

THE RECENT PM10 AIR QUALITY CONSULTATION

SUMMARY

- 1.1 At the last meeting, the Board requested further information about the consultation process that has been recently undertaken relating to the Air Quality Management Review (AQMA) of Particulate Matter (PM₁₀) in the Sinfin area of the City around Victory Road.

RECOMMENDATION

- 2.1 To note the results of the PM₁₀ AQMA consultation.

REASONS FOR RECOMMENDATION

- 3.1 Information only was requested by the Board.

SUPPORTING INFORMATION

- 4.1 The Local Air Quality Management (LAQM) process is set out in Part IV of the Environment Act 1995, the Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007) and the associated Policy and Technical Guidance documents (LAQM.PG(09) and LAQM.TG(09)).
- 4.2 The LAQM process places an obligation on all Local Authorities to regularly review and assess air quality in their areas, and to determine whether or not the national air quality objectives are likely to be achieved. Where exceedances are considered likely, the local authority must then declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP), setting out the measures it intends to put in place in pursuit of the objectives.

- 4.3 PM₁₀ is a term used to describe air-borne particles (e.g. dust, smoke, soot etc) with a diameter of less than 10 micrometers (or microns). It includes any particle of this size, irrespective of the particle type. Important sources of PM₁₀ in the UK include road traffic emissions (primarily diesel engines), domestic coal combustion, bonfires, construction/demolition works and industrial processes such as mining/quarrying, cement batching, metal foundries and timber processing.
- 4.4 An AQMA for PM₁₀ was declared for the Sinfen (Victory Road) area of the city in 2001. The AQMA identifies all of the residential (and other relevant) properties that would be affected by the poor air quality. The 'exceedances' were due to particulate matter from a local foundry. The foundry ceased operating in 2006.
- 4.5 A recent review of air quality data (PM₁₀) for this AQMA shows that in the last six years, annual averages and 24-hour levels of PM₁₀ have fallen significantly to the point that they are now well below national objectives. Government guidance in these circumstances is that the AQMA should be formally revoked so that the previously affected properties are no longer 'blighted' by inclusion in an AQMA. The revocation of the AQMA would mean that PM₁₀ monitoring was no longer necessary.
- 4.6 Given the sensitivity of the local population to air quality issues, it was considered appropriate to consult the public, as well as statutory consultees, on proposals to revoke the AQMA relating to PM₁₀.
- 4.7 The consultation process was undertaken in accordance with guidance issued on the revocation of AQMA's by the Department for Environment, Food and Rural Affairs (DEFRA). Information was provided electronically in the 'Your City, Your Say' pages of the Council's website, officers attended a Sinfen Neighbourhood Forum meeting to provide information and answer local resident's questions, and an article about the consultation appeared in the Derby Telegraph. A number of Agencies such as the Health Protection Agency and the Environment Agency were also contacted.
- 4.8 In total, four responses were received and these are set out at Appendix 2. Two of these raised specific objections to the revocation of the AQMA and they all raised concerns about ceasing air quality monitoring.
- 4.9 A report which sets out the findings of the review of PM₁₀ AQMA is currently being prepared. This will be considered by Cabinet in the near future.
- 4.10 There is another AQMA within this area. This is for nitrogen dioxide resulting primarily from traffic exhaust emissions and affects certain properties along the A5111 outer ring-road (mainly Osmaston Park Road and Newdigate Street within this ward). This is totally separate from the PM₁₀ AQMA and would remain unaffected by any decisions relating to it.

OTHER OPTIONS CONSIDERED

5.1 Not applicable

This report has been approved by the following officers:

Legal officer	N/A
Financial officer	N/A
Human Resources officer	N/A
Service Director(s)	John Tomlinson
Other(s)	N/A

For more information contact:	Jack Twomey 01332 641969 e-mail jack.twomey@derby.gov.uk
Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 – Consultation Responses

IMPLICATIONS

Financial and Value for Money

1.1 None directly arising.

Legal

2.1 None directly arising.

Personnel

3.1 None directly arising.

Equalities Impact

4.1 None directly arising.

Health and Safety

5.1 None directly arising.

Environmental Sustainability

6.1 None directly arising.

Asset Management

7.1 None directly arising.

Risk Management

8.1 None directly arising.

Corporate objectives and priorities for change

9.1 The proposal supports the corporate priorities to ensure the people in Derby will enjoy **good quality services that meet local needs** and **being safe and feeling safe**.

