

PERTH AND KINROSS COUNCIL

Environment Committee

5 June 2013

PROPOSED AIR QUALITY MANAGEMENT AREA - CRIEFF**Report by the Depute Director (Environment)**

This report details the outcomes of a Detailed Assessment of air quality monitoring in Crieff, the results of which require Perth and Kinross Council to begin the process to declare an Air Quality Management Area (AQMA) covering West High Street / High Street / East High Street and Comrie Street.

Prior to declaring an AQMA by way of an Order in terms of Section 83(1) of the Environment Act 1995, the Council must carry out a consultation on the extent of the area to be covered by the terms of the AQMA, with relevant stakeholders, in accordance with Scottish Government Guidance.

1. BACKGROUND / MAIN ISSUES

- 1.1 In 1997 the UK Government published a National Air Quality Strategy and introduced a statutory process of Local Air Quality Management (LAQM) under the Environment Act 1995. Part IV of the Act requires each local authority to periodically review air quality in its area.
- 1.2 Local authorities must review and assess air quality according to prescribed guidance (Technical Guidance 09). This involves the monitoring of specified pollutants. If this monitoring shows there is a risk of exceeding any of the standards, the local authority is required to produce a Detailed Assessment to confirm or refute this. If, as the result of a Detailed Assessment, the objective for any prescribed pollutant is predicted to be exceeded in areas where there is relevant public exposure, the local authority has a duty under section 83(1) of the 1995 Act to declare an Air Quality Management Area (AQMA) by issuing an AQMA Order, following a process of public consultation.
- 1.3 As a consequence of declaring an AQMA, a Further Assessment of the air quality in the area must be completed and reported on within 12 months, along with an Air Quality Action Plan defined within 18 months, respectively from the date of declaration.
- 1.4 Section 84(2)(b) of the Environment Act 1995 makes it clear that local authorities are required to act 'in pursuance of the achievement of air quality objectives in the designated areas'. Local authorities are not under a legal obligation to achieve the objectives, although they are required to show that they are doing all that they reasonably can to work towards meeting them.

- 1.5 The prescribed relevant pollutants to be assessed are:
- Carbon monoxide
 - Benzene
 - 1,3 Butadiene
 - Lead
 - Nitrogen Dioxide (NO₂)
 - Sulphur Dioxide
 - Particles (PM₁₀)
- 1.6 Due to the absence of heavy industrial sites in the area, the only significant pollutants in Perth and Kinross are Nitrogen Dioxide (NO₂) and Particles (PM₁₀). Perth city was declared an AQMA in 2006.
- 1.7 Nitrogen dioxide (NO₂) levels have been measured in Crieff since 2005, using diffusion tubes, which are a “passive” method for quantifying levels of this pollutant in the air. NO₂ in the air travels up a tube of known length and diameter and reacts with chemicals contained at the top of the tube. The tubes are removed and replaced on a monthly basis with exposed tubes being analysed by Tayside Scientific Services to calculate the annual average levels of NO₂ at each location. This is a relatively cheap method of quantifying NO₂ in the air, over an extended area, using numerous individual measurement sites, as part of an ongoing monitoring regime.
- 1.8 Levels in Crieff in 2005 were measured around 37ugm⁻³ (micrograms per cubic metre) as a maximum, and thus below the 40ugm⁻³ standard. However levels have increased steadily over subsequent years to the point where the annual average levels of NO₂ at West High Street were measured as 52ugm⁻³ in 2012. It should be borne in mind that this level is at the kerb, and the standards outlined above apply at residential facades. To further examine levels in the area, 2 façade level tubes were installed in 2009 which were initially below the 40ugm⁻³ standard. In 2010 one of these at West High Street was in exceedance of the objective, at a reading of 44ugm⁻³. Studies also showed that particulates (PM₁₀) were in exceedance of objectives.
- 1.9 To more accurately characterise NO₂ and particulates (PM₁₀) and inform any future modelling in Crieff, a real time monitor (constant analysis of air quality 24 hours / day) was installed at James Square in 2010.
- 1.10 The Environment Service commissioned AEA Technology plc to carry out a Detailed Assessment in 2012 along the High Street corridor in Crieff. This used dispersion modelling to predict levels of both NO₂ and PM₁₀ at ground and first floor level. Modelling is used in Detailed Assessments to get a more complete picture of the exceedances. This allows a prediction at first floor level. This is important in the High Street area as most residential properties are at first floor level. The modelling uses traffic and meteorological data to predict pollutants levels and is fine tuned using the monitoring data.

