

**REPORT TO:** ENVIRONMENTAL SERVICES AND SUSTAINABILITY COMMITTEE  
20<sup>TH</sup> FEBRUARY 2006

**REPORT ON:** DECLARATION OF AIR QUALITY MANAGEMENT AREA

**REPORT BY:** HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS

**REPORT NO.** 108-2006

## **1.0 PURPOSE OF REPORT**

To inform the Committee of the council's statutory requirement to declare an Air Quality Management Area (AQMA) in the city and outline the procedure involved in undertaking the further assessment ("Stage 4") and Action Planning processes that follows the declaration.

## **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that the Committee notes the requirement to declare an Air Quality Management Area and the need to undertake the further assessment of air quality to inform and support an Air Quality Action Plan.
- 2.2 The Action Plan will help the Council actively work towards meeting and maintaining the National Air Quality Standard (NAQS) required.
- 2.3 It is recommended that the Committee approves the following measures which will assist the council in meeting its statutory obligations for air quality management in the city:
- the declaration of an Air Quality Management Area covering the whole of the local authority area;
  - the appointment of a specialist consultant (Casella Stanger) to assist the council with the development and the initial stages of the implementation of an Air Quality Action Plan;
  - the setting up of a Working Group of all appropriate internal and necessary external stakeholders to develop and implement an Air Quality Management Action Plan led by Corporate Planning Department.

## **3.0 FINANCIAL IMPLICATIONS**

- 3.1 The initial expenditure required for the above recommendations has been identified in the Environmental Health and Trading Standards Department's revenue and capital budgets for 2006/2007.
- 3.2 At the present time, the resources required to implement the proposals within the Air Quality Action Plan (AQAP) cannot be fully quantified. The ongoing financial costs will be dependant on the outcome of the further assessment, measures identified in the AQAP, and other factors such as any further legislative requirements.

## **4.0 LOCAL AGENDA 21 IMPLICATIONS**

- 4.1 This report addresses the key sustainability themes:
- Pollution is limited to levels at which natural systems can cope
  - Health is protected by creating a safe, clean, pleasant environment

## **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 None

## **6.0 REPORT**

6.1 Part IV of the Environment Act 1995 and subsequent Regulations place a statutory duty on local authorities to periodically review and assess the air quality within their area. Dundee City Council undertook the first Review and Assessment (the First Round) between 1998 and 2000. The Second Round commenced in 2003 following the issue of new technical guidance. In accordance with the statutory framework, the Updating and Screening Assessment (USA) was completed in May 2003 and a Detailed Assessment and subsequent Progress Report were completed in 2005.

6.2 The council has a statutory obligation to declare an Air Quality Management Area. Following the declaration of the AQMA the council has to undertake a further assessment of existing and likely future air quality in the AQMA (referred to as a "Stage 4" assessment). This further assessment is intended to supplement information the authority already has and inform an Air Quality Action Plan which the council has to produce to bring forward local measures that will actively improve the air quality levels in the city. Local authorities are not obliged to meet the objectives but they must demonstrate that they are taking all reasonable steps in working towards achieving them.

6.3 The first stage in this process is the determination of the boundaries of an AQMA or AQMA's by the publication of an order. While the legislation requires authorities to designate as AQMA's areas of relevant public exposure where air quality standards are breached, local authorities have the freedom to designate wider areas than the actual areas of exceedance.

6.4 The Environmental Health and Trading Standards Department has undertaken a consultation with appropriate internal stakeholders within the council to examine options for the boundaries of the Air Quality Management Area/s. Although the air quality in Dundee is generally very good, like many other urban authorities the city has a few locations where air quality breaches the current NAQS. In addition to these hotspots we also want to maintain, and where possible improve upon, the existing general high standard of air quality in Dundee. It is therefore proposed that the whole of the local authority area as detailed in Appendix 1 of this report, is declared an Air Quality Management Area for the following reasons:

- Non-discriminatory, avoids blight;
- Air quality in Dundee generally good, a management area would hope to maintain this as well as improve the areas of poor air quality;
- Ensure air quality is considered at a strategic decision making level;
- To avoid moving a hotspot from one area to another; and
- To take account of strategic air quality impacts such as those emanating from the movement of regional traffic

6.5 The responsibility for the preparation and implementation of the Air Quality Action Plan (AQAP) is not assigned within the legislation or policy guidance to any particular department of the local authority as it was recognised that the skill base required to carry out this statutory responsibility would span a number of disciplines and departments. The Scottish Executive recommends that the development of the Action Plan is taken forward in an interdisciplinary way within the local authority, to ensure all measures within the action plan are actively endorsed by all parts of the council.

