

REPORT TO THE MEETING OF THE EXECUTIVE 16 JULY 2014

PORTFOLIO: ENVIRONMENT

REPORT FROM HEAD OF ENVIRONMENTAL SERVICES

SUBJECT: AIR QUALITY IN RAYLEIGH TOWN CENTRE

1 DECISIONS BEING RECOMMENDED

- 1.1 To approve in principle the creation of an Air Quality Management Area (AQMA) in Rayleigh town centre in line with the Council's statutory Local Air Quality Management duties.
- 1.2 To authorise the Head of Environmental Services to undertake a public consultation exercise regarding the extent of the proposed Air Quality Management Area.
- 1.3 To delegate the determination of the final boundary of the Air Quality Management Area to the Portfolio Holder for Environment following consideration of consultation responses.

2 KEY DECISIONS DOCUMENT REFERENCE No: 8/14

3 REASONS FOR RECOMMENDATION

- 3.1 Monitoring data from 2013 has been analysed and modelled, indicating that nitrogen dioxide levels arising from vehicle exhaust emissions have remained above a prescribed limit since similar matters were last reported to Members in March 2013.
- 3.2 Members have previously given 'in principle' approval to the creation of an AQMA (Min. 217(1)/11). However, at the meeting of 6 March 2013, Members agreed to curtail the process of declaring an AQMA (Min.47(2)/13), to allow further monitoring to be undertaken.
- 3.3 In its latest letter to the Council, the Department of Environment, Food and Rural Affairs (Defra) advises that it expects the Council to declare an AQMA in Rayleigh based upon predicted exceedances and will not accept a further deferral.
- 3.4 Officers consider it appropriate to now commence a consultation exercise with relevant stakeholders in order to define a boundary for the proposed AQMA.
- 3.5 Appendix 1 contains maps of the areas considered to be above the permitted level of nitrogen dioxide. The affected roads included within the proposed AQMA include High Road, High Street, Eastwood Road and Crown Hill, Rayleigh.

4 SALIENT INFORMATION

- 4.1 Data from monitoring in 2013 was analysed and modelled by Air Quality Consultants in February 2014. The annual average level of nitrogen dioxide that triggers the air quality management process is $40\mu\text{g}/\text{m}^3$ at points of relevant exposure (e.g. facades of homes).
- 4.2 Their report concludes that, following a small improvement in 2012, there had been no further improvement in nitrogen dioxide levels in Rayleigh town centre. As such, they recommend that an AQMA should be declared.
- 4.3 Officers have since written and submitted the Council's annual Progress Report for 2014. A copy has been placed in the Members' Library.
- 4.4 Defra's letter of 8 January 2014 disagreed with the recommendations of the Council's 2013 annual Progress Report, which stated that the Council would reassess the need for an AQMA following implementation of the Rayleigh Area Action Plan. Defra advises that it expects the Council to declare an AQMA based upon predicted exceedances and will not accept a further deferral.

Essex perspective

- 4.5 At the time of writing, there are 15 AQMAs within 6 Essex local authorities. One AQMA identifies 15 separate locations where nitrogen dioxide exceeds the prescribed annual mean level. Another consolidated 3 previous AQMAs.
- 4.6 Essex County Council Highways officers are aware of the current air quality situation in Rayleigh, as well as the ongoing development of the Rayleigh Area Action Plan.

5 THE AIR QUALITY MANAGEMENT AREA (AQMA) PROCESS

- 5.1 An AQMA is a formalised procedure set out by the Government by which the Local Authority actively assesses air quality and then plans and carries out remedial action where necessary.
- 5.2 To begin this process the Council must initially consult the public and businesses within the vicinity of the elevated nitrogen dioxide levels.
- 5.3 All those in the area of concern will be written to in order to obtain their views. Consultation is likely to take place over a six-week period this Summer/Autumn with responses able to be submitted in writing, by e-mail and online.
- 5.4 Consultees will include:-
 - Rochford District Council – Planning, etc.
 - Essex County Council – Highways, Environment, Education etc.
 - Environment Agency

- Locally-operating businesses/representative bodies
- Residents/landowners
- Neighbouring local authorities
- Parish/Town Council(s)

5.5 Once the consultation responses have been received it is proposed that the Portfolio Holder be delegated to determine the footprint of the AQMA and sign off the AQMA. The Council then has up to eighteen months to create an Action Plan, explaining how it will address the identified issues, with the Action Plan having to be subject to its own public consultation.

5.6 In this instance, the Action Plan would be heavily dependant upon input from Essex County Council Highways officers and the Local Highway Panel.

5.7 On conclusion, the Action Plan is submitted to Defra for approval, following receipt of which it can be implemented. Grant funding towards approved actions may be available from Defra.

