

REPORT TO: Cabinet

MEETING DATE: 12 November 2013

BY: Depute Chief Executive (Partnership and Services for Communities)

SUBJECT: Local Air Quality Management – Designation of Air Quality Management Area (AQMA) in Musselburgh

1. PURPOSE

- 1.1. This report informs the Cabinet of the outcomes of monitoring and assessment of local air quality across East Lothian and particularly in Musselburgh during calendar year 2012/13, in fulfilment of the Council's obligations under the Environment Act 1995, the UK National Air Quality Strategy and Scottish Air Quality Regulations.
- 1.2. The report seeks approval of the 2013 Air Quality Progress Report to progress the legal Order required by section 83 of the Environment Act 1995 to establish an Air Quality Management Area at Musselburgh High Street.

2. RECOMMENDATIONS

- 2.1. It is recommended that Cabinet:
 - a) notes the report and that further actions through developing an air quality action plan are required in order that Air Quality Objectives are achieved in Musselburgh;
 - b) delegates to the Head of Housing and Environment in consultation with the Council's Corporate Legal Adviser to progress the necessary legal order for the Council to declare an Air Quality Management Area in Musselburgh High Street as delineated in the plan in Appendix 1 to this report.

3. BACKGROUND

Legislation

- 3.1. Part IV of the Environment Act 1995 requires the UK Government and devolved administrations to publish a National Air Quality Strategy. The air quality objectives in Scotland are set out in the Air Quality (Scotland) Regulations 2000, and the Air Quality (Scotland) (Amendment) Regulations 2002. These objectives provide the statutory basis for the system of Local Air Quality Management (LAQM) to protect public health.
- 3.2. The regulations define air quality standards for a number of pollutants: lead; benzene; 1,3 butadiene; carbon monoxide, sulphur dioxide; nitrogen dioxide and small particulate matter (PM10). These pollutants are primarily related to thermal combustion processes including road traffic emissions.
- 3.3. Section 82 of the 1995 Act places an obligation on all local authorities to regularly review and assess air quality in their areas, and to consider the current and likely future air quality in their areas. Under LAQM local authorities also have a duty to continue to work towards meeting the objectives beyond the deadlines set out in the regulations. This review and assessment work is reported to Scottish Government & SEPA annually.
- 3.4. Where exceedences are considered likely, the local authority must then declare an Air Quality Management Area (AQMA) through issuing a formal order, and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- 3.5. Currently there are 30 AQMAs in Scotland within 13 local authority areas, and the vast majority of these have been declared for transport related emissions of nitrogen dioxide and/or particles (PM10). The actions outlined in the air quality action plans vary for each authority, depending on the local air quality issues.

Assessment of Air Quality in East Lothian

- 3.6. The Council has been annually reviewing and assessing local air quality since 2003. The majority of pollutants (Benzene, 1,3-Butadiene, Carbon monoxide, Sulphur dioxide and Lead) have been screened out in previous assessments and exceedences of air quality Objectives for these pollutants across East Lothian are not considered likely.
- 3.7. The pollutants of greater concern are Particulate material [(PM10) and Nitrogen dioxide (NO₂), principally from road traffic sources. For both of these pollutants air quality objectives are unlikely to be exceeded across most of East Lothian. PM10 levels are not considered likely to breach Objectives at this time but monitoring continues in Musselburgh.
- 3.8. The main issue relates to Nitrogen Dioxide (NO₂). In June 2012, the Air Quality Detailed Assessment for Musselburgh was completed. It

concluded that the highest annual average NO₂ concentrations, using monitoring data from 2011 and also computer modelling, were predicted at receptors located on High Street and Bridge Street close to bus stops and that the majority of the predicted annual mean exceedences were marginal.

- 3.9. Additional monitoring of NO₂ levels took place in 2012-13 to verify the computer modelling. The results have confirmed that parts of the High Street are just exceeding the Nitrogen Dioxide Annual Mean Objective which is a measure of possible longer term exposure. The 1-hour mean Objective for NO₂ (a measure of short term exposure) is unlikely to be breached.
- 3.10. Monitoring of NO₂ in other parts of Musselburgh (including Bridge Street) and also in Tranent does not indicate any exceedence of air quality objectives at this time. However monitoring of NO₂ levels will continue.

