canyon' module.
- As well as more specific detail regarding the modelling including further clarification around the model validation given the difference between actual monitored results and predicted baseline

In response to the above comments the applicant produced a revised AQ assessment: Revised Air Quality Assessment Reference: PC4629-RHD-ZZ-XX-RP-Z-0001 Date: 28 February 2023 . This report also include copies of the comments raised by HPBC in response to the initial report.

Despite being a significant improvement on the initial AQ assessment, the report was still not accepted by HPBC at this juncture. Primarily, this was due to the fact that DCC Highways had yet to accept the transport assessment. The transport assessment generated the traffic data used in the model and the acceptability or otherwise of this data is key to ensuring that the traffic data used in the model is considered accurate by the DCC Highways Authority. In addition we raised the following comments in relation to the assessment:

- The applicant's response on the effect of the A57 Link Road needs to be supported with the actual traffic data or a reference.
- The traffic data used in this assessment sensitivity test needs to be clarified and validated.

- Speed data for free-flowing traffic conditions should be supported with graphical detailing showing exactly the areas where the differing speeds were applied.
- The impact of the gradient on road traffic emissions should be supported with graphical detailing showing exactly the areas where either the gradient was applied.

These comments can be found: [here](#)

In response to the above comments the applicant produced a revised AQ Technical note to address the issues raised.

It was considered that these responses, in addition to the acceptance of traffic data used in the assessment by DCC highways, was sufficient to address our outstanding concerns regarding the assessment.

Our objection on AQ grounds was thus removed and the conclusion of the AQ report(s) accepted. These conclusions were that the impact of road traffic emissions generated by the Proposed Development on existing human receptors (including within the AQMA) was predicted to be not significant in accordance with IAQM and EPUK guidance (IAQM & EPUK, 2017), and that the annual mean concentrations of NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> in 2026 were predicted to be below the relevant Air Quality Objective (AQO) at all locations, both 'without' and 'with' the Proposed Development.

In our response / acceptance of the report, we also noted our support for the recommended conditions by County Highways relating to Electric vehicle charging, secure cycle shelter provision etc and the implementation of a travel plan. These actions are all considered to be recognised forms of mitigation of impact of the development on the local air-quality, though essentially the promotion / encouragement / enabling of low emission vehicles and promotion of travel alternatives to private car use and are all measures that are specifically outlined in our draft AQAP for the area.

However, we also noted that despite the impact not being deemed significant, there was still an impact, albeit only a slight increase, so we considered that it was appropriate that the developer should support the actions the council is wishing to undertake to improve air quality in the form of a financial contribution to help implement actions associated with the revised air quality action plan, namely the installation of real time monitoring of NO<sub>2</sub> and Particulate matter (PM) and possibly to support a further feasibility study into local sustainable travel in the area. These requests are consistent with the following proposed actions from the draft Air Quality Action Plan:

Action 15: Support the development and implementation of a Glossop Active Travel Masterplan

The development of the Active Travel Masterplan for Glossop has been funded by Active Travel England via the Capability and Ambition Fund. It is a comprehensive document and intended that schemes identified within the Glossop Active Travel Masterplan would be submitted to Active Travel England as part of further (and separate) Active Travel Fund tranches or other sources of funding.

Action 46: Installation of continuous Air Quality Monitors in AQMA's

There is a need to gain a better temporal understanding of emission trends within the AQMA's to better identify and evaluate potential interventions.

Additional

It is also perhaps worth noting that the 2019 data used to create the baseline model used in the predictions were the highest levels of pollutants recorded in the area in the past few years, and the Air Quality Objective has not been breached since that time ( the AQO is 40  $\mu\text{g}/\text{m}^3$ ). (NB 2020 & 2021 in particular are considered to be covid affected so results viewed with some caution). These are shown in Table 1 below:

Table 1 : Annual Mean NO<sub>2</sub> Concentration in dinting vale 2019-2023

Site ID	Location	Annual Mean NO <sub>2</sub> Concentration ( $\mu\text{g}/\text{m}^3$ )				
		2019	2020	2021	2022	2023
HP21	Dinting School (A57)	38.9	29.3	32.4	29.8	30.5
HP25	A57 / Dinting Vale / Glossop Road (West Bound)	<b>46.3</b>	36.1	36.6	37.6	37.5
HP51	LP near 21/25 Dinting Vale, A57	-	-	29.8	29.3	27.7
HP52	TP near 9 Dinting Vale, A57	-	-	26.0	25.1	24
HP53	LP near 6 Dinting Vale	-	-	33.2	32.2	31.5

Exceedances of the NO<sub>2</sub> annual mean objective of 40 $\mu\text{g}/\text{m}^3$  are shown in **bold**

Conclusions

It is noted that that the proposed Air Quality Monitoring would not in itself improve air quality, but it would help us improve our understanding of the air quality in the area and support the goals of our air quality action plan. Also, although not explicitly noted the

travel plans and commitment to instal EV charge points etc would also likely be considered by the inspectorate as a potential AQ mitigation measures by the developer.

---

Counsel's advice

[Redacted content]



PROTECTED