

Environment Policy Development Group – 5 June 2007**REVIEW OF AIR QUALITY STRATEGY****Report of Head of Environmental Health**

Statutory Powers: Environment Act 1995 Part IV, Environmental Protection Act 1990 Part III.

Financial Implications: There are no significant financial implications arising from this report.

Purpose

To update Members on the progress of implementing the Council's Air Quality Strategy, formally adopted on 27 June 2002 and to seek Members' agreement on proposed revisions to the Strategy.

Implementing the Council's Air Quality Strategy directly supports CP4: Maintaining a Clean Environment.

Recommendations

That Members note the progress to date and recommend to the Executive that the proposed revisions to the Air Quality Strategy be adopted.

Background

1. The quality of the air that we breathe has direct implications on our health. The smogs of the 1950's and 60's originally forced the Government of the time to implement legislation to try and reduce pollution levels in cities and urban areas.
2. Air quality is again high on the national and international agenda. The continual growth in car use is outpacing the measures being taken to reduce the pollutants that they produce. In addition the variety and complexity of chemicals used in industrial and commercial activity continues to grow. The Council has a vital role to play in identifying and tackling air quality issues across the District.
3. In view of this and in line with recommended 'Best Practice' the Council formally adopted an 'Air Quality Strategy' on 27 June 2002. The Strategy brings together the wide ranging air quality related duties undertaken, primarily by the Environmental Health Service, in one document.

4. The strategy is wide ranging and covers, for example:
 - Permitting and inspection of specific industrial processes such as china clay operations, brickworks and large scale printers.
 - Review and Assessment of Air Quality across the South Hams under the National Air Quality Strategy
 - Investigation of complaints relating to air quality issues such as nuisance from bonfires and industrial/commercial activity.
 - Controlling Air Quality impacts through the Development Control and Forward Planning process.
5. The strategy does not cover Climate Change directly as this falls under the Council's draft Climate Change Policy and Strategy.
6. The strategy identifies two key aims which are to ensure that the air breathed by residents and visitors to the South Hams is of the highest possible quality and without unacceptable risk to health. Secondly to ensure that air quality issues are identified, considered and taken into account by the Council in order to secure more sustainable forms of development.
7. To secure these aims seven 'short' and two 'medium' term objectives were identified.

Implementation to Date

8. There has been successful progress towards achieving the objectives.
9. For example in line with statutory requirements, the Council undertakes an on-going Review and Assessment of Air Quality across the District. This includes the monitoring of specific pollutants using diffusion tubes and real-time analysis. Through this work a baseline of Air Quality across the District is being established.
10. Also through this process the Council has declared an Air Quality Management Area (AQMA) in Dean Prior due to exceedances of the objective for levels of Nitrogen Dioxide (NO₂) from traffic on the A38 Devon Expressway. Further detailed studies are being undertaken in Ivybridge and Totnes into potential exceedances. The declaration of an AQMA enables the Council to work with partners, such as the County Council and the Highways Agency, to try and improve the air quality.
11. The gathering of information on Air Quality also helps inform decision making on future development.
12. The Council permits and inspects specific industrial installations. The Council has achieved an inspection rate of 100%, when compared with Government guidance on risk-based inspection.
13. In addition performance against the new BVPI 217 on Pollution Control Improvements has been good at 94% 2005/6 and 88% 2006/7. This BVPI measures the number of key pollution control improvements achieved as a result of the permitting process. The Council does not have direct control over achieving the improvements but development of close working relationships with the operators assists in securing the improvements without the need to resort to enforcement.

14. The table below summarises progress to date (areas where progress has not been made are highlighted bold). In general terms the objectives and approach approved within the Strategy have been, or are being, achieved.

