

**10 April 2014**

**Local Air Quality Management Within  
County Durham**

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**Joint report of Lorraine O'Donnell, Assistant Chief Executive and  
Terry Collins, Corporate Director, Neighbourhood Services**

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**Purpose of the Report**

1. To provide Members of the Environment and Sustainable Communities Overview and Scrutiny Committee with supporting information in advance of a presentation focusing on projects that are being undertaken across County Durham for the purposes of fulfilling the requirements of Local Air Quality Management.

**Background**

2. The Environment Act 1995 requires the Council to undertake review and assessment of local air quality across County Durham. This has identified areas of Durham City and Chester le Street where the assessed concentrations of nitrogen dioxide, a pollutant that occurs from vehicle emissions, are above the National Air Quality Standard.
3. The EC has formally launched infraction proceedings against the UK for breach of the nitrogen dioxide air quality limit values under the EU Air Quality Directive. The Government has discretionary power under the Localism Act 2011 to transfer all or part payment of the fine imposed following infraction proceedings on to Local Authorities that have failed to carry out responsibilities under Local Air Quality Management.
4. The Council declared an Air Quality Management Area within Durham City for nitrogen dioxide on the 9<sup>th</sup> May 2011. This currently extends across the city centre from Highgate, over Millburngate Bridge to the Hild and Bede roundabout and then along Gilesgate to the junction with Dragon Lane.
5. The Council declared an Air Quality Management Area within Chester le Street for nitrogen dioxide on the 17<sup>th</sup> May 2013. This currently covers two rows of terraced properties known as Menceforth Cottages and Glen Terrace, both of which are situated to the west of the town centre on Pelton Fell Road.
6. The review and assessment of air quality elsewhere has not identified any other areas within the County where the concentrations of air quality pollutants have exceeded the National Air Quality Standards.

## **What We Are Doing to Improve Air Quality within County Durham**

7. Once an Air Quality Management Area has been declared the Council is required to establish an Air Quality Action Plan. The Action Plan comprises of air quality improvement measures that, when implemented, will reduce nitrogen dioxide concentrations towards achieving compliance with the National Air Quality Standards.
8. An Air Quality Technical Working and a Corporate Steering Group were set up in June 2013 with the purpose, initially, to establish an Air Quality Action Plan for Durham City. The principal role of the Air Quality Technical Working Group is to identify air quality improvement measures that are then reported to the Corporate Steering Group for incorporation within the Action Plan. A list of air quality improvement options were reported to the Air Quality Corporate Steering Group in January 2014.
9. Further assessment of air quality within the Air Quality Management Area in Chester le Street is currently being carried out. This will provide information on the sources that are contributing to elevated levels of nitrogen dioxide in this area of the town. It will also quantify the reduction in concentrations of this air quality pollutant that are required to comply with the National Air Quality Standard.
10. The review and assessment of air quality is continuing across County Durham. An extensive network of non continuous monitors is now established at all locations where elevated levels of an air quality pollutant may occur. In addition, there are portable and stationary continuous monitors at selected locations within Durham City that measure concentrations of nitrogen dioxide twenty four hours a day.
11. The projected and planned development detailed within the County Durham Plan for the county will inevitably have an impact on air quality pollutant emissions. An Air Quality and Planning Guidance Note can now be used for providing advice to developers. The use of the guidance in dealing with pre-planning requests for advice and for planning applications will ensure the air quality impacts from developments will be assessed and minimised.
12. Arrangements have been made for a presentation to be provided to the Environment and Sustainable Communities Overview and Scrutiny Committee which will focus on the following:
  - Local Air Quality Management Legal Responsibilities.
  - Present and Future Local Air Quality Management Projects in Durham City.
  - Present and Future Local Air Quality Management Projects in Chester le Street.
  - Other Air Quality Management Projects in County Durham.

## Next Steps

13. The review and assessment of air quality in areas of Durham City that are currently outside the declared Air Quality Management Area has determined concentrations of nitrogen dioxide that exceed the National Air Quality Standard. It will therefore be necessary to revise the extent of the existing Air Quality Management Area to include these other areas. The revised Air Quality Management Area covers an extension of the boundary from Highgate to follow the A690 route west through the city to include the Crossgate lights junction, the Peth, Neville's Cross to the Stonebridge roundabout. The intention is to revise the Air Quality Management Order to include these other areas in June 2014.
14. A draft Air Quality Action Plan for Durham City will be completed by March 2015. Following this it will be necessary to undertake public consultation and any feedback will be taken into consideration prior to finalising the Plan.
15. The further assessment of air quality within the Air Quality Management Area for Chester le Street will be completed in May 2014. The outcome of this will provide information to the Technical Working Group to establish possible air quality improvement options for incorporation into a draft Air Quality Action Plan.
16. The progression of options for improving the air quality incorporated within the Air Quality Action Plan for Durham City will assist in raising the profile of air quality both within and outside the Council. This will include the development of the air quality web pages and ways of engaging with Public Health, schools and businesses.

## Recommendations

17. The Environment and Sustainable Communities Overview and Scrutiny Committee are asked to note the information provided during the presentation and make comments on any existing projects as necessary.

## Background Papers

- The Durham City Air Quality Management Order and map of Air Quality Management Area.
- The Chester le Street Air Quality Management Order and map of Air Quality Management Area.