- 1.11 The full Detailed Assessment is available in the Members Lounge. A summary Air Quality report is detailed in Appendix 1. This notes the modelling predicted widespread exceedances at both ground and first floor level along East and West High Street, Crieff, of both the NO₂ and PM₁₀ standards. The cause of the exceedances in Crieff is almost certain to be due to high levels of road traffic. This is exacerbated by the narrow nature of this corridor, and the high buildings either side causing a 'street canyon' effect. For this reason, only the A85 corridor in Crieff is thought to be exceeding the standards. The basis for the exceedances will be confirmed by a Further Assessment which, in terms of the legislation, Perth and Kinross Council is obliged to complete within 12 months of the AQMA declaration.

2. PROPOSALS

- 2.1 Perth and Kinross Council has a statutory duty to declare an Air Quality Management Area following the outcome of the Detailed Assessment. The Air Quality Management Area must cover the areas of projected exceedances as a minimum. It is proposed that the draft Air Quality Management Area boundaries should be as detailed in Appendix 1.
- 2.2 In addition, Perth and Kinross Council has a statutory duty to consult on the Detailed Assessment and the proposed Air Quality Management Area. The Scottish Government's policy lists a number of statutory consultees. Following this guidance and taking the local situation into account it is proposed to consult with various agencies, authorities, the local community and also within Perth and Kinross Council.
- 2.3 It is proposed that all those listed in Appendix 1 will receive copies of the Air Quality report and Detailed Assessment. In addition, these will be published on the Council's internet site.
- 2.4 Members of the public will be able to request a printed copy, or an electronic version. It is proposed to issue a media release at the start of the consultation period.
- 2.5 The consultation period will last for two months from the date of issue of the consultation documents.
- 2.6 The consultation documents will be the attached Air Quality Report and the report produced by AEA Technology plc Detailed Assessment of Air Quality : A85 at Crieff.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The Detailed Assessment of air quality in Crieff concluded that air quality objectives NO₂ and PM₁₀ are not being met in parts of West High Street / High Street / East High Street. The Council therefore has a duty to declare an Air Quality Management Area. This report makes proposals relating to the area to be included in the Air Quality Management Area and the necessary consultation measures.
- 3.2 The Committee is asked to:
- (a) Note the contents and recommended outcome from the Detailed Assessment.
 - (b) Approve the proposal for the draft Air Quality Management Area.
 - (c) Approve the proposed consultation process.
 - (d) Agree that on completion of the consultation and analysis of responses, a further report will be brought to the Environment Committee, to seek approval for the Declaration by Order of an Air Quality Management Area in Crieff.

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Approved

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Date 13 May 2013		

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

2. Strategic Implications

Community Plan / Single Outcome Agreement

2.1 This report contributes to the local outcomes of:

- Our Communities and people experiencing inequalities will have improved quality of life, life chances and health
- Our people will have improved health and wellbeing
- Our area will have a sustainable natural and built environment

Corporate Plan

2.2 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- i. Giving every child the best start in life;
- ii. Developing educated, responsible and informed citizens;
- iii. Promoting a prosperous, inclusive and sustainable economy;
- iv. Supporting people to lead independent, healthy and active lives; and
- v. Creating a safe and sustainable place for future generations.

This report contributes to objective v.

3. Resource Implications

Financial

- 3.1 There are no financial implications arising directly from this report. Section 1.4 indicates that the Council should do all it reasonably can to meet our quality objectives. Developing a Air Quality Action Plan will give the Council an opportunity to bid annually for Scottish Government Air Quality Funding. The Head of Finance has been consulted, and has indicated agreement with the proposals.

4. Assessments

Equality Impact Assessment

- 4.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 4.2 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome: Assessed as **relevant** and the following positive outcomes expected following implementation
- 4.3 Improvements in air quality in the centre of Crieff, which should assist people with respiratory difficulties.

Strategic Environmental Assessment

- 4.4 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 4.5 In respect of this proposal no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt

Sustainability

- 4.6 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 4.7 The declaration of an Air Quality Management Area in Crieff will ensure that an Action Plan to address exceedences of the objectives for levels of Nitrogen Dioxide (NO₂) and particles (PM₁₀) will be developed and implemented.

Legal and Governance

- 4.8 The Head of Legal Services has been consulted in the preparation of this report.

Risk

- 4.9 There are no corporate risks associated with the proposals contained within this report.

5. Consultation

Internal

- 5.1 The Head of Legal Services and the Head of Democratic Services have been consulted on the content of this report and are in agreement with the proposals.

External

- 5.2 Scottish Government were provided with a copy of the Detailed Assessment and agreed with the recommendation to declare an Air Quality Management Area in Crieff.

