

**REPORT TO:** Executive Board

**DATE:** 5<sup>th</sup> November 2009

**REPORTING OFFICER:** Strategic Director – Environment

**SUBJECT:** Proposed Air Quality Management Areas,  
Widnes Town Centre

**WARDS:** Kingsway, Appleton

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Management Team of the intention and need to declare an Air Quality Management Area (AQMA) and to outline the processes which, need to be followed to achieve this.

## **2.0 RECOMMENDATION: That**

- (1) the need to declare Air Quality Management Areas be agreed;**
- (2) the precise details of public consultation is to be determined by the Operational Director - Environmental & Regulatory Services; and**
- (3) the results of the consultation exercise are reported back to the Executive Board along with details of the proposed Action Plans, once they are fully developed.**

## **3.0 SUPPORTING INFORMATION**

### **Legislative Background**

- 3.1 Part IV of the Environment Act (1995) requires local authorities to regularly review and assess air quality in their areas (S83 (1)).
- 3.2 The Expert Panel on Air Quality (EPAQs) set objective levels (targets) for 7 pollutants that local authorities are responsible for monitoring against. These objectives are based on the known health effects of the pollutants. Where local authorities identify potential exceedances of the levels they must declare an Air Quality Management Area or areas (AQMA). They must then prepare an Action Plan setting out the measures it intends to put into place to improve the air quality in that area in relation to the pollutant of concern.
- 3.3 A detailed air quality assessment undertaken in Widnes Town Centre has indicated that the air quality objective for Nitrogen Dioxide (NO<sub>2</sub>) is

being exceeded. As a result of this DEFRA is requiring Halton Borough Council to declare an AQMA in line with the S83 (1).

- 3.4 In 2008, a real-time NO<sub>2</sub> analyser was positioned on the Milton Road/Kingsway junction. The analyser provided an accurate and detailed means by which to measure NO<sub>2</sub>. The analyser corroborated the findings of earlier historic data in this area and confirmed elevated levels of NO<sub>2</sub> in exceedance of the objective levels.

### **Proposed Air Quality Management Area**

- 3.5 The extent of the AQMA is left to the discretion of individual local authorities. The size and shape of the AQMA will be dependent upon the extent of the problem and the source of the exceedance.
- 3.6 The exceedances of the NO<sub>2</sub> objective within Widnes are occurring within close proximity to busy road junctions and are localised. The only localised source of NO<sub>2</sub> in the area is traffic. Therefore, the conclusion can readily be drawn that traffic is the only major contributory factor to the elevated levels of NO<sub>2</sub> in the area.
- 3.7 It is therefore proposed that 2 AQMAs be declared in Widnes Town Centre to address the nitrogen dioxide levels. A plan outlining the proposed Air Quality Management Areas (AQMAs) is attached (Appendix 1).
- 3.8 The actual AQMAs are shown as the 2 blue lines. These linear AQMAs are confined to those roads adjacent to residential properties where monitoring has shown an exceedance of the nitrogen dioxide objective.
- 3.9 The measures proposed to reduce the levels of nitrogen dioxide in both areas will be included in a list of actions (AQMA Action Plan). Since traffic from a wider area will influence air quality the proposed actions may be within a wider area.

### **Action Plan**

- 3.10 Within the proposed action plan area, a review of the contributory factors and traffic patterns will be undertaken to determine if traffic can be diverted away from the AQMA and the air quality improved. The Action plan is not limited to this area.
- 3.11 AQMAs can contribute to improvements by encouraging developments that are likely to have a positive impact on air quality by supporting the objectives of any Air Quality Action Plan. Good developments, for example, can help limit congestion and car parking, support public transport, walking or cycling.

3.12 An example action plan compiled following internal discussions with officers and other stakeholders is attached (Appendix 2). This plan will develop in more detail as the consultation process evolves.

## **Consultation**

3.13 The Environment Act 1995 has placed an obligation on local authorities to consult with local stakeholders as part of their air quality management process. The Act specifies the following consultees:

- The Secretary of State
- The Environment Agency
- The Highways Agency
- All neighbouring local authorities
- Other public authorities as appropriate
- Bodies representing local business interests and other organisations as appropriate.

