

**14 July 2017**

**Air Quality Management within  
County Durham**

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**Report of Jane Robinson, Corporate Director, Adult and Health  
Services**

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**Purpose of the Report**

- 1 To provide Members of the Environment and Sustainable Communities Overview and Scrutiny Committee with detail of progress on all air quality management work projects since the previous meeting on 8 July 2016.

**Background**

- 2 Members will recall that at the meeting of the Environment and Sustainable Communities Overview and Scrutiny Committee held on the 8 July 2016 an update was provided on the further development of the Air Quality Action Plan for Durham City.
- 3 It was agreed by members at the meeting on the 8 July 2016 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 all of the Local Air Quality Management work across the county and, in particular, the implementation of the Durham City Air Quality Action Plan.
4. Arrangements have been made for Denyse Holman, Pollution Control Manager and David Gribben, Senior Air Quality Officer, Adult and Health Services to deliver a presentation focusing on:
  - The outcome of air quality monitoring at Menceforth Cottages within the declared Air Quality Management Area in Chester le Street.
  - The draft National UK Air Quality Plan for tackling elevated levels of nitrogen dioxide in towns and cities across the UK and what this may mean for Durham County Council.
  - A summary of the progress made on the implementation of the action measures in the Durham City Air Quality Action Plan.
  - Details of the outcome of air quality monitoring at locations across the Durham City Air Quality Management Area.

## **Local 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 Objective.
- 6 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 Council declared an Air Quality Management Area within Chester le Street for nitrogen dioxide on the 17 May 2013. This extended along Pelton Fell road to include Menceforth Cottages and Glen Terrace situated to the west of Chester le Street town centre. The declared Air Quality Management Area was subsequently amended to solely include Menceforth Cottages on 25 March 2015.
- 9 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 Objectives.
- 10 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 Objectives.

## **Current position**

- 11 The data from monitoring at No 5 Menceforth Cottages is available for the last 3 years (2014 to 2016) with the annual mean below the National Air Quality Objective (40 µg/m<sup>3</sup>). Further monitoring was commenced at No 1 Menceforth Cottages from July 2015 and again the annual mean for the last two years (2015 & 2016) was below the National Air Quality Objective. However, during the previous 3 years there has been some variability in the results with an increase in levels occurring between 2015 and 2016.

- 12 At this stage, an Air Quality Action Plan has not been developed for Chester le Street. Instead, the Council have consulted with DEFRA to agree a way forward since the results from the monitoring have been below the National Air Quality Objective. In response DEFRA agreed that monitoring should continue at this location until sufficient data has been obtained for the Council to be confident in reaching a decision to either revoke the Air Quality Management Area or to progress the preparation of an Air Quality Action Plan.
- 13 The Durham City Air Quality Action Plan was adopted by the Council on 15 June 2016. Subsequent to this an Implementation Plan has been approved by the Air Quality Corporate Steering Group. There has now been progress on some of the actions that include the improvement of the emission standards of the bus fleets operating in Durham City, the completion of cycle-way sections on access routes to and from the city and also promotion of using alternative modes of travel to the use of the private motor car with businesses within Durham City.
- 14 The effectiveness of the action measures within the Air Quality Action Plan can be determined by changes to 'indicator' information that are applicable to some of the actions and also the air quality monitoring data. The 'indicators' provide an indication of improvement in air quality.
- 15 There is an established network of air quality monitoring sites across the County but with the main focus on Durham City and Chester le Street. The sites are reviewed at three monthly intervals to take into consideration the results of recent monitoring or where there are changes proposed that may have an impact on air quality. For example, two new sites have been established close to the junction of Sutton Street and the A690 in Durham city centre that will take into consideration changes made to the routing of buses to and from the new location for the bus station.
- 16 The results of the monitoring highlight that the National Air Quality Objective ( $40 \mu\text{g}/\text{m}^3$ ) is being exceeded at discrete localised 'hotspots' across the city. The 'hotspots' occur at sites at the following locations:
- Properties at Gilesgate close to the uphill section of the east-bound carriageway.
  - Properties at and in close proximity to the junction of Church and Hallgarth Street at New Elvet.
  - Properties on Sutton Street and Alexandra Cres on the approach to the traffic lights at the Crossgate junction.
  - Properties on Belle Vue Terrace in close proximity to the junction of Sunderland Road and Dragon Lane.
  - Properties at Highgate situated close to the carriageway on the exit from the Framwellgate Moor roundabout.
- 17 DEFRA commenced consultation on a draft UK Air Quality Plan for tackling nitrogen dioxide in towns and cities across the country on 5 May 2017. This set out proposals for reducing levels of nitrogen dioxide by the implementation of national and local measures

The responsibility on Local Authorities for implementing action measures to reduce levels to below the National Air Quality Objective (40 µg/m<sup>3</sup>) in the shortest time frame possible was included. The main way in which this may be achieved is for the establishment of either a charging or a non-charging Clean Air Zone (CAZ).

- 18 The Plan identifies Local Authorities with a major road within their area for which national air quality modelling has shown that there are levels of nitrogen dioxide that exceed the National Air Quality Objective. The implication is that these Local Authorities will be required to implement either a charging or a non-charging Clean Air Zone (CAZ). At this stage, Durham County Council have not been included as one of these Authorities although amendments may be made to the Plan before the anticipated date of issue by the end of July.

### **Next Steps**

- 19 It is considered the main focus of local air quality management work in the future will remain on Durham City. The review of the monitoring data every three months will continue and also discussed at future meetings of the Air Quality Technical Working Group. In this way the overall effectiveness of the Air Quality Action Plan will be determined and a requirement identified for the revision or the inclusion of additional action measures to reduce levels of nitrogen dioxide at the 'hotspot' locations. The Air Quality Corporate Steering Group will give approval to any revisions proposed to the Durham City Air Quality Action Plan.
- 20 The further monitoring of levels of nitrogen dioxide at the two locations at Menceforth Cottages (Nos 1 and 5) in Chester le Street will continue. It is considered that sufficient data for the Council to make a decision on whether to revoke the Air Quality Management Area will be available at the end of the year. Following a review of the results then the Council will either revoke the Air Quality Management Area or proceed with developing an Air Quality Action Plan.
- 21 Following the release of the UK Air Quality Plan, anticipated by the end of July, it will be necessary to determine whether or not there are any requirements for Durham County Council. Any requirements that are applicable will then have to be implemented.

### **Recommendations**

- 22 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.
- 23 That the Environment and Sustainable Communities Overview and Scrutiny Committee receive as part of the refresh of the work programme for 2018-19 a further report detailing progress on the development of air quality management within County Durham.

## **Background Papers**

Environment and Sustainable Communities Overview and Scrutiny Report – 8  
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**Contact/Author: Denyse Holman**

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

**Contact/Author: David Gribben**

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

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## **Appendix 1: Implications**

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### **Finance**

There are cost implications with the implementation of the air quality improvement measures incorporated within the Durham City 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 portable continuous monitors were replaced in September 2016 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 at locations across the County with a particular focus on the Durham City 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 the completion of air quality projects and especially the implementation of the Durham City 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 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, following the completion of Local Air Quality Management projects. 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 areas to which the project relates.

The main purpose of previous consultation was to obtain feedback on the air quality improvement actions that have been included in the Durham City Air Quality Action Plan. 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 carrying out of a campaign that highlights the importance of air quality is included as one of the action measures and this 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.