6. Communication

- 6.1 Statutory public consultation will be carried out in line with Scottish Government Guidance, as detailed in Section 2.2 of this report.

2. BACKGROUND PAPERS

The following document was relied upon:

- Perth and Kinross Council – Detailed Assessment of Air Quality : A85 at Crieff – AEA Technology plc (AEAT/ENV/R/3286) issue 1 April 2012

3. APPENDICES

- Appendix 1 – Air Quality Report

Appendix 1



Crieff Air Quality Management Area Report *Perth and Kinross Council*

April 2013

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Executive Foreword

Air Quality is one of the UK Government's key headline indicators of sustainable development which provide a scale for measuring everyday concerns. Moreover, clean air is an essential ingredient for a healthy environment supporting a high quality of life.

The population of Perth and Kinross have a right to expect that the air they breathe is safe and clean and will have no harmful effects upon their health or well being. This is why Perth & Kinross Council is committed to taking early action to minimise risks to health and the environment posed by air pollution, based on the best information available.

Perth & Kinross Council has been proactive in monitoring local air quality since 1990 although Review and Assessment of Air Quality has only been a statutory duty for all local authorities since 1997. Our local air quality is generally very good but there are a few locations in busy streets in Perth and Crieff where emissions from traffic cause levels of nitrogen dioxide and particulates which are above current national objectives. Many other local authorities face similar challenges, particularly where relatively narrow streets, bounded by tall buildings, form 'street canyons' which restrict air movement and can cause pollution levels to increase from time to time.

The whole of Perth City was designated an Air Quality Management Area (AQMA) in 2006 due to the elevated levels of nitrogen dioxide and particulates monitored at city centre locations and now levels of the same pollutants have been identified in areas in the centre of Crieff which exceed national objectives for the annual average for nitrogen dioxide and the annual average for particulates.

The primary cause of poor air quality in Perth and Crieff is emissions from road traffic, and sustained effort is necessary to protect our environment and public health.

Most of us contribute to air pollution in some way and therefore all of us must take some responsibility for the quality of the air we breathe. We can, collectively, make a difference to our local air quality by making small changes in the way we live and travel.

Based on the results of ongoing air quality monitoring described within this report, and fully described in the Detailed Assessment carried out by AEA Technology plc on behalf of Perth and Kinross Council an Air Quality Management Area is required to be declared within Crieff. Renewed efforts will be made to reach the national objective targets through the implementation of an action plan aimed at improving air quality within the designated area.

The declaration of an Air Quality Management Area gives us a strong starting position from which to tackle not only local air quality but also improve quality of life and achieve sustainable development throughout the community. Perth

and Kinross Council will work in partnership with local residents, industry and other relevant public, private and voluntary bodies in achieving this aim.

This proposal is an important and defining step towards establishing a strategic framework for tackling air pollution and demonstrates our commitment to the process of local air quality management.

Introduction

This report is comprised of two sections, the first of which is a background to the proposal which includes a summary of the Detailed Assessment of Air Quality carried out in the area of the A85 in Crieff, and sets out the reasons for the declaration of an Air Quality Management Area (AQMA) in terms of our statutory obligations including the scientific evidence on which the proposal is based.

The second section proposes the boundary for the AQMA, including a map showing the proposal and details of the organisations etc to be included in the consultation process.

Part I Background to the Proposal

Legal Requirements

In 1997, the Government published a National Air Quality Strategy and introduced a statutory process of Local Air Quality Management (LAQM) under the Environment Act 1995. Part IV of the Act requires each local authority to periodically review air quality in its area.

Local authorities must review and assess air quality according to prescribed guidance (Technical Guidance 09), this involves the monitoring of specified pollutants and if monitoring shows there is a risk of exceeding any of the standards, the local authority is required to produce a Detailed Assessment to confirm or refute this. If, as the result of a Detailed Assessment, the objective for any pollutant is predicted to be exceeded in areas where there is relevant public exposure, local authorities have a duty under section 83(1) of the 1995 Act to declare an Air Quality Management Area by means of issuing an AQMA Order, following a process of public consultation.

As a consequence of declaring an AQMA, Further Assessment of the air quality in the area must be completed and reported on within 12 months and an Air Quality Action Plan defined within 18 months, respectively from the date of declaration.

Section 84(2)(b) of the Environment Act 1995 makes it clear that local authorities are required to act 'in pursuance of the achievement of air quality objectives in the designated areas'. Local authorities are not under a legal obligation to achieve the objectives, although they are required to show that they are doing all that they reasonably can to work towards meeting them.

