

Bath & North East Somerset Council

| | | |
|---|--|-----------------------------------|
| MEETING: | Cabinet | |
| MEETING DATE: | 5 