Objective:	Progress in Key areas
1. To meet the air quality objectives laid down in the National Air Quality Strategy.	<ul style="list-style-type: none"> • Review and Assessment has been undertaken annually in line with statutory duties. Areas of exceedance with respect to the objectives are being addressed through action planning. • Participation in the UK Nitrogen Dioxide (NO₂) diffusion tube network. • Comprehensive risk-based NO₂ diffusion tube survey of the South Hams established to determine compliance and monitor change. • Real-time NO₂ monitoring equipment purchased using Government grant.
2. To provide an effective service for responding to and resolving air quality complaints and enquiries.	<ul style="list-style-type: none"> • 98 % of complaints relating to Air Quality issues including bonfires (commercial/domestic) were responded to in line with service standards (2006/7). • Customer satisfaction rates (all EH not Air Quality specific) were at 90% for 2006/7. • Successful transfer of initial screening information work to Customer Services.
3. To work in partnership with operators and regulate processes prescribed under the Environmental Protection Act (1990) and Pollution Prevention Control (1999) Acts in line with DEFRA's requirements and best practice.	<ul style="list-style-type: none"> • 100% of prescribed processes inspected in line with Government guidance. • All prescribed process authorisations/permits reviewed in line with Government guidance. • Cost accounting developed in line with Government guidance. • Key pollution control improvements secured (See 13 above)
4. To raise public awareness of Air Quality issues and to promote behaviour aimed at improving air quality.	<ul style="list-style-type: none"> • Encourage uptake of energy efficiency measures through publicity of local and national grant programmes and general advice. • Promotional work not progressed as hoped due to other work pressures.
5. To establish a comprehensive, informative and up to date Air Quality database on the South Hams internet site.	<ul style="list-style-type: none"> • Full and summary Air Quality Review and Assessment Documents on the Council web site. • NO₂ results on the web site as and when they are received from the laboratory (on a monthly basis). • Useful links to other sites with air quality information and relevant meteorological data, pollen forecasts etc.

Objective:	Progress in Key areas
7. To establish partnerships with both Devon County Council and the Highways Agency to secure an integrated approach to air quality issues.	<ul style="list-style-type: none"> • Links established with both parties on Air Quality Issues • Input to Local Transport Plan. • DCC now represented at Devon wide Air Quality meetings to help secure a strategic approach. • Liaison with Highways Agency on AQMA at Dean Prior.
8. To expand the ambient air quality monitoring network.	<ul style="list-style-type: none"> • See Objective 1.
9. To secure partnerships with neighbouring Devon local authorities regarding air quality issues.	<ul style="list-style-type: none"> • Agreement secured on the sharing of relevant information, especially between neighbouring authorities, for example relating to traffic counts and monitored pollution levels for different locations on the same road. • Devon wide Air Quality Management Group established.

Future Developments

15. The legislation and guidance covering Air Quality change on a regular basis. It is clear, however, that monitoring and securing improvement, where necessary, in the quality of the air we breathe is becoming increasingly important.
16. The Rogers Review of Local Authority Regulatory Priorities, published as part of the March 2007 Budget, identified Air Quality as one of only five national priorities for enforcement.
17. In addition to the progressing national agenda, developments within the South Hams such as the Langage Energy Centre and Park and the new development at Sherford have direct air quality impacts. It is essential that any impact is assessed fully and mitigated where appropriate.

Review and Updating of the Strategy

18. The Strategy has been reviewed and updated to take into account progress on implementation, changes that have occurred over the past five years and future challenges as identified above.
19. The key aims remain the same and there are now a simplified set of objectives and an associated approach to work towards and secure the aims.
20. For example, the first objective is to 'To meet the air quality objectives laid down in the National Air Quality Strategy.' This is a key objective driven by the statutory requirements of the National Air Quality Strategy. To deliver this objective the Council will continue to review and assess air quality and submit the relevant stage report to DEFRA on an annual basis. Where objectives are not met an appropriate Air Quality Action Plan will be drafted, in conjunction with key partners, to work towards achieving the objectives.

21. Objective 2 looks at the provision of ‘an effective service for responding to and resolving air quality complaints’. Studies looking at remote working and securing greater flexibility within existing resources, initially across Environmental Health, should improve the efficiency and effectiveness of the service we presently offer.

Risk Assessment

Risk	Mitigation
The potential identification of areas of poor air quality may adversely affect the district in terms of property blight and reduced tourism.	Accurate gathering of data and effective communication of AQ issues in line with Best Practice to minimise adverse effects whilst securing improvements.
The Council fails to discharge its statutory responsibilities under Environmental Protection legislation.	The updated strategy clearly sets out the statutory requirements and identifies an approach to ensure delivery.

Conclusion

Air Quality has been identified as one of 5 key Local Authority Regulatory Priorities by the Rogers Review. Maintaining good Air Quality directly supports CP4: Maintaining a Clean Environment.

The adoption and implementation of the Council’s Air Quality Strategy has ensured that the Council’s work in this area has been delivered efficiently. The revised strategy will maintain and further develop the protection of air quality in the South Hams.

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Executive
5 June 2007

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Background Documents:

South Hams Air Quality Strategy (Revised) May 2007