London Borough of Ealing
Regulatory Services

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Briefing note on Air Quality Actions in Horn Lane, Acton

To: [redacted], Defra

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From: [redacted] London Borough of Ealing

Date: 9th December 2011

Regulatory responsibilities for sites in the Acton Goods Yard area

The table below summarises the regulated sites within the Horn Lane Goods Yard.

Business	Activity	Regulator	Regulatory regime	What is regulated	Current status of operations
Bridgemarts Ltd T/A Gowing & Pursey	Waste transfer station	EA	Environmental Permit (waste)	Whole site	Operational
Hanson Quarry Products Ltd T/A Hanson Premix	Concrete batching plant	LB Ealing	Environmental Permit (Part B)	Whole site	Old dry-batch plant demolished in August 2010. Replacement wet-batch plant commissioned in November 2011.
Horn Lane Metals	Scrap metal recovery	EA	T9 exemption	Whole site	Operational
Aggregate Industries Ltd T/A Yeoman Aggregates	Recycling of track ballast	EA	Environmental Permit (waste)	Track ballast waste activity only	Operational
	Mobile screening plant	LB Ealing	Environmental Permit (Part B)	Use of mobile plant and ancillary activities	One screener operational within EA-regulated area on an intermittent basis

London Borough of Ealing's Air Quality Action Plan

The London Borough of Ealing has declared the whole of its area an Air Quality Management Area for PM_{10} and NO_2 and has prepared an Air Quality Action Plan. The following actions contained within the Action Plan have a direct bearing on the exceedance issues in Horn Lane, Acton:-

> *44. Continue to regulate Part B processes within the borough and assess the authorisation of such processes in light of air quality objectives. Liaison will also continue with the Environment Agency over the regulation of Part A processes within the borough.*

45. Require an Air Quality Assessment for all new developments where there is potential for a significant increase in air pollution

50. Ensure that fugitive dust emissions from construction sites are kept to a minimum.

The above policies (as updated), in conjunction with the discharge of other statutory duties, have been implemented in relation to the sites of concern, as follows.

Bridgemarts Ltd T/A Gowing & Pursey

Summary of LB Ealing enforcement history

Ealing Council served a Section 80 abatement notice on Bridgemarts Ltd under the Environmental Protection Act 1990 on 7th January 2005 in respect of statutory dust nuisance. The company was prosecuted in March 2006 for non-compliance with the notice. They pleaded guilty at Acton Magistrates Court and were given a conditional discharge for two years. The company was ordered to pay the Council's costs of £6750.

Following the prosecution, the Council wrote to the company on 11th May 2006 advising them that further legal proceedings would be instigated if the required submissions required by the abatement notice (the non-submission of which was the reason for the prosecution) were not received within 28 days. The required submissions were received in July 2006. The company installed a wheelwash in August 2006.

Current role of LB Ealing in relation to the Gowing & Pursey site

Ealing Council retains a duty under the Environmental Protection Act 1990, sections 79 & 80, to respond to complaints of statutory nuisance in relation to this and other premises regulated under EA's waste permits. With the enactment of the Environmental Permitting Regulations however, Defra guidance[1] now advises that where a waste permit issued by the EA covers statutory nuisance matters, it is for the EA to enforce this and not for the local authority to do so through statutory nuisance. Nevertheless, close liaison on enforcement between the two regulators is expected and accordingly, the Council and the Agency maintain regular contact in relation to any complaints or air quality impacts attributable to EA-regulated sites in Ealing borough, including the Gowing & Pursey site.

In February 2011 Bridgemarts Ltd applied for planning permission to construct a building to enclose their waste management operations and were expected to submit an air quality assessment. The Council, as the local planning authority, required the submission of an air quality assessment to accompany the application. A recommendation for refusal of permission would have be made by air quality officers in the event that the proposal did not address any outstanding concerns in relation to air quality impacts, however the company has not pursued the application further and it is likely that the Council will shortly confirm to the applicant that the application has been 'finally disposed of'.

Aggregate Industries Ltd T/A Yeoman Aggregates

Aggregate Industries (AI) operates a sand, aggregates and building materials rail terminal and distribution centre at its site within the Horn Lane Goods Yard. This site covers a large area to the north of the Paddington Main Line and to the west of Acton Main Line station. AI holds an EA waste management permit for waste track ballast recycling within a designated area to the west of the site. The company holds two Part B environmental permits issued by

[1]Environmental Permitting Guidance, *Statutory Nuisance, s79(10) Environmental Protection Act 1990*, updated February 2011, version 1.1. http://archive.defra.gov.uk/environment/policy/permits/documents/ep2010stat-nuisance.pdf

Ealing Council for mobile screening plant. One of these screeners is permanently deployed for use in the waste management operation.

