PERTH AND KINROSS COUNCIL

Environment Committee - 22 January 2014

**Local Air Quality Management -
Declaration of Air Quality Management Area - Crieff**

Report by the Depute Director (Environment)

This report asks the Committee to agree the extent of the Air Quality Management Area in Crieff and to implement it by designation, to come into force on 19 February 2014.

1. BACKGROUND / MAIN ISSUES

1.1 Management of local air quality is a statutory duty placed upon Local Authorities since 1997 through Part IV of the Environment Act 1995. Section 83(1) of the Act requires local authorities to designate as Air Quality Management Areas (AQMAs) those areas where national objectives for specified pollutants are not being met. These areas have to be designated by means of an Order.

1.2 Perth and Kinross Council have a statutory duty to declare an AQMA in Crieff as the most recent detailed assessment concluded that some of the objectives specified by the Scottish Executive, namely annual mean levels of nitrogen dioxide and fine particles, are not being met in parts of the town. This was reported to the Environment Committee on 5 June 2013 (Report number 13/269) with a proposal that the AQMA should include the area covering East High Street / High Street / West High Street and Comrie Street (See Appendix 1).

1.3 The Committee noted the conclusions of the assessment, approved the proposal for the draft AQMA, and agreed that a report including both should be published for public consultation with a list of consultees approved by the Committee.

1.4 The consultation period finished on 29 November 2013. The findings of the detailed assessment and the proposed extent of the area to be designated were not disputed by any of the seven respondents to the consultation. (See Appendix 2)

2. PROPOSALS

2.1 It is proposed that the AQMA should incorporate the area of Crieff within the following boundary line description:

2.2 From the point at the Y -Junction at Perth Road and Dollerie Terrace, follow the A85 east 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. (See Appendix 1)

2.3 It is proposed that the draft AQMA should now be designated through an Order (see Appendix 3) with a commencement date of 19 February 2014 and remain in force until it is varied or revoked by a subsequent Order.

2.4 Existence of the Order must be publicised. It is proposed that designation of the AQMA should be publicised in the local press. In addition, copies of the Order with an accompanying map should be made available for public viewing at all public council offices, all libraries (including mobile ones), and on the Council website.

2.5 As a consequence of declaring an AQMA, further assessment of the air quality must be completed and reported on within 12 months and an Air Quality Action Plan defined within 18 months, from the date of declaration. It is proposed that these processes will now commence and reports will be made in due course to the Committee. In declaring an Air Quality Management Area in Crieff, this will allow the Council to bid for Scottish Government Local Air Quality Management Funding to support initiatives to tackle this issue.

3. CONCLUSION AND RECOMMENDATION(S)

3.1 A detailed assessment of air quality within Crieff concluded that an Air Quality Management Area required to be declared to include, at least, those areas which do not meet the air quality objectives. This report proposes that the area of Crieff, previously agreed and consulted on, be declared an Air Quality Management Area.

3.2 The Committee is asked to*:*

(a) Agree to implement the statutory requirement of Section 83(1) of the Environment Act 1995 through designation, by Order, of an Air Quality Management Area for nitrogen dioxide and fine particles, to come into force on 19 February 2014 and remain in force until it is varied or revoked by a subsequent Order.

(b) Agree that the area of Crieff, as shown on the attached map (See Appendix 1) and defined in this report, is to be designated as an Air Quality Management Area.

(c) Remit the Depute Director (Environment) to make the necessary arrangements to complete and report back to this Committee regarding the further assessment of Air Quality and Air Quality Action Plan within the statutory timescales.

(d) Remit the Executive Director (Environment) to prepare the necessary documentation for the designation Order and to publicise the said Order.

Author

Name	Designation	Contact Details
James Dixon	Regulatory Services Manager	Telephone :01738 476471 Email jjdixon@pkc.gov.uk

Approved

Name	Designation	Date
Barbara Renton	Depute Director (Environment)	13 December 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	**None**
Financial	**None**
Workforce	**None**
Asset Management (land, property, IST)	**None**
Assessments	**None**
Equality Impact Assessment	**Yes**
Strategic Environmental Assessment	**Yes**
Sustainability (community, economic, environmental)	**Yes**
Legal and Governance	**Yes**
Risk	**None**
Consultation	**Yes**
Internal	**Yes**
External	**Yes**
Communication	**Yes**
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.

2.3 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 ($NO_{2)}$ and particles ($PM_{10)}$ will 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 on the extent of the proposed AQMA has been carried out in line with Scottish Government Guidance, as detailed in Section 2.2 of report 13/269.