6.6 It is therefore proposed that the council sets up a working/steering group to take forward the development of an action plan comprising officers at a suitable level to enable decisions to be

made from the following divisions/departments and where necessary appropriate external bodies outwith the council.

- Corporate Planning (Chair)
- Planning and Transportation
  - Transport Planning
  - Land Use Planning
- Environmental Health and Trading Standards
- Waste Management (Environment Strategy Officer)
- Support Services (Legal)
- Economic Development
- Tay Road Bridge Board (City Engineer)
- City Centre Management
- The Regional Transportation Partnership
- Major Employers
- Tayside Health Board
- Others as required

6.7 The "Stage 4" assessment has to be undertaken in parallel with the development the AQAP to inform and support the measures put forward within the plan. This further assessment will need to consider and refine the findings of the air quality dispersion modelling that was undertaken by Casella Stanger for the Detailed Assessment, identify the main sources impacting on air quality and calculate more accurately how much of an improvement in air quality is required to meet the air quality objective. The further assessment should provide the technical justification for the measures that the authority includes in its AQAP. This work is specialised in nature and, when appointing consultants, it would be advantageous to appoint the same consultant that undertook the previous air quality dispersion assessment. It is therefore proposed that the council dispense with the normal tendering process within the standing orders and appoint Casella Stanger to undertake the Stage 4 assessment and assist with the development of the AQAP.

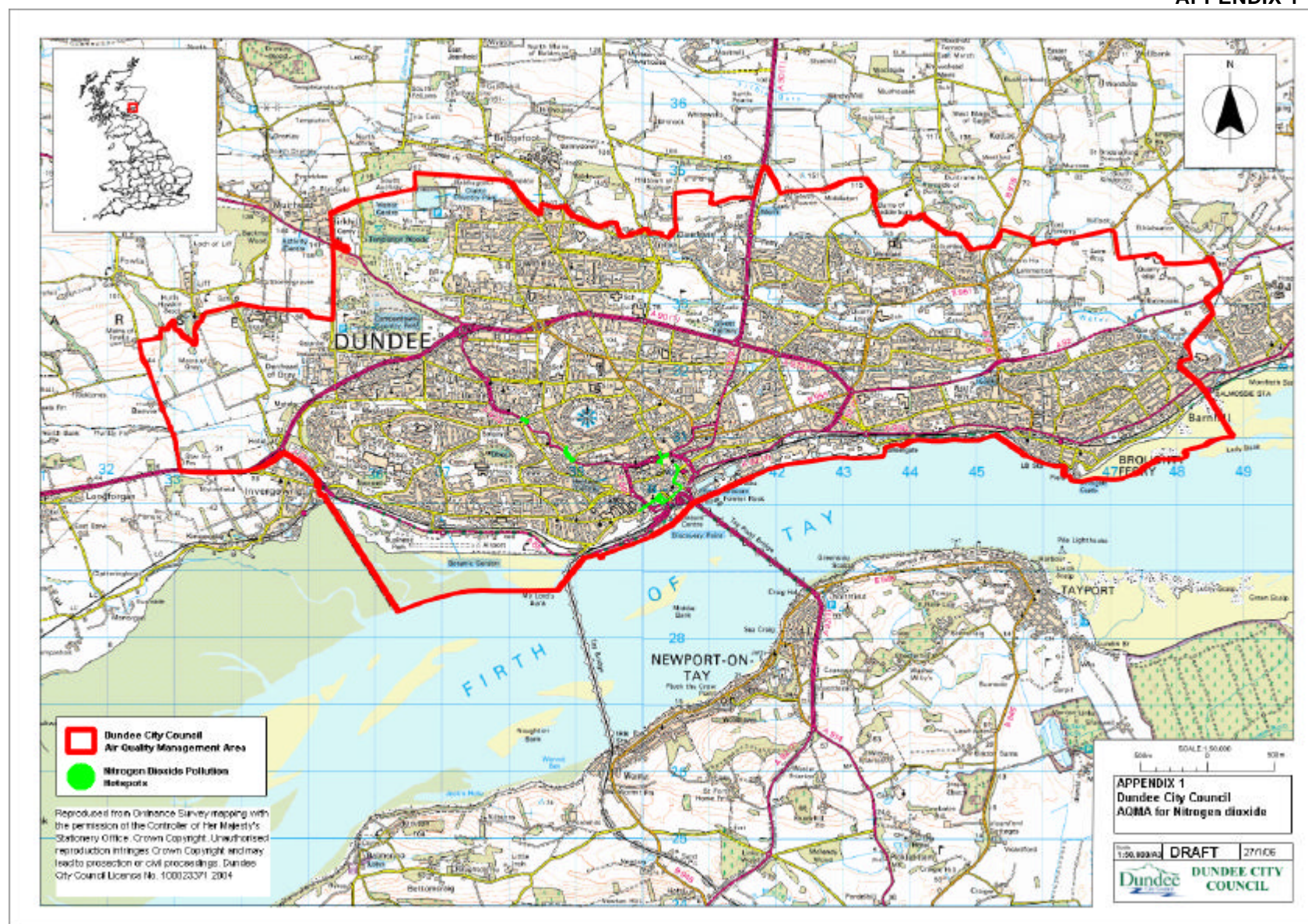
6.8 It should be noted that the statutory consultees, the Scottish Executive and Scottish Environment Protection Agency have been given a provisional timetable outlining the council's timeframe for taking forward its Local Air Quality Management duties. A copy of the timetable is contained within Appendix 2 of this report.

