

**4<sup>th</sup> October 2018**

**Air Quality Management within  
County Durham**

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**Report of Ian Thompson, Corporate Director of Regeneration and  
Local 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 14<sup>th</sup> July 2017.

**Background**

- 2 Members will recall that at the meeting of the Environment and Sustainable Communities Overview and Scrutiny Committee held on the 14<sup>th</sup> July 2017 an update was provided on the outcome of monitoring carried out in 2016 in Durham City and Chester le Street, the implementation of the Durham City Air Quality Action Plan measures and the implications of the approach of the Government towards tackling nitrogen dioxide as set out in the draft UK Air Quality Plan.
- 3 It was agreed by members at the meeting on the 14<sup>th</sup> July 2017 that the Environment and Sustainable Communities Overview and Scrutiny Committee would receive a further update at a future meeting detailing, in particular:
  - The outcome of further monitoring of air quality in both Durham City and Chester le Street and further progress on the implementation of the Air Quality Action Plan measures.
4. Arrangements have been made for Denyse Holman, Pollution Control Manager and David Gribben, Senior Air Quality Officer, Regeneration & Local Services to deliver a presentation focusing on:
  - The outcome of further monitoring across both Durham City and at Chester le Street during 2017 and how this compares with the previous year.
  - The action now required and being progressed on the outcome of the results of the monitoring carried out in 2017.
  - A summary of the progress made on the implementation of the action measures in the Durham City Air Quality Action Plan.

- An outline of further steps and actions to be taken during the next 12 months and also over a longer time frame. The requirement to continue to submit the Annual Air Quality Status Report to DEFRA and the feedback received from this will influence further action required going forward.

## **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 monitoring at both sites at Menceforth Cottages was continued for the remainder of 2017. In the annual Air Quality Status Report 2017 it was set out that the Council will revoke the Air Quality Management Area if the annual mean measured below  $36 \mu\text{g}/\text{m}^3$  (a magnitude of ten percent below the national annual mean air quality objective). This was the case at both sites and, in addition, the results have measured below the objective for the previous 3 years. Therefore a report has been prepared to progress the revocation of the Chester le Street AQMA.
- 12 The results of the monitoring carried out in 2017 for the additional sites that have been established on Church Street, New Elvet that are outside the boundary of the declared Durham City AQMA were above the annual mean objective ( $40 \mu\text{g}/\text{m}^3$ ). These were reported in the annual Air Quality Status Report 2018 and in accordance with the feedback received it is now required to amend the AQMA to incorporate a short section of Church Street. Therefore a report has been prepared to progress the amendment of the Durham City AQMA.
- 13 The results of the monitoring carried out in 2017 from sites across the declared Air Quality Management Area in Durham City in most cases show a decrease in comparison with the results during the previous year. Consequently the number of 'hotspot' locations was reduced to the following three areas:
  - An uphill section of Gilesgate where the residential properties are close to the east bound carriageway.
  - At properties located on Sutton Street, Colpitts Terrace and Alexandra Crescent on the approach to the lights at Crossgate junction.
  - A section of Church Street in the vicinity of apex corner (junction of Church and Hallgarth Street).

A 'hotspot' is identified as an area where there are sites at which the monitored levels of air quality pollutant have exceeded the annual mean air quality objective. It is noted that caution should be given to the results from a single year since variations will occur from, for example, different meteorological conditions.

- 14 The draft Durham City Sustainable Transport Strategy 2016-2030 has now been established. A source of funding to support the measures in the Strategy is currently being sought and, if successful, the subsequent implementation of these will support and complement the action measures detailed in the Air Quality Action Plan. Further the implementation of some of the action measures can only be progressed once the County Durham Plan is finalised.
- 15 There has been progress on the implementation of the action measures and this has included the following:

- **Action Measures 2 & 3 (Retrofitting and Operation of Hybrid Buses):** The fleet profile has continued to improve with the proportion of Euro VI buses within the fleet continuing to increase by the replacement of older buses.
- **Action Measure 7 (Assessment of the Impact of the Local Plan on Air Quality):** A detailed assessment of the impact on air quality from the implementation of the Local Plan is being progressed.
- **Action Measure 9 (Air Quality Strategy):** A draft Air Quality Strategy has been completed.
- **Action Measure 10 (Air Quality Campaign):** An Air Quality Campaign has been established and developed to deliver messages on what we all can do to improve air quality. A programme of visits to schools has been arranged by Living Streets to commence shortly. This will include messages on improving air quality by opting for alternative modes of travel to the use of the private motor car.

### Next Steps

- 16 The network of monitoring sites that have been established across Durham City is reviewed every 3 months (quarterly). This determines any amendments required to site locations. The emphasis has previously been to ensure, where possible, that the site is representative of 'relevant exposure' i.e. at a residential property. It is important this review is continued as the emphasis will be on having monitoring sites at locations where improvements in air quality are likely to occur following the implementation of the action measures.
- 17 The responsibilities for the implementation of each of the action measures are set out in the Implementation Plan. There is an ongoing requirement for further meetings of the Air Quality Technical Working and Corporate Steering Groups to review the progress on the implementation of the action measures in conjunction with the results of the monitoring. If, at locations, the results continue to exceed the annual mean objective then consideration will need to be given to additional action measures that are focussed on reducing emissions within a localised area.
- 18 A review of the Action Plan is required by the Environment Act 1995 although no time period is specified by when this should be completed by. However in accordance with the Policy Guidance on air quality issued by DEFRA such a review should take place not later than a period of 5 years from when the Action Plan has been adopted. Therefore a review of the Action Plan is required no later than June 2021.

### Recommendations

- 19 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.

- 20 That the Environment and Sustainable Communities Overview and Scrutiny Committee receive as part of the refresh of the work programme for 2019-20 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 July 2017

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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. The expansion of the existing network of monitors that measure air quality pollutants (nitrogen dioxide) is likely to be required going forward. In particular the use of 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.