EXECUTIVE SUMMARY

1. The Environment Act 1995 places a duty on Local Authorities to review air quality within their area.

2. Previously, air quality in the area of the Dooley Inn, Ferry Lane, Felixstowe had been found to exceed the national objectives with regard to Nitrogen Dioxide (NOx) and an “Air Quality Management Area” (AQMA) was declared, coming into force on 1st May 2009 (report CAB67/05, 21st February 2009 refers).

3. Since that order was made, as a consequence of improvements brought about by the development and implementation of the Felixstowe AQMA Action Plan, NOx concentrations in this AQMA have fallen (and remain consistently) below the national objectives.

4. This report recommends that Cabinet makes an order revoking this AQMA.
INTRODUCTION

1.1 Local Authorities have a duty under Part IV of the Environment Act 1995 to review current and future air quality within their area and assess whether national objectives for air quality are being achieved.

1.2 Suffolk Coastal District Council complies with this requirement in accordance with Technical Guidance produced by the Department of Environment Food and Rural Affairs (DEFRA) and the resultant reports are published on the Council’s Website.

1.3 Assessments undertaken between 2006 and 2008 in accordance with the DEFRA technical guidance indicated that the annual mean objective for nitrogen dioxide was being exceeded in the area of the Dooley Inn, Ferry Road, Felixstowe.

1.4 As a consequence of this, Cabinet resolved to make the “Suffolk Coastal District Council Air Quality Management Area Order No.2, 2009”, which came into force on 1st May 2009 (Report CAB67/05 refers)

IMPROVEMENTS IN AIR QUALITY SINCE 2009

2.1 The Environment Act 1995 and associated technical guidance require a Local Authority declaring an AQMA to undertake further work to develop an “Action Plan” to identify and pursue steps necessary to secure improvements in air quality in the Management Area, with the ultimate aim of ensuring attainment and sustainable compliance with the national objectives.

2.2 The Dooley Inn, Felixstowe air quality Action Plan was published in 2011 following extensive consultation with relevant stakeholders, the most significant of whom being the Port of Felixstowe (PofF).

2.3 The Action Plan identified several measures related to activities at the port which had the potential to significantly improve air quality in the surrounding area and the Port of Felixstowe have been enthusiastic partners in working towards securing the necessary improvements. Some of the key measures identified and implemented include:

2.3.1 Detailed traffic surveys to identify and apportion accurately likely sources of polluting emissions.

2.3.2 Introduction of a Vehicle Booking System to improve scheduling of (non-PofF) HGV traffic visiting the port to deliver/collect containers, reducing congestion, waiting times and vehicle idling.

2.3.3 Implementation of an Environmental Management System at the port.

2.3.4 Changes to PofF freight handling and management vehicles, with the introduction of “eco-RTGs” (Rubber Tyred Gantry cranes), with smaller and more efficient diesel engines and state-of-the-art hybrid drive technology, eliminating high speed engine idling, resulting in reduced maintenance, longer engine life and a 40% reduction in emissions compared with the conventional equivalent.

2.4 Subsequent monitoring has demonstrated sustained improvements in the levels of NOx within the AQMA, achieving annual mean concentrations of 36µg/m³ (against a national objective limit of 40µg/m³).

2.5 Detailed studies (appended) and consultations with DEFRA (appended) concur with this conclusion.

2.6 The most recent results show a slight increase to 37µg/m³ Whilst it is not possible definitively to explain this increase, it may be related to the influence of the weather or simply minor variations in longer term patterns of port activity; however against such a robust background of substantive improvements in emissions since the AQMA was declared and the implementation of the Action Plan, this slight increase in not considered to be significant in terms of the case for revocation of the AQMA.
3 HOW DOES THIS RELATE TO EAST SUFFOLK BUSINESS PLAN?
3.1 The East Suffolk Business Plan identifies protection, enhancement and sustainable use of our environment as a critical success factor.

4 FINANCIAL AND GOVERNANCE IMPLICATIONS
4.1 The natural conclusion of the declaration of an AQMA should in due course, be its revocation, following the identification and implementation of sustainable measures to address the causes of elevated pollution; indeed, the European Union “Ambient Air Quality Directive” imposes a legally binding requirement on member states to implement the directive and work towards achieving compliance with the air quality objectives it sets.

4.2 This has been identified as a challenging target in the UK with several Local Authorities facing difficulties complying by the required deadlines, leading to the possibility of the UK government facing legal action in the European Court. Against this background, the fact that we are in a position to revoke this AQMA is to be enthusiastically welcomed.

4.3 We must acknowledge the enthusiastic support and commitment of the Port of Felixstowe to achieving sustainable improvements in air quality in the vicinity of this AQMA.

4.4 The majority of the work undertaken by the Council to investigate the causes of poor air quality and identify the remedies leading to this proposed revocation have been financed by central government grants awarded over the period since the AQMA was declared. The revocation of the AQMA means that the area will no longer be eligible for grants funding from this source for this purpose. The revocation of the AQMA is therefore cost-neutral.

5 OTHER KEY ISSUES
5.1 This report has been prepared having taken into account the results of an Equality Impact Assessment, a Sustainability Impact Assessment and a Partnership Impact Assessment.

6 CONSULTATION
6.1 The Environment Act 1995 and associated guidance specifies the steps which must be taken in declaring, managing and revoking an AQMA. Part of those steps includes detailed consultations with all stakeholders at every key stage. Consultees have included the Suffolk County Council, members of this Council, the Felixstowe Town Council, the general public and the Port of Felixstowe.

6.2 DEFRA guidance requires us to consult fully prior to making the order.

7 OTHER OPTIONS CONSIDERED
7.1 Not revoking the AQMA: In addition to incurring additional expense associated with continued monitoring and reporting for the indeterminate future, non-revocation would also be contrary to Local Air Quality Management Technical Guidance and the DEFRA advice.

8 REASON FOR RECOMMENDATION
8.1 Compliant with technical guidance and DEFRA advice; reduction in ongoing monitoring costs and the next lawful and logical step to take.

RECOMMENDATION
1. That Cabinet makes an order revoking the Suffolk Coastal District Council Air Quality Management Area Order No.2, 2009.
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<thead>
<tr>
<th>Appendix</th>
<th>Description</th>
<th>URL</th>
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<tbody>
<tr>
<td>Appendix D</td>
<td>Detailed Assessment 2015</td>
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<tr>
<td>Appendix E</td>
<td>Advice from DEFRA on the proposed revocation of the on “Suffolk Coastal District Council Air Quality Management Area Order No.2, 2009”</td>
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**BACKGROUND PAPERS**: Attached as Appendices A to E