The Air Quality Standards (Scotland) Regulations 2007 prescribe air quality objectives (Shown at Table 1.1 in the Detailed Assessment document part of which is produced below). National objectives are derived from health based standards which have been set purely on the basis of medical and scientific evidence of how each pollutant affects human health, at appropriate levels of protection of the most sensitive members of the population. The Scottish Parliament transposed recent European Union Directives into national legislation and have set a more stringent objective for particulates (PM₁₀) than those currently specified for the rest of the UK.

Table.1.1 Objectives for the purpose of Local Air Quality Management (Scotland)

Pollutant	Air Quality Objective	
	Concentration	Measured as
Nitrogen dioxide	200 $\mu\text{g m}^{-3}$ not to be exceeded more than 18 times a year	1 hour mean
	40 $\mu\text{g m}^{-3}$	Annual mean
Particulates	50 $\mu\text{g m}^{-3}$ not to be exceeded more than 7 times a year	24hr mean
	18 $\mu\text{g m}^{-3}$	Annual mean

The Situation in Crieff

Nitrogen dioxide (NO₂) levels have been measured in Crieff since 2005, using diffusion tubes, which are a passive method for quantifying levels of this pollutant in the air. NO₂ in the air travels up a tube of known length and diameter and reacts with chemicals contained at the top of the tube. The tubes are removed and replaced on a monthly basis with exposed tubes being analysed by Tayside Scientific Services to calculate the annual average levels of NO₂ at each location. This is a relatively cheap method of quantifying NO₂ in the air over an extended area using numerous individual measurement sites as part of an ongoing monitoring regime.

Levels in Crieff in 2005 were measured around 37 $\mu\text{g m}^{-3}$ as a maximum and thus below the 40 $\mu\text{g m}^{-3}$ standard, however levels have increased steadily over the years to the point where the annual average levels of NO₂ at 7 West High Street were measured as 52 $\mu\text{g m}^{-3}$ in 2012. It should be borne in mind that this level is at the kerb and the standards outlined above apply at residential facades. To further examine levels in the area 2 façade level tubes were installed in 2009 which were initially below the 40 $\mu\text{g m}^{-3}$ standard, but in 2010 one of these at 19 West High Street was in exceedance of the objective at a reading of 44 $\mu\text{g m}^{-3}$. To more accurately characterise NO₂ and particulates (PM₁₀) and inform any future modelling in Crieff, a real time monitor was installed at James Square in 2010.

Table1.2 Diffusion Tube Trends in Crieff

Tube Address	Year							
	2005	2006	2007	2008	2009	2010	2011	2012
7 West High St	37	37	40	50	45	54	50	52
39 High St	35	34	36	39	35	37	39	35
9 East High St	36	38	40	44	38	42	41	41
19 West High St*					36	44	41	42

*façade level

It should be noted that most of the above levels are not at residential facades but at kerbside and thus the levels were extrapolated back to the residential properties until façade level tubes were installed in 2009.

As a consequence of the façade level exceedance, the Environment Service commissioned AEA Technology plc to carry out a Detailed Assessment in 2012 along the High St corridor in Crieff, which used dispersion modelling to predict levels of both NO₂ and PM₁₀ at ground and first floor level. Modelling is used in Detailed Assessments to get a more complete picture of the exceedances and this allows prediction at first floor level which is important in the High Street area as most residential properties are at first floor level. The modelling uses traffic and meteorological data to predict pollutants levels and is fine tuned using the monitoring data.

The full Detailed Assessment is available, however, in summary the modelling predicted wide spread exceedances at both ground and first floor level along East and West High Street, Crieff, of both the NO₂ and PM₁₀ standards. The cause of the exceedances in Crieff is almost certain to be high levels of road traffic exacerbated by the narrow nature of this corridor and the high buildings either side causing a 'street canyon' effect. For this reason, only the A85 corridor in Crieff is thought to be exceeding the standards. The basis for the exceedances will be confirmed by a Further Assessment which Perth and Kinross Council are statutorily obliged to complete within 12 months of the AQMA declaration.

The Next Steps

The findings of the Detailed Assessment have been accepted by the Scottish Government and Perth and Kinross Council are now statutorily obliged to declare this part of Crieff an AQMA. This involves widespread consultation with stakeholders before the drafting of an Air Quality Management Area Order. Perth and Kinross Council will then have 12 months to complete a Further Assessment of air quality within the area concerned which has the purpose of identifying the main contributors of the pollutants causing the measured exceedances with a further 6 months thereafter to formulate an Air Quality Action Plan (AQAP), in consultation with all relevant stakeholders.

