

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Proposals to Declare an Air Quality Management Area Designation on Sicklesmere Road, Bury St Edmunds	
Report No:	LIC/SE/18/003	
Report to and date:	Licensing and Regulatory Committee	10 April 2018
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Purpose of report:	To report the findings of the external consultation on proposals to declare an Air Quality Management Area on Sicklesmere Road and to make recommendations.	
Recommendation:	<p>Licensing and Regulatory Committee:</p> <p>It is recommended that the Committee approves the declaration of the Air Quality Management Area designation on Sicklesmere Road, Bury St Edmunds as shown in Appendix A based on the review and findings of the consultation.</p>	
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	
Consultation:	<ul style="list-style-type: none"> Section 2 of the Report presents the findings of the public consultation 	

Alternative option(s):		<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. 	
Implications:			
Are there any financial implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <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 and formation of a Steering group to consider potential relevant actions. 	
Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> 	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> 	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <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. 	
Are there any equality implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> An Equalities Impact Assessment was undertaken prior to the statutory consultation. This did not identify any potential implications. 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Failure to meet statutory responsibilities	Medium	Effective implementation of an AQMA in line with Defra guidance.	Low
Reputational	Medium	Timely delivery of the councils' commitment and effective communication of what is proposed.	Low

Financial	Low	Officer support for the steering group to ensure cost benefit of any proposed actions is properly analysed.	Low
Community	Medium	Management of air quality in Sicklesmere Rd area through the Council engaging with local stakeholders to deliver an effective Air Quality Management Action Plan	Low
Ward(s) affected:		Southgate Ward	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		LIC/SE/17/012 , Appendix 1 and Appendix 2 - Local Air Quality - Progress Report 2016-2017 with consideration to designating an Air Quality Management Area on Sicklesmere Road, Bury St Edmunds.	
Documents attached:		Appendix A - Order to implement the designation and associated map showing the proposed area.	

1. Key issues and reasons for recommendation

- 1.1 This report sets out the findings of a consultation following this Committee's decision taken in October 2017 to endorse the principle of designating an Air Quality Management Area (AQMA) on Sicklesmere Road, Bury St Edmunds (LIC/SE/17/012, Local Air Quality – Progress Report 2016-2017, 31 October 2017, refers). The recommendation supported the 'fast track' approach as detailed in the Local Air Quality Management Statutory Guidance and Policy Documents, April 2016, which does not require a full scale consultation, but requires direct engagement with those directly affected, together with key stakeholders. The proposed declaration of the AQMA is for a small number of dwellings fronting Sicklesmere Road, Bury St Edmunds (A134), close to the Southgate Green roundabout as shown in [Appendix 1](#).
- 1.2 The October 2017 report set out the context and reasons why officers recommended that the AQMA be designated, including detailed monitoring results and comparison to the relevant Air Quality Objectives (AQOs). Since the October 2017 report was presented to this Committee, the 2017 annual monitoring data has been completed and this confirms the AQOs continue to be exceeded and further confirm the need for the designation and development of an action plan.
- 1.3 Officers are aware that a long term solution to the pollution levels along Sicklesmere Road exists in the form of the proposed relief road associated with the South East Bury St Edmunds strategic development site (also known as Abbots Vale). Officers responsible for activities under the Air Quality Regulations considered and did not object to the Abbots Vale development on the understanding that prior to completion of the development it is limited to 500 occupied houses. This designation will not change our position with respect to the Abbots Vale development, but gives the Council the opportunity to explore shorter term mitigation options and gives greater weight when bidding for funding for projects to improve the air quality both within the AQMA and the wider Borough should the opportunity be presented.

2. Results of External Consultation

- 2.1 Based on the statutory guidance under the Regulations and following discussion with key stakeholders, consultation was undertaken with both statutory and non-statutory consultees including the relevant District and County Councillors, properties within the proposed AQMA, Suffolk County Council Highways, and the planning officer and planning agent for the Abbots Vale development. Given the focused nature of the 'fast track' approach, it was not necessary or appropriate to advertise widely the consultation beyond those directly affected.
- 2.2 The consultation gave respondents the opportunity to make any representation with respect to the proposed designation.
- 2.3 Suffolk County Council Highways confirmed verbally that they supported to recommendation to declare an AQMA and would work with the Council in developing an action plan.

- 2.4 The planning officer responsible for the Abbots Vale development acknowledged the consultation, but did not wish to make any representation.
- 2.5 The planning consultant responsible for the Abbots Vale development has not made any formal representation.
- 2.6 Although Defra did not respond directly to the consultation, they have previously indicated their support for the declaration of the AQMA within their feedback to our 2017 Annual Status Report. Support for the declaration was dependant on the continued exceedance of the Air Quality Objective for the 2017 monitoring year, which has now been confirmed.
- 2.7 Of the three properties within the proposed AQMA, one response was received. The respondent did not confirm whether they were either satisfied or supportive of the proposals, but rather they were interested in further information on the Abbots Vale development. Officers directed the resident to the council's public access planning website and offered further assistance if required.
- 2.8 The Ward Member for the Southgate Ward has been involved in the process and is supportive of the approach that your officers have taken and the recommendation to declare an AQMA.

3. Proposed action

- 3.1 Based on the outcome of the consultation, it is therefore recommended that the Committee approves the declaration of the Air Quality Management Area designation on Sicklesmere Road, Bury St Edmunds as laid out in the Order in **Appendix A**.
- 3.2 By approving the declaration of the Sicklesmere Road AQMA, the Council is demonstrating that it is supporting its strategic priority - *Resilient families and communities that are healthy and active*; in particular, we are working with our partners in our shared endeavour of *improving the health, wellbeing and safety of families and communities* by safeguarding and improving the local environment. Further, the designation of an AQMA will support our priority of *"investing and promoting our local places by building on their unique qualities through specific local strategies, projects and environmental services."*
- 3.3 Should the Committee approve the recommendation, officers will coordinate the establishment of a Steering Group, in accordance with the Statutory Guidance, to discuss the potential actions to improve the air quality. This Steering Group will consist of key stakeholders and be tasked with considering what actions could be taken and assessing the costs and benefits of each potential action with the purpose of agreeing what can be taken forward by the Council working with others to meet the Air Quality Objective. Any recommendations for action made by the Steering group would be considered by the relevant decision-making committee, depending on the scale and cost of the action.
- 3.4 Following approval of the Order by this Committee, officers will take the following steps:

- Issue the Air Quality Management Area Order;
- Inform Defra and other statutory consultees as required by the Local Air Quality Management, Policy Guidance, April 2016;
- Take forward work to develop an Air Quality Management Area Plan, to be submitted to Defra within 6 months of the formal declaration; and
- Seek active participation of key stakeholders incorporating the establishment of a Steering Group to support the development of the Air Quality Management Area Action Plan.