Consultation Responses

-----Original Message-----

From: [REDACTED]
Sent: 13 March 2012 10:22
To: Services, Environmental
Cc: [REDACTED]

Subject: Consultation: Revocation of AQMA, Victory Road

In response to the consultation on the Revocation of the AQMA at Victory Road, my main concern now would be around the Gasification plant being brought into service and also echos concerns from local residents.

I understand that particulate matter level predictions have been made around the operation of this plant and that these state that levels still fall below legislated levels, however, for the sake of a short period of time for when this plant will be fully up and running, it seems sense for the AQMA to remain in order to gain 'actual' levels aligned to the plant until such a time that the community can be assured. With the station being sited adjacent to the plant, this should be seen as a useful 'tool' to be deployed whilst we have it and these changes are happening.

Also you will note that the planning of the Waste Incinerator has used the AQMA levels as evidence for its opposition, and removal of the station at this point in the process may be construed as untimely.

In my view therefore, until these two matters have been overcome and the gasification plant can assure low levels of emission it makes sense to err on the side of caution and allow the AQMA at Victory Road to remain for the timebeing.

Many thanks

[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 13 March 2012 19:43
To: Services, Environmental
Cc: [REDACTED]

Subject: RE: Consultation: Revocation of AQMA, Victory Road

Can I also echo all the points raised by [REDACTED] in her email below.

It is important that we do not remove the AQMA designation prematurely, It may seem obvious that particulate readings have fallen since the demise of Qualcast but I can remember the days when Qualcast denied any particulate emissions. This is exactly the stance being taken by the various gasification plant operators at the moment.

I do not agree with the argument that we should declass the AQMA but consider leaving the monitoring in place as a compromise as this will detract focus and eventually result in the monitoring being stopped.

I also think that it is poor timing in relation to the 2nd Planning inquiry, RRS will undoubtedly use this as an opportunity to exploit the fact that this area is not a designated AQMA, we must remember the Council's Planning Authorities position is that this development is not suitable due to the impact on Air Quality in the surrounding area.

I do not think there will be any adverse impact financially or otherwise to the Council to leave this area as an AQMA for the time being but feel that the local community, local businesses and people travelling through the area will be adversely affected if the AQMA is revoked.

Can I also remind officers present at the recent Sinfin Neighbourhood Forum that there was a unanimous response from local residents that this AQMA should not be revoked. I would welcome the opportunity to discuss this further prior to a final decision being made.

Regards

[REDACTED]

From: [REDACTED]
Sent: 13 March 2012 19:47
To: Services, Environmental; yourcityyoursay
Subject: PM10 Monitoring Removal

Dear Sirs

We object strongly to the removal of PM10 monitoring and draw attention to the City Council's own quarterly magazine Your Derby, about the budget proposals, in which it states that 'The Council will carry out routine air quality monitoring and will target the areas of highest risk, that is in current and future Air Quality Management Areas' (AQMA's)

We believe that the City Council may be falling foul of EU legislation regarding air quality and direct you to the recent Air Quality follow-up report by the Parliamentary Audit Committee on Air Quality November 2011, (enc)
The World Health Organisation's (WHO) 2005 report on the Health Effects of Pollution on Children is also enclosed

It is vital that the Council continues with particulate monitoring PM10 monitoring continues especially as the Health Protection Agency has stated that there will now be studies carried out of extra low birth weights and birth defects, in the vicinities of 'modern' incinerators such as the O-GEN/WITHION Victory Rd incineration plant, due to start up in July 2012, behind Sainsburys and B&Q, on Osmaston Park Rd. As you may know, the area already suffers high numbers of low birth weights (Enviros 2008 report) Even though QDF closed in 2005, days of poor air quality for PM10 were still recorded in subsequent years, revealing the monitoring is needed.

