

<b>13 July 2016</b>	<b>ITEM: 16 (Decision 01104378)</b>
<b>Cabinet</b>	
<b>Local Air Quality</b>	
<b>Wards and communities affected:</b> West Thurrock and South Stifford Aveley and Uplands	<b>Key Decision:</b> Key
<b>Report of:</b> Councillor Tolson, Portfolio Holder for Environment	
<b>Accountable Head of Service:</b> Lucy Magill, Head of Residents Services	
<b>Accountable Director:</b> Steve Cox, Corporate Director Environment and Place	
<b>This report is Public</b>	

## **Executive Summary**

This report asks Cabinet to approve the declaration of two new Air Quality Management Areas in Aveley and Purfleet, for which Action Plans are under development and will be brought for Cabinet Approval in September. Work carried out in 2013/14 led to concerns that there were problems with air quality in parts of Aveley and Purfleet. Follow-up investigation confirmed the annual average air quality for nitrogen dioxide (NO<sub>2</sub>) in these areas was likely to be above 40 micrograms per cubic metre (µg m<sup>3</sup>).

Further monitoring and modelling work confirmed it was likely the Air Quality Objective would be exceeded in specific parts of Aveley along part of Aveley High Street and Ship Lane. Also a smaller area in Purfleet along the Purfleet By-Pass was found to likely be above the Air Quality Objective. As a result there is a need for two new Air Quality Management Areas (AQMAS) to be declared along Aveley High Street / Ship Lane and for the Purfleet By-Pass.

The Cleaner, Greener Overview and Scrutiny Committee, agree that these AQMAS should be declared, and recommend that Cabinet approve the declaration of these AQMAS.

### **1. Recommendation(s)**

- 1.1 To approve the declaration of two new Air Quality Management Areas Aveley High Street / Ship Lane and Purfleet By-Pass.**

**1.2 To note that action plan proposals for these proposals are under development and will be brought to Cabinet for approval in September.**

## **2. Introduction and Background**

2.1 The statutory Local Air Quality Management regime started in 1998 as a result of the Environment Act 1995. It requires local authorities to identify and take action to tackle local air quality problems arising from pollutants; sulphur dioxide, nitrogen dioxide, fine particles (PM<sub>10</sub>), benzene, 1,3-butadiene, carbon monoxide and lead.

2.2 Local authorities have a statutory duty to assess the levels of these pollutants against air quality standards and objectives laid out in the Air Quality Regulations 2000. These objectives are based on how these pollutants affect health. If it is considered the objectives are unlikely to be met, the authority is obliged to declare an AQMA and subsequently complete an Action Plan, detailing how the Council intends to improve air quality for the health of residents.

2.3 In April 2001 Thurrock Council declared 20 AQMAs as air quality modelling for NO<sub>2</sub> and particulates PM<sub>10</sub> showed these areas were above the air quality objective. The main contributor to the high levels of pollutants in these areas is directly related to road traffic emissions, in particular Heavy Goods Vehicles. This then led to the development of an Air Quality Action Plan in summer 2002.

2.4 In October 2003, as part of the council's ongoing review and assessment the next air quality report concluded there had been sufficient changes in air quality to warrant a more detailed assessment. This was for nitrogen dioxide, benzene, particulates and sulphur dioxide in specific locations. It was completed in October 2004 and the number of AQMAs was reduced from 20 to 15 and a revised Air Quality Action Plan was produced which led to the production of an Air Quality Management Order in 2005 listing the then 15 AQMAs.

2.5 In 2013 the Council declared a further AQMA (AQMA 24) for NO<sub>2</sub> in Tilbury, along part of Dock Road, Calcutta Road and St Chad's Road. This was confirmed by both monitoring data and also from detailed dispersion modelling at these locations. This brought that the total number of AQMA to 16.

2.6 Air quality monitoring data highlighted in the 2013 and 2014 Air Quality Progress Report's identified a potential exceedence of the annual mean objective for nitrogen dioxide (NO<sub>2</sub>) in parts of Aveley and Purfleet By-Pass.

2.7 A more detailed assessment of air was undertaken in 2014 to determine if there was still an exceedence at locations within Aveley and along the Purfleet By-Pass. The 2014 Detailed Assessment Report formally identified

and confirmed that these two areas were likely to breach the annual mean objective for NO<sub>2</sub>; evidenced by the use of detailed dispersion modelling which was then verified by annual monitoring data. The first location identified was along the main high street within Aveley, Aveley High Street and also part of Ship Lane which is an area mainly comprised of retail and residential premises. The second location identified was a residential development close to the Purfleet By-Pass.

Figure 1 and table 1 found in the appendix 1 of this report – list all 16 current AQMAs and also shows the two new proposed AQMAs for Purfleet & Aveley.

The two proposed AQMAs from this report are shown in the appendix 1 of this report in (figures 2 & 3).