2013 Quality assessment report and next steps

- 3.11 The results of the 2013 Air Quality Progress Report and monitoring data from 2012/13 indicate that the objectives for the majority of pollutants are being, and will continue to be met across East Lothian. However, monitoring of Nitrogen Dioxide in Musselburgh confirms concentrations at various locations in Musselburgh High Street that have been exceeded, or are very close to, the Annual Mean Objective. The results of automatic monitoring of PM₁₀ confirm that both the annual and 24-hour mean objectives continue to be met in Musselburgh town centre.
- 3.12 Accordingly, the Council has to formally declare an Air Quality Management Area (AQMA) in Musselburgh in relation to breaches and likely breaches of the Nitrogen Dioxide annual mean air quality objective. It is recommended that the extent of the AQMA covers the main High Street from the junction with Newbigging to the Junction at Bridge Street as delineated on the map shown in Appendix 1.
- 3.13 An Air Quality Action Plan has to be developed which must focus on effective, feasible, proportionate and quantifiable measures as the top priority in ensuring improvement in local air quality and future compliance with air quality objectives. The Action Plan should include:
 - quantification of the source contributions to allow measures to be effectively targeted
 - evidence that all options have been considered on the grounds of cost effectiveness and feasibility
 - how the local authority will use its powers and work with other organisations in pursuit of air quality objectives
 - clear timescales in which the authority and other organisations propose to implement the measures identified
 - quantification of the expected impacts of the proposed measures and an indication if these measures will be sufficient

- how the local authority proposes to monitor and evaluate the effectiveness of the action plan

3.14 The 1995 Act does not specify any timescales for preparation of an Action Plan but the Scottish Government would normally expect these to be completed within 12-18 months following AQMA declaration. Consultation should take place during the preparation of an Action Plan to ensure consultee's can make known their preliminary views about what the plan should include.

3.15 The types of measures that may feature in an action plan are:

- Liaison with transport operators about vehicle emission levels in Musselburgh
- Reviewing traffic management arrangements in the town centre
- Measures to reduce engine idling
- Air quality monitoring
- In the longer term there may be considerations around roads infrastructure and public transport routes.

3.16 Further work is required to assess the present and future air quality within the proposed AQMA and the reasons for this. The assessment will provide the technical justification for the measures the authority later includes in any action plan. This will involve, amongst other things, a detailed traffic survey to identify the numbers of each vehicle class and their overall contribution to local air quality.

3.17 A further report will be prepared for Cabinet in 2014 detailing a proposed action plan.

4. POLICY IMPLICATIONS

4.1 Assessment of local air quality is a statutory obligation on the Council.

4.2 Air quality is a key performance measure of East Lothian's environmental quality in the East Lothian Environment Strategy 2010-15 and in the East Lothian Single Outcome Agreement 2013

4.3 Declaring an air quality management area may have implications for development proposals in the Musselburgh area particularly any development which may generate significant additional traffic movement or involve thermal combustion processes.

4.4 Meeting air quality standards may have implications for traffic management through Musselburgh town centre.

5. EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equality groups and an Equality Impact Assessment is not required, however development of an Air Quality Action Plan may require more detailed consideration of equalities related issues.