## **4.0 POLICY IMPLICATIONS**

4.1 The Secretary of State has the power to direct any local authority to take appropriate steps if it fails to discharge any duty imposed by the Act (s85 (3)). The general public and local businesses have the right to question the efficacy, legality, or appropriateness of an AQMA order via judicial review. There is no statutory right of appeal against the designation of an AQMA.

4.2 The Rogers Review, published by the Better Regulation Executive in March 2007, identified that, out of 60-policy areas, air quality should be in the top five priority areas for local authorities to commit resources.

4.3 Most of the measures identified within the draft action plan attached are consistent with policies already in existence, most notably:

- Local Transport Plan
- Unitary Development Plan
- Local Authority Carbon Management Policy

## **5.0 OTHER IMPLICATIONS**

5.1 Resources for undertaking the consultation process will have to be found from within existing budgets.

5.2 There are no direct costs in actually designating an Air Quality Management Area. It is an administrative exercise. The subsequent Air Quality Action Plan may have some indirect impact on the delivery of plans and strategies that influence air quality and sustainability.

5.3 The exact cost of implementing the action plan cannot be calculated at this stage as any action plan can only be fully completed following consultation with all those in 3.15 above. However, Appendix 2 outlines a number of actions that may be considered in the final action plan and

cross-references where these areas are already being addressed through other established HBC policies and strategies.

- 5.4 The Council has benefited considerably from DEFRA funding in the past to assist with the cost of purchasing and running air quality analysers. This year DEFRA has changed its policy on allocation of funds and has targeted authorities who have declared an AQMA, funding schemes within their action plans. It is likely that, without making a declaration, the Council will have to reduce the number of monitors in the Borough within the next few years. Declaration will, however, give the Council potential to access further DEFRA funding in order to address the Action Plan.
- 5.5 It should be noted that the air quality review and assessments and the annual updates are public documents and are available to any interested member of the public via the Council's website.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### **6.1 Children and Young People in Halton**

The implementation of the actions outlined in the Plan, will assist in improving air quality, throughout the identified areas and in the proximity of nearby school and nursery.

### **6.2 Employment, Learning and Skills in Halton**

None

### **6.3 A Healthy Halton**

By addressing the specifically identified air quality issues the environment and general conditions, which can affect health will be improved.

### **6.4 A Safer Halton**

The development of the Action Plan acknowledges the need to be inclusive in dealing with air quality as an issue not only for the purposes of achieving a statutory objective but also to link in with policies borough-wide which have a direct effect on sustaining safer, cleaner and stronger communities and in providing support for vulnerable communities.

### **6.5 Halton's Urban Renewal**

Once an AQMA has been declared air quality becomes a material consideration for developments, which might impact positively on nitrogen dioxide levels within the AQMA. It should not preclude or deter development and is unlikely to result in decreased development demand, although it may impact upon traffic and vehicular movement

considerations. The status of an AQMA is already recognised within Halton's UDP.

## **7.0 RISK ANALYSIS**

- 7.1 There are 2 major risks. Firstly that the Council could be seen to be failing in its statutory duty to declare an AQMA in an area that they are not only aware is failing to meet the Government's standards for air quality, but as a consequence it is acting in defiance of DEFRA's recommendations to declare. Residents have the right to hold the Council accountable via judicial review. In addition, DEFRA may invoke sanctions, although there have been no cases to date of DEFRA taking this action.
- 7.2 The second is that the declaration of an air quality management area could blight the properties located within or adjacent to the area. A robust communication strategy will mitigate this issue, and obviously prompt resolution of the problem through the compilation and implementation of the action plan will assist greatly. Leaving the issue unresolved may contribute to the problems described in 7.1 above.
- 7.3 It should be noted that information on AQMAs is not included in local land searches at present.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

- 8.1 The designation of this piece of legislation is not intended to have either a positive or negative impact upon equality and diversity. However, the consultation process will need to be inclusive and any action plan subject to an equality and diversity impact assessment.

## **9.1 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
The Environment Act 1995	Rutland House	Isobel Mason
Halton Unitary Development Plan	Rutland House	Isobel Mason
Background Information	Rutland House	Isobel Mason