5.8 It is understood that an improvement scheme for the High Street is currently under consideration by the Local Highways Panel. The declaration of an AQMA may influence the level of funding available for this scheme.

6 ALTERNATIVE OPTIONS CONSIDERED

6.1 Officers do not consider further deferral of the decision whether to declare an Air Quality Management Area a viable option.

7 RISK IMPLICATIONS

7.1 The Council is required to declare an AQMA where the national air quality objectives are exceeded, the aim of which is to improve the health and quality of life of the residents of, and visitors to, the area and to help protect our environment.

7.2 The Localism Act 2011 allows the government to pass on EU infraction fines for poor air quality, where a Local Authority has taken no action to address pollutant levels above the National air quality objectives. The recommended course of action will therefore minimise this risk.

7.3 It should be noted that there may be unquantifiable financial implications for business operators and property owners within the designated area.

8 ENVIRONMENTAL IMPLICATIONS

8.1 The levels of nitrogen dioxide will continue to exceed national objectives without an action plan created in the light of an AQMA Order for the area.

8.2 National air quality objectives are based upon the effects of pollutants upon human health. There are no wider environmental impacts.

- 8.3 Officers consider that the Council is limited in its ability to significantly improve levels of nitrogen dioxide in Rayleigh, but any improvement will reduce adverse effects on public health.

9 RESOURCE IMPLICATIONS

- 9.1 To date, the Council has only carried out continuous monitoring on a periodic basis with hired equipment. Monitoring currently takes place during the first six months of the year. The next period begins early in 2015. All costs will be contained within existing budgets.

10 LEGAL IMPLICATIONS

- 10.1 The Secretary of State for Defra is responsible for the attainment of national air quality objectives. The Council has a duty in law to monitor the air quality in its district.
- 10.2 The Council is required to declare an AQMA where a National air quality objective is exceeded. It must consult with the public and other relevant parties in order to create and implement an action plan to improve the air quality within that AQMA.
- 10.3 Once the relevant air quality objective has been met consistently, the AQMA Order can be revoked, subject to approval by Defra.
- 10.4 Should a Council fail to declare an AQMA where there is an exceedance of an objective, then Defra can direct a local authority to do so.

I confirm that the above recommendation does not depart from Council policy and that appropriate consideration has been given to any budgetary and legal implications.

SMT Lead Officer Signature: 

Head of Environmental Services

Background Papers:-

Rochford DC Progress Report 2014

For further information please contact Martin Howlett, Acting Environmental Health Manager on:-

