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Dear Mr Irranca-Davies

I am writing in follow up to your question that arose from the oral evidence which Daniel Moylan and I provided to the Environmental Audit Committee on 14 October. This related specifically to a reference we made to the air quality test generally applied to new road schemes.

There are two documents that are particularly instructive in this regard. The first is the DfT National Policy Statement for National Networks (December 2014; section 5.13):

*"The Secretary of State should refuse consent where, after taking into account mitigation, the air quality impacts of the scheme will:*

- *result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant; or*
- *affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the European Commission at the time of the decision."*

The practical implications of this are in turn addressed by Highways England in its Interim Advice Note IAN 175/13 (June 2013; section 2.7):

*"Scheme Air Quality Action Plans: The SAQAP must demonstrate the required measures to mitigate the impacts back down to either the DM [Do Minimum] levels or to 40µg/m<sup>3</sup> whichever is the higher threshold."*

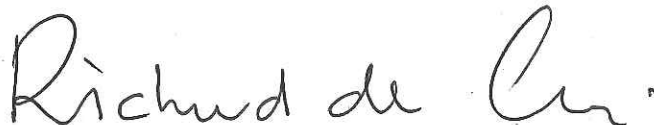
Together, these set out a credible, robust approach that minimises the air quality impacts of a scheme and supports public health objectives.

It is clear that the Airports Commission, even with the mitigation measures it has tested, has failed to demonstrate it meets the requirements set out in these documents. Instead it has contented itself with seeking to show that the highest concentration near Heathrow does not exceed the highest concentration elsewhere in the zone.

When questioned by the Committee on 4 November (Question 188), the former Secretary to the Airports Commission stated that this was not a test of compliance: rather that they had adopted a probabilistic approach. But not only does this appear to be inconsistent with EU law – and its interpretation by the DfT and Highways England – it is also inherently flawed. This fails to take account of schemes such as the central London ULEZ (Ultra Low Emissions Zone) which will improve air quality in central London, including the Marylebone Road – but which is not intended to address air pollution levels in the vicinity of Heathrow. For the Airports Commission to assume that emissions around Heathrow will fall by the same extent as at the Marylebone Road – without specific interventions being identified and committed to – is simply not credible and is contrary to policy which requires a full understanding of the likely air quality impacts, including potential mitigation measures, to show that it will not be jeopardising compliance.

I trust that answers your question and provides additional clarity on this important aspect. Please let us know if we can be of further assistance as you conduct your review of the evidence.

Yours sincerely



**Richard De Cani**  
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