

ITEM NO.1

REPORT TO THE EXECUTIVE MEETING OF 7 NOVEMBER 2011

Status: Decision
Title: Local Air Quality Management
Originator: Elaine Bird Community Protection Manager
Where from: Management Board
Where to next: Implementation

1 Purpose Report

1.1 The purpose of this report is to update members of the on the state of air quality within the District in particular the work associated with the Air Quality Management Area in Lutterworth.

R 2 Recommendations:

2.1 It is recommended that members approve the proposed amendment to the existing Air Quality Management Area for Lutterworth Town Centre to be sent out to the statutory consultees.

2.2 Authorisation is given to the Head of Health and Enforcement Services to sign the Air Quality Management Area Order following the consultation process.

2.3 Any representations received during the consultation process be taken into consideration during the further review process following the amendment of the Air Quality Management Area.

2.4 Subject to 2.1 to agree that the existing Action Plan for the Air Quality Management Area be reviewed with Leicestershire County Council and be subject to public consultation

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 standard for nitrogen dioxide is not being met in an area of Lutterworth and an AQMA was declared for this area in 2001. The location of the existing AQMA can be found in appendix A
- 3.4 In 2009 an updated assessment identified the potential exceedence of the national objective levels for nitrogen dioxide outside of the existing Air Quality Management Area. Consequently it was necessary to undertake further long term monitoring to confirm the initial findings and to determine the extent to which the current Air Quality Management Area should be extended.
- 3.5 The results of the detailed assessment confirmed that the existing air quality management area needs to be extended. The proposed Order for the amended AQMA can be found in appendix B.
- 3.6 In addition following the amendment of the AQMA it will be necessary to review the Air Quality Action Plan for the area in conjunction with the County Council's Local Transport 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 the development of a subsequent Action Plan will assist the Council in improving the local air quality for local 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 Monitoring of the air quality both in Lutterworth and across the wider district has been carried out for several years however whilst the general air quality across the district is good, the levels in Lutterworth Town Centre have remained high and in 2008 it became apparent that the annual average levels of nitrogen dioxide outside of the existing AQMA may be breaching the national standard and further work was required to determine whether the boundary of the existing AQMA needed to be changed. Results of the annual average levels of nitrogen dioxide for 2010 can be found in appendix C
- 5.5 Consequently it was necessary to undertake a long term monitoring programme outside of the existing AQMA using diffusion tubes to confirm the initial findings and to determine the extent to which the AQMA boundary needs to be extended. An additional nine diffusion tubes were subsequently located to the north and south of the existing AQMA along Leicester Road and Rugby Road in Lutterworth.
- 5.6 Monitoring levels of Nitrogen Dioxide using passive diffusion tubes is widely used across the UK and provided that appropriate quality assurance techniques and the correct bias correction factor is applied, they provide a good indication of the annual average levels of nitrogen dioxide with a degree of accuracy of +/- 20%. It is necessary to carry out monitoring over a significant period of time to have sufficient confidence in the results to confirm the possible exceedence of the national air quality objectives.
- 5.7 Based on the results of the diffusion tube network in Lutterworth, there is now sufficient confidence to confirm that there is no requirement to extend the AQMA to the north along Leicester Road, however it is necessary to extend the area to the south of the existing AQMA. The proposed extent of the amended AQMA can be found in the draft Air Quality Management Order - appendix B.
- 5.8 Once an AQMA has been declared or amended the local authority has a 12 month period to carry out a further assessment to confirm the extent of the AQMA.
- 5.9 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 County Council's Local Transport Plan in 2006. One of the actions in this plan included the investigation of potential development of the Western Relief Road in Lutterworth. However following a study by the County Council the development of a major road for this area is not anticipated

for the foreseeable future and consequently it will be necessary to re-examine the current Action Plan. Air quality officers are currently in discussions with the County Council to review the contents of the existing Action Plan and to determine some common principles that will govern the development of the plan. Whilst the current Local Transport Plan for Leicestershire provides a long term strategy for transport issues across Leicestershire, officers will use the development of the Action Plan to feed into the County Council's Implementation Plan programme which will provide a rolling programme working towards achieving the overall strategy objectives. The current Implementation Plan covers the period 2011-14.

- 5.10 Whilst there is not a prescribed timeframe for the development of an Action Plan, the Government expects that plans will be approved within 12 to 18 months of the designation of an AQMA.

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 currently budget provision to continue the diffusion tube monitoring network through out the district.
- 7.2 There is no budget provision for the development and implementation of the Air Quality Action Plan. The development of the revised Action Plan will be carried out in conjunction with Leicestershire County Council following the amendment of the Air Quality Management Area and will include an assessment of the costs and benefits of each action. Whilst there is currently no requirement for a budget at the present time, there may be future costs associated with the implementation of the Action Plan where the responsibility of a particular action falls to the district council to implement. However as the pollution levels in Lutterworth are traffic related it is anticipated that the majority of the actions highlighted in the plan will fall under the remit of the County Council.

8 Equality Implications

- 8.1 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.

10 Community Safety Implications

10.1 None identified

11 Consultation

11.1 There is a requirement for local authorities to consult following an amendment of an air quality management area and as part of the development of an action plan. A copy of the amended AQMA will be sent to the statutory consultees for comment. A list of the statutory consultees can be found in Appendix D

11.2 Any comments received from the statutory consultees following the amendment of the AQMA will be taken into consideration during the further review process, which much take place following the declaration/amendment of the AQMA. This further review enables the district council to confirm that the boundary of the AQMA is correct

11.2 A local authority must also consult on the preparation of the air quality Action Plan after developing options with relevant key players such as transport officers. Early discussions are being undertaken between air quality officers at Harborough District Council and the County Council to establish an agreed process for the updating of the Action Plan and to agree the common principles for its development. It is expected that an Action Plan is approved within 12 to 18 months following the declaration or amendment of an AQMA

11.3 A full public consultation on the revised Action Plan will have to be undertaken prior to it being implemented. There is no statutory consultation period however it is recommended that consultation period for the Action Plan should not be less than eight weeks.

12 Options Considered

12.1 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.

12.2 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.

13 Background Papers

- 13.1 All of the Air Quality Reports are available on the Air Quality Review and Assessment pages on the Council's website.
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Previous report(s): *text*

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