

# REPORT TO CABINET

**REPORT OF: Environmental Health Manager**

**REPORT NO: ENV514**

**DATE: 6th June 2011**

<b>TITLE:</b>	<b>DECLARATION BY ORDER OF AN AIR QUALITY MANAGEMENT AREA ALONG BROOK STREET &amp; MANTHORPE ROAD, GRANTHAM</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Key decision	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Healthy Environment Portfolio	
<b>CONTACT OFFICER:</b>	Peter Rogers, Environmental Protection Officer	
<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. Declaration of an Air Quality Management Area 2001, Housing &amp; Health Committee Report, ENV 103</li> <li>4. DEFRA Guidance Local Air Quality Management. Draft Air Quality Management Area Order</li> </ol>	

## **1. RECOMMENDATIONS**

That pursuant to powers at S83(1) of the Environment Act 1995 the Council declares by Order an Air Quality Management Area ("AQMA") at an area known as Brook Street & Manthorpe Road, Grantham, Lincolnshire which is more particularly delineated edged 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. Assessments are made using air quality monitoring equipment and computer modelling which is reported on in a series of statutory air quality reports which are approved by local government. Environmental Health Services undertakes a very detailed assessment of air quality within the district and has identified breaches of nitrogen dioxide concentrations along Brook Street & Manthorpe Road, Grantham. Traffic congestion and the canyon effect of the nearby houses along these roads are the contributing factors for the poor air quality. Relevant receptors that may be affected by poor air quality includes people living along Brook Street & Manthorpe Road and pupils attending local schools. Also, factors that affect air quality also contribute to climate change eg Carbon dioxide emissions from car exhausts. Where, as a result of an air quality review, it appears that any air quality standards or objectives are not being achieved, or are not likely within the relevant period to be achieved, within the area of a local authority, the local authority shall by order designate as an air quality management area.

### **Consultation Requirements**

The Council must consult and advertise the proposed Order before the Order is approved.

However following best practice the Council has already written to local residents and asked for their opinions regarding the air quality issues along Brook Street and Manthorpe Road. A questionnaire has been sent out to all the residents that are within the proposed air quality management area, and also those who live just outside the proposed boundary. The response has been unanimous in stating that residents are either very concerned or concerned about poor air quality in their area. The questionnaire sought ideas from the residents as to how air quality could be improved. These ideas can be taken forward for the Air Quality Action Plan, should the recommendation be approved. The response rate was 39% to date.

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 authorities 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

Previous air quality reports can be viewed on the SKDC website.

### **3. DETAILS OF REPORT**

Where a likely breach of air quality has been identified, a detailed assessment is undertaken. In June 2010, our consultants Bureau Veritas published a detailed assessment report which recommends that an air quality management area should be declared along Brook Street & Manthorpe Road, Grantham. The detailed assessment report was subsequently approved by DEFRA. The report uses monitoring data at 3 locations along Brook Street & Manthorpe Road together with computer models which has determined that breaches of nitrogen dioxide concentrations are occurring.

Once an air quality management area has been declared, the local authority has 12 months to produce a further assessment report. The further assessment builds on the previous reports to confirm that exceedances are occurring and to define what improvements are needed to compile an action plan to improve air quality to within acceptable limits. As the source of the pollutants is traffic related, close liaison with the County Council Highways department is necessary. If approved, a likely commencement date for detailed monitoring would be 1 July 2011.

South Kesteven already has one air quality management area, along Wharf Road Grantham. This area is being monitored using continuous air quality equipment and following improvements to the traffic flows (gyratory system around Great Northern Court), it is likely that this air quality management area will be revoked at some point in the future

### **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 has identified that there are breaches of air quality and failure to act is a failure of our statutory duty.

### **5. RESOURCE IMPLICATIONS**

Further assessments will incur costs which could be recovered from Government grants (we have secured grant monies for the air quality monitoring station on Wharf Road, Grantham which operates at annual cost of £5,500). It is likely that continuous monitoring will be necessary at Brook Street/Manthorpe Road which will incur costs of commissioning monitoring equipment, install power supplies and possible rent for a building or land to locate the equipment. Officer time to manage the equipment and further assessment will be needed which could be undertaken internally or by consultants. Previously, consultants have been used that have been procured on a Lincolnshire wide agreement and costs have been shared.

In terms of financial budgeting, a worst case scenario would be a cost to the council of £5,500 assuming that we would not be successful at securing grant money. This is assuming use of existing equipment which is no longer required at Wharf Road. If however, the equipment could not be used (eg it was still needed at Wharf Road, or if the equipment was broken), then to hire equipment or

purchase new equipment would increase the worst case scenario to approximately £12,000.

The council can secure grant money and use existing equipment, then the best case scenario would be in financial terms of officer time and small overheads which may amount to less than £2,000 a year.

The council could also consider the option not to undertake detailed monitoring and continue with monthly monitoring using basic diffusion tubes. This option will not provide accurate data and will only allow trends to be observed. This option is likely to be rejected by DEFRA.

Implementation of an action plan is more likely to impact upon County Council Highways with regard to changes in the transport system along Brook Street & Manthorpe Road.

A positive impact could be achieved from private developments that affect Brook Street & Manthorpe Road, through section 106 agreements. The development of Air Quality guidance for developers is necessary to inform stakeholders of the air quality issues within the district and to ensure future developments will not degrade the current air quality, but hopefully improve air quality. It is intended we will publish air quality guidance for developers in the near future.

## **6. RISK AND MITIGATION**

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, Grantham has demonstrated that local people are fully aware of the current problems and willing to co-operate to seek an improvement.

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

## **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**

The full financial implications in respect of this proposal are detailed in the report and explanations are provided for the potential financial exposure should grant monies and use of existing equipment not be available. In any event, any sums incurred will be met from existing revenue budgets

## **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:**