



REPORT TO: COMMUNITY SERVICES & LICENSING COMMITTEE

DATE: 27 NOVEMBER 2008

HEAD OF SERVICE: ENVIRONMENT

REPORTING OFFICER: HEALTH AND ENVIRONMENT MANAGER
Steven Richmond

SUBJECT: LOCAL AIR QUALITY MANAGEMENT – DETAILED
ASSESSMENT UPDATE

WARDS AFFECTED: ALL

1.0 PURPOSE OF REPORT

1.1 To inform Members of the progress made with the Council's Detailed Assessment of Nitrogen Dioxide (NO₂) Pollution in Malton and the implications.

2.0 RECOMMENDATIONS

2.1 It is recommended that Members endorse the report.

3.0 REASONS SUPPORTING DECISION

3.1 Local authorities are required by Section 82 (1) of the Environment Act 1995 to undertake reviews and assessments of air quality within the district and to assess present and likely future air quality against air quality objectives.

4.0 BACKGROUND

4.1 A full background to the requirements of the local air quality management (LAQM) framework is available in the Local Air Quality Progress Report reported to this Committee on 5 April 2007.

5.0 INTRODUCTION

5.1 The Local Air Quality Progress Report reported to this Committee on 26 July 2007 set out details of the requirement for the Council to undertake a Detailed Assessment of nitrogen dioxide in Malton and identified sources of funding for this work.

6.0 POLICY CONTEXT

6.1 Statutory requirements – Part IV of the Environment Act 1995 requires London boroughs, district and unitary Councils in England to conduct local air quality reviews. Defra have issued guidance documents to assist local authorities in conducting their reviews of air quality which, in accordance with Section 88(2) of the Act, local authorities are required to have regard to when carrying out their local air quality management duties. The system is an integral part of delivering the objectives set out in the National Air Quality Strategy.

Community Plan – Landscape and Environment Action Plan

Corporate Plan - Corporate Aim – To have a clean and sustainable built and natural environment

Environmental Health Services Service Delivery Plan 2008/09 – to undertake a detailed Assessment of nitrogen dioxide in Malton, within the deadlines set by Defra.

7.0 REPORT

7.1 Initial monitoring was undertaken at the Maltings, Castlegate for a 9-month period starting at the beginning of October 2007. Results in June indicated that there was likelihood that the annual mean objective for nitrogen dioxide may be exceeded.

7.2 As a result discussions were held with our consultants and reference made to technical guidance, which recommends that 12 months monitoring maybe advisable if the results are close to or exceeding the objective. The monitoring was therefore extended by three-months, which ended at the beginning of October 2008. The purpose of the extended monitoring was to allow the authority to increase certainty as to whether the NO₂ annual mean air quality objective is being breached and to have a high degree of confidence in the conclusions reached by the Detailed Assessment on whether to declare an Air Quality Management Area (AQMA).

7.3 The results after 12 months of continuous monitoring for nitrogen dioxide, indicate that it is likely that the annual mean objective is exceeded at several relevant receptor locations in Malton.

7.4 Air Quality Modelling is currently being undertaken that will assist the authority in:

- determination of the geographical extent of the exceedence area and the extent of any Air Quality Management Area that is declared;
- estimating the population exposed to pollutant concentrations above the objective.

7.5 The aim of the Detailed Assessment is to provide an accurate assessment of the likelihood of an air quality objective being exceeded at locations with relevant exposure. The assumptions within the Detailed Assessment should be considered in depth, and the data used quality-assured to a high standard. This is to give the authority confidence in the decision it reaches on whether to declare an Air Quality Management Area. When a likely exceedence of the objectives is identified the authority also needs to determine the magnitude and geographical extent of the likely exceedence.

7.6 It is necessary to use quality-assured monitoring data and validated modelling methods to determine current and future pollutant concentrations in areas where there is a significant risk of exceeding an air quality objective.

7.7 Where a detailed assessment shows that one or more air quality objectives is/are likely to be breached the Council is required to designate an Air Quality

Management Area (AQMA) by publishing an official AQMA Order. Declaration of an AQMA would be preceded by publication of proposals for the AQMA and a period of public consultation

8.0 FINANCIAL IMPLICATIONS

8.1 Following submission of the Detailed Assessment to Defra should an Air Quality Management Area have to be declared a consultation exercise and future real time monitoring will have to be undertaken.

9.0 LEGAL IMPLICATIONS

9.1 The Council are required by the Environment Act 1995 to make assessments of local air quality. Guidance on the general approach to be used, together with detailed technical guidance, which is provided on a pollutant by pollutant basis, is contained in the Defra publication - Local Air Quality Management Technical Guidance TG(03).

9.2 A Detailed Assessment Report is due to be submitted to Defra by the end of November 2008. Failure to submit a satisfactory report would constitute a breach of the Councils duty.

10.0 ENVIRONMENTAL IMPLICATIONS

10.1 In 2006 an increase in nitrogen dioxide levels at roadside sites in Malton and elsewhere ended a long-term trend of falling levels of this pollutant. Monitoring results for 2007 show that levels were broadly similar to the preceding year.

11.0 RISK ASSESSMENT

11.1 If on completion of the Detailed Assessment it is concluded that an AQMA must be designated the Council will be required to undertake a further review air quality within the AQMA, to justify its existence and to initiate policies for subsequent action to improve poor air quality. The further review must be submitted to Defra within 12 months of the AQMA declaration following which an Air Quality Action Plan should be developed and implemented.

12.0 CONCLUSION

12.1 Subject to final data verification, the monitoring results indicate that it is likely that the annual mean objective is exceeded at several relevant receptor locations in Malton. The Air Quality Modelling being undertaken will assist the authority in determining the geographical extent of the exceedence area and the extent of any Air Quality Management Area that may be declared.

Background Papers:

Ryedale District Council – **Second Round Review and Assessment of Air Quality in Ryedale** – Detailed Assessment, May 2004

Ryedale District Council – **Local Air Quality Management Progress report** – Community Services and Licensing Committee 2 June 2005.

Ryedale District Council –**Third Round Review and Assessment of air quality in Ryedale** –Community Services and Licensing Committee 8 June 2006

North Yorkshire County Council – **Local Transport Plan 2006-2011**. March 2006

Ryedale District Council – **Local Air Quality Progress Reports** – Community Services and Licensing Committee 5 April 2007 & 26 July 2007

Defra – Local Air quality Management Technical Guidance TG(03). 2003.

Defra – Local Air Quality Management Policy Guidance PG(03) & PGA(05) 2003 & 2005.

OFFICER CONTACT: Please contact Steven Richmond, Health and Environmental Manager if you require any further information on the contents of this report. The officer can be contacted at Ryedale House, Malton on 01653 600666 ext 247 or e mail: steve.richmond@ryedale.gov.uk