

BROMSGROVE DISTRICT COUNCIL

CABINET

3rd FEBRUARY 2010

AIR QUALITY MANAGEMENT AREAS

Responsible Portfolio Holder	Peter Whittaker
Responsible Head of Service	David Hammond
Non-Key Decision	

1. SUMMARY

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. An action plan must be prepared setting out the measures to ensure that the air quality objectives within the area covered by the AQMA are not exceeded.

1.2 Bromsgrove District Council's Annual Progress Report 2008 concluded that it was necessary to proceed to a Detailed Assessment of nitrogen dioxide (NO₂) in the following locations:

- Redditch Road Stoke Heath
- Kidderminster Road Hagley

The Detailed Assessment was completed in July 2009 and concluded that the air quality objective for nitrogen dioxide was being exceeded in Redditch Road Stoke Heath and Kidderminster Road, Hagley. The report has been accepted by the Department for Environment, Food and Rural Affairs as satisfactory. The full report can be viewed on Bromsgrove District Council's website or else a hard copy can be provided if requested.

2. RECOMMENDATION

2.1 The conclusions of the Detailed Assessment are that:

- There are predicted exceedences of the annual mean NO₂ Air Quality Strategy objective of 40µg/m³ at sensitive receptors along the A456 Kidderminster Road. The maximum-modelled annual mean NO₂ concentration in 2008 is 44µg/m³.

- The modelled NO₂ concentrations at all receptors within the Hagley assessment area are reduced during 2010 compared to the base year of 2008. This is due to reductions in the background NO₂ concentration over time and reductions in the pollutant concentrations emitted from vehicles due to anticipated improvements in vehicle technologies; and a reduction in traffic volumes expected in the Bromsgrove district. The maximum-modelled annual mean NO₂ concentration in 2010 is 41µg/m³.
- There are predicted exceedences of the annual mean NO₂ Air Quality Strategy objective of 40µg/m³ at sensitive receptors along Redditch Road, Stoke Heath. The maximum-modelled annual mean NO₂ concentration in 2008 is 46µg/m³.
- The modelled NO₂ concentrations at all receptors within the Redditch Road assessment area are reduced during 2010 compared to the base year of 2008. This is due to reductions in the background NO₂ concentration over time and reductions in the pollutant concentrations emitted from vehicles due to anticipated improvements in vehicle technologies; and a reduction in traffic volumes expected in the Bromsgrove district. The maximum-modelled annual mean NO₂ concentration in 2010 is 44µg/m³.

2.2 As a result of the above conclusions, and in accordance with the Council's statutory obligations under Local Air Quality Management (LAQM), the following recommendations are made:

1. That an Air Quality Management Area (AQMA) be declared in Redditch Road, Stoke Heath, Bromsgrove in respect of nitrogen dioxide because the air quality objectives are unlikely to be met.
2. That an Air Quality Management Area (AQMA) be declared in Kidderminster Road Hagley in respect of nitrogen dioxide because the air quality objectives are unlikely to be met.
3. That an AQMA shall be designated within the relevant area under section 83(1) of the Environment Act 1995, by means of an official order.
4. The AQMA shall, as a minimum, include all those areas identified as having exceedences of air quality objectives as shown in figures 1 and 2 of this report. Due to modelling variables the boundary shall be set at the 36µg/m³ contour line.
5. An Air Quality Steering Group shall be established to take forward the development and implementation of an air quality action plan in pursuit of the relevant air quality objectives.

Note: The production of an action plan is a statutory obligation following declaration of an AQMA. The formation of a Steering Group is viewed as best practice and should include relevant officers from District and County departments as well as local members and representatives from outside bodies and local community groups

6. The Steering Group shall be chaired by a senior officer of Bromsgrove District Council.

Note: This recommendation ensures a corporate approach is taken and will help other Council services discuss how the action plan can be taken into account in other Council plans such as Local Development Plans, Local Transport Plans and Local Community and Sustainability Strategies. A senior officer will be important to the development of strong working links with other agencies and public bodies that will have an important input in the action planning process

7. A provisional air quality action plan shall be completed within 18 months of declaration of the AQMAs.

8. To carry out a Further Assessment of existing and likely future air quality in an air quality management area within 12 months of designation.