Part II Crieff Air Quality Management Area Proposal

Deciding the Boundary

There is already one AQMA within Perth and Kinross, with the whole of Perth City being declared in 2006. The opinion at that time was that it was more appropriate to declare the whole city an AQMA as there were a number of different sites affected and a declaration covering the whole city would ensure a holistic approach to the reduction of NO₂ and PM₁₀ levels here. The situation in Crieff is markedly different with only one corridor affected; therefore the proposed approach is simpler.

The Scottish Government gives guidance to local authorities on how to consider setting the boundaries of an AQMA in Policy Guidance PG (S) (09) e.g.

- Setting the boundary of an AQMA involves an element of judgement. Boundaries can range from isolated buildings to the entire local authority area. Some local authorities have chosen to designate several AQMAs, each covering an area of concern, whereas others have included all such areas within one overall AQMA. It is thus for local authorities to decide on the boundaries for an AQMA, taking all relevant considerations into account and consulting as appropriate.
- It may be administratively much simpler to designate a wider area, based on existing boundaries and natural features. This avoids the need to draw artificially precise lines on maps and also allows a more strategic approach to be taken;
- Designating a number of smaller AQMAs, rather than one single large area, can allow an authority to demonstrate progress by removing individual areas as air quality improves there;
- Wherever the boundaries of the AQMA are drawn, the action plan is likely to need to cover a wider area;
- Declaring smaller AQMAs may also provide a clear focus on the hot spot locations within a local authority. This may prove particularly important for informing local authority planning processes; and
- A more focused approach to declaring AQMAs may provide a better indication of where resources need to be allocated in terms of equipment and overall effort.

Proposed Boundary

Taking into account the Scottish Government advice above, it is therefore proposed that Perth & Kinross Council designate parts of the A85, which is defined by the Scottish Government as a Trunk Road, in Crieff as an AQMA for both nitrogen dioxide and particulates. The AQMA is to be defined as being within the following boundary line description:

From the point at the Y -Junction at Perth Road and Dollerie Terrace, follow the A85 West to East High Street, the Cross, High Street, James Square then on to West High Street stopping at the junction of Galvelmore Street and Lodge Street and north up Comrie Street to the Y-Junction at Coldwells Road and mid point of Comrie Street. The AQMA area will take in the whole of the buildings along East High Street /High Street /West High Street / and Comrie Street.

Proposing the AQMA boundary as described demonstrates Perth & Kinross Council's pro-active and responsible commitment to local environmental management and protection through inclusion, not only of the current areas of exceedance for each pollutant, but also those areas which are close to, and at times may exceed, the objectives.

The Air Quality Action Plan (AQAP), which has to be developed for the AQMA must consider, and assess the sustainability of, all options available to the Council for alleviation of elevated air pollution in the areas of exceedance. Designation of this part of the A85 at Crieff will facilitate implementation of the AQAP through integration with Council policies and strategies to ensure that air quality is not addressed in isolation but included in other decision making processes. The A85 is a Trunk Road and is the responsibility of Transport Scotland who will therefore of necessity be a major stakeholder

Map of Proposed Crieff AQMA



Consultation Information

Your comments are invited on this document and the attached Detailed Assessment and any comments received will be considered and used as part of the decision making process. We reserve the right to make responses publicly available, unless prior notification to the contrary is received.

A printed copy of this consultation document has been sent to the undernoted people/organisations which are external to Perth & Kinross Council:

- All MSPs, MPs and MEPs who have Perth & Kinross Council within their constituency boundaries.
- Neighbouring Local Authorities - Dundee City Council, Angus Council, Fife Council, Stirling Council and Highland Council.
- Scottish Government.
- Transport Scotland
- TACTRAN
- Scottish Environment Protection Agency.
- Perthshire Chamber of Commerce.
- Scottish National Heritage.
- Scottish Enterprise
- Crieff and Upper Strathearn Partnership
- Police Scotland, Western Division.
- Visit Scotland, Perthshire.
- Tayside Health Board.
- Both National Park Authorities.
- All Community Councils Crieff Area.
- All Parent Councils within Crieff Area.

If you are aware of others with an interest who have not been notified, please either copy the consultation document to them or ask them to contact Perth & Kinross Council Environment Service on 01738 476476 and we will be happy to forward a copy.

Copies of this consultation document may be made available in large print on request and summaries may also be made available in other languages by contacting Perth & Kinross Council Environment Service on 01738 476476.

Comments are sought by 10 August 2013

We would be grateful if you could clearly indicate in your response which part of the consultation paper you are responding to, as this will aid our consideration of the responses received.

Comments in writing or by email, on the consultation should be returned to

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If you have any issues that you wish to discuss further then contact

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Further information

For further information contact the Officers above or access the Perth and Kinross Council website Air Quality Pages at:

<http://www.pkcairquality.org.uk/>