

# **CHESHIRE EAST COUNCIL**

## **CABINET**

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**Date of Meeting:** 12 July 2016

**Report of:** Cllr Paul Bates

**Subject/Title:** Air Quality Monitoring Data – 2014 / 15

**Portfolio Holder:** Cllr Paul Bates – Communities and Health

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### **1. Report Summary**

- 1.1. All councils are required to report on their local air quality annually to the central government Department of Environment, Food and Rural Affairs (Defra). As part of the preparatory work for the 2015 annual report and return to Defra, a number of data inaccuracies have been identified that impact on the 2015 report and the 2014 report which has already been submitted.
- 1.2. All of the air quality data for 2014 and 2015 is being reviewed and validated. At this stage it is believed that there are a number of sites across the borough whereby there are concerns.
- 1.3. Public Health has confirmed that there are no immediate health protection measures needed as a result of these concerns.
- 1.4. A further report will be brought to Cabinet detailing the extent of the data inaccuracies, the consequences, and the necessary remedial action. This report is to highlight the immediate work needed to ensure that the results to Defra are accurate and timely and that local stakeholders are engaged and actioned appropriately.

### **2. Recommendations**

That Cabinet:

- 2.1. Note that internal audit are to:
  - 2.1.1. Review and examine all air quality data that has been reported to Defra in 2014 (in the first instance) and any data which was due to be reported for 2015 to identify any potential inaccuracies which would be significant for its corresponding monitoring site.
  - 2.1.2. Review the end to end process to determine how these inaccuracies have occurred and provide recommendation to ensure this does not happen again.

2.1.3. Report on any other area of concern or learning that comes to light during the audit.

2.2. Note that as a result of any new reported data, that further detailed work will be required to determine any subsequent declarations of Air Quality Management Areas and the associated Action Plan development process.

### **3. Other Options Considered**

3.1. It would be inappropriate not to act on the information and to ensure that the correct information is provided to relevant parties as soon as is practicable. As such, no other options have been considered.

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

4.1. To ensure that the Council addresses its statutory requirements with respect to the Local Air Quality Management regime and in response to this emerging situation.

4.2. In order to meet the Council's commitment to being open and transparent and a learning organisation.

### **5. Background**

5.1. Air Quality is defined as the state of the air around us. It is everyone's responsibility to ensure the best air quality in Cheshire East and our everyday choices such as driving cars and burning wood can have a significant impact upon air quality. Good air quality is clean and unpolluted air and poor air quality is a result of a number of factors such as emissions from various sources which, when they reach high enough concentrations, have been shown to affect human health and/or the environment.

5.2. Cheshire East Council has an established approach to Local Air Quality Management. The fundamentals of any air quality work are about understanding local pollutant concentrations e.g. are residential properties on the edge of very busy and/or congested roads.

5.3. In April 2016 Defra released new policy guidance on Local Air Quality Management, which now requires that an Air Quality Steering Group to be set up. This group will oversee required ongoing work and is to be chaired by Cllr Paul Bates.

5.4. Where a council identifies any locations within its boundaries where the air quality objectives are not likely to be achieved it must declare the area as an Air Quality Management Area (AQMA). The area may encompass just one or two streets or it could be much bigger. The Council is subsequently required to put together a plan to improve air quality in that area through the development and implementation of a local Air Quality Action Plan.

- 5.5. In Cheshire East we have 13 Air Quality Management Areas all of which have been declared for the pollutant nitrogen dioxide (NO<sub>2</sub>). A map of our current Air Quality Management Areas is attached as Appendix 1.
- 5.6. Monitoring of nitrogen dioxide is undertaken using diffusion tubes at sites throughout Cheshire East (See Appendix 2). The tubes are exposed monthly, to obtain 12 individual monthly results which are then used to determine the annual mean at each location.
- 5.7. As part the preparation of the annual return to Defra - the Annual Status Report (ASR) – inaccuracies were discovered in the monthly data that is used to calculate and report the annual mean levels of NO<sub>2</sub>. These are the figures that are used to determine whether Air Quality Management Areas are required.
- 5.8. It is recommended that a detailed audit is carried on 2014 where data has been reported to Defra for completeness and comparison.

## **6. Wards Affected and Local Ward Members**

- 6.1. All wards and all ward members.
- 6.2. It is to be acknowledged that the findings of any further audit work may indicate that specific wards and ward members are affected.

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

- 7.1.1. None identified at the time of this report.

### **7.2. Legal Implications**

- 7.2.1. The Environment Act 1995 requires the Council to review the air quality within the Borough, both at the present time and the likely future air quality. The Council must designate an Air Quality Management Area (AQMA) where air quality objectives are not being achieved, or are not likely to be achieved. The air quality objectives are set out in the Air Quality (England) Regulations 2000. Once an AQMA is designated, the Council must develop an Action Plan detailing remedial measures to tackle the problem.
- 7.2.2. In 2016 Defra updated its guidance on local air quality management and backed this up with a 224 page technical guidance note. This guidance has been designed to maximise the public health benefits of local authority action, in particular on priority pollutants such as NO<sub>2</sub> and Particulate Matter.

7.2.3. Local authorities are now required to submit an Annual Status Report (ASR) to Defra. The ASR for 2015 was due to be submitted by 30 June 2016, although the Council has sought an extension to 29 July. In future years, an ASR is to be submitted by 20 June. The ASR is designed to allow sufficient understanding in the analysis of pollutant occurrence to support the identification of new non-compliant areas (i.e. 'hot spots') and to report on progress within existing AQMAs.