## **7 CONSULTATION**

7.1 Chief Executive  
Depute Chief Executive (Support Services)  
Depute Chief Executive (Finance)  
Assistant Chief Executive (Community Planning)  
Director of Planning and Transportation  
Director of Economic Development

## **8.0 BACKGROUND PAPERS**

8.1 Progress Report, October 2005  
Detailed Assessment, March 2005  
Updating and Screening Assessment, May 2003  
Part IV of the Environment Act 1995  
Local Air Quality Management Technical Guidance LAQM.TG(03)  
Local Air Quality Management Revised Policy Guidance LAQM.PG(S)(03)



## LOCAL AIR QUALITY MANAGEMENT PROGRAMME FOR DUNDEE CITY COUNCIL

<b>Proposed /Deadline Date</b>	<b>Actions re Air Quality Management Area (AQMA)</b>	<b>Actions re Other Air Quality Work</b>
6th May 2005	Approval of Detailed Assessment Findings received from Statutory Consultees.	
16th June 2005	Presentation on CWD by S Brown to Statutory Consultees Verbal Guidance re AQMA declaration	
June-mid September 2005		Finalisation of Progress Report in line with guidance from Scottish Executive
19 <sup>th</sup> September 2005	First meeting to discuss the extent of proposed AQMA in Dundee/ Start of Internal Consultation	
24 <sup>th</sup> October 2005		Committee approval of Annual Progress Report 2005 which confirmed the need to include Logie Street/Loons Road Junction within Proposed AQMA
15 <sup>th</sup> November 2005	Second Meeting to discuss the extent of Proposed AQMA in Dundee. Agree timeframe for Declaration	
November/December 2005		Start Updating & Screening Assessment (USA) process
21st December 2005	Submission of timeframe for declaration to Statutory Consultees (Scottish Executive & SEPA)	
December 2005 /January 2006	Discussion with Convener/V Convener Administration/Opposition Briefings as required	
January/February 2006	Tender for Consultants to assist with further Assessment/Action Planning Process	Installation of Background Particulate Analyser (TEOM) and Partisol Particulate Sampler for Co-location Study
20th February 2006	Report on AQMA to ESS Committee. Findings of internal consultation of boundary extent	
30 <sup>th</sup> April 2006		Submit USA for Dundee to Statutory Consultees
1 <sup>st</sup> May 2006	Publish AQMA Order /Advertise /PR	
3rd July 2006	AQMA comes into force	
31 <sup>st</sup> August 2006	Start SEA of AQMA process	Commence Detailed Assessment (if necessary)
30 <sup>th</sup> April 2007		Detailed Assessment or Progress Report to Scottish Executive
2nd July 2007	Completion of Further Assessment of AQMA submission to Statutory Consultees	

<b>Proposed /Deadline Date</b>	<b>Actions re Air Quality Management Area (AQMA)</b>	<b>Actions re Other Air Quality Work</b>
January 2008	Final date for Draft AQ Action Plan to Statutory Consultees	
	Report to ESS Committee	
	Publish final AQMA Action Plan & SEA	
30th April 2008		Further Assessment or Progress Report to Statutory Consultees