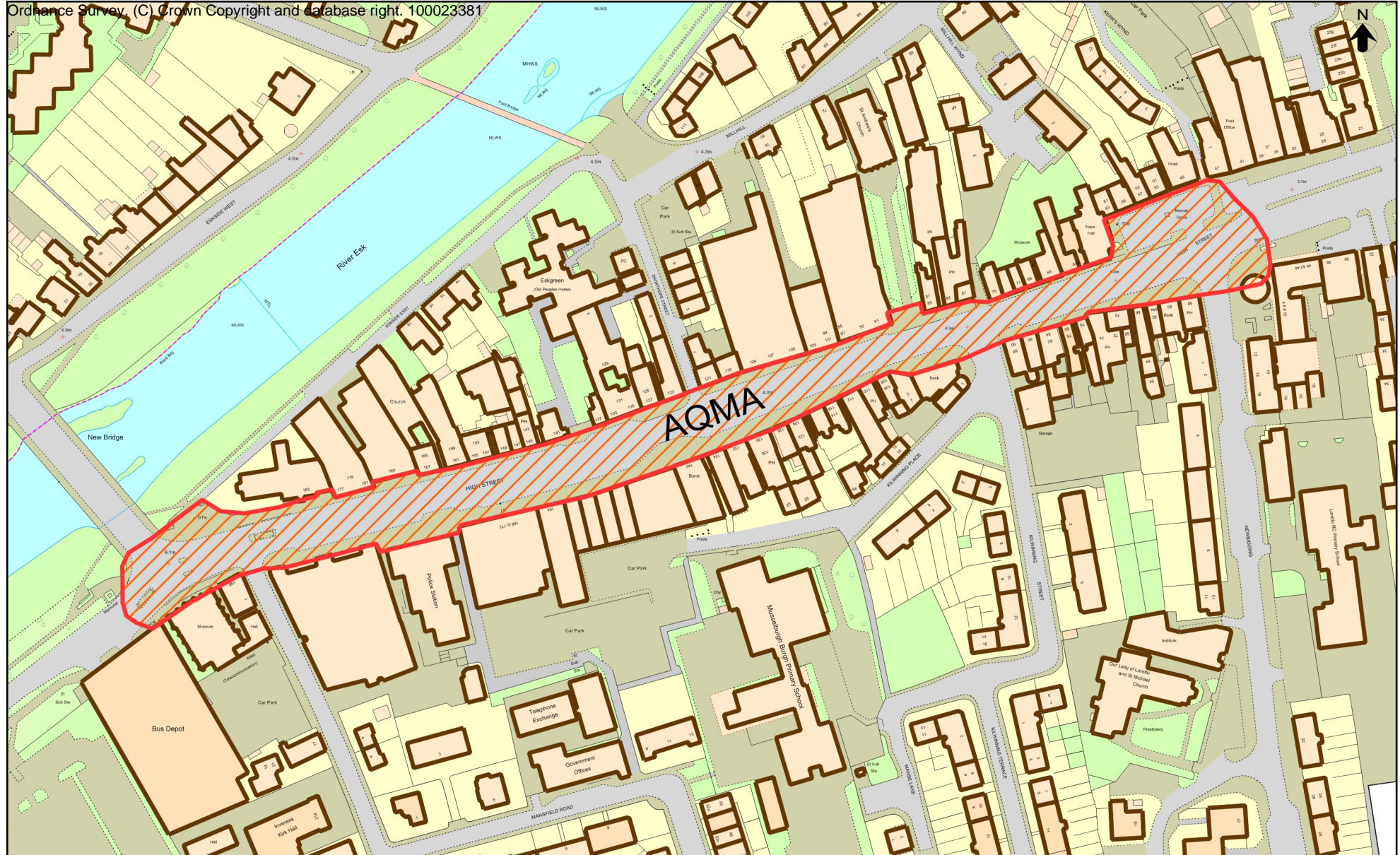
6. RESOURCE IMPLICATIONS

- 6.1 Financial - There are no direct financial implications related to this report, although development and consultation on an Air Quality Action Plan will incur some administrative costs. These costs will be assessed during preparation of the Action Plan and a further report submitted if necessary. Scottish Government grant funding may also be available to assist the Council with initiatives and measures adopted in Air Quality Action Plans. Some grant funding has already been obtained to provide consultancy support for the further assessment work identified in paragraph 3.16.
- 6.2 Personnel - There will be no immediate impacts upon personnel resources as a consequence of this report
- 6.3 Other - None

7. BACKGROUND PAPERS

- 7.1 2011 Air Quality Progress Report for East Lothian Council, June 2011
- 7.2 Air Quality Detailed Assessment for Musselburgh, June 2012
- 7.3 2012 Air Quality Updating and Screening Assessment for East Lothian Council, November 2012
- 7.4 2013 Air Quality Progress Report for East Lothian Council, August 2013

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High Street, Musselburgh (Newbigging to The Mall) - Air Quality Management Area

1:2000
30 August 2013

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