
REPORT TO THE MEETING OF THE EXECUTIVE 27 JANUARY 2010

PORTFOLIO: ENVIRONMENT

REPORT FROM: HEAD OF ENVIRONMENTAL SERVICES

SUBJECT: AIR QUALITY MANAGEMENT IN WEST RAYLEIGH

1 DECISIONS BEING RECOMMENDED

- 1.1 To approve in principle the proposed Air Quality Management Area for Rawreth Industrial Estate, in line with the Council's statutory Local Air Quality Management duties.
- 1.2 That the Head of Environmental Services be authorised to undertake a public consultation exercise regarding the extent of the proposed Air Quality Management Area.

2 FORWARD PLAN REFERENCE No: 01/10

3 REASONS FOR RECOMMENDATION

- 3.1 Over the last ten years, officers have carried out assessments of air quality at various locations across the district. This monitoring has formed part of the periodic reviews that the Council is obliged to carry out under the Environment Act 1995 in accordance with The National Air Quality Strategy.
- 3.2 Officers have carried out air quality monitoring in the vicinity of the Rawreth Industrial Estate, Rayleigh due to the potential for a fine dust (known as PM₁₀) to be above the nationally prescribed levels.
- 3.3 In 2008, Officers commissioned some air quality modelling to look at the previous years' monitoring results and predict the likelihood of this national standard being exceeded. This report was received in 2009 and concluded that there was a likelihood of prescribed levels being exceeded. This is due to a combination of high background levels and the contribution of miscellaneous emissions from Rawreth Industrial Estate, adjacent farmland and dust from the industrial estate road in particular. As such, it recommended the declaration of an Air Quality Management Area (AQMA).
- 3.4 The Council submitted the report to the Department for Environment, Food and Rural Affairs (Defra) for approval in early 2009. Defra subsequently wrote back to the Council accepting the recommendations of the report and requesting a copy of the AQMA Order once an AQMA has been declared.
- 3.5 As a result, the Council must now commence the process of designating the area where it will implement an action plan to reduce dust levels to below the national standard. Such an area is called an AQMA.

- 3.6 The action plan can only be finalised once the extent of the AQMA has been determined through public consultation. However, Officers have already identified that in the longer term, these air quality issues will be addressed through Local Planning Policies and the relocation of the industrial estate. In the short to medium term, Officers will negotiate with businesses on the estate to mitigate the release of dust both from their premises and the use of the road.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council could choose to ignore the recommendation of the Secretary of State and employ mitigation measures to reduce the elevated levels of dust without declaring an AQMA. This may result in receiving a direction from Defra to declare an AQMA at a later date should monitoring show that the national standard is exceeded.

5 OTHER SALIENT INFORMATION

Current Actions

- 5.1 Since January 2009, Officers have arranged for fortnightly sweeping of the industrial estate road. This is twice the frequency with which it would ordinarily be swept.
- 5.2 Officers have also obtained a number of quotes from air quality specialists in order to carry out the planned 12 months of continuous monitoring. Such monitoring will be a requirement once we declare an AQMA.
- 5.3 Officers have had informal discussions with officers from Essex County Council Highways and Environment Agency teams in order to formulate positive partnership arrangements.

Planned Action

- 5.4 Additionally, the Council's Core Strategy Submission Document acknowledges air quality issues. This would restrict new development within any AQMA in the district.
- 5.5 It should be noted that the proposed Planning Policy ED3 also indicates that Rawreth Industrial Estate would be reallocated for residential development by 2012, although the complete transfer to residential use may not be realised until 2020.
- 5.6 An application will be made to Defra to assist with the cost of future air quality monitoring. The next application date is in April 2010.

6 AIR QUALITY MANAGEMENT AREA (AQMA)**The Process**

- 6.1 An AQMA is a formalised procedure set out by the Government by which the Local Authority actively assess, plan and carry out remedial action.
- 6.2 To begin this process the Council must initially consult the public and businesses within the vicinity of the elevated dust levels in order to determine the geographical extent (i.e. the boundaries) of the AQMA.

