

PAPER NO.1

REPORT TO THE EXECUTIVE MEETING OF 22 APRIL 2013

Meeting: Executive
Date: 22 April 2013
Subject: Lutterworth Air Quality Management
Report of: Elaine Bird
Portfolio Holder: Colin Golding
Status: Recommendation to Council

1 Purpose of the Report

1.1 The purpose of this report is for members to approve the amendment of the Air Quality Management Order in Lutterworth and the adoption of the draft Air Quality Management Action Plan Framework following a statutory consultation process.

2 Recommendations:

2.1.1 **R It is recommended that Members authorise the Assistant Director of Community Services to sign the Order to amend the Air Quality Management Area in Lutterworth**

2.1.2 **R It is recommended that Members adopt the Draft Air Quality Action Plan Framework subject to the outcome of the statutory consultation process.**

2.1.3 **R It is recommended that Members authorise the Assistant Director of Community Services to consider any representations received during the consultation process regarding the content of framework document for inclusion into the Final Air Quality Action Plan Framework. Any representations received regarding potential schemes will be assessed in accordance with the methodology set out in the Air Quality Action Plan Framework.**

3 Summary of Reasons for the Recommendations

3.1 Under Part IV of the Environment Act 1995 there is a requirement for all Local Authorities to assess their local air quality and to predict future conditions against the national air quality objectives.

3.2 Where a local authority believes that the national air quality standards are not going to be met they have a duty to declare an Air Quality Management Area (AQMA).

- 3.3 Generally the air quality in the district is good however the annual mean National Air Quality Objective for nitrogen dioxide is not being met in an area of Lutterworth and an AQMA was declared for this area in 2001.
- 3.4 Under the Air Quality Management regime the Council has a duty to report to the Department of Environment Food and Rural Affairs (DEFRA) on the state of the air quality within the district.
- 3.5 Through the reporting process a potential exceedance of the National Air Quality Objective for Nitrogen Dioxide beyond the boundary of the existing AQMA in Lutterworth was identified and the decision was made by the Executive Members on the 7th November 2011 to amend the AQMA. Once the decision has been made to amend an AQMA the local authority must undertake a further assessment to confirm the extent of the variation and to establish the proportion of pollution emanating from each source. For Lutterworth the pollution levels all relate to emissions from road vehicles consequently it was necessary to apportion the source coming from each vehicle type using the local road network.
- 3.5 The results of this further assessment confirmed that the existing air quality management area needs to be extended further along Rugby Road in Lutterworth. The proposed Order for the amended AQMA can be found in appendix A. The assessment also confirmed that HGV's vehicle movements within the AQMA are low however they contribute to between 40-45% of the emissions of Nitrogen Dioxide. Cars make up the highest proportion of vehicle movements and also contribute between 40-45% of the pollution level.
- 3.6 In addition, following the amendment of the AQMA it is necessary to review the Air Quality Action Plan for the area in conjunction with the County Council's Local Transport Plan. A draft framework document has been developed in conjunction with officers at Leicestershire County Council to provide an up date on the existing Action Plan and sets out the methodology for assessing traffic management and road layout modification schemes to maximise their impact on improving the local air quality.
- 3.7 The council is required by the Local Air Quality Management Policy Guidance (LAQM.PG.(09)) to consult stakeholders on how it will address the air quality issue through it's Action Plan

4 Impact on Communities

- 4.1 The National Air Quality Standards are health based standards and an AQMA is only declared where there is sufficient information and evidence to suggest that the national objectives will not be met for a particular pollutant and the location of the problem is such that there is the potential for the public to be exposed to the pollution levels for relevant time period i.e. residential dwellings.

4.2 The declaration of an AQMA and Action Plan will assist the Council in targeting initiative for improving the local air quality for residents

5 Key Facts

5.1 Under Part IV of the Environment Act 1995 there is a requirement for all Local Authorities to assess their local air quality and to predict future conditions against the national air quality objectives.

