

# CABINET

13<sup>TH</sup> MARCH 2014

## REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT AND WASTE MANAGEMENT

### Declaration of an Air Quality Management Area (AQMA) At The Two Gates Crossroads, Tamworth

#### EXEMPT INFORMATION

Nil

#### PURPOSE

To enable Cabinet to consider the declaration of an Air Quality Management Area (AQMA) in the Two Gates Crossroads area and to implement the consultation process on the detailed assessment report as is required under the legislation.

#### RECOMMENDATIONS

That Cabinet:-

- a) Endorse the detailed assessment report attached to this report at **Appendix 1**.
- b) Endorse the consultation process shown at **Appendix 2** on the declaration an Air Quality Management Area (AQMA) in the Two Gates Crossroads area.
- c) Authorise the Director of Assets & Environment in consultation with the Portfolio Holder for the Environment and Waste Management, to conclude this matter having regard to feedback received as part of the consultation in particular the extent of the boundary to the declared area.

#### EXECUTIVE SUMMARY

In November 2013, a detailed assessment report was received from our consultants engaged to review on-going breaches of the annual mean nitrogen dioxide (NO<sub>2</sub>) concentrations that have been identified from the detailed air quality monitoring operations undertaken by the Environmental Protection Team. A copy of this report is at **Appendix 1**.

This report recommends that based on the available monitoring data, Tamworth Borough Council should consider declaring an Air Quality Management Area (AQMA) along Dosthill Road and on Tamworth Road close to the Two Gates junction.

Members will be aware the Council undertakes a very detailed assessment of air quality within the Borough and has identified breaches of nitrogen dioxide NO<sub>2</sub> concentrations along Dosthill Road; and on Tamworth Road close to the Two Gates junction. Traffic congestion may be a contributing factor for the exceedences. Relevant receptors that may be affected by air quality standards not being achieved includes people living along Dosthill Road; and on Tamworth Road.

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 Tamworth Borough Council, the Local Authority shall by order designate an Air Quality Management Area (AQMA).

Before the AQMA is declared, there is a requirement to consult with both affected residents and statutory consultees as part of this process, and draft letters are attached at **Appendix 2** along with a frequently asked questions sheet that will also be sent out with the letters, and made available on the Council's website. In particular, as part of this consultation, opinion on the extent of the boundaries of any possible Air Quality Management Areas should be sought as part of the consultation.

Following the consultation, a decision will be needed on the designation of an AQMA by an order in a proscribed format. If an Order is made, a further air quality assessment will have to be produced within 12 months. In addition, an Action Plan must be produced within 18 months of the Order being made. The purpose of the Action Plan is to identify appropriate measures to prevent further degradation of air quality and to reduce the level of nitrogen dioxide in the AQMA so that air quality meets the required standard.

## **RESOURCE IMPLICATIONS**

Cabinet has previously approved £10K in December 2012 part of which has been used to commission the report in the Background papers and seek expert advice. At present all known costs can be met within this existing resource, however a report will be brought before Cabinet if the need for unanticipated additional resource arises.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

Schedule 11 of the Environment Act 1995 requires a local authority to consult with a range of statutory consultees and other stakeholders in matters relating to Air Quality including Detailed Assessments and the subsequent need to designate an Air Quality Management Area.

In accordance with DEFRA's guidance, air quality issues are expected to be dealt with in a corporate and multi disciplinary way within the Council. Tamworth Borough Council must ensure that what is proposed has the support of and is actively endorsed by all parts of the Council.

Should the Council, for any reason, decide not to support the recommendations of the consultants report, the Secretary of State may issue a direction to require the Council to implement the recommendations (Environment Act 1995 s 85 (4) (g)).

Declaration of an AQMA may affect people's property and could be viewed as a negative e.g. blight. The designation of an AQMA is a legislative requirement and is not an optional process. AQMA's are not subject to land searches and many other councils have declared AQMA's and to the best of our knowledge there have been no reported effects on property values. The consultation will inform those affected of current problems and provide the opportunity for co-operation 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 AQMA.

**Equality and Diversity Implications** Service delivery is not affected by the report.

## **SUSTAINABILITY IMPLICATIONS**

If improvements to air quality can be achieved, this will benefit people with chronic lung illness, who tend to be elderly and children who are also more vulnerable to air pollution.

## **BACKGROUND INFORMATION**

Members were advised of the local air quality and approved funding of £10K to undertake detailed assessment of air quality at Cabinet dated 26 September 2012.

## **REPORT AUTHOR**

Stephen Lewis, Head of Environmental Health, Andrew Barratt, Director (Assets & Environment)

## **LIST OF BACKGROUND PAPERS**

1. Yim SHL and Barrett SRH. [Public Health Impacts of Combustion Emissions in the United Kingdom](#). Environmental Science and Technology, 2012, 46 (8), pp 4291–4296. [Massachusetts Institute of Technology \(MIT\)](#)
2. Tamworth Local Air Quality Report 2011-12, Cabinet Report 26 September 2012.

## **APPENDICES**

1. Detailed Assessment of Air Quality at the Two Gates Crossroads, Tamworth, Report for Tamworth Borough Council Ricardo-AEA/R/ED58885, dated 6 November 2013.
2. Draft consultation letters and Air Quality Frequently Asked Questions (FAQ).