

17 April 2015

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

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

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 Management within County Durham.

Background

- 2 Members will recall that at the meetings of the Environment and Sustainable Communities Overview and Scrutiny Committee held on the 10 April and 2 October 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 on the 2 October 2014 that the Environment and Sustainable Communities Overview and Scrutiny Committee would receive a further update at a future meeting detailing, in particular:
 - The progress on 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 17 April, 2015 to deliver a presentation focusing on:
 - The progress on the completion of the work milestones to prepare the draft Air Quality Action Plan for Durham City. This will include an outline of timescales for the completion of the remaining stages of the project including reporting requirements.
 - The Durham City Draft Air Quality Action Plan: Air Quality Improvement Options Appraisal.

- The strategy and plan for consulting on the draft Air Quality Action Plan.
- The progress and development of the draft Air Quality Action Plan once it is established. This will include details of how we will implement and then evaluate the action plan measures.

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 9th 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 Air Quality Technical Working and Corporate Steering Groups have been set up to fulfil the tasks of completing the work project of establishing a draft Air Quality Action Plan for Durham city by March 2015. A structured programme for the project has been prepared in the form of four work milestones against which progress can be monitored and assessed.
- 13 The Air Quality Technical Working Group identified a list of options for improving air quality in Durham city taking into consideration the outcome of the completed Further Assessment and information on measures that had been incorporated by Councils into Air Quality Action Plans elsewhere. The options were reported and approved by the Air Quality Corporate Steering Group in July 2014.
- 14 The air quality improvement options have now been appraised by determining the reduction in air quality pollutant (nitrogen oxide) achieved by each option. A prioritisation of the options has then been undertaken by allocating a score based upon how beneficial they are in reducing levels of air quality pollutant and on other applicable criteria. The completed Air Quality Improvement Options Appraisal forms an essential part of the draft Air Quality Action Plan document.
- 15 A draft consultation strategy has been prepared and approved by the Air Quality Corporate Steering Group. The strategy sets out the scope, the format of and what we want to achieve from the consultation. It provides opportunity of raising the profile of air quality in Durham city and should not, therefore, be viewed as a single, isolated exercise but instead as an initial stage that can be progressed as the Air Quality Action Plan is developed and implemented.
- 16 A revised schedule of timescales for the completion of the work project, the Draft Air Quality Action Plan document, has been established. These revisions have been necessary to take into consideration delayed comments received on the Air Quality Improvement Options Appraisal. The period for the consultation on the draft Air Quality Action Plan document has also been set back so that it does not coincide with 'purdah' and the repairs to Milburngate Bridge that are scheduled to commence in July.
- 17 The declared Air Quality Management Area in Chester le Street has been revised to solely include the row of terraced properties known as Menceforth Cottages on Pelton Fell Road.

Next Steps

- 18 Following the establishment of the Air Quality Action Plan the evaluation of the implementation of the measures will be required. This will involve monitoring of 'indicators' e.g. changes in traffic volumes or

congestion/queuing of traffic at strategic locations or of the levels of air quality pollutant (nitrogen dioxide) at receptors. The network of both continuous and non-continuous monitors will therefore be reviewed as the measures are implemented to ensure they are targeted to those locations within the city where improvements are most likely to occur.

- 19 The Air Quality Action Plan will be reviewed and where necessary revised. This is important since it is recognised that changes are likely to occur within and on the periphery of Durham city that potentially will have an impact on local air quality. The Council is required to report progress on the implementation, the outcome of further evaluation and any revisions by the submission of a Progress Report to DEFRA annually.
- 20 The measures included in the Air Quality Action Plan are wide ranging and are the responsibility of other service areas within the Council and not solely the Pollution Control Team. Going forward, therefore, the implementation of the Air Quality Action Plan will be important if it is to be successfully delivered. For each measure, an officer within the Council will be given designated responsibility that will be included within an implementation plan for the project. The carrying out of further evaluation will be dependent on the progress with which measures are implemented. Since the air quality monitoring network within Durham city is operated by the Pollution Control Team it is necessary that the Senior Air Quality Officer is regularly kept updated on the progress on the implementation of each measure.
- 21 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.
- 22 The Council is required to prepare an Air Quality Action Plan for the Air Quality Management Area in Chester le Street to solely cover Menceforth Cottages on Pelton Fell Road. It is proposed to use the Air Quality Technical and Corporate Steering Groups to complete the project.

Recommendations

- 23 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.
- 24 That the Environment and Sustainable Communities Overview and Scrutiny Committee receive as part of the refresh of the work programme for 2015-16 a further update on the development of air quality management within County Durham.

Background Papers

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

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Appendix 1: Implications

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 is also intended that the air quality consultants 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. Much of this work has been completed as it was necessary for the completion of the Air Quality Improvement Options Appraisal.

Equality and Diversity / Public Sector Equality Duty

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

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 and extension of the Air Quality Management Area in Durham City.

The Council is 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. A strategy and plan for consulting on the draft Air Quality Action Plan for Durham City have been established

Procurement

It may be necessary to purchase further monitoring equipment and/or consultancy services to enable the Council to complete the preparation of the Air Quality Action Plan. 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 legal 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.