5.2 The review and assessment of local air quality takes place over a number of stages. The First Stage Review and Assessment carried out across the whole of the district concluded that further assessment would be required for carbon monoxide, lead, particulates and nitrogen dioxide. The Second and Third Stage review concluded that, with the exception of nitrogen dioxide, all of the national objectives would be met within the appropriate timeframe. With regards to annual average levels for nitrogen dioxide it was anticipated that the national objective would be exceeded in Lutterworth Town Centre and an Air Quality Management Area (AQMA) was declared in 2001.

5.3 Nitrogen dioxide which is associated with adverse effects on human health and at relatively high concentrations the pollutant can cause inflammation of the airways. Long term exposure to nitrogen dioxide may affect lung function and may also enhance the response to allergens in sensitive individuals. The main source of nitrogen dioxide in Lutterworth is traffic related.

5.4 The Council has a duty to report to the Department of Environment Food and Rural Affairs (DEFRA) on an annual basis providing an update on the state of local air quality. There is a prescribed programme for the reporting process and the reports are either specific to the Air Quality Management Area or cover the air quality within the district as a whole. Generally the air quality within the district is good and all of the reports submitted to DEFRA can be found on the Council's [website Air Quality: Review and assessment - Pollution Control - Air Quality - Harborough District Council](#)

5.5 The findings of the Detailed Assessment Report in 2010 indicated that there was the potential for the National Air Quality Objectives to be exceeded beyond the boundary of the existing AQMA and at the Executive meeting of the 7th November 2011 Members approved the extension of the AQMA boundary.

5.6 Once the decision to amend an AQMA has been made the Council has a duty to undertake another assessment to confirm the extent of the AQMA. This further assessment was completed in December 2012 and the report concluded that the existing AQMA should be extended along Rugby Road in Lutterworth. The full technical report can be found on the website following the link highlighted in section 5.4. The proposed Order can be found in Appendix A.

5.7 The detailed assessment and subsequent reports concluded that traffic was the main source of pollution within Lutterworth. An assessment of vehicle

movement within the AQMA determined that even though HGV's only make up 6% of vehicle movements they contribute between 40-45% of the pollution levels in the town. Similarly cars account for 85% of the total number of vehicles and also contribute between 40-45% of the pollution levels. This information is essential in planning for actions to reduce the pollution levels in the town.

- 5.8 Once the extent of an AQMA has been confirmed an Action Plan must be developed to identify any potential actions which could reduce the pollutant levels in the local area. As the source of the pollution is traffic related, the Action Plan will look at cost effective measures which can be implemented to reduce the impact of vehicles in the local area. Whilst the duty to assess local air quality lies with the district authorities, guidance stipulates that the upper tier authorities should work closely with the district authorities to incorporate air quality Action Plans into the Local Transport Plan. The original Action Plan was incorporated into the Leicestershire County Council Local Transport Plan in 2006.
- 5.9 The current Action Plan includes many community based interventions, which have had a negligible impact on air quality, and the plan relied primarily on a major road building scheme, to improve air quality, which has since been found to be unfeasible following an assessment by Leicestershire County Council. It is recognised that in the current economic climate it is unlikely that funding for major road building schemes will be available. Consequently officers in conjunction with colleagues at Leicestershire County Council have developed the Air Quality Action Plan Framework document (Appendix B) which sets out a methodology for the assessment of traffic management and road layout modification schemes for which funding may be attainable.
- 5.10 In line with the DEFRA Guidance the framework document includes the following:
- Quantification of the source contributions to the predicted exceedences of the objectives; this will allow the action plan measures to be effectively targeted;
 - Methods to ensure that options are considered on the grounds of cost effectiveness and feasibility;
 - How the local authority will use its powers and also work in conjunction with other organisations in pursuit of the air quality objectives;
 - Clear timescales in which the authority and other organisations and agencies propose to implement the measures within its plan;
 - How the local authority intends to monitor and evaluate the effectiveness of the plan.
- 5.11 The document also includes information on how third party individuals or organisations can submit ideas and suggestions for consideration. All submissions will be considered in line with the methodology set out in the framework document.