Phone: 01702 318049

Email: Martin.howlett@rochford.gov.uk

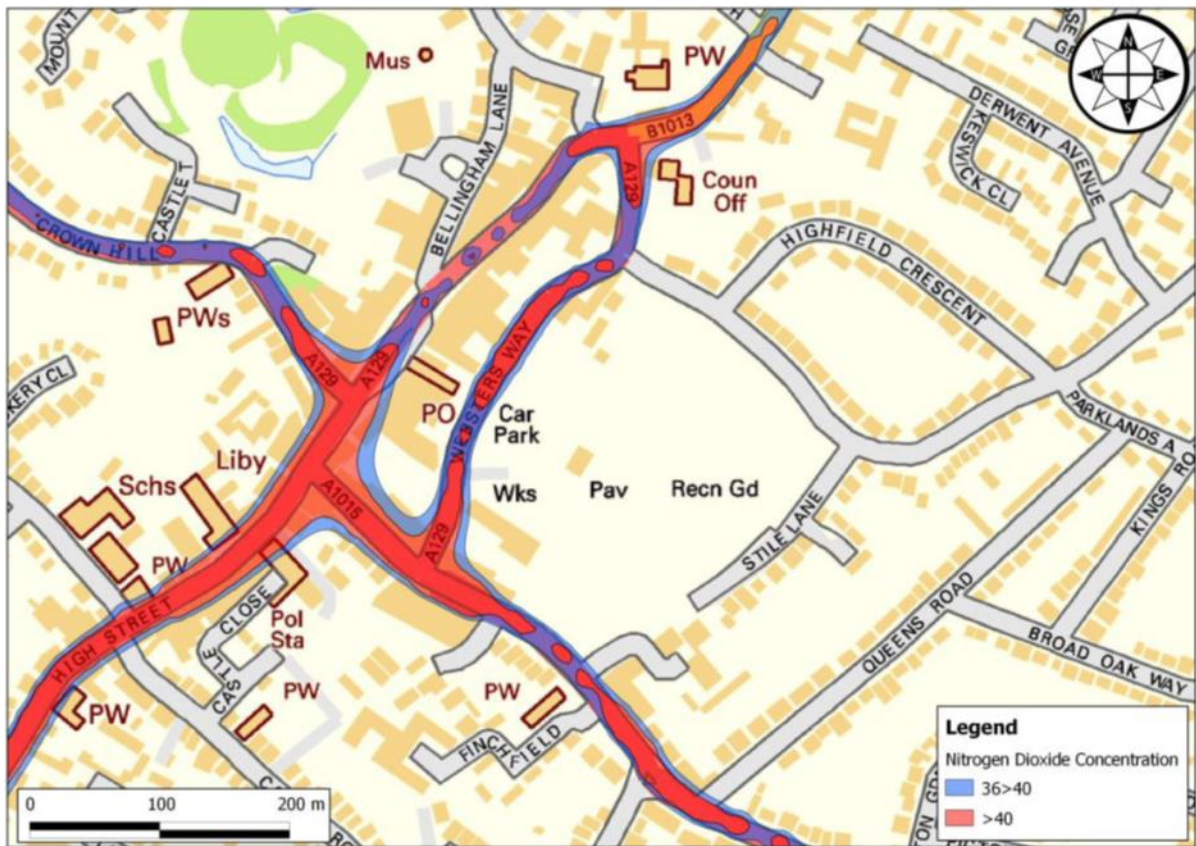
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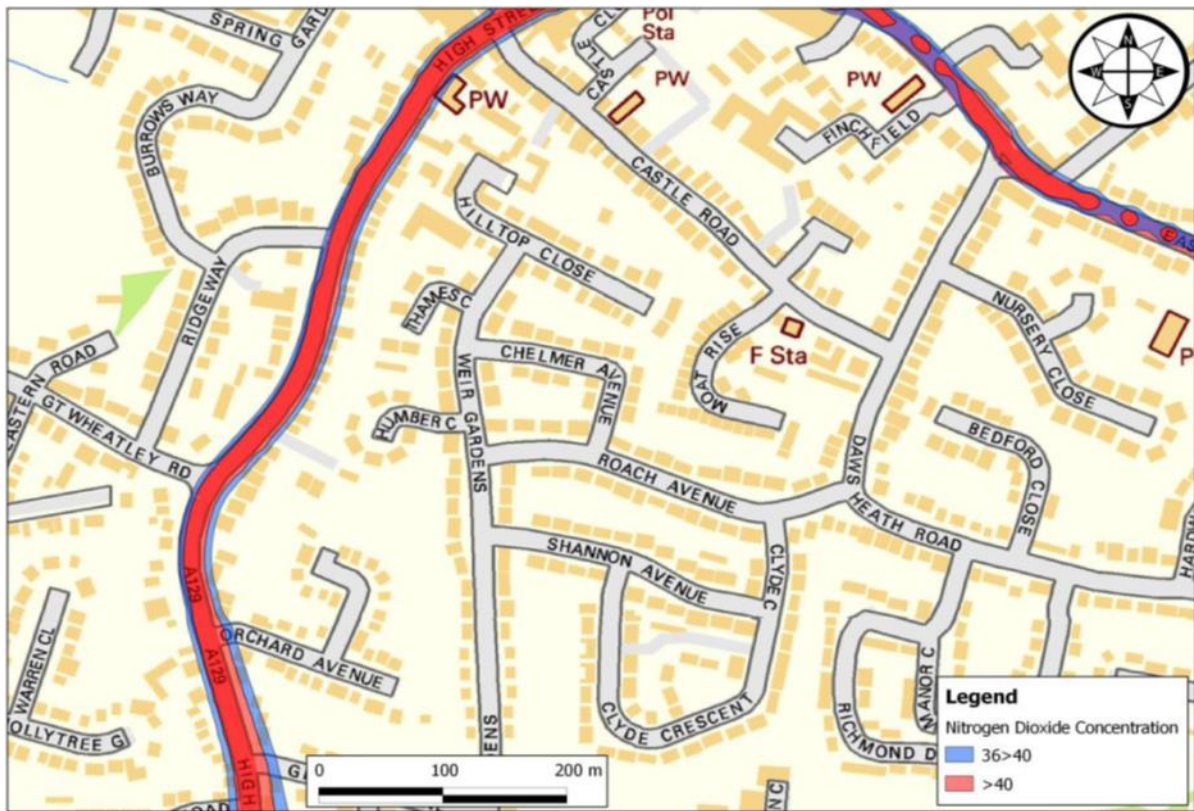
Areas of Rayleigh modelled for nitrogen dioxide concentrations

KEY:

--- 40µg/m³ contour (area considered to be above the permitted level of nitrogen dioxide).

--- 36µg/m³ contour (proposed area to be consulted upon)





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