

**2 October 2014**

**Air Quality Management within  
County Durham – Update**

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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 an update on the development of the Air Quality Action Plan for Durham City.

**Background**

- 2 Members will recall that at the meeting of the Environment and Sustainable Communities Overview and Scrutiny Committee held on the 10 April, 2014 information was provided on various air quality management projects undertaken across County Durham for the purposes of fulfilling the requirements of Local Air Quality Management.
- 3 It was agreed by members at the meeting that the Environment and Sustainable Communities Overview and Scrutiny Committee would receive further updates detailing, in particular, the development of:
  - The draft Air Quality Action Plan for Durham City. This was identified as the most important of the Local Air Quality Management projects that are currently ongoing within the County. The air quality work recently undertaken by the Pollution Control Team has primarily focused on the development of the Air Quality Action Plan for Durham City.
- 4 Arrangements have been made for Denyse Holman, Pollution Control Manager and David Gribben, Senior Air Quality Officer, Neighbourhood Services to attend the meeting on the 2 October, 2014 to deliver a presentation focusing on:
  - The organisational arrangements that have been implemented to establish a draft Air Quality Action Plan.
  - The requirements for establishing and developing an Air Quality Action Plan.
  - A summary of the work completed on the draft Air Quality Action Plan for Durham City.

- A summary of the outstanding work that the Council will be required to complete to establish a draft Air Quality Action Plan for Durham City by March 2015.
- The next stages once an Air Quality Action Plan for Durham City has been drafted.

### **Air Quality Management - Background**

- 5 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.
- 6 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.
- 7 The Council declared an Air Quality Management Area within Durham City for nitrogen dioxide on the 9<sup>th</sup> May 2011. This extended 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. The boundary of the Air Quality Management Area was extended in July 2014 to include the West End of the city following the route of the A690 to Neville's Cross and down to Stonebridge roundabout together with sections of Claypath and New Elvet.
- 8 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.
- 9 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.
- 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.

### **Current position**

- 12 An Air Quality Technical Working and an Air Quality Corporate Steering Group have been set up to undertake and fulfil the requirement of establishing a draft Air Quality Action Plan for Durham City. Each group have clearly defined roles and tasks to achieve the objective in the Neighbourhood Services Plan to prepare a draft Air Quality Action Plan for Durham City by March 2015.
- 13 A structured programme that covers identified stages of the work project and detailed as work milestones has been established for the drafting of the Air Quality Action Plan. This is to ensure that progress of the development of the draft Air Quality Action Plan can be effectively monitored and therefore of achieving the objective of establishing a draft Air Quality Action Plan by March 2015.
- 14 The Air Quality Technical Working Group has focussed on identifying and prioritising viable options for improving air quality within Durham City. These have then been reported to the Air Quality Corporate Steering Group that has a more strategic role in overseeing the formulation, development and implementation of the Air Quality Action Plan.
- 15 A list of options for improving the air quality within Durham City together with timescales for the implementation of these has been prepared by the Air Quality Technical Working Group. This list has subsequently been reported and received approval by the Air Quality Corporate Steering Group.
- 16 The options are targeted to improving air quality and therefore to reducing vehicle emissions, the identified source of air pollution within the City. They are wide ranging and cover ongoing work projects both within and outside the Council. A considerable quantity of information is available and meetings to discuss this with the individuals with responsibility for these work projects have been held. These have been necessary to ascertain the details of the work projects for inclusion in the draft Air Quality Action Plan.

### **Next Steps**

- 17 The options on the list are currently being appraised to prioritise these in order of how effective they will be in improving air quality relative to cost. On completion of this stage a prioritised list of options will be established that will form the draft air quality action plan. The prioritised list will then be reported to and approved by the Air Quality Corporate Steering Group.
- 18 Following the establishment of the draft Air Quality Action Plan the Council is required to carry out consultation. A strategy will be prepared that will set out the scope and form of the consultation and this will also be subject to approval by the Air Quality Corporate Steering Group. The

consultation will then be undertaken in accordance with the strategy once the draft Air Quality Action Plan has been established.

- 19 The comments arising from the consultation will be taken into consideration and where applicable the Air Quality Action Plan will be revised accordingly. A final version of the Air Quality Action Plan will then be approved by the Air Quality Corporate Steering Group before submission to the Government (DEFRA).
- 20 The Council is required to carry out a further assessment of the air quality for the additional areas of the city included within the extended boundary of the Air Quality Management Area. This will provide confirmation of the decision to include these areas within the Air Quality Management Area and identify the contributing sources to the elevated levels of nitrogen dioxide. It will be necessary to review the completed further assessment to determine any impact on the prepared draft Air Quality Action Plan.
- 21 The impact on air quality that the improvement measures will achieve within the city once they have been implemented will need to be assessed. This will involve targeting the monitoring at locations where the impact on reducing levels of air quality pollutant (nitrogen dioxide) are most likely to occur. It will also look at the impact on the daily profile of air quality at locations and therefore will involve monitoring that will provide data over a full twenty four hour period.
- 22 The outcome of the monitoring will be periodically reviewed and where there are grounds for doing so the Air Quality Management Area and the Air Quality Action Plan will be revised.
- 23 The Council is required to report progress on the development of the Air Quality Action Plan and the subsequent impact on air quality from the implementation of air quality improvement measures annually to the Government (DEFRA).

### **Recommendations**

- 24 That the members of the Environment and Sustainable Communities Overview and Scrutiny Committee note and comment upon the information provided in the attached report and presentation.
- 25 That the Environment and Sustainable Communities Overview and Scrutiny Committee receive a further update on the development of air quality management within County Durham at the meeting on the 17 April, 2015.

## **Background Papers**

Environment and Sustainable Communities Overview and Scrutiny Report – 10 April 2014.

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## **Appendix 1: Implications**

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### **Finance**

There are financial implications associated with the work project that involves the drafting of the Air Quality Action Plan. These include the costs of an external air quality consultancy to undertake an appraisal of the air quality improvement options to prioritise these in order of cost effectiveness. It may also be necessary for air quality consultants to assist with the consultation on the prepared draft Air Quality Action Plan.

In addition there are cost implications with the implementation of air quality improvement measures incorporated within an Air Quality Action Plan. However as traffic is the source of elevated levels of nitrogen dioxide emissions in the declared Air Quality Management Area in Durham City 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, develop and implement a draft Air Quality Action Plan for Durham City.

The delivery of the project will involve the Senior Air Quality Officer and a Public Protection Officer within the Pollution Control Team carrying out the majority of the technical work involved in maintaining and extending the monitoring network across the City. Further the Senior Air Quality Officer will be involved in liaising with the external air quality consultant and also with key individuals both within and outside the Council to establish and develop the draft Air Quality Action Plan.

As well as assisting with the establishment and development of the draft Air Quality Action Plan for Durham City the external air quality consultants will undertake the further assessment of air quality for the additional areas included in the Durham City Air Quality Management Area that was amended in July 2014.

### **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. Further consultation was also undertaken prior to the revision of the Air Quality Management Area in accordance with a Consultation Plan drawn up by the Communications Team.

The Council will 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. A strategy for the consultation will be established with the involvement of the Communications Team.

**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**

Once an Air Quality Management Area has been declared there is a 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.