7.2.4. Section 82 of the Environment Act 1995 provides that every local authority must review the air quality within its area, both at the present time and the likely future air quality. Section 83 requires local authorities to designate an Air Quality Management Area (AQMA) where air quality objectives are not being achieved, or are not likely to be achieved, as set out in the Air Quality (England) Regulations 2000. Once the area has been designated, Section 84 requires the local authority to develop an Action Plan detailing remedial measures to tackle the problem within the AQMA.

### **7.3. Financial Implications**

7.3.1. At the current time we are unable to identify potential financial implications as a result of the further work that is to be undertaken and which are highlighted within the report.

7.3.2. Any further audit work will be delivered within existing resources.

7.3.3. The costs of general air quality work are met within existing budgets.

### **7.4. Equality Implications**

7.4.1. None

### **7.5. Rural Community Implications**

7.5.1. None

### **7.6. Human Resources Implications**

7.6.1. As a result of this work consideration is needed to understand the capacity and technical skills of the team to undertake any required further work in the necessary timescales. The service will consider the resources available and seek further support if required.

## **7.7. Public Health Implications**

7.7.1. There are no immediate health protection measures needed for the local population as a result of identifying these anomalies, other than to inform these communities about the revised air quality measurements for their area.

7.7.2. The health implications of living in an Air Quality Management Area will be examined by the Air Quality Steering Group, following which any necessary health advice will be provided by the Council to local residents.

## **7.8. Other Implications (Please Specify)**

7.8.1. Annual Status Report submission to DEFRA has been delayed from 30 June 2016 to 29 July 2016 (1 month).

## **8. Risk Management**

8.1. Addressed within the report and planned actions.

## **9. Contact Information**

This report has been prepared by:-

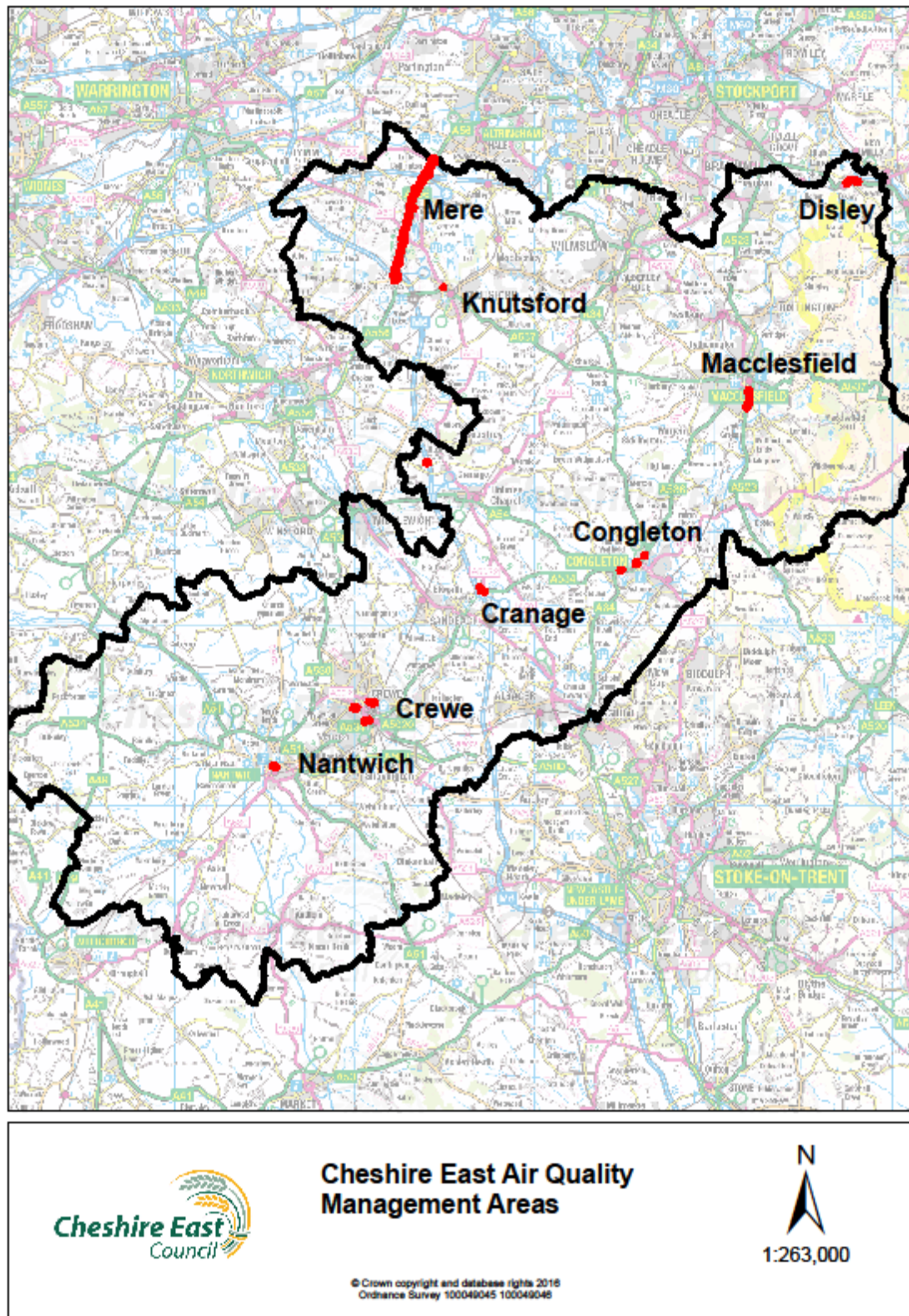
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## Appendix 1: Cheshire East Air Quality Management Areas





## Appendix 2: Cheshire East Diffusion Tube Monitoring Sites