Note: Section 84(1) of the Environment Act 1995 requires local authorities to carry out a Further Assessment of existing and likely future air quality in an air quality management area within 12 months of designation.

3. BACKGROUND

- 3.1 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 exceedences 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.

Between 1998 and 2002, Bromsgrove District Council undertook its first round of review and assessment of air quality. The first round assessments (Stages 1, 2, 3 and 4) concluded that it was necessary to declare an Air Quality Management Area (AQMA) due to predicted exceedences of the annual mean objective for NO₂ at Lickey End, due to road traffic emissions from the M42 (Junction1).

The first phase of the second round of review and assessment, the USA, was completed in September 2003 and this concluded that a detailed assessment was required for nitrogen dioxide (NO₂) due to road traffic emissions from the A38 Redditch Road (Aston Road Industrial Estate), A456/A491 Hagley, and the A38 Marlbrook Crossroads. It was also recommended that a review of exceedences of the NO₂ annual mean objective be undertaken at Lickey End (AQMA). The Detailed Assessment concluded that declaration of an AQMA was not required at any further locations.

The 2006 USA commenced the third round of review and assessment. This concluded that a detailed assessment was required for nitrogen dioxide due to measured exceedences of the annual mean objective at the nearest receptors to two diffusion tube monitoring locations on Redditch Road, Buntsford Hill and Kidderminster Road, Hagley. It was also recommended that the monitoring be made more robust at these locations by installing triplicate diffusion tubes. The Detailed Assessment 2007 concluded that the annual mean objective for NO₂ was likely to be exceeded at the worst-case modelled receptors at Redditch Road, Buntsford Hill. Bromsgrove District Council installed a continuous monitor at Redditch Road, Buntsford Hill in March 2008 for a six-month period. The results of this monitoring are being considered within the Detailed Assessment 2009.

The Detailed Assessment also assesses the Kidderminster Road, Hagley and a number of areas in Bromsgrove town centre, notably Worcester

Road, where measured exceedences were identified in the Council's air quality annual progress report 2008.

- 3.2 Consultation with stakeholders commenced in November 2009, details of responses will be provided for Councillors.

4. FINANCIAL IMPLICATIONS

- 4.1 Further assessment work in the AQMAs as explained in recommendation 8 may require additional diffusion tube installation (cheap and cost effective) and /or use of continuous monitor installation("Rolls Royce" standard).

Although currently funding has been provided by DEFRA to carry out this work along the Kidderminster Road, Hagley with the use of a continuous monitor for a period of six months, **it is not critical that such a device is needed, i.e. this provision is of "Rolls Royce" standard.**

DEFRA grant funding will be sought to carry out similar work along the Redditch Road, Stoke Heath. If the funding bid does not succeed, then the further assessment work can be carried out from the existing budget allocated for Local Air Quality Management by using the cost effective existing diffusion tube network already in place.

5. LEGAL IMPLICATIONS

- 5.1 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 be prepared setting out the measures to ensure that the air quality objectives within the area covered by the AQMA are not exceeded.

6. COUNCIL OBJECTIVES

6.1 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.

6.2 Objective three – Sense of Community and Well Being

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

6.3 Objective four - Environment

Resolution of traffic problems will lead to improvements in the environment.

7. RISK MANAGEMENT

7.1 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

7.2 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

8. CUSTOMER IMPLICATIONS

8.1 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.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

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

10. VALUE FOR MONEY IMPLICATIONS

10.1 There are no value for money implications

11. OTHER IMPLICATIONS

Procurement Issues - None
Personnel Implications - None

Governance/Performance Management - None
Community Safety including Section 17 of Crime and Disorder Act 1998 -None
Policy – The Environment and Climate Change have been identified as Council Priorities
Environmental - Assessment of Local Air quality is an important part of the Council’s Environment objective

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

Hagley, Stoke Heath, Stoke Prior

14. APPENDICES

Appendix 1 Map showing Redditch Road, Stoke Heath
Appendix 2 Map showing Kidderminster Road, Hagley

15. BACKGROUND PAPERS

Detailed Assessment 2009 and Detailed Assessment Appraisal 2009

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