

# REPORT TO CABINET

**REPORT OF: Environmental Health Manager**

**REPORT NO: ENV577**

**DATE: 18<sup>th</sup> February 2013**

<b>TITLE:</b>	<b>PROPOSAL TO EXTEND THE EXISTING AIR QUALITY MANAGEMENT AREA ALONG MANTHORPE ROAD &amp; WHARF ROAD TO INCLUDE HIGH STREET &amp; LONDON ROAD, GRANTHAM</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Key decision	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Cllr John Smith	
<b>CONTACT OFFICER:</b>	David Price Environmental Health Services Manager  Peter Rogers, Environmental Health Team Leader (environmental protection)	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: No
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	<ol style="list-style-type: none"> <li>1. Local Air Quality Management Annual Progress Report ( SKDC June 2010)</li> <li>2. Local Air Quality Management Detailed Assessment Report ( SKDC June 2010)</li> <li>3. Local Air Quality Management Detailed Assessment Report ( SKDC November 2011)</li> <li>4. Declaration of an Air Quality Management Area 2010, Cabinet Report, ENV 514</li> <li>5. DEFRA Guidance Local Air Quality Management. Draft Air Quality Management Area Order</li> </ol>	

## 1. RECOMMENDATIONS

It is recommended that Cabinet approve the proposal to designate an Air Quality Management Area (AQMA) that combines the existing 2 separate AQMA at Manthorpe Road/Brook Street and Wharf Road with the High Street and London Road, Grantham, Lincolnshire to produce a single AQMA as shown edged in red on the plan attached to this report.

## **2. PURPOSE OF THE REPORT/DECISION REQUIRED**

Road transport is the major source of air pollution in the UK. Up to 35,000 people died prematurely in 2005 as a result of exposure to air pollution. Local authorities have a statutory duty to review and assess air quality within their districts in accordance with section 82 of the Environment Act 1995. It is a statutory duty of a local authority to designate by order an AQMA to assist in securing future improvements to air quality where it has identified repeated exceedences of air pollutants. The purpose of the report is to discharge this duty.

## **3. DETAILS OF REPORT**

Two existing declared AQMAs currently cover Brook Street/Manthorpe Road and Wharf Road Grantham. Ongoing monitoring has identified modelled or actual exceedences of NOX (nitrogen dioxide) in other areas as well.

If the declaration of the AQMA is approved by Cabinet initial public notification will be carried out and the order signed. Once the order is signed a more detailed assessment of air quality will be carried out over the following 12 months. Providing this confirms the initial data an action plan (AQAP) will be produced within 18 months of the order coming into effect.

The Council's consultants Bureau Veritas are recommending that the existing AQMAs still remain but are expanded to a single continuous larger area. This is as a result of air quality standards (NOX) or objectives not being achieved, or where they are not likely to be met in the future within legislative timeframes.

Having one declared AQMA will enable the Council to take a holistic approach with one Air Quality Action Plan (AQAP) to manage air quality across the town rather than duplication of reporting for a number of separate AQMAs.

An AQAP would also need to take into account the wider area particularly for traffic related issues, where there is a need to identify and assess the route of traffic sources and journeys. The extended AQMA and completion of an AQAP would also be commensurate with the recent proposals of an East/West relief road scoping study as part of the Grantham Southern Quadrant proposals. As the source of the pollutants is traffic related, close liaison with the County Council Highways department is necessary, and the new declared area may well inform future Section 106 requirements for new developments.

### **Consultation and Public information Requirements**

Although the Council has a statutory duty to designate an AQMA it is also expected to inform and consult with residents living along the additional proposed roads included in the AQMA (High Street, London Road and the additional areas of Manthorpe Road and Wharf Road). Designation of the AQMA will be notified in the local press. A questionnaire will be sent out to all the residents that are within

the proposed extended air quality management area, and also those who live just outside the proposed boundary, this will seek any ideas that may inform the AQAP.

In addition to local consultation with residents, Schedule 11 of the Environment Act 1995 requires that the following persons must be consulted in relation to, air quality reviews, assessments of air quality, air quality standards, or the preparation or revision of an action plan:

1. The Secretary of State
2. The Environment Agency
3. The Highway authority
4. Every local authority that is contiguous to the authority's area
5. The County Council
6. Such other public authorities as we may consider appropriate
7. Bodies which appear to be representative of business interests in the area to which the review or action plan relates
8. Such other bodies or persons as we consider appropriate

#### **4. OTHER OPTIONS CONSIDERED**

There are no other options other than to reject the consultant's reports and DEFRA's advice. However, comprehensive monitoring data and computer modelling has identified that there are breaches of air quality and signing the order will enable the Council to discharge its statutory duty and is in line with the Council's priority of "Keeping SK Clean Green and Healthy".

#### **5. RESOURCE IMPLICATIONS**

Additional monitoring, probably in the form of diffusion tubes will be required in these newly identified areas. However, it is possible that a review of existing diffusion tube locations in the district would enable some tubes to be re-deployed to the AQMA. An automated monitoring site for nitrogen dioxide is currently located at Wharf Road where it has been positioned since 2009. The annual operating cost of the site is £5,500.

There will be resource implications of officer time for conducting the consultation exercise, but there would be a direct financial cost for the appointment of consultants to formulate and publish an AQAP for Grantham and conduct a "quantification of the impacts assessment", which DEFRA recommends local authorities to complete. Due to the very specialist nature of this work and a shortfall of in-house skills it is recommended that the Council engage with its existing air quality consultants to complete the work. Bureau Veritas have been assisting the Council since 2006 completing a number of air quality assessment and reviews and further air quality detailed assessments. There are no procurement issues with employing Bureau Veritas for this purpose.

