

Licensing & Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	St. Edmundsbury 2016 Air Quality Annual Status Report and proposal to declare an Air Quality Management Area in Great Barton	
Report No:	LIC/SE/16/004	
Report to and date/s:	Meeting 1	Sustainable Development Working Party 6 October 2016
	Meeting 2	Licensing & Regulatory Committee 11 October 2016
Portfolio holder:	Alaric Pugh Portfolio Holder for Planning & Growth Tel: 07930 460899 Email: alaric.pugh@stedsbc.gov.uk	
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Purpose of report:	To report the work undertaken during 2014-15 to meet Local Air Quality regulations across the Borough and recommend changes to the approach and specific actions.	
Recommendation:	It is <u>RECOMMENDED</u> that external consultation be carried out in relation to the proposal to declare an Air Quality Management Area in Great Barton	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<p><i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i></p>	
<p>Consultation:</p>	<ul style="list-style-type: none"> • Consultation will be undertaken with the Department for the Environment, Food and Rural Affairs (DEFRA) and, following approval by the Committee, other organisations as specified in Schedule 11 of the Environment Act 1995.
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> • Not taking action covered by the recommendations – this would leave the Council at risk of challenge by the public and DEFRA for not meeting its statutory obligations under the Local Air Quality Management Regulations to protect public health.
<p>Implications:</p>	
<p>Are there any financial implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • The potential cost of any additional unbudgeted work to deliver actions to meet the Air Quality Objective would be subject to further review and approval by the relevant decision-making Committee following declaring an Air Quality Management Area.
<p>Are there any staffing implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p>Are there any ICT implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p>Are there any legal and/or policy implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • Declaration of an Air Quality Management Area also requires the development of an Action Plan aimed at meeting the relevant National Air Quality Objective. Prior to taking this step, the Council is advised to follow statutory guidance by undertaking a consultation process with key stakeholders.
<p>Are there any equality implications? If yes, please give details</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • An Equalities Impact Assessment will be undertaken prior to the statutory consultation. The outcomes of the Assessment will be taken into account during this process.
<p>Risk/opportunity assessment:</p>	<p><i>(potential hazards or opportunities affecting corporate, service or project objectives)</i></p>

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Statutory Responsibilities	Medium	Delivering the statutory responsibilities will help reduce the inherent level of risk.	Low
Reputational	Medium	The Councils' work will help achieve a credible pathway to improving air quality.	Low
Financial	Low	Cost-benefit of key work will continue to be reviewed and adjusted.	Low
Statutory Responsibilities	Medium	Delivering the statutory responsibilities will help reduce the inherent level of risk.	Low
Ward(s) affected:		All Wards. Specifically, the Great Barton Ward in relation to the potential declaration of an Air Quality Management Area.	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>			
Documents attached:		Appendix 1: 2016 Air Quality Annual Status Report (ASR) published in June 2016.	

1. Key issues and reasons for recommendation.

Air quality has direct implications for human health. Research shows that poor air quality can reduce the quality of life by causing health problems, especially in those who are more vulnerable such as children, the elderly and those with pre-existing health conditions. There is considerable research showing a link between exposure to air pollution and effects on health.

Improving the air quality will help to improve the long term health of our local communities, makes our towns more attractive places to visit and therefore improves the local economy.

The Air Quality Regulations 2000 require all local authorities in the UK to review and assess air quality within their area. The Councils in West Suffolk are the lead regulators within their administrative areas with respect to the management of local air quality. Officers in Planning and Growth carry out various activities to fulfil these responsibilities. This includes monitoring local air quality, implementing any statutory and non-statutory actions for the purpose of improving air quality, providing advice on air quality and development.

The key pollutant of concern locally is Nitrogen Dioxide (NO₂), which is primarily caused by emissions from vehicle exhausts, for which the national objective (threshold) is 40 microgrammes per metre cubed. Currently there are 21 monitoring sites within St Edmundsbury.

Road transport is a major source of air pollution both nationally and locally. The Councils in West Suffolk work with other organisations to maintain and monitor the quality of air in the locality. Suffolk County Council and the Highways Agency are key partners and work with Council Officers to secure good air quality.

