

Subject:	Declaration of Air Quality Management Areas	Status:	For Publication
Report to:	Cabinet	Date:	28 th November 2012
Report of:	Health, Housing and Regeneration Manager	Portfolio Holder:	Environmental Health and Housing
Key Decision:	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	Yes	Attached: Yes
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That Cabinet endorse the statutory requirement to declare air quality management areas within Rossendale.
1.2	That Cabinet approve the Orders designating the chosen boundaries as detailed at Appendices 1 and 2.
1.3	That a steering group is set up establish a corporate approach to the development and implementation of the air quality action plan.

2. PURPOSE OF REPORT

2.1 This report seeks Cabinet approval to declare two Air Quality Management Areas (AQMA) within Rossendale and to approve the making of Orders designating the defined areas.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale** – creating a better environment for all.
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.

4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Please see paragraphs 6.2 and 6.3.

5. BACKGROUND

5.1 The Environment Act 1995 places a duty on councils to carry out periodic reviews of air quality and to identify those areas where prescribed air quality objectives for seven pollutants, are being, or are likely to be, exceeded.

5.3 Where it has been identified that one or more of the air quality objectives will be exceeded at a location where there is relevant public exposure, Councils have a duty to declare an Air Quality Management Area (AQMA) in that locality following a period of consultation.

5.4 To date in excess of 230 councils have declared AQMA's, with the main pollutants being identified as nitrogen dioxide and fine particulates (PM10).

6. Local Air Quality Management – Rossendale

6.1 In May 2010, Rossendale Borough Council submitted an Air Quality Progress Report to the Secretary of State, part of the on-going Local Air Quality Management process.

6.2 This Report identified a risk of exceedance of the air quality objective for nitrogen dioxide in the Bacup Road / Rawtenstall Gyratory and Manchester Road / Haslingden Gyratory areas of Rossendale, due to road transport emissions.

6.3 Having determined there was a risk of exceedance in permitted pollutant levels, the Council was then obliged to undertake a Detailed Assessment of air quality in these areas to identify, with reasonable certainty, whether or not a likely exceedance of the nitrogen dioxide objective would occur.

6.4 In May 2011, the Detailed Assessments for the Bacup Road/ Rawtenstall Gyratory and Manchester Road/ Haslingden Gyratory confirmed that there was a need to declare an AQMA at both these locations.

7. Proposed Air Quality Management Areas

7.1 The map of the proposed boundary for the AQMAs is detailed in Appendix 1 (Area 1, Manchester Road, Haslingden) and Appendix 2 (Area 2, Bacup Road, Rawtenstall) . Area 1 consists of approximately 0.5 km of road stretching from Park Avenue / Manchester Road junction to the Manchester Road/ Haslingden Road roundabout. Area 2 consists of approximately 0.6 km of road stretching from the junction of Kay Street and Bacup Road to the junction of Bacup Road and St Mary's Way. Also proceeding NE along the east side of St Mary's Way, from its junction with Bacup Road for approximately 60m. Also proceeding SW along the east side of Bury Road, from its junction with Bacup Road for approximately 140m.

7.2 The boundaries have been drawn up to link all areas of known exceedance where there is 'relevant public exposure' and to facilitate the implementation of measures designed to reduce emissions.

7.3 As residential dwellings are the main receptors that fall into the category of relevant public exposure, all residential properties facing directly onto the roads affected have been included within the AQMAs. This will include some residential units that are located above or within businesses premises. Particularly sensitive locations have also been included where appropriate. Area 1 and 2 AQMA in total incorporate some 77 and 24 properties respectively.

8. Air Quality Management Area Order

8.1 The AQMAs will have to be designated officially by means of Orders. Draft Orders have therefore been compiled and are included in Appendices 3 and 4.

8.2 The Order will include a map of the area to be designated which is shown in Appendices 1 and 2, together with a schedule for each area, listing all the properties affected. These are also contained in Appendices 1 and 2. The date the Order shall come into effect will be the date it is officially sealed.

8.3 Once the Order has been made there is a legal requirement to publicise it to ensure that the

public and local businesses are fully aware of the situation.

- 8.4 The Order can be amended at a later stage and further amendments can be made based on-going monitoring and modelling work. The order can also be revoked.

9. Next Steps

- 9.1 Within 12 months of designating the AQMAs, the Council will be statutorily obliged to complete a Further Assessment of air quality within the AQMA boundaries.
- 9.2 The assessment should aim to confirm the exceedance of the air quality objectives; define what improvement in air quality and corresponding reductions in emissions are required to attain objectives; and provide information on source contributions.
- 9.3 The data obtained from the further assessment will then shape the Air Quality Action Plan (AQAP), which will set out what measures the authority intends to implement, in conjunction with other organisations, in pursuit of the air quality objectives. The compilation of the AQAP will assist the Council in adopting a more focussed and joined up approach towards air quality management in these areas.
- 9.4 The Council is required to consult with a list of statutory consultees including the Environment Agency, Highways Authority, and neighbouring authorities on both the further detailed assessment and on the preparation of the AQAP. It is anticipated that when the Council consults on completion of the further assessment of air quality in the designed areas, an opportunity will arise to consult at the same time on a draft AQAP. This will allow plans to be finalised in the light of consultees' comments.
- 9.5 There is no statutory time-scale for the completion of the air quality action plan but policy guidance recommends that authorities aim to complete the action plan within twelve to eighteen months of the AQMA declaration.

10. Material Considerations

- 10.1 Relevant implications associated with the declaration of the AQMA are detailed in Appendix x
- 10.2 The declaration of the AQMA will have an impact on local and strategic planning. Major planning and development schemes within the AQMA and surrounding the AQMA will need to be assessed to determine any impact on air quality.
- 10.3 Future Planning and Air Quality functions will need to be undertaken in close collaboration and to ensure that air quality issues are considered when making development control decisions. The Local Development Framework will be key to this process.
- 10.5 In addition, the air quality action plan will need to be integrated within the Local Transport Plan (Lancashire County Council) to embed any links between local air quality management and related transport issues.
- 10.6 Considerable work has already been undertaken across the Council, with a variety of service areas, to assist with developing a corporate approach. It is proposed that a steering group be established to formalise existing arrangements and to facilitate the development and implementation of the air quality action plan.

COMMENTS FROM STATUTORY OFFICERS:

11. SECTION 151 OFFICER

11.1 Any financial matters arising will be contained within existing budget resources

12. MONITORING OFFICER

12.1 There are no further legal comments.

13. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

13.1 No HR Implications

14 CONSULTATION CARRIED OUT

14.1 Direct consultation with:-
Internal Departments (Planning and Regeneration)
Lancashire County Council

15. CONCLUSION

15.1 Several areas within Rossendale have been identified as not achieving the annual mean national air quality objective for nitrogen dioxide. Consequently, the Council now has a statutory duty to declare these areas as air quality management areas (AQMA) and formulate an action plan to set out what the authority intends to do to reduce nitrogen dioxide levels within these areas.

Background Papers

Document	Place of Inspection
Environment Act 1995 Air Quality Regulations 2000 Air Quality (Amendment) (England) Regulations 2002	Room 207, Futures Park, Bacup