

**8 July 2016**

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

---

**Report of Oliver Sherratt, 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 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 17<sup>th</sup> April 2015 information was provided on the development of 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 17<sup>th</sup> April 2015 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 development of an Air Quality Action Plan for Durham City. This was identified as the most important Local Air Quality Management project that is ongoing at the current time.
- 4 Arrangements have been made for Denyse Holman, Pollution Control Manager and David Gribben, Senior Air Quality Officer, Neighbourhood Services to deliver a presentation focusing on:
  - A chronological timeline of what has been achieved in developing the Durham City Air Quality Action Plan since the previous meeting on 17<sup>th</sup> April 2015.
  - To provide a review of the consultation on the draft Durham City Air Quality Action Plan with the main emphasis on the outcome, by consideration of the feedback received.

- A summary of the amendments made to the draft Air Quality Action Plan following the consultation and the development of a Sustainable Transport Plan for Durham City.
- To outline the way in which the air quality action measures included in the draft Air Quality Action Plan are to be implemented.
- A summary of recent national changes with implications for the Council when carrying out Local Air Quality Management responsibilities.

## **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 with the main focus on Durham City. 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, the Council have portable and stationary continuous monitors that measure concentrations of nitrogen dioxide twenty four hours a day.

- 11 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 by the incorporation of mitigation measures into the design of the proposed development at an early stage.

### **Current position**

- 12 A draft Air Quality Action Plan for Durham City was established by September 2015 following reporting and by obtaining agreement of the Air Quality Corporate Steering Group and the Management Teams of the Council. The plan included proposed action measures for improving the air quality across Durham City and therefore achieving the requirement of working towards compliance with the National Air Quality Standard.
- 13 The Council consulted on the draft Air Quality Action Plan over a twelve week period from 21<sup>st</sup> September to 14<sup>th</sup> December 2015. The consultation focussed on obtaining views on each of the proposed action measures and also invited suggestions for other actions for inclusion in the Plan by way of completion of a questionnaire and also from feedback at a workshop event.
- 14 In total 156 completed questionnaires were received and feedback obtained from group discussions during a workshop. The proposed action measures were positively supported by respondents to progress to improve air quality apart from Action 1 (Synchronising the sequencing of traffic lights on roundabouts through the centre of Durham City).
- 15 Many of the respondents expressed views that reflect the underlying traffic issues in the City contributing to air pollution. A number of suggestions were made for further action measures that included the extension and improvement of the existing Park & Ride, the improvement of the cycling infrastructure across the City, the introduction of variable charges for residential parking permits and the exclusion of specified categories of vehicle from the Air Quality Management Area.
- 16 The draft Air Quality Action Plan was amended to include three additional actions and to incorporate the outcome of the consultation. Two of these actions are to take into consideration the suggestions made in response to the consultation and cover the introduction of variable charges for residential parking permits and the extension of the Park & Ride routes together with the provision of further sites. In the first instance, an assessment will be required to determine whether it is viable or not to progress both of the actions.
- 17 A further action has also been included to take into consideration the recommendations of the Durham Sustainable Transport Strategy. This action incorporates the options for additional highway infrastructure that are identified to reduce the volume of traffic using the existing route through the city centre.

- 18 The outcome of the Consultation and the amended Air Quality Action Plan with the additional actions has been reported to the Council Management Teams. Approval for the adoption by the Council of the amended version of the Durham City Air Quality Action Plan was given by Cabinet on 15<sup>th</sup> June 2016.

### **Next Steps**

- 19 An Implementation Plan that sets out the department and officer responsibility for delivering each of the actions together with a timescale has been established. It will be necessary for the Air Quality Corporate Steering Group to approve the Plan.
- 20 The Plan will require the reporting of progress on the implementation of the action measures at quarterly meetings of the Air Quality Technical Working Group. It is important that the Senior Air Quality Officer is kept informed of progress so that targeted monitoring of nitrogen dioxide concentrations across Durham City to determine improvements in air quality can be carried out.
- 21 In addition, for some of the actions there is also a requirement for the reporting of information that provides an indication of the progress of the implementation of the actions and also of potential improvements in air quality. For example, the EU engine specification profile of the bus fleets operating within the declared Air Quality Management Area.
- 22 The reporting requirements to DEFRA on Local Air Quality Management have recently changed as the Council have to now submit an Annual Status Report. An emphasis is now placed much more on progress of the implementation of the action measures and supported by evidence of improvement in air quality by ongoing monitoring and, if required, detailed assessment of the air quality.
- 23 The Air Quality Action Plan will be reviewed giving consideration to the results of the ongoing monitoring. This is important since it is recognised that changes including development are likely to occur within and on the periphery of Durham city that potentially will have an impact on local air quality. Where there are grounds for doing so the Air Quality Management Area and the Air Quality Action Plan will be revised.
- 24 There is a recognition from the amendments made to the way in which the review and assessment of local air quality is carried out for departments within the Council to work together to address air quality. This is highlighted by a new role that Councils now have in relation to the review and assessment of PM<sub>2.5</sub> (particulates of size below 2.5 microns in diameter) and the need for air quality specialists to collaborate with Public Health in fulfilling the local air quality responsibilities.

