

DATE OF STATEMENT	1 March 2018
EXAMINATION	North Hertfordshire Local Plan 2011-2031
MATTER 17	Matter 17 – Air Pollution
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In his most recent representation to the current Airport Expansion Planning Application for New Century Park, Luton, Cllr Neil Jay who lives in Cockernhoe, wrote, “In addition even this far away from the Airport, we often have the strong smell of Kerosene, as if we were on the tarmac with the planes. As well as the exhaust dirt on our window ledges and fruit growing in the garden. Downwind pollution measurements should be carried out before, any further expansion. Then add to this the opening up of an old rubbish tip, with the release of chemicals into the air, blowing from the south west across the Wigmore housing estate, you have a recipe not only for lung disease but also other linked health ailments for the existing local population. Could prove expensive if not handled responsibly, and the appropriate Health and Safety risk assessments are not evidenced. Total disregard for the local voting constituents, whom you should be representing!” (Cllr Neil Jay 27 Feb 2018).

I can support each and every observation that Cllr Jay makes, and can confirm that the air quality smells and tastes vile. It seems to be a mixtures of exhaust emissions and a kind of strong kerosene pollutant. My son even spits it out, on the way to school, to try to rid the nasty taste from his mouth.

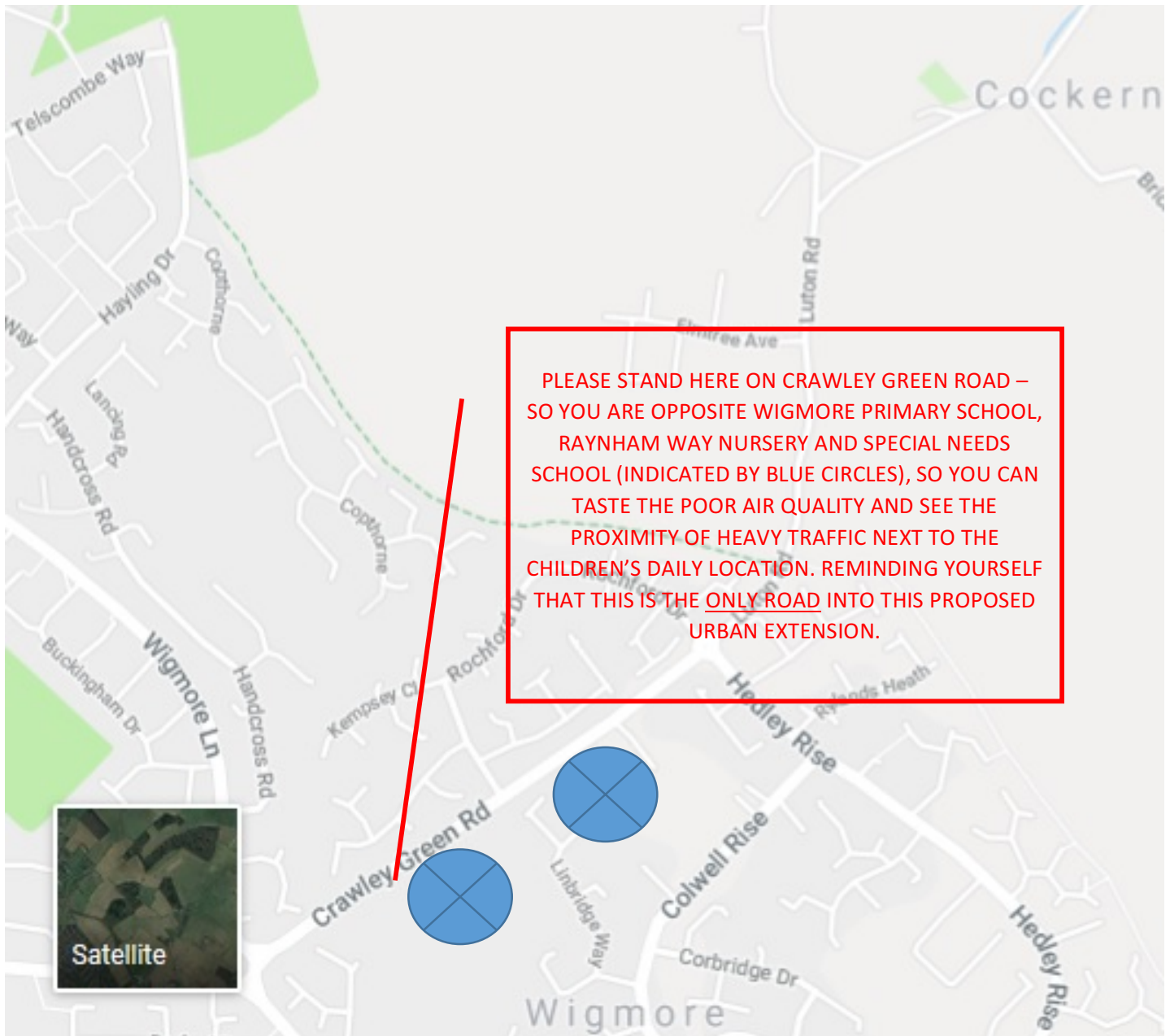
The problem is especially noticeable at the following spots on the Crawley Green Rd adjacent to the small children’s nursery and also my son’s school, Wigmore Primary. How it can be proposed that this will be the only access point into a massive urban extension of 2,100 dwellings (half of the whole of our town area again) being served by only one road. This one road, is the SAME road that my son and his friends have their school upon- and which our house and everyone else’s house is upon - it fills me with abject horror.