### **3. Issues, Options and Analysis of Options**

- 3.1 Thurrock Council should declare two AQMAs for NO<sub>2</sub> on Aveley High Street / Ship Lane and Purfleet By-pass. Declaration of these AQMAs will formally recognise the need for remedial action to improve air quality within these areas and provide the framework for the adoption of Action Plans which are under development, and have recently been consulted upon alongside Thurrock's draft Air Quality and Health Strategy, a copy of which can be found at <https://consult.thurrock.gov.uk/portal/tc/pt/transport/aqstrategy?platform=hootsuite>.

This document outlines the authority's approach to improving air quality related health and wellbeing throughout the Borough and reduce air pollution exposure to safe levels for human health. The Strategy provides the context for Council to manage air quality through a suite of policies to prevent new AQMAs from arising as well as outlining a number of actions and measures to improve air quality in each AQMA with a view to moving towards compliance and revocation. An adoption draft will be brought to Cabinet for approval in January 2017.

- 3.2 To meet statutory requirements the Secretary of State will have to be informed of progress on these measures annually.
- 3.3 Declaration of the two new AQMAs for Aveley and Purfleet will lead to recommendations and actions to improve overall air quality and health for residents.

### **4. Reasons for Recommendation**

- 4.1 Having reviewed all the relevant air quality monitoring and modelling data for this area it is clear the annual average objective for NO<sub>2</sub> is in breach at relevant areas of public exposure. Under Section 83 of the Environment Act 1995 the council has a legal obligation to declare these two AQMAs.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 As part of the declaration of these AQMAs the council will liaise with the Secretary of State, the Environment Agency, the Mayor of London, surrounding local authorities and those members of the public who will be situated within these AQMAs.
- 5.2 These consultees will be advised a that review of air quality in Aveley and Purfleet has been completed along with recommendations for declaration of an AQMA. This is required by Sections 83 and 84 of the Environment Act 1995.
- 5.3 The Cleaner, Greener Overview and Scrutiny Committee, are supportive of the recommendation to declare two new AQMAs to bring about improvements to air quality. They recommend that the Cabinet approve the declaration of these two new AQMAs.

## **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Declaring these two AQMAs, will highlight issues with air quality and lead to positive action to improve air quality and the general environment.

## **7. Implications**

### **7.1 Financial**

**Implications verified by: Michael Jones**  
**Management Accountant**

All costs associated with these reports can be contained within the relevant revenue budget for Environmental Protection. There will be no financial implications as a result of the declaration of a new Air Quality Management Area.

### **7.2 Legal**

**Implications verified by: Chris Pickering**  
**Principal Solicitor - Employment & Litigation**

The declaration of AQMAs, the formulation of action plans and assessment of air quality are statutory duties of the council under the provisions of Part IV of the Environment Act 1995.

The council is obliged to undertake regular monitoring of air quality and to make an Air Quality Management Order (AQMAO) when thresholds are breached and are unlikely to be met within a reasonable timescale.

Following the implementation of an AQMAO the Council has a duty to implement an Air Quality Action Plan which makes recommendations for improving air quality within the AQMA.

By pursuing this course of action the council will seek to update and amend the current AQMAO 2005 and subsequent amendment in 2013 to reflect the proposed revisions within the Detailed Assessment Report 2014.

### 7.3 **Diversity and Equality**

**Implications verified by: Natalie Warren  
Community Development and Equalities  
Manager**

The introduction of two new AQMAs in Aveley & on the Purfleet By-Pass will support the wellbeing of some vulnerable members of the local community including those suffering from health conditions affecting the upper-respiratory system. Associated AQAPs will tackle existing air quality problems and help to bring down levels of nitrogen dioxide which may reduce the number of health impacts for people living and working in and around these AQMAs.

The council will engage members of the public who will be situated within the AQMA and will have due regard to the Equality Act 2010 through this process. Action will be taken to mitigate any risk of negative community impact highlighted through the engagement process.

### 7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

Under the Health and Social Care Act 2012, local authorities have a statutory duty to improve and protect the health of their population.

It is recognised that exposure to consistently high levels of air pollution can have an adverse impact on health, particularly in those with heart or lung problems, especially if they are elderly.

The declaration of this new Air Quality Management Area, which covers residential and retail premises, will lead to the development of a specific Air Quality Action Plan that identifies ways in which the levels of nitrogen dioxide can be reduced in this specific area.

In declaring these new AQMAs the appropriate officers in Thurrock Council will be better informed to provide advice for preventing or mitigating against any new developments that could worsen air quality, or introduce additional exposure in this area.

Ian Wake, Director of Public Health

- 8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

### **References**

Defra, (2009). Local Air Quality Management, Technical Guidance LAQM.TG09. Defra, London.

Defra, (2009). Local Air Quality Management, Policy Guidance LAQM. PG09. Defra, London.

Thurrock (2013). Local Air Quality Management – Air Quality Progress Report 2013

Thurrock (2014). Local Air Quality Management – Air Quality Progress Report 2014

Thurrock (2014). Local Air Quality Management – Detailed Assessment For NO<sub>2</sub>. 2014

<https://www.thurrock.gov.uk/air-quality/air-quality-monitoring>

All Reports can be provided if needed

- 9. Appendices to the report**

Appendix 1: Air Quality Management Area's (AQMA's) within Thurrock

### **Report Author**

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Air Quality Pollution Officer