

**AIR QUALITY MANAGEMENT AREA DECLARATION**  
**WORCESTER ROAD, BROMSGROVE**

Relevant Portfolio Holder	<b>Councillor Kit Taylor</b>
Relevant Head of Service	<b>Steve Jordan</b>
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 Part IV of the Environment Act 1995 requires local authorities to review and assess the current, and likely future, air quality in their areas against the objectives in the National Air Quality Strategy. Where objectives are likely to be exceeded, the local authority is required to designate an Air Quality Management Area (AQMA) for the relevant locations.
- 1.2 Monitoring and assessment undertaken at Worcester Road, Bromsgrove has concluded that the national air quality objective for nitrogen dioxide is being exceeded. Therefore designation of the area outlined in red on the appended plan as an AQMA is proposed.

**2. RECOMMENDATIONS**

- 2.1 That Cabinet recommend to Full Council the formal designation of the area marked red on the plan attached at Appendix 1 as an Air Quality Management Area by the making of an order under section 83(1) of the Environment Act 1995.
- 2.2 That Cabinet recommend to Full Council that authority be delegated to the Head of Regulatory Services and the Head of Legal, Equalities and Democratic Services to prepare and sign the Air Quality Management Area order for Worcester Road.
- 2.3 That Cabinet/ Council note that in accordance with the relevant provisions of the Environment Act 1995, a provisional air quality Action Plan shall be completed within 18 months of the making of the Air Quality Management Area Order.

**3. BACKGROUND**

- 3.1 Part IV of the Environment Act 1995 requires local authorities to review

and assess the current, and likely future, air quality in their areas against the objectives in the National Air Quality Strategy. Where objectives are likely to be exceeded, the local authority is required to designate an Air Quality Management Area (AQMA) for the relevant locations. An action plan must then be prepared setting out the measures to ensure that the air quality objectives within the area covered by the AQMA are not exceeded.

- 3.2 Bromsgrove District Council's Updating and Screening Assessment 2009 and Progress report 2010 concluded that it was necessary to proceed to a Detailed Assessment of nitrogen dioxide in Worcester Road, Bromsgrove.
- 3.3 The Detailed Assessment was completed in July 2010 and concluded that the air quality objective for nitrogen dioxide was being exceeded in Worcester Road, Bromsgrove. The report has been accepted by the Department for Environment, Food and Rural Affairs (DEFRA) as satisfactory. The full report can be viewed on Bromsgrove District Council's website or a hard copy can be provided on request.
- 3.4 The Detailed Assessment concluded that there are predicted exceedances of the annual mean nitrogen dioxide Air Quality Strategy objective of 40µg/m<sup>3</sup> at sensitive ground floor and first floor receptors along the Worcester Road. The maximum modelled annual mean nitrogen dioxide concentration in 2009 was 51.5µg/m<sup>3</sup>.
- 3.5 Annual mean nitrogen dioxide contour plots show that where receptors fall outside of the 40 µg/m<sup>3</sup> contour at ground-floor level, they tend to fall within the 36 µg/m<sup>3</sup> contour.
- 3.6 There is some uncertainty surrounding both the measured and modelled concentrations. It is therefore recommended that an AQMA is declared to include, as a minimum, those residential properties that lie within the 36 µg/m<sup>3</sup> contour to be precautionary.

#### **4. KEY ISSUES**

- 4.1 As established by the Environment Act 1995 Part IV, all local authorities in the UK are under a statutory duty to undertake an air quality assessment within their area and determine whether they are likely to meet the air quality objectives set down by Government for a number of specified pollutants. The process of review and assessment of air quality undertaken by local authorities is set out under the Local Air Quality Management (LAQM) regime and involves a phased three yearly assessment of local air quality. Where the results of the review and assessment process highlight that problems in the attainment of health-based objectives for air quality will arise, the authority is under a

statutory obligation to declare an Air Quality Management Area (AQMA) – a geographic area defined by high levels of pollution and exceedances of health-based standards.

The LAQM regime was first set down in the 1997 National Air Quality Strategy (NAQS) and introduced the idea of local authority 'Review and Assessment'. The Government subsequently published policy and technical guidance related to the review and assessment processes in 1998. This guidance has since been reviewed and the latest documents include Policy Guidance (LAQM.PG (09)) and Technical Guidance (LAQM.TG (09)). The guidance lays down a progressive but continuous framework for local authorities to carry out their statutory duties to monitor, assess and review air quality in their area and produce action plans to meet air quality objectives.

DEFRA and the Devolved Administrations released the latest Policy and Technical Guidance in February 2009, in anticipation of the fourth round of review and assessment. The fourth round began with an Updating and Screening Assessment (USA), which was completed by local authorities by the end of April 2009, and builds upon the Council's previous work in the first three rounds.