2. Outcomes during 2015/2016

For the majority of the Borough, air quality remains good. However, our work has concluded that some areas of the major towns warranted further monitoring to confirm that this continues to be the case in respect of the main pollutant of concern, NO₂. The expansion of our monitoring network during 2015 has provided further confidence in the condition of the local air quality with the data we have gathered being now available to inform long and medium term town planning decisions.

Given that there are no Air Quality Management Areas in St Edmundsbury, no specific targeted actions or specifically funded projects have been required. However, broad action continues throughout the Borough using our influence through the planning process. For example, we are now requesting, for larger developments, all new dwellings with off street parking should be provided with an electric vehicle charge point to encourage the uptake of zero emission electric vehicles. We also carry out initiatives, where relevant with others, to raise awareness particularly focussed on the impact of transport choices.

During the year, in addition to the routine work Officers undertook a more strategic review of the approach across West Suffolk by the shared service. The timing and scope of the review reflected several factors and needs:

- (a) changes to statutory guidance published by DEFRA;
- (b) the need to re-assess our decision in 2012 to revoke the Air Quality Management Area in Great Barton based on the above and latest understanding of the evidence on which that decision was based
- (c) the role of Suffolk County Council, Highways Department in respect of air quality management in the light of experience locally and across Suffolk;
- (d) experience gained with respect to air quality regulation and planning since the publication of the National Planning Policy Framework in March 2012;
- (e) the need to revise, consult upon and adopt an Air Quality Strategy in Forest Heath District Council when it lapses in 2012-2017 given that a shared service approach has been operating for over three years and no equivalent was adopted in St Edmundsbury; and
- (f) the need to raise awareness of the issues of Local Air Quality as they affect the Borough.

The review has concluded the following:

- i. Streamlining of reporting to Defra following a new template report published alongside their revised statutory guidance - the completed Annual Status Report covering the calendar year 2015 is attached at Appendix 1 for information. By its nature, this is a technical report. Your officers endeavour to provide non-technical information to assist as wide an audience as possible to appreciate the work that is undertaken and be able to make informed choices, particularly where development may be proposed in areas with elevated NO₂ levels.
- ii. Proposal to re-establish the Air Quality Management Area in Great Barton - the previous decision to revoke the Air Quality Management Area in Great Barton was not consistent with national policy (or the policy implemented in FHDC) but made following advice from an Environmental Lawyer. A reassessment of the advice from the Environmental Lawyer, together with the revised statutory guidance and additional advice from DEFRA strongly indicates that the Air Quality Management Area should have remained in force and it is therefore recommended that it is re-declared. The basis on which both Councils review and declare Air Quality Management Areas in the future will then be consistent. The detailed explanation and justification is set out in Appendix 1.
- iii. Proposal to Forest Heath District Council that a replacement Air Quality Strategy is not necessary after the current version lapses in 2017 - changes to the statutory guidance in terms of report-style now addresses much of the ground covered by the current strategy. Forest

Heath were already committed to adopting its current strategy at the time that the Shared Service was being formed. The service has operated as fully integrated across West Suffolk for over three years without an equivalent strategy being necessary in St Edmundsbury. This proposal will be presented to Forest Heath District Council's Overview and Scrutiny Committee for consideration in September 2016.

- iv. Districts and Boroughs throughout Suffolk to look to work together to ensure better communication with County Highways – the majority of local air quality improvement is dependent on actions that could be taken by Suffolk County Council, Highways but for various reasons is not. Effective engagement has been challenging despite the Borough and District Councils' efforts over the last four years. This reflects a national pattern. Following consultation, DEFRA revised the statutory guidance in order to reinforce the role of highways authorities in Local Air Quality Management. Following its publication, the Councils in West Suffolk are now in discussion with other partners with the purpose of securing better participation of Highways in Local Air Quality management.

In relation to the proposal to re-establish the Air Quality Management Area in Great Barton, referred to in paragraph ii. above, the Borough Council's Constitution places responsibility for the discharge of any functions relating to the control of pollution or the management of air quality with the Licensing & Regulatory Committee. The 2016 Air Quality Annual Status Report and the proposal to declare an Air Quality Management Area in Great Barton will have received consideration by the Sustainable Development Working Party at its meeting on 6 October 2016. The latter-mentioned aspect of this consideration will be the subject of a recommendation to this Committee and a verbal update on this will be given at this meeting.

3. Additional supporting information

Appendix 1 - 2016 Air Quality Annual Status Report (ASR) In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management June 2016