There are two schools on this road. One is Richmond Hill School for challenged children, another is Wigmore Primary School and the other is Raynham Way Nursery. All three sit directly on this road which is devoid of clean air now, what to speak if all this happens! Obviously with airport movements trebling to 38 million a year and their removal of 2 hectares of trees regarding New Century Park, plus a local park, and then introduction of 2,100 houses, plus the removal of all the trees on the EL1,2,3 sites – it is going to create a gas chamber meant to kill.

I state it absolutely imperative that the Inspector visit this spot as shown below:



The Inspector needs to stand by this road in the mornings (8.45am) on a week day and watch the congestion and breathe in the putrid air for himself.



Many people are sadly looking to move away. The horror of this has been so shocking to the residents of this area – that it has caused deep depression in many and severe distress to many others.

I can personally vouch for the level of misery and life disruption this whole Plan has caused me on an ongoing basis for over five years now. This last year particularly being the worst. It has caused me damage to my business, well-being, finances, personal relationships, physical health and I am by no means alone in that. One person confided in me that they are now feeling suicidal over it.

This Plan is becoming a source of great misery and serious aggravation to a growing number of people. I say that with upmost severity and seriousness. It has affected people across the borough really deeply and truly negatively – more than you can imagine. People have been living in the brink of this nightmare threat for several years now, doing their best to fight it – but to a corrupt council that never listens. One old man even died because he got himself in such a state over it all.

Even the older people who have lived in and loved Stopsley and Wigmore all of their lives, up until now that is - are looking to permanently leave!! - Because this place is being destroyed and ruined before their eyes. - To such a degree it is literally unbearable. This is being done by irresponsible greedy, deluded and unaccountable authorities with establishment representatives of government. Many who I have met inside the Examination hearing room over the course of these sessions. Those who are supporting and colluding in these irrational acts, are involved in abomination and assault upon people's basic rights and their basic

natural environment. Speaking empty words and twisting facts, attempting to justify removal of our necessary green areas and right to breathe. Removal of peoples' right to clean air and to breathe can never be justified. It is a breach of the Human Right to life.

The lack of responsibility and stupidity revolts me. The weakness evident throughout this Plan Hearing has been shocking. The puppeteering, lying and altering things behind the scenes to suit is vile. Attempts by the Council to coerce and trick the people whilst stealing their council tax funds to pay for their own legal advantage against those people they are meant to serve, is perverse.

Air Pollution

Air Pollution is a direct negative side effect of traffic, aviation and industry. All very clear and present dangers in the East of Luton. No other site in the NH Local Plan has to contend with an Airport in the way East Luton has too. Therefore, East of Luton Urban Extension is a special case. It cannot be treated the same way as the other locations, and with such vast expansion going on inside the airport and general area, it should never have been placed in the Local Plan as such a badly researched strategic allocation covering 15 per cent of the entire AON. It is utterly ridiculous and it will directly cause deaths.

We should be aware that air pollution assessments must have three components spanning three separate time dimensions; the past, present and future. One feeds into the other but always in progressive order.

1-Measurements from monitoring assessments taken in the **past** =>

2-Measurements from monitoring observations **now** =>

3- Models created from this data to predict what data might be in the **future**

The order goes from 1=> 2 => 3.

That order does not change. Pollution in the past, helps create levels in the current and the past and present will affect levels into the future.

We cannot decide to model the future if we do not have the facts about the past and present. The future is intrinsically linked and wholly reliant upon the past and current structures.

However North Herts District Council has attempted to pervert the natural order. Of course they have. They do this on most things I have observed. Reversal of facts, perversion of truths, elongating and shrinking imaginary numbers.

