

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cllr Warren, Deputy Council Leader (Statutory) and Cabinet Member for Climate Emergency and Sustainable Travel	
MEETING/ DECISION DATE:	On or after 22nd May 2024	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3535
TITLE:	Revoking the Air Quality Management Area (AQMA) in Keynsham	
WARD:	Keynsham East, Keynsham North, Keynsham South	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1. Revocation of Keynsham Air Quality Management Area		
Appendix 2. Equality Impact Assessment / Equality Analysis		

1 THE ISSUE

- 1.1 Officers monitor the concentration of nitrogen dioxide throughout the district. Where concentrations are found to be exceeding the objective limit of an annual average in excess of 40 micrograms per cubic metre, the local authority is required to declare an Air Quality Management Area (AQMA). The AQMA for Keynsham was declared in 2010 (Figure 1 in Appendix 1). Following declaration of the Air Quality Management Areas (AQMAs), the Council is obliged to develop Air Quality Action Plans which seek to reduce air pollution to below the objective limit. An Air Quality Action Plan was adopted for the Keynsham AQMA in 2016.
- 1.2 Under the Part IV of the Environment Act 1995 an AQMA can be revoked if a subsequent review shows that air quality objectives have been met. The technical guidance (Local Air Quality Management Technical Guidance (LAQM.TG(22)), recommends that an AQMA is revoked when monitoring has been below the objective for a minimum of 3 consecutive years and that an AQMA should not remain in place where the relevant objective has been met for 5 years. An assessment in 2022 and ongoing monitoring shows that nitrogen dioxide concentrations have been below the government's objectives since 2018.

2 RECOMMENDATION

The Cabinet Member is asked to;

2.1 Approve the revocation of the Keynsham Air Quality Management Area Order (Dated July 2010).

3 THE REPORT

3.1 Under Part IV of the Environment Act 1995 as amended by the Environment Act (2021), and the relevant Policy and Technical Guidance documents local authorities are required to review and assess air quality within their area.

3.2 Bath & North East Somerset Council has monitored and endeavoured to address air quality in Bath, and the wider B&NES area, since the mid 1990s.

3.3 Monitoring has been carried out in Keynsham since 2006. Concentrations were found to be exceeding the objective limit of an annual average in excess of 40 micrograms per cubic metre ($\mu\text{g}/\text{m}^3$), and the local authority declared an AQMA in Keynsham in 2010 (Figure 1 in Appendix 1). Following declaration of the AQMA the Council developed an Air Quality Action Plan (AQAP) for the Keynsham AQMA which was adopted in 2016.

3.4 Under the Part IV of the Environment Act 1995 an AQMA can be revoked if a subsequent review shows that air quality objectives have been met. The technical guidance (LAQM.TG(22)), recommends that an AQMA is revoked when monitoring has been below the objective for a minimum of 3 consecutive years and that an AQMA should not remain in place where the relevant objective has been met for 5 years.

3.5 Results of an assessment carried out in 2022 and ongoing monitoring are shown in Figures 2 and 3 and Table 1 in Appendix 1. The assessment showed that nitrogen dioxide concentrations have been below the government's annual average objective of $40 \mu\text{g}/\text{m}^3$ since 2017. The LAQM.TG(22), further recommends that when using diffusion tubes to monitor nitrogen dioxide then a more conservative level of $36 \mu\text{g}/\text{m}^3$ (10% below the objective) should be used. The assessment showed this level had been achieved at all locations in Keynsham since 2018.

3.6 Monitoring shows that concentrations of nitrogen dioxide are continuing to reduce in Keynsham with a reduction of 49% since the declaration of the AQMA in 2010.

3.7 The assessment also considered future developments and their effect on concentrations.

3.8 The assessment concluded that the AQMA should be revoked, this report was accepted by DEFRA.

3.9 Following the revocation of the AQMAs the Council will continue to monitor air quality in Keynsham. The Council is developing an air quality strategy to provide a framework in delivering local air quality improvements within the district.

4 STATUTORY CONSIDERATIONS

4.1 The revocation of AQMAs is a statutory duty under Part IV of the Environment Act 1995.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The revocation of the AQMAs does not place any additional resource implications to the Council.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6.2 The Air Quality Action Plan for Keynsham is greater than 5 years old. The Local Air Quality Management Statutory Policy Guidance 2022 (LAQM.PG (22)) introduced a new warning process for overdue AQAPs which came into effect on 30 June 2023. If the AQMA is not revoked or a new AQAP for Keynsham is not developed, the warning process will start with increasing warning letters ending with a section 85 Ministerial letter to the Local Authority requiring the submission of a new AQAP.

7 EQUALITIES

7.1 There is no equality and diversity implications arising from the revocation of the AQMA. Please refer to equalities impact assessment checklist in Appendix 2.

8 CLIMATE CHANGE

8.1 The Council declared a Climate Emergency in March 2019, resolving to provide the leadership to enable the Bath and North East Somerset area to be carbon neutral by 2030. This was followed by the Ecological Emergency, which was declared in July 2020, recognising the severity of the degradation of the natural environment and loss of wildlife, the consequences of this, and the urgency with which we need to take action to restore nature. The Council resolved to be nature positive as an organisation by 2030.

9 OTHER OPTIONS CONSIDERED

9.1 None

10 CONSULTATION

10.1 As recommended in the policy guidance (LAQM.PG(22)), all statutory consultees were informed of the proposal to revoke the AQMA in Keynsham and given the opportunity to comment.

10.2 Residents and Businesses within a 25 m buffer of the AQMA were informed of the proposal to revoke the AQMA in Keynsham and given the opportunity to comment.

10.3 Ward Councillors and the Keynsham Parish Council informed of the proposal to revoke the AQMA in Keynsham and given the opportunity to comment.

10.4 The information on the revocation was also put on the Council's website and in the Keynsham library.

10.5 The Council received two responses from the engagement consultation. National Highways responded with no representation and another response was from a local resident with an objection based on queuing traffic and reduction in trees. The Environmental Protection Team have provided further information to the resident. Their property is set back from the road and therefore concentrations will be lower than those monitored.

Contact person	Michelle Tett, Environmental Protection Manager Tel: 01225 396037
Background papers	Air Quality Annual Status Report (ASR) 2022 Copy of the Original AQMA Order and map
Please contact the report author if you need to access this report in an alternative format	