Previous Local Air Quality Management (LAQM) assessment work conducted by Bromsgrove District Council has also identified three AQMAs in Bromsgrove District:

- Lickey End Bromsgrove ( Junction 1 M42 roundabout)
- Redditch Road, Stoke Heath
- Kidderminster Road Hagley

Birmingham Road in Bromsgrove town centre is a potential location for future Detailed Assessment. However, the Council has been monitoring nitrogen dioxide using diffusion tubes at three worst-case locations on Birmingham Road. The results show that the annual mean objective for nitrogen dioxide has been met there for the last three years. Bromsgrove District Council will continue to monitor nitrogen dioxide concentrations on Birmingham Road and will proceed to a Detailed Assessment if exceedances of the annual mean objective are measured in the future.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 Further assessment work in the AQMA may require additional diffusion tube installation. The cost of this is minimal and can be carried out from the existing budget allocated for Local Air Quality Management.

**6. LEGAL IMPLICATIONS**

- 6.1 Part IV of the Environment Act 1995 requires local authorities to review and assess the current, and likely future, air quality in their areas against the objectives in the National Air Quality Strategy. Where objectives are likely to be exceeded, the local authority is required to designate an AQMA for the relevant locations. An action plan must then be prepared, setting out the measures to ensure that the air quality objectives within the area covered by the AQMA are not exceeded.

**7. POLICY IMPLICATIONS**

None identified in this report.

**8. COUNCIL OBJECTIVES**

- 8.1 Objective two – **Improvement**  
The outcome of this declaration will ensure that air quality issues in respect of traffic are formally highlighted and form part of considerations in the preparation of local transport plans in particular LTP3 that will be developed by the County Council.
- 8.2 Objective three – **Sense of Community and Well Being**  
It is envisaged that the eventual outcome of the declaration will lead to the air quality exceedances being reduced leading to increased well-being in health terms.
- 8.3 Objective four – **Environment**  
Resolution of traffic problems will lead to improvements in the environment.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 The main risks associated with the details included in this report are:
- Failing to meet Statutory and Government demands relating to local air quality management as outlined in the above legislation. This item is included on the Planning and Environment Risk Register

- Failing to declare the Air Quality Management Area would be a reputational risk to the Council in relation to the objective Environment and Climate Change

9.2 These risks are being managed as follows:

- Risk Register: Planning and Environment
- Key Objective Ref No: 3
- Key Objective: Effective, efficient and legally compliant Environmental Health Service

**10. CUSTOMER IMPLICATIONS**

10.1 The recommendations will formally highlight the need for improved traffic management in the areas affected with the Highways Agency and Worcestershire County Council acting as the Highways Authority. It will also enable air quality to be a material consideration in respect of applications for new building developments requiring planning permissions.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 There are no implications of this report which adversely affect the Council's Equalities and Diversity Policies.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 None identified in this report.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 It is envisaged that the eventual outcome of the declaration will lead to the air quality exceedances being reduced and a general improvement in air quality.

13.2 The recommendations will formally highlight air quality issues in respect of transport planning. The resolution of traffic problems will lead to improvements in the environment.

# **CABINET**

Date: 1<sup>st</sup> June 2011

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**14. HUMAN RESOURCES IMPLICATIONS**

14.1 There are no human resources implications.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None identified in this report

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 There are no community safety implications

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 It is envisaged that the eventual outcome of the declaration will lead to the air quality exceedances being reduced leading to increased well-being in health terms.

**18. LESSONS LEARNT**

18.1 Previous Local Air Quality Management (LAQM) assessment work conducted by Bromsgrove District Council has also identified three AQMAs in Bromsgrove District:

- Lickey End Bromsgrove ( Junction 1 M42 roundabout)
- Redditch Road, Stoke Heath
- Kidderminster Road, Hagley

As referenced in the main body of the report the Council will continue to monitor the current AQMAs, the proposed AQMA at Worcester Road and the wider district

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 Local residents and businesses were consulted by letter on 15<sup>th</sup> November 2010 in relation to the outcome of the monitoring and the possible introduction of an AQMA.

In addition a drop-in session was held at St. Peters Community Centre, Rock Hill on 30<sup>th</sup> November 2010.

Comments and observations were invited.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Deputy Chief Executive/Executive Director – Leisure, Environment and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

**21. WARDS AFFECTED**

- Whitford Ward
- St. Johns Ward
- Charford Ward

**22. APPENDICES**

Appendix 1: Proposed AQMA Location Plan

**23. BACKGROUND PAPERS**

**CABINET**

Date: 1<sup>st</sup> June 2011

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- Detailed Assessment 2010
- Detailed Assessment & Progress Report Appraisal 2010

**24. KEY**

N/A

**AUTHOR OF REPORT**

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