2. BACKGROUND PAPERS

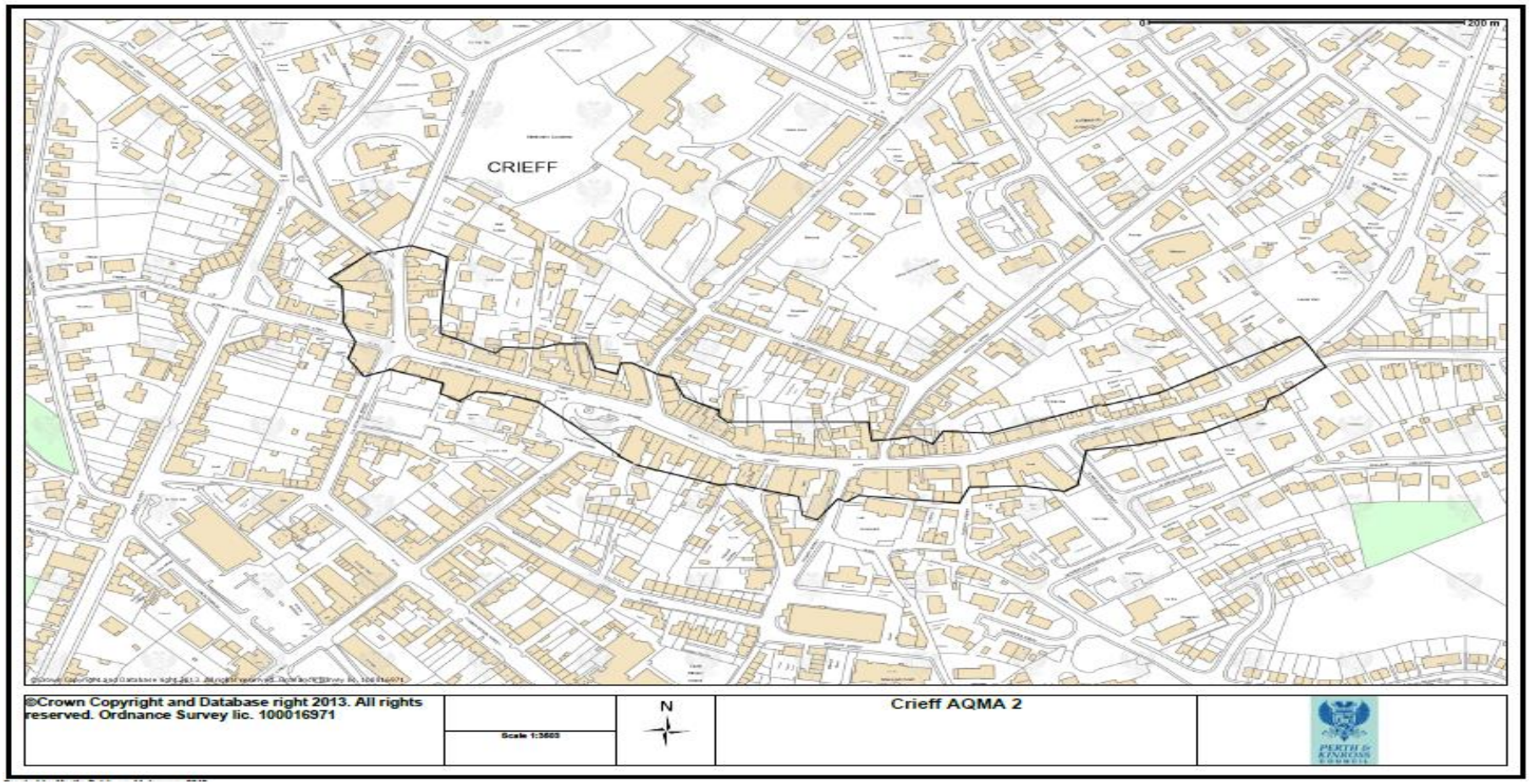
The following document was relied upon:

- Committee Report 13/269 Proposed Air Quality Management Area – Crieff – 5 June 2013

3. APPENDICES

- Appendix 1 – Map of proposed AQMA
- Appendix 2 – Responses from consultees
- Appendix 3 – AQMA Order

Map of Proposed AQMA



Appendix 1

Appendix 2

Comments from Respondents

- NHS Tayside welcomes the opportunity to respond to the Crieff Air Quality Declaration and Boundary Determination. As stated in the report, a healthy environment supports a high quality of life and the commitment of Perth & Kinross Council to taking early action to minimise risks to health and the environment posed by air pollution, is welcome. Based on the information provided in the report the proposed boundary area appears appropriate

- Resident - Having been involved with a group looking at the transport problems I am pleased to see that a problem has been identified by measuring nitrogenous compounds and particulate matter.

- Crieff Community Council met last night. We welcome the move to declare part of Crieff an Air Quality Management Area, and endorse the proposed boundary.

- Tactran has no comments on the proposed management area boundary. The Partnership will be interested in receiving information on further assessments of air quality and supporting the action plan in due course.

- SEPA – Part IV of the Environment Act 1995 is the most appropriate legislative vehicle for tackling local air pollution issues and protecting individuals who may be susceptible to the effects of atmospheric pollution;we therefore welcome the Council's decision to designate an AQMA and agree with the Council's proposed action

- Response Inspector, Police Scotland - I am not aware of any other significant activity from the Consultation Report that will impinge on the policing of the area.

- Resident - It is likely that high pollution readings are due to stalled vehicles in the High Street rather than purely throughput of traffic. These traffic jams are due in large part to the level of on-street car parking

Appendix 3

Environment Act 1995 Part IV Section 83(1)

Perth and Kinross Council
AQMA Order

Perth and Kinross Council, in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following Order.

This Order may be cited/referred to as the Perth and Kinross Council Air Quality Management Area (No2) and shall come into effect on 19 February 2014.

The area shown on the attached map in red is to be designated as an air quality management area (the designated area).

The designated area incorporates an area within this boundary line from the point at the Y -Junction at Perth Road and Dollerie Terrace, follow the A85 east 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.

The order and map may be viewed at all public Council offices, all libraries (including mobile ones) and on the Council Website.

This area is designated in relation to a breach of the nitrogen dioxide and fine particles (annual mean) objectives as specified in the Air Quality (Scotland) Regulations 2000, as amended.

This Order shall remain in force until it is varied or revoked by a subsequent order.