In dry and windy conditions the Yeoman site can give rise to fugitive dust emissions from haul routes, stockpiles and materials handling and processing. The waste management activity does not represent a significant source of particulates due to the nature of the materials processed, which are generally in a damp state and of large particle size. Control measures are required and enforceable through the environmental permits issued by the EA (covering the track ballast recycling activity) and by Ealing Council (covering the operation of the mobile screening plant and ancillary operations).

The Environment Agency has secured the operator's agreement to implement haul route dust suppression using the CMA system (also under trial in Horn Lane in partnership with TfL - see below). The need for improvements to the wheelwash through which all vehicles exiting the site pass is being pursued with the company in order to decrease the tracking-out of material into the Goods Yard access road.

Hanson Quarry Products Europe Ltd T/A Hanson Premix

Hanson Premix operates a Part B permitted concrete batching plant at a site located immediately to the south of the Gowing & Pursey waste site and to the east of the Aggregate Industries site. The company demolished their obsolescent dry-batch plant in August 2010 and commissioned a new wet-batch plant in November 2011. The new plant exceeds BAT requirements in terms of the controls provided to prevent particulate emissions.

The Council is drafting a variation to the Hanson permit requiring the maintenance of these new controls, in order to strengthen the conditions within the permit and reduce further the plant's impact on the surrounding environment. In particular, the Council intends to apply a condition prohibiting the tracking-out of material into the Goods Yard access road.

Dust suppressant trial

TfL has provided funding via the Mayor's Clean Air Fund for a trial of a dust suppressant system (calcium magnesium acetate - CMA) in Horn Lane, Acton, to be carried out from December 2011 to March 2012. This trial forms part of an extension to industrial locations in outer London of the original CMA trial in Central London. Continuous monitoring at Ealing 8 AQMS will be used to evaluate the effectiveness of the treatment in reduced ambient PM_{10} at this location.

Crossrail works and other major development in the Acton area

There is potential for additional air pollution in the Horn Lane area arising from the commencement of works to construct the Crossrail Line and in particular, intensified use of the Good Yard as a railhead, emissions from construction activities and associated increases in HGV traffic.

Schedule 7 to the Crossrail Act 2008 provides that the local authority can reasonably request the modification of proposals for development in relation, *inter alia*, to

- *Routes by which anything is to be transported on a highway by large goods vehicle to a working or storage site, a site where it will be re-used or a waste disposal site.*
- *The suppression of dust caused by construction operations carried on on land within the relevant limits for the purpose of carrying out the development.*

- *Measures to be taken on land within the relevant limits to prevent mud being carried onto any public highway as a result of carrying out the development.*

Ealing Council reviews all submissions made to it in relation to planning applications for the phases of the Crossrail development within its area, in order to achieve the minimum impact on local air quality through the application of suitable mitigation measures. Current works include the construction of the Acton Dive Under railway underpass, the purpose of which is to enable freight trains heading west along the main line to leave Acton Goods Yard without affecting passenger trains and to provide increased capacity for freight.

Similarly, the Thames Tideway Tunnel construction works at the Acton Storm Tanks[2] site are currently proposed to use the Goods Yard (and therefore Horn Lane) for rail and road transport of materials. Again, the Council is closely involved with the pre-application consultation process and will make formal submissions on air quality as part of the Planning Act 2008 application procedure.

Air Quality Monitoring in Horn Lane

The operation of Ealing Council's AQMS in Horn Lane underpins the Council's ongoing duties under LAQM as outlined above and, in addition, the regulatory and enforcement action undertaken by the Environment Agency and the Council in relation to regulated activities and installations.

Reductions during 2011 in the frequency of exceedance of the 24 hour PM_{10} objective concentration, together with the continuing downward trend in the annual mean PM_{10} concentration, lead to optimism concerning the prospect of early compliance with both objectives at Horn Lane. It is believed that the major part of this improvement has arisen from reduced emissions from the industrial sites. It is anticipated that the current dust suppressant trial will help to demonstrate the extent to which further improvements can be secured through the control of resuspension by Horn Lane traffic.

A recent sharp increase in the number of exceedances of the hourly objective for nitrogen dioxide recorded by the AQMS is currently under investigation to determine if this is traffic-related or if other combustion sources are implicated.

[2]http://www.thamestunnelconsultation.co.uk/site-profiles/acton-storm-tanks/