Dangers that are evident are as follows – LBC and NHDC are guilty of this with regards to East of Luton:

Danger 1 – Failing to collect data. Having no data to start with.

Danger 2 – Needing to have collected data, but not having done so in the correct area; thus supplanting that area's uncollected data with that of another area's data or another vague estimation.

Danger 3 – Using made up non-data to transplant and pass-off as “past data” what should have been actual monitoring data from the past.

Danger 4 - Using **made up non-data** to transplant and pass-off as “current data” what should be actual monitoring data from the present.

Danger 5 – Creating a model for future predictions based upon non-data previously used to supplant what should have been past and current collected data.

Therefore to adequately estimate future air pollution we require the following:

- 1- **Actual air pollution data relevant to the area in question both past and present.**
- 2- **Actual traffic data relevant to the area in question both past and present.**

We do not have actual air pollution or traffic data for past, present and certainly not the future.

The definition of “a modelling exercise” is to take data and project it *into the future* along certain created timelines, with certain created variables.

Remember the variables and parameters **are created**. They are not holy, omniscient, forever true naturally occurring pinnacles of wisdom routed in ancient equations and traditions carried forth through distant time. They are made up by usually a chubby little person, sat at a messy desk eating a double decker with sweat stains under their arms. Such models are, believe me, very fallible.

There is the misunderstanding amongst most people that a computer model is a somehow a magic, unbiased and superior phenomena. They imagine it like a futuristic speaking quantum hologram to which they can ask any question to which they will get a reply in superhuman accuracy.

Like infants they do not understand, that it is a very basic constructed program or simple algorithm created by humans who had to either edit or make-up its parameters in the first place. Then “data” or “non-data”/ (made up numbers in NHDC’s case) get entered into it. So what comes out the other end, will only be a re-continuation of what went in.

This was nicely illustrated recently when the Google AI bot started (this is an Artificial Intelligence Program which learns as people speak to it). People engaging with the AI had been entering racist replies to some of its questions and the AI bot started to develop racist responses of its own. The human biased was carried over into the AI.

Some planning officers use the word “*modelling*” as though a near Godlike status. Sometimes they even use the word “modelling” to replace the data collection altogether. Are we really so foolish as to believe a “model” is a magic wand to patch up lacking data?

If they don’t like what comes out of a model, they can just enter some different numbers. Why not, if you didn’t have any real ones in the first place, it’s easily done.

Planning within a Council should never become an episode in faith and belief. Council’s work must be open to absolute transparency and stand up to scrutiny from any logical mind. Councillors are not faith workers. They are civil servants who are supposed to function in a straight-forward logical fashion, know their numbers and illustrate their reasoning.

They should operate with accountable individuals at the helm. NHDC is instead being an autocratic entity; with no accountability. This Plan is simply running like a giant headless chicken hosting an irrational destruction program. If they were a bot I’d press delete.

Another important stakeholder is also dissatisfied. Namely Luton Borough Council – for whom the houses are allegedly for.

DISSATISFACTION FROM LUTON BOROUGH COUNCIL

NHDC has not given real data for air pollution nor transport data. This has been requested by myself repeatedly in consultation at all stages; regulations 18, 19, 20, 21 and now 22. It is been requested by Luton Borough Council and its councillors. Yet never yet has it been provided.

In fact in NHDC Air Pollution data, they seem to be relying on Luton’s data. However we have already established Luton doesn’t have any.

Concerns for air pollution in the East of Luton grow yet further in the light of the Government’s White Paper requesting an expansion of the London Luton Airport based on usage of its current runway. The

Council has responded by publishing plans called “London Luton Airport Vision 2050” – which outlines an expansion rivalling Gatwick and submitted this to Government. LBC has already granted itself funding to build a large Airport Enterprise Zone industrial district – for which the planning application consultation has just concluded.

On 7 Feb 2018, during the Matter 10 Hearing for East of Luton and Cockernhoe, the Inspector asked Kevin Owen from Luton Borough Council to state categorically whether or not Luton Council wanted the East Luton housing development.

NHDC’s QC, Ms Ormsby, in her usual charming manner, pressed the matter to the point where we all felt embarrassed for Mr Owen (of LBC) since it verged bullying. I have had several similar unpleasant experiences with Ms Ormsby – whereby she has on various occasions, tried to close down and obstruct me from making a valid point, before I even made it; in my opinion because she knew it was a threat to them.

