



Meeting of the Executive 21 May 2012

Report from the Director of Environment and Neighbourhood Services

Wards Affected: ALL

Air Quality Action Plan 2012-2015

1.0 Summary

- 1.1 This report summarises the significant progress made since the Council's adoption of its first Air Quality Action Plan (AQAP) in 2005.
- 1.2 As the levels of nitrogen dioxide (NO₂) and particulates (as PM₁₀) continue to exceed the national air quality objectives in some areas of Brent and will not meet future targets, the report proposes adoption of a new AQAP for the period 2012-15 to reduce levels of Nitrogen Dioxide (NO₂) and fine particulate matter smaller than 10 microns (PM₁₀) which are the key pollutants now contributing to health concerns in the Borough.
- 1.3 Finally, the report summarises the key concerns about the air pollution arising from the waste processing uses at Neasden Goods Yard, discusses the effectiveness of existing powers to control that pollution and recommends that the Council lobby Government over the licensing of waste sites.

2.0 Recommendations

- 2.1 The Executive notes the significant progress made in improving air quality since the adoption of the Council's first Air Quality Action Plan in 2005.
- 2.2 The Executive approves the proposed new Air Quality Action Plan 2012-2015 set out in Appendix 1.
- 2.3 The Executive notes the continuing problems of air pollution associated with the Neasden Goods Yard site and agrees that the Council should lobby Government over the relationship between the licensing of waste sites and the achievement of air quality improvements as set out in paragraph 3.2.7

3.0 Background

3.1 Introduction

- 3.1.1 Air pollution is thought to be responsible for 22,000 premature deaths in Britain each year and for greater numbers of worsening respiratory conditions such as asthma and many more. The Government has identified eight priority pollutants associated with poor respiratory health.
- 3.1.2 Local Authorities have a statutory duty under the Environment Act 1995 to review and assess local air quality in their area. They must identify and implement measures to reduce air pollution to levels below that prescribed in the National Air Quality Strategy. Local Authorities must continue to reduce pollutants to the lowest level possible once the objective is achieved.
- 3.1.3 Large areas of Brent do not meet the air quality objectives for two pollutants, nitrogen dioxide (NO₂) and particulate matter (as PM₁₀). Local Authorities must declare as Air Quality Management Areas (AQMAs) parts of the Borough which do not meet the air quality objectives
- 3.1.4 Following the declaration of AQMAs in 2001, the Council produced and implemented an Air Quality Action Plan (AQAP), which identified measures to reduce pollution levels of NO₂ and PM₁₀. A chronology of the actions taken by the Council is outlined in Appendix 2.
- 3.1.5 The Air Quality Action Plan (2005-2010), outlined 98 measures designed to reduce air pollution in the AQMAs. In 2006, following further detailed assessment of local air quality, the AQMA was extended (see Figure 1) to include areas such as the Wembley Development Area and Ealing Road.