5.12 There is a duty to consult with Statutory Consultees on the Air Quality Action Plan.

.6 Legal Issues

6.1 The Environment Act 1995 states that every local authority shall review the air quality within its area, both at the present time and the likely future air quality. Where one or more of the national air quality objectives are not going to be met the local authority has a duty to declare an air quality management area and to develop an action plan to work towards achieving the national standards of air quality in that area.

7 Resource Issues

7.1 There is no budget provision for the implementation of the Air Quality Action Plan. The draft framework will assess each scheme with a cost benefit analysis and sets out potential sources of funding for successful schemes. The implementation of any identified scheme will be dependant on the availability of funding.

8 Equality Impact Assessment Implications/Outcomes

8.1 The assessment of air quality, the declaration of an air Quality Management Area and development of an Action Plan is a Statutory function. Provided that information is available in other formats and languages where required, no equality issues were identified

9 Impact on the Organisation

9.1 There is a duty on the local authority to declare an Air Quality Management Area when they have sufficient information to suggest that the national air quality objectives will not be met.

9.2 The air quality work carried out by the Council will feed into the Leicestershire Together priorities for the Environment and Health and Wellbeing Commissioning Boards.

9.3 Air Quality forms one of the key policies of the Local Development Framework Core Strategy document.

10 Community Safety Implications

10.1 None identified

11. Carbon Management Implications

11.1 The framework document will assess other environmental benefits such as carbon reduction of any potential scheme

12. Risk Management Implications

12.1 The Framework document sets out the risk management of potential improvement schemes. At the initial assessment stage the evaluation of potential schemes would highlight the following risks

- Relocate emissions and hence lead to worsening air quality elsewhere;
- Require a change in land use;
- Place limits on pace of development, or increase costs of development significantly.

Where necessary a more detailed Environmental Impact Assessment may be required for successful schemes

13 Consultation

13.1 The Council consulted all statutory consultees in line with the LAQM.PG(09) policy guidance on the Lutterworth AQMA Detailed Assessment 2010. No issues were raised regarding the extension of the AQMA. 1 consultee raised a query regarding the Air Quality Action Plan. As the comments raised were related to the action planning process they will be addressed through implementation of the Air Quality Action Plan Framework document.

13.2 The council is required by the Local Air Quality Management Policy Guidance (LAQM.PG.(09)) to consult stakeholders on how it will address the air quality issue through it's Action Plan. Consequently subject to the approval by Members the draft Framework document will be sent to the statutory consultees and any comments received will be incorporated into the implementation of the plan.

13.3 In addition the Framework document sets out how the public and other interested parties will be given the opportunity to feed potential schemes into the process and how they will be evaluated to determine their suitability. Any consultation undertaken will be carried out in accordance with the Council's Communication Strategy.

13.4 The Portfolio Holder has been consulted on the draft Framework document and is satisfied with the approach the framework takes with regard to assessing potential actions to improve local air quality in Lutterworth.

14 Options Considered

14.1 There is a legal duty on the Council to assess the local air quality and where the national objectives are unlikely to be met the Council must declare an Air Quality Management Area and develop an Action Plan to address the issue.

14.2 There is sufficient data available for the Council to have the confidence to confirm that the pollution levels outside of the existing AQMA boundary are above the national objective levels and it will be failing its statutory duty if it decides not to amend the boundary of the existing AQMA.

15 Background Papers

- 15.1 Further information on local air quality management and copies of all of the Council's air quality reports and associated documentation can be found on the Council's website [Air Quality: Review and assessment - Pollution Control - Air Quality - Harborough District Council](#)
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Previous report(s): *Executive Report 7th November 2011*

Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified: N/A

Appendices: *list any appendices here including title and filename in brackets (e.g. Performance Data 2010 (perfdata.doc)).*

- A. Draft Air Quality Management Order**
- B. Draft Air Quality Action Plan Framework.**
- C.**
- D.**