One time she did this when I made the factual statement that the person who signed off the Local Plan – namely Cllr Levett - had broken the law repeatedly. I had already checked this with the Hertfordshire Police, namely the DC who specialises in the Localism Act and he confirmed it to be true, and went so far as to say “...every time he sat in on a meeting he also broke the law in all those individual occasions”. And yet she threatened me with the words “Ms Cottier should be very careful what she is saying”. (Air Pollution Hearing Day).

I think anyone wishing to pervert the course of justice should be careful.

I was stating a matter of fact without interpretation, since it was not needed as the evidence was not created by me, but is in the form of documentation signed by Cllr Levett’s own hand and the obvious discrepancies between that and the sections of applicable Law (Sections 30, 31 and 34 of the Localism Act 2011). The public have declared their boundaries, have spoken loudly enough and abundantly stated they forbid this Plan including all its assumptions about air pollution, and they have given many excellent reasons for doing so. They have participated in the consultations run unlawfully by someone who by his own hand breached the Law on the very DPI documents that Law was written. No notice was taken of the public’s wishes during any consultation stage and the Plan remained unaltered. And no notice is taken again; even when criminal actions are highlighted. Therefore the matter must go to Police.

Mr Ormsby must remember she is not in a courtroom, rather a small public examination with concerned residents, who more nobly than her, are there regardless of whether they get paid hundreds of thousands of pounds. I think Save Our Green Belt’s legal representation, Andrew Parkinson, also placed a complaint against Ms. Ormsby for similar unacceptable treatment during the Green Belt Day. My maltreatment came during the Air Pollution discussions and the points I tried to make.

The Public has made it clear how and why this plan does not fit their communities nor their wants. The Authority has no authority to force an unjust and detrimental plan upon everybody and the weight of our collective anger will weigh heavily upon, and attach persistently attach itself to anybody that persists. The anger and problems resultant will always hinder them for as long as the Plan is in action. Their treatment of Air Pollution issues falls entirely within this vein.

[Mr Owen was rudely asked to clarify whether the Council objects to the East of Luton urban extension because of the absence of an eastern bypass/link road.](#)

Kevin Owen refused to state that Luton Borough Council categorically wanted the development, stating their agreement had only ever been conditional; “agreement is upon the basis that adequate infrastructure is provided”.

This is still the Council’s response as outlined in his reply to the Inspector ED98 dated 8 Feb 2018.

Mr Owen has previously said during Hearing Day for Infrastructure and Transport, that part of that infrastructure would need to be some sort of additional road access. North Herts Council however stated that

there was no further opportunity for any other infrastructure other than what is currently upon the plans. There are no plans for a link road, and QC Ormsby stated this.

QC Ormsby complained of being “extremely disappointed at Luton Council’s response” and followed this up with forceful attempt to press Mr Owen into making the statement of absolute commitment to “a yes or a no” regarding whether they wanted the 2,100 dwelling development upon their boundary.

Mr Owen instead refused to comply with this binary demand. He quite simply insisted upon maintaining the Council’s original premise that “adequate infrastructure would need to be provided”.

It appears that the frustrating dilemma lingers in further non-commitment, since doubts over the adequacy of the modelling assessments and other concerns discussed by East of Luton representors have arisen in Mr Owen’s mind. **Thus in his letter CED98 LBC dated 8 Feb 2018, Mr Owen is still refraining from giving a clear “yes or no answer”, and turns the tables back upon the Inspector, as if to ask *would you consider this robust?***

“It will of course, be for the Inspector to determine whether the transport modelling supplied by NHDC and associated reasoning has been robust, on the basis of the matters raised by participants during the hearing discussions.”

Mr Owen appears to be getting frustrated, claiming his request and need for a rerun of the inadequate modelling was made way back on 16 November 2017 during Hearing Matter 6 but has been ignored:

Mr Owen reiterates:

“At the hearing session on Delivery (Matter 6) on 16th November – the Highway Authority (Hertfordshire CC) indicated that it would be rerunning the model (which is in the spirit of the SCG) to factor in Luton’s additional 1,600 dwellings and as far as reasonably possible reflect the emerging Central Bedfordshire Local Plan.”

(Someone needs to explain to Mr Owen that **it is 2,100 houses and not 1,600**).
But he complains the request for rerunning modelling has been ignored,

“This was termed “homework” amongst other undertakings HCC made. However, this aspect is not recorded in NHDC’s action log although other matters are. Luton did not get a reply on why this was the case on inquiring (as attached). This was then debated at the hearing session yesterday.”

In ED98, Mr Owens says: “The SCG (para 4.14) also seeks to further work with NHDC on improving the transport modelling to ensure that the necessary infrastructure and mitigation is assessed adequately given the strategic importance of this part of the Borough for growth and regeneration and this consistent with the portfolio holders earlier representations (attached).”