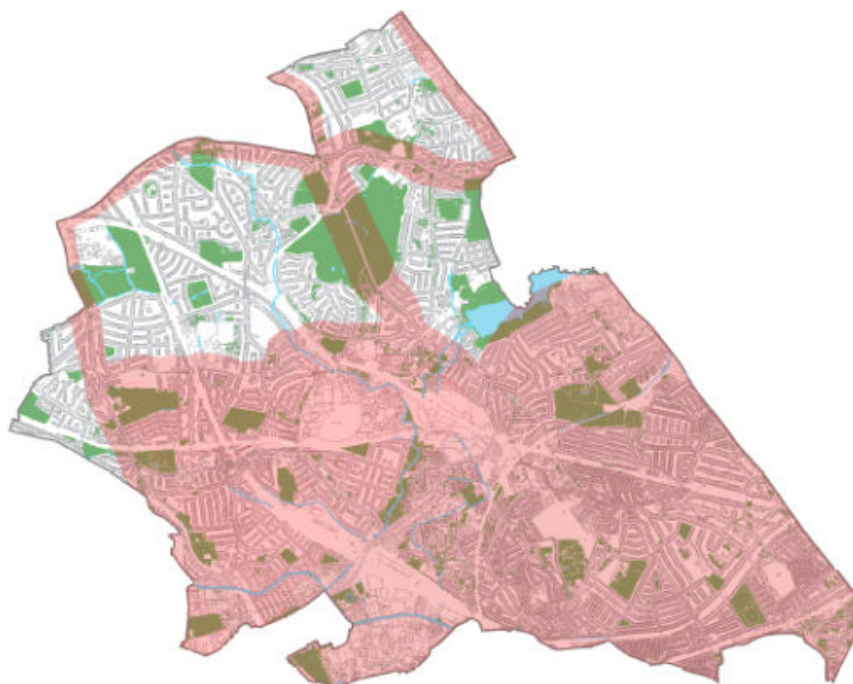


Figure1: Brent Air Quality Management Area (2006)

- 3.1.11 The current plan must be updated to take account of increasingly stringent National targets (introduced by the European Union), objectives set out in the Mayor's updated Air Quality Strategy, technological changes (which impact upon air quality monitoring and interpretation of monitoring data), and the publication of new guidance to local authorities to assist with Local Air Quality Management with specific emphasis on the need to quantify outcomes of AQAPs.

3.2 The Air Quality Action Plan 2012- 2015

- 3.2.1 The AQAP 2012-2015 sets out actions needed to reduce levels of NO₂ and PM₁₀.
- 3.2.2 The revised air quality action plan (see Appendix 1) comprises 15 key actions segregated into four main themes: Transport Measures, Commercial Measures, Community Measures, and Development Measures as well as nine Fundamental measures considered essential for maintaining the reduction in pollutant emissions achieved by the former AQAP.
- 3.2.3 The new plan recognises that traffic and transport remains the most significant contributor for NO₂ levels in the Borough but also identifies measures that can be taken to limit current and potential future impacts from new development. In addition, the new AQAP identifies measures which commercial operators within the Borough and the community at large can contribute to. The new AQAP also includes measures to integrate climate change policy and minimise air pollution arising from Council activities.
- 3.2.4 Meeting the targets for NO₂ and PM₁₀ will be more challenging since many of the 'quick wins' identified in the former plan have already been achieved or will be difficult to achieve in the short term in isolation, for example: reduction of vehicle numbers in the Borough. Therefore, the new plan focuses on changes to policy with the aim of securing reductions in pollution in the long term.
- 3.2.5 It is vital that measures in the proposed AQAP are aligned with other plans such as Brent's Borough Spending Plan and the Climate Change Strategy. The success of the plan is reliant on a more holistic approach to air quality issues within the Council.
- 3.2.6 The levels of PM₁₀ measured at Neasden Lane associated with the waste management activities undertaken at Neasden Goods Yard continue to breach the daily mean air quality objective. This is of national significance as it is only one of a few sites in the country reporting such exceedences and may lead to sanctions from the European Union in the future.
- 3.2.7 This is locally significant since we estimate that fine particles have an impact on mortality equivalent to 133 premature deaths across the whole of Brent. The local impact of the exceedences at Neasden Goods Yard cannot be estimated as the standard method for making health impact estimates are not applicable for smaller populations or geographical areas.
- 3.2.8 The way waste is managed has changed dramatically over the last 20 years. The European Landfill Directive and landfill levy has been the key driver in

waste being re-used and re-cycled in order to minimise waste taken to landfill (most cases away from urban areas). This has resulted in waste facilities being set up locally to segregate waste which results in dust, noise and traffic. The Environment Agency has the responsibility to regulate waste facilities by licensing the operators. The regulatory and enforcement regime used to licence the operator has proven to be ineffective in requiring commercial operators to upgrade their environmental controls as waste operations and the requirements of the European Air Quality Directive have both changed. Officers are recommending that the Council lobby central government to bring the regulation and enforcement regime up to date in order to make it more effective.

3.2.9 Brent has worked with the waste operators on site and the Environment Agency to enclose the majority of the dust generating activities on site. Whilst progress towards this aspiration has been made, a significant proportion of waste handling and transfer operations still take place in the open air.

3.2.10 Brent will continue to work with the Environment Agency and all operators in the vicinity of Neasden Lane to bring about the necessary improvements to reduce PM₁₀ levels, such as reducing the throughput of waste. Currently, the Greater London Authority (GLA) and Transport for London are funding the Council to undertake intensive cleaning of Neasden Lane and trialling the use of a dust suppressant to determine its efficacy in reducing levels of PM₁₀.

