

**REPORT TO THE MEETING OF THE EXECUTIVE 6 MARCH 2013**

**PORTFOLIO: ENVIRONMENT**

**REPORT FROM HEAD OF ENVIRONMENTAL SERVICES**

**SUBJECT: AIR QUALITY MANAGEMENT IN RAYLEIGH AND RAWRETH**

**1 DECISION BEING RECOMMENDED**

- 1.1 To revoke the Air Quality Management Area Order for Rawreth Industrial Estate, Rayleigh.
- 1.2 To amend the decision taken by the Executive on 11 July 2012 (Minute 145/12) and take no further action in respect of the Air Quality Management Area for Rayleigh town centre and its environs for the time being.

**2 KEY DECISIONS DOCUMENT REFERENCE No: 1/13**

**3 REASONS FOR RECOMMENDATION**

**Rawreth Industrial Estate**

- 3.1 Following monitoring of fine particulate matter (known as PM<sub>10</sub>) between June 2011 and June 2012 on Rawreth Industrial Estate, a report was produced by consultants (Bureau Veritas) recommending that the Council considers revoking the Air Quality Management Area (AQMA).
- 3.2 The report's authors conclude the annual and daily mean PM<sub>10</sub> limits are currently being met; therefore the AQMA can be revoked.
- 3.3 As required, officers submitted this report to the Department of the Environment, Food and Rural Affairs (Defra), which has since approved the report's conclusions and recommendations.

**Town Centre, Rayleigh**

- 3.4 Data gathered from monitoring of Nitrogen Dioxide (NO<sub>2</sub>) during 2012 indicates that there has been a small reduction in NO<sub>2</sub> levels in High Street, Rayleigh and surrounding roads since 2010. However, this reduction is within the margin of error.
- 3.5 Whilst NO<sub>2</sub> levels remain marginally above the annual mean limit of 40µg/m<sup>3</sup> at some residential locations, the number of properties above this level has reduced. This is also within the margin of error.
- 3.6 Analysis of the sources of NO<sub>2</sub> indicates that ambient background concentrations contribute the largest proportion to the overall concentrations, followed by passenger vehicles.

- 3.7 Officers consider that there is limited ability for the Council to significantly influence the levels of NO<sub>2</sub> in Rayleigh town centre and it is therefore unlikely that they would recommend declaration of an AQMA in the future based upon current circumstances. Further monitoring is already in place and will help determine if this is a trend that will continue.

#### **4 SALIENT INFORMATION**

##### **Rawreth Industrial Estate**

- 4.1 Following the implementation of some local measures identified in the draft action plan, improvements in air quality have been achieved. There have been sufficiently few days' exceedance of the daily limit (up to 11 days, where 35 days are permitted) during the monitoring period, therefore the AQMA can be revoked. None of these exceedance days were at relevant receptors (i.e. houses).
- 4.2 The majority of exceedance days are solely due to high background levels of PM<sub>10</sub>.
- 4.3 A breakdown of the results shows that the largest source of total PM<sub>10</sub> concentrations is the background concentrations, this contributes more than 67%. Local sources make up the remaining 33%, the large majority of which is re-suspended dust (i.e. when heavy vehicles use the estate road). Farming and traffic are minor contributors, although non-exhaust emissions are twice those of exhaust emissions.
- 4.4 A draft Air Quality Action Plan had undergone a public consultation during 2012, but was not sent to Defra for approval due to the improvement in monitoring results. This plan will not now be submitted to Defra or implemented.
- 4.5 An AQMA Order can be revoked whenever a Council can demonstrate to Defra that limits for the pollutant in question are being met.

##### **Town Centre, Rayleigh**

- 4.6 Following the meeting of the Executive on 21 September 2011, Members agreed in principle to declare an AQMA in High Street, Rayleigh and undertake a public consultation. At a subsequent meeting on 11 July 2012, Members agreed to defer the public consultation exercise to allow Rochford District and Castle Point Borough Councils to act together on the issue.
- 4.7 It is understood that Castle Point BC will instead wait for a period after the completion of the Sadler's Farm Junction Improvement Scheme before deciding what action to take, if any, regarding air quality in its borough.
- 4.8 Following the recommendation of the 2011 Detailed Assessment, further monitoring data was gathered for 2012.

- 4.9 Analysis of the 2012 data by Air Quality Consultants in their latest report indicates that the annual mean objective for NO<sub>2</sub> is marginally exceeded at residential locations along High Road, High Street, Eastwood Road and Crown Hill, Rayleigh. Monitoring will continue until December 2013 and allow trend analysis. If there is a significant exceedance or any significant change occurs within the area then officers may once again review this decision.
- 4.10 Air quality is a consideration in the Council's forthcoming Rayleigh Area Action Plan. Officers will also continue to liaise with counterparts at Essex County Council Highways.
- 4.11 The Council is due to submit its annual progress report to Defra in April 2013, which will necessarily comment upon the Council's actions regarding this location.

## **5 ALTERNATIVE OPTIONS CONSIDERED**

### **Rawreth Industrial Estate**

- 5.1 Retain the existing AQMA and carry out further monitoring in future years.

### **High Street, Rayleigh**

- 5.2 To proceed with the decisions taken by the Executive on 21 September 2011 (Minute 217/11) and undertake a public consultation regarding the declaration of an AQMA in Rayleigh town centre.

## **6 RISK IMPLICATIONS**

- 6.1 Defra can direct a Local Authority to declare an AQMA should it consider that it has failed to do so where there is an exceedance of an objective. This would not change the procedure or time frames for declaration and action planning.
- 6.2 The Localism Act 2011 allows for the Government to pass on EU infraction fines for poor air quality where a Local Authority has an AQMA for a relevant pollutant.

## **7 ENVIRONMENTAL IMPLICATIONS**

- 7.1 National air quality objectives are based upon the effects of pollutants upon human health. As such, there are no wider environmental impacts.

## **8 RESOURCE IMPLICATIONS**

- 8.1 All alternative decisions fall within existing budget provision, but would require additional officer time.

## **9 LEGAL IMPLICATIONS**

- 9.1 A Local Authority 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.
- 9.2 Should a Local Authority fail to declare an AQMA, where there is an exceedance of an objective, Defra can direct a Local Authority to do so.
- 9.3 Following the declaration of an AQMA, it can be revoked at any time, once Defra is 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**

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### **Background Papers:-**

Air Quality Management Area (Rochford District Council) (No. 1) Order 2010

Rawreth AQMA LAQM Further Assessment, December 2012, Bureau Veritas

Rayleigh Detailed Assessment, February 2013, Air Quality Consultants

For further information please contact Martin Howlett (Principal Environmental Health Officer) on:-

Phone: 01702 318049

Email: martin.howlett@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.