Mr Owen is suggesting that the Inspector first and foremost judges whether or not these modelling studies are indeed adequate and reiterates that their Council were misled into believing North Herts Council in a misjudgement that there would be no serious impact.

Mr Owen insists that new modelling be done and that extra vehicles associated with the following, get included:-

- extra 3,500 new dwellings for the West of Luton in Central Bedfordshire
- the extra traffic into Stopsley’s A505 (also East of Luton) from the expansion of the Butterfield Green Estate
- the new **“Power Court” and its Luton Football Stadium** - at the bottom of that **same singular road** serving this Crown/ Bloor East of Luton Urban Extension.

None of this was in North Herts’ Local Plan nor their transport studies. In fact these plans suggest by their absence of relevant data, almost that they were designed for another planet.

We would expect the extra road from Eaton Green Road, **which the Luton Local Plan says is not allowed, but which North Herts made central to the AECOM Study 2016, to have allowed for far more than just 200 cars!**

******So if a modelling rerun is conducted, then we must ensure that someone with a better sense of proportion than the mastermind behind the compression of 14,000 vehicle movements into just 200, takes the helm.

Will QC Ormsby's sense of disappointment give way to a logical acceptance that, deriving 200 cars from 14,000 likely new vehicle movements, is plain simply nonsensical? Or will they continue to steer their transport modelling blindfolded?

Mr Owen says they seek further work "on improving the transport modelling to ensure that the necessary infrastructure and mitigation is assessed adequately..."...hence it isn't.

Owen underlines that this side of the East of Luton Borough has important strategic importance "for growth and regeneration" competing for space and economic value.

He argues that **the portfolio holders' earlier representations stressed this point.** It seems however that this point was never taken on board. Since the NHDC Local Plan generally and the AECOM Study specifically, both deny any existence of the large 7,000 job industrial estate called "New Century Park Airport Enterprise Zone" about to be placed directly next door to where North Herts District Council want to place this 2,100 urban extension.

Mr Owen (ED98), "I have had discussions with members including the leader Cllr Hazel Simmons, Cllrs Sian Timoney and Cllr Castleman. They agree that the Council's position remains as set out in the latest Statement of Common Ground (October 2017 attached) that there is not an objection to the East of Luton urban extension on the basis that the latest transport modelling and assessment provided by NHDC did not demonstrate severe impact requiring such a scheme."

Mr Owen says upon the production of some better transport modelling, this must be followed by another reassessment of whether this development does or doesn't fit in with Luton Council's wider economic goals for the Airport Enterprise zone. Only after that will they give their answer.

They cannot commit either way at this stage. Because they, like our residents and councillor group; everyone is less than convinced by the transport studies put before them, which are even dated as "2009" at the bottom of every document in the AECOM Study. This according to North Herts is "an error" – just like the 14,000 equalling 200 we suppose?

WHAT POLLUTANTS ARE BEING MEASURED BY LUTON'S AIR QUALITY MONITORING PROGRAM (TAKEN FROM LUTON BOROUGH COUNCIL'S ANNUAL AIR STATUS REPORT 2016)

**There are a total of 57 monitoring sites in Luton.
39 belong to the Council and 18 belong to London Luton Airport Operations Limited.**

But none of them are in East Luton - Wigmore, Crawley, Round Green or Stopsley (near the proposed development urban extension site).

East Luton has been left off both councils' Air Pollution monitoring programs because there was evidence building that pollution was getting too high.

If Luton had continued to measure the pollution in east of Luton, then they would have had to declare Air Quality Management Areas.

[illegible]

[illegible]

ID site codes starting with “LA” are London Luton Airport Operations Limited’s (LLAOL) – it has 17 non-automatic monitoring sites, and one of them, LA08 is also automatic:

LA05	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA06	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA07	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA08	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA09	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA10	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA11	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA12	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA13	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA14	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA15	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA16	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X
LA17	Non-automatic	X	X	√	X	X	X	X	X	X	X	X	X	X	X

CONCLUSION:

56 of 57 monitoring sites measure NO2 only.

Nothing at all is being measured in the residential areas of Wigmore, Stopsley, Crawley and Round Green – WHICH IS THE AREA NEAR THE PROPOSED URBAN EXTENSION. There is no data.

There are no monitoring locations measuring sulphur dioxide, nitrogen dioxide, lead, benzene, carbon monoxide, ozone, non-methane volatile organic compounds, ammonia and methane anywhere at all in Luton.

Therefore we can conclude that everything they have said so far regarding air pollution and traffic is utter rubbish.