Consultation

- 6.3 To achieve this, the Council intends to write to all those in the area of concern in order to obtain their views. This process is likely to take a number of weeks to carry out, but will coincide with the consulted parties being invited to the next West Area Committee, which will be attended by relevant Officers.
- 6.4 Whilst this is being done, further continuous monitoring will be arranged. This will commence early 2010 for a period of at least one year.

Declaration of an AQMA

- 6.5 Once the consultation responses have been considered and the final area determined, a final report will be submitted to The Executive to officially declare the AQMA.
- 6.6 The Council then has up to a maximum of eighteen months to create an Action Plan explaining how it will address the issue. It is anticipated that this procedure can begin as part of the initial consultation process and conclude, at the latest, by July 2011.
- 6.7 On conclusion, the Action Plan is submitted to Defra for their approval. If they are agreeable, it can then be implemented.

Summary of AQMA Process

- 6.8 The progress stages of declaring and managing an AQMA are as follows:-
- The Executive agrees in principle to declare an AQMA.
 - Consultative correspondence sent to businesses and those residential properties near to Rawreth Industrial Estate.
 - Continuous dust monitoring equipment installed near to Rawreth Industrial Estate which will operate for a minimum period of one year.
 - West Area Committee to be held on 4 March 2010. Consulted parties invited to attend. Feedback and issues noted and explanations given where required.

- Officers analyse consultation responses and propose AQMA boundary in report to The Executive.
- The Executive confirms AQMA order.
- Officers draft Action Plan with input from the following individuals and organisations:-
 - Rochford District Council – Environmental, Planning, etc
 - Essex County Council – Highways, Environment, Education etc.
 - Environment Agency
 - Locally-operating businesses/representative bodies
 - Industrial estate owners/managing agents
 - Residents/landowners
 - Parish/Town Council(s)
- AQMA Action Plan submitted to Defra for their approval.
- AQMA Action Plan implemented.
- Monitoring of Action Plan with progress reports to The Executive through the quarterly report on key projects.

7 RISK IMPLICATIONS

- 7.1 The Council is required to declare an AQMA where any national air quality objective is exceeded. A breach of a national air quality standard and where there is 'relevant exposure' is defined by national guidance.
- 7.2 The aim of declaring an AQMA is to improve the health and quality of life of the public and to help protect our environment.
- 7.3 If an AQMA is required, this could potentially have adverse implications for businesses, residents and their properties within the designated area.

8 ENVIRONMENTAL IMPLICATIONS

- 8.1 Tackling local causal sources will improve the air quality for the public subject to long-term exposure within any future AQMA.
- 8.2 The Core Strategy Submission Document will have an impact on this area once an AQMA has been declared (refer to paragraphs 5.4 and 5.5 above).

9 RESOURCE IMPLICATIONS

- 9.1 To date, the Council has only carried out continuous monitoring at each location on an infrequent, short-term basis. The current budget (plus reserve) allows for 12 months of continuous monitoring at this site starting this current year (2009/10). It is anticipated that consultation costs can also be borne from existing resources in this year's budget.
- 9.2 Nonetheless, officers intend submitting a grant application to Defra to cover some of the monitoring costs associated with declaring the AQMA.
- 9.3 The 2010/11 Divisional Plan identifies the declaration of an AQMA at this location as a service priority.
- 9.4 An AQMA could have financial and human resource implications for the Council dependant upon the length of time the AQMA exists and the actions required.
- 9.5 The declaration of an AQMA would result in significantly more Officer time being committed to air quality issues. It will be necessary to re-prioritise other work to ensure this can be addressed within existing staff resources.

10 LEGAL IMPLICATIONS

- 10.1 The Secretary of State for Defra has overall responsibility for the attainment of national air quality standards. The Council has a duty in law to monitor the air quality in its district and take all reasonable steps to achieve objectives within its boundary on the Secretary of State's behalf.
- 10.2 The Council is required to declare an AQMA where a national air quality standard 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 Should a Council fail to declare an AQMA where there is an exceedance of an objective, Defra can direct a local authority to do so.
- 10.4 Following the declaration of an AQMA, it can be revoked at any time once Defra are satisfied that the relevant standard is being met.

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:-

LAQM Updating and Screening Assessment 2009 May 2009.

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If you would like this report in large print, Braille or another language please contact 01702 546366.