3.3 Monitoring and review of Action Plan Measures

3.3.1 The AQAP will be reviewed regularly to assess the effectiveness of the measures undertaken. The Council is required to report progress with Action Plan measures annually to DEFRA and the GLA

4.0 Financial Implications

4.1 The Government (DEFRA) originally provided SCE grant funding for monitoring air quality and implementing the AQAP. Funding is now limited to projects which can demonstrate emission reductions such as the implementation of Local Low Emission Zones.

4.1.1 DEFRA will limit funding to projects that will reduce NO₂ levels are linked to AQAPs and which demonstrate quantitative improvements in air quality.

4.1.2 DEFRA will no longer fund air quality monitoring, effective from 2011-2012. The average SCE grant received per annum prior to 2011-12 was £41,600. In 2012 we did not receive any grant funding for monitoring or towards implementation of AQAP. Brent has relied on this as the means to operate and maintain its monitoring stations. Consequently, the number of air quality monitoring stations has been reduced from six to three sites in order to meet the cost of monitoring from existing resources. Continuous monitoring is essential to monitor and quantify impact of actions taken.

4.1.3 The Council will continue to seek funds from DEFRA and will also identify additional means, such as sponsorships from external sources to continue air quality work.

- 4.1.4 There is significant risk that DEFRA may not fund any actions related to PM₁₀ at Neasden. The costs of intensive cleaning of Neasden Lane and application of dust suppressants may cease after the Olympic Games. Although the Environment Agency will encourage operators to continue to use dust suppressants after this time, it is unlikely that this intervention will resolve the problem. Measures to prevent release of pollutants (for example negative pressure enclosures) are more likely to succeed, over tactics to minimise re-suspension of dust that has already been released.

4.2 Publicity and Consultation on the Air Quality Action Plan

- 4.2.1 The Council will consult the public and other interested stakeholders such as other local authorities via the internet. We will also use the internet, Brent Magazine and bulletins in libraries to publicise the plan and update the public regarding progress with the action plan in the future.

5.0 Legal Implications

- 5.1.1 Part IV of The Environment Act 1995 places a duty on local authorities to review and assess local air quality, declare air quality management areas in areas exceeding national objectives and publish an AQAP detailing measures to be taken to reduce air pollution in these areas.
- 5.1.2 Action to manage and improve air quality is largely driven by EU legislation. The 2008 ambient air quality (2008/50/EC) sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health such as particular matter described in the body of this report.
- 5.1.3 The 2008 Directive replaced nearly all the previous EU air quality legislation and was made law in England through the Air Quality Standards Regulations 2010, which also incorporates the 4th Air Quality Daughter Directive (2004/107/EC) that sets targets for levels in outdoor air of certain toxic heavy metals and polycyclic aromatic hydrocarbons. The Council is bound by these regulations when carrying out its statutory functions in order to comply with its local air quality management objectives.
- 5.1.4 Section 48 of the Localism Act 2011 makes provision for the government to require a Local Authority to make payment in respect of EU fines placed on the UK. This would seem to indicate that there is a potential for any EU fines for failing to achieve air quality objectives to be passed down to local authorities. The Act only recently came into force so it is debatable whether the same could be enforced successfully without some degree of challenge by local authorities on the grounds of reasonableness.
- 5.1.5 In relation to the payment of monies, this could have financial implications for the Council, particularly if the Council can only secure, funding for certain projects as referred to in the financial comments above.
- 5.1.6 It should be noted that the Council has a fiduciary duty towards the local tax payer and this should be borne in mind if such monies are to be used for the purposes of discharging fines which may not have been contemplated in budget terms.

6.0 Diversity Implications

- 6.1 The most socially and economically deprived areas in the Borough such as the south of the borough as well as Stonebridge, Neasden and St Raphael's suffer from poorest air quality. The Air quality action Plan has the potential to benefit all groups since its aims are to improve air quality for all.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 Existing staffing and resources will be used.

Background Papers

The Air Quality Action Plan 2012-2015 - Summary
Progress report 2010-2011

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