In terms of financial budgeting, a worst case scenario would be a cost to the council of £7,300 to complete this work. The cost implications can be met from the allocated capital expenditure for air quality (2012-13).

## **6. RISK AND MITIGATION**

There is a requirement to advertise the declaration in the local media and seek consultation with property owners and occupiers that live within the AQMA.

Declaration of an Air Quality Management Area may affect people's property and could be viewed as a negative eg blight. However, past experience at Wharf Road, and Brook Street Grantham has demonstrated that local people are fully aware of the current problems and willing to co-operate to seek an improvement.

## **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

As referred to on page 1 of this report.

## **8. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications arising from the recommendation of this report

## **9. COMMENTS OF FINANCIAL SERVICES**

A budget for Air Monitoring has been agreed within the Capital Programme for 2012/13 which will be used to meet the cost of extending the management area along the High Street and London Road. Any works associated with this will need to be complete by 31<sup>st</sup> March in order to utilise this budget.

## **10. COMMENTS OF DEMOCRATIC AND LEGAL SERVICES**

The Local Air Quality Management ("LAQM") regime was established under the Environment Act 1995. The District Council's duties under the Environmental Act 1995 are mandatory. The Council must review air quality from time to time. If air quality standards are not being met in a particular area the District Council must, by Order, designate the area an air quality management area ("AQMA") and produce a report within twelve months of the assessment detailing a plan for achieving appropriate air quality levels.

The details of the regime are found in the body of the report, generally the regime falls into two distinct areas:

1. the review and assessment of air quality in the District from time to time and;
2. the development and implementation of action plans to tackle air pollution.

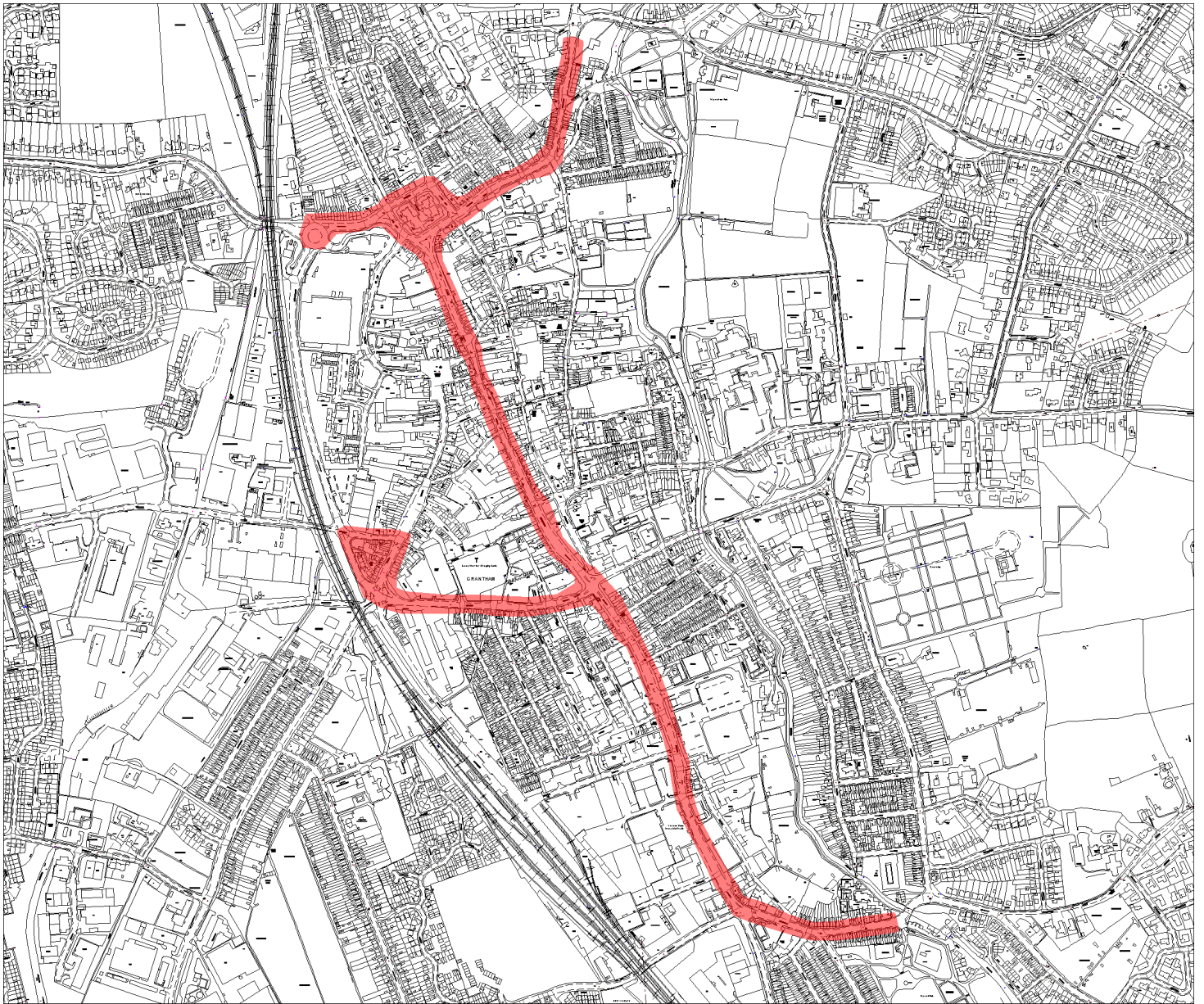
The second part of the regime only becomes active when the first part has identified problematic pollution levels in a particular area and in consequence an AQMA has been established by Order

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

None received.

**12. APPENDICES:**

**Appendix 1 – Maps of Proposed extension to the existing AQMAs**



**Air Quality Management Areas: Existing (shown in blue) and combined proposed area (shown in red)**