## **Recommendations**

- 25 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.
- 26 That the Environment and Sustainable Communities Overview and Scrutiny Committee receive as part of the refresh of the work programme for 2016-17 a further update on the development of air quality management within County Durham.

## **Background Papers**

Environment and Sustainable Communities Overview and Scrutiny Report –

---

**Contact: Denyse Holman**

**Tel: 03000 26099 E-mail: [denyse.holman@durham.gov.uk](mailto:denyse.holman@durham.gov.uk)**

**Contact: David Gribben**

**Tel: 03000 260997 E-mail: [david.gribben@durham.gov.uk](mailto:david.gribben@durham.gov.uk)**

**Contact: Tom Gorman**

**Tel: 03000 268027 E-mail: [tom.gorman@durham.gov.uk](mailto:tom.gorman@durham.gov.uk)**

**Author: Diane Close**

**Tel: 03000 268141**

---

---

## **Appendix 1: Implications**

---

### **Finance**

There are cost implications with the implementation of the air quality improvement measures incorporated within the Air Quality Action Plan. The source of the pollution is from vehicle emissions and therefore the majority of the actions are traffic improvement measures and the capital funds required for these is yet to be determined and would need to be met from the Local Transport Planning budget or other relevant external funding streams.

There are also cost implications with the ongoing requirement to carry out monitoring of air quality pollutant (nitrogen dioxide) and 'indicators' e.g. traffic volume flow rates following the implementation of the action measures. Further portable continuous monitors will be required to provide a daily profile of levels of nitrogen dioxide at locations where the implementation of the action measures is likely to have an impact. The existing portable continuous monitors have been replaced with an upgraded specification that includes the capability of measuring particulates. The cost to cover this was £10,628 and the funding for this was sourced from the budget for the implementation of the Local Transport Plan.

### **Staffing**

Officers in the Pollution Control Team will be required to plan and then undertake monitoring within as well as in close proximity to the Air Quality Management Area.

The responsibility for the implementation of the actions will involve a number of key service areas across the Council in accordance with an agreed Implementation Plan. This will require the allocation of staff resources in these sections to ensure the actions are effectively delivered and monitored.

Meetings of the Air Quality Technical Working Group will continue and progress on the implementation of the proposed action measures will be reported to the Air Quality Corporate Steering Group on a regular basis.

### **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 and Diversity Impact Assessment was initially prepared for the draft Air Quality Action Plan to the NSMT on 25<sup>th</sup> August 2015. This has been reviewed and updated to take into consideration the outcome of the consultation that concluded on 14<sup>th</sup> December 2015. Further reviews will be undertaken as necessary.

**Accommodation**

None

**Crime and Disorder**

None

**Human Rights**

None

**Consultation**

The Council is legally required to consult, under Schedule 11 of the Environment Act 1995, on the draft Air Quality Action Plan prior to adoption. The requirements are to consult with statutory consultees comprising of neighbouring local authorities, DEFRA, the Highways Authority, the Environment Agency and organisations/associations that represent business interests in the city.

The main purpose of the consultation was to obtain feedback on the air quality improvement actions that have been included in the draft AQAP. Some of the actions have indirect benefits on air quality and are dependent on participation by the public such as encouraging other forms of travel to private car use. The consultation will also provide an opportunity to raise the profile of air quality across the city and therefore impact on the effectiveness of these actions.

**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 Council is legally required to implement the air quality improvement actions in an Air Quality Action Plan to demonstrate that it is pursuing compliance with the air quality objectives.

To fail to carry out this duty may lead to judicial proceedings being taken against the Council and/or intervention by the Secretary of State.

The UK Government is also required to comply with EU legislation and failure to do so can lead to infraction fines being imposed. Under the Localism Act 2011 all or a proportion of the fine maybe passed on to Local Authorities where there is failure to carry out its statutory duties in relation to air quality.