If the Continuous Emissions Monitoring Systems at the WITHION incineration plant is switched off, there will only be the City Council's monitoring systems in place (for NO2 and PM10) to tell us this, as well as increased admissions to hospital for respiratory illnesses. We are currently in the process of determining such admissions and enclose the figures from the PCT, for asthma/respiratory rates across the wards. Note the differences between Allestree and Sinfen

Unscrupulous operators must know that there is such monitoring in place, in order to avoid the temptation of, for example, switching bag filters or CEMS off,, once the Environmental Health or Environment Agency Officer has left the premises after complaints from the public, as often happened at the ex-QDF foundry on Victory Rd. Enclosed is the list of instructions left at Bolton incinerator over the Christmas period, for how to switch off the Continuous Emissions Monitoring Systems (CEMS) and 'fool' the computer into 'thinking; CEMS was still on. No-one would have known this happened, until a whistleblower revealed it. This means that the Environment Agency has absolutely no control over the process. They too can confirm that CEMS can be switched off.

Enclosed also is the latest question to the City Council -
Q2 - How will the City Council a/ co-ordinate with the Primary Care Trust, to record the increased numbers of birth defects, low birth weights etc known to be caused by pollutants

such as particulates, dioxin from combustion processes such as woodwaste incineration (for example the new O-GEN/WITHION woodwaste biomass incineration plant and the proposed Sainsburys woodwaste biomass plants on Kingsway and the Wyvern) as this study has recently been announced by the Health Protection Agency, to be carried out in the vicinity of incineration plants such as the so-called modern' O-GEN/WITHION and Sainsburys incineration plant,

b/ Regarding the monitoring of particulate emissions in Sinfen and which are also caused by incineration - the consultation for removal of the monitoring has just finished - as Continuous Emissions Monitoring Systems for such pollutants as particulates, can be turned off by incineration companies such as O-GEN/WITHION (RRS/SHANKS admitted this at the previous inquiry) we require an explanation from the City Council as to the extra costs to the NHS of increased birth defects, low birth weights etc caused by particulates, dioxin from combustion processes such as incineration. The Prime Minister David Cameron, during Parliamentary Questions a few years ago, stated that birth defects were increasing in the UK."

[REDACTED]

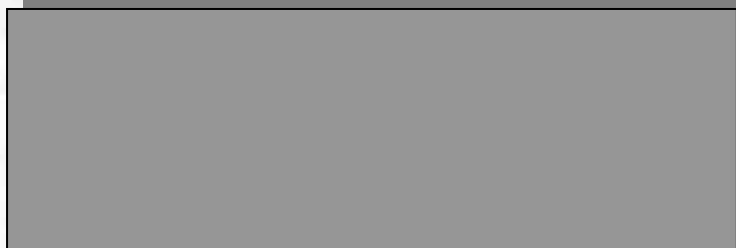
14 MAR 2012

Dear Sir

I object to the removal of the Particulates (PM10) air quality monitoring in Sinfen. Pm10 are produced by traffic and industrial combustion like incineration and are known to worsen asthma and other respiratory conditions, They also cause 'Deaths Brought Forward' in people who are seriously ill. The O-GEN incinerator is to start up in July and we need the council's monitoring of PM10 so that we know when they will switch off the computerised Continuous Emission Monitoring (CEMS) Systems. We know CEMS can be switched off as the other incinerator operator RRS/Shanks admitted this at the last incinerator inquiry. This means that the Environment Agency has no control over the processes. Under the Environment Act and other legislation, the City Council has a duty to provide each citizen with the benefit of clean air.

If air quality in the UK continues to worsen, the EU is to take the UK Government to the European Courts.

Yours sincerely

A large rectangular area of the document has been redacted with a solid grey box, obscuring the signature and any accompanying text.