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<b>Contact:</b>	<b>Denyse Holman, Pollution Control Manager</b>
<b>Tel:</b>	<b>03000 260 992</b> <b>E-mail: <a href="mailto:denyse.holman@durham.gov.uk">denyse.holman@durham.gov.uk</a></b>
<b>Contact:</b>	<b>David Gribben, Senior Air Quality Officer</b>
<b>Tel:</b>	<b>03000 260 997</b> <b>E-mail: <a href="mailto:david.gribben@durham.gov.uk">david.gribben@durham.gov.uk</a></b>
<b>Contact:</b>	<b>Tom Gorman, Corporate Improvement Manager</b>
<b>Tel:</b>	<b>03000 268 027</b> <b>E-mail: <a href="mailto:tom.gorman@durham.gov.uk">tom.gorman@durham.gov.uk</a></b>
<b>Author:</b>	<b>Diane Close, Overview and Scrutiny Officer</b>
<b>Tel:</b>	<b>03000 268 141</b> <b>E-mail: <a href="mailto:diane.close@durham.gov.uk">diane.close@durham.gov.uk</a></b>

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## **Appendix 1: Implications-**

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### **Finance –**

There are financial implications associated with the projects covered in the presentation. These include the costs for the carrying out of air quality review and assessment projects consisting of the further assessment of air quality for the areas that are outside the existing Air Quality Management Area in Durham City and for the Air Quality Management Area in Chester le Street.

In addition there are cost implications with the implementation of air quality improvement measures incorporated into an Air Quality Action Plan. However as traffic is the source of elevated levels of nitrogen dioxide emissions in both of the declared Air Quality Management Areas then it is likely that traffic improvement measures will be necessary and the capital for these should be met from the Local Transport Planning budget.

Further monitoring requirements to assess the impact of air quality improvement measures incorporated into the Air Quality Action Plan may be required. This may include the expansion of the existing non continuous monitoring network and/or the installation of further continuous monitors.

### **Staffing –**

Corporate and Technical Working Groups have been set up to establish and develop a draft Air Quality Action Plan for Durham City and these existing groups will also be tasked with the development and implementation of an Air Quality Action Plan for Chester le Street.

The delivery of the projects will involve the Senior Air Quality Officer and other officers within the Pollution Control Team carrying out the majority of the technical work involved in maintaining and extending the monitoring network across the County.

It will be necessary however for external air quality consultants to carry out further assessment of the air quality within both the Air Quality Management Areas in Durham City and Chester le Street. The air quality consultants will also assist with the establishment and development of the draft Air Quality Action Plans.

### **Equality and Diversity / Public Sector Equality Duty –**

Local Air Quality Management focusses on improving or reducing the impacts of air quality. Therefore they will have a beneficial impact irrespective of the background of the residents of the properties of the areas to which the projects relate.

An Equalities Impact Assessment has been carried out prior to the reports for the designation of the Air Quality Management Areas in Durham City and Chester le Street.

**Accommodation –**

None

**Crime and Disorder –**

None

**Human Rights –**

None

**Consultation –**

A consultation involving residents and Councillors together with other interested parties was undertaken prior to the designation of the Air Quality Management Areas in Durham City and Chester le Street. Further consultation will also be required prior to the revision of the Air Quality Management Area and this will be undertaken in accordance with a Consultation Plan drawn up by the Communications Team.

Following the completion of Local Air Quality review and assessment work that includes the further assessment of air quality within the Chester le Street Air Quality Management Area and those areas to be included in the Durham City Air Quality Management Area the Council is required to undertake consultation with statutory consultees. The statutory consultees include the Environment Agency, the Highways Authority, neighbouring local authorities that adjoin the boundary of the Council together with any other organisations that may have an interest in the outcome and who were consulted prior to the designation of the Air Quality Management Area such as representatives of local businesses or trade organisations.

The Council will also be required to undertake a more detailed form of consultation exercise once a draft Air Quality Action Plan has been established and prior to it being finalised. At this stage it is uncertain as to what form this consultation will take but will need to involve public participation. For example Councils elsewhere have undertaken this consultation in the form of a series of arranged workshops and have used external air quality consultants to organise and facilitate these.

**Procurement –**

It may be necessary to purchase further monitoring equipment and/or consultancy services to enable the Council to complete these projects. The purchase of further monitoring equipment or consultancy services, if required, will be undertaken in accordance with the applicable Council procurement policies and procedures.

**Disability Issues –**

None

## **Risk and Legal Implications–**

The legislation that covers Local Air Quality Management requires the Council to designate an Air Quality Management Area (AQMA) where an air quality objective is unlikely to be met. The review and assessment of air quality in Durham City has determined areas outside the extent of the existing Air Quality Management Area where known and predicted concentrations of nitrogen dioxide exceed the National Air Quality Objective. Therefore the Council is legally required to revise the extent of the existing Durham City Air Quality Management Area to include these other areas by amending the Air Quality Management Order.

The Council has a further legal responsibility to carry out and report on further assessment of the air quality within the areas to which an Air Quality Management Order relates.

Once an Air Quality Management Area has been designated there is also a further legal requirement to establish an Air Quality Action Plan consisting of measures to improve the air quality towards achieving compliance with the National Air Quality Standards for pollutants within the designated Air Quality Management Area.

Failure to undertake Local Air Quality Management responsibilities may lead to judicial review proceedings being progressed against the Council. If faced by a judicial review the Council could not substantiate a case of failing to carry out its responsibilities. In addition the Government has discretionary power, under the Localism Act, to require responsible authorities to pay all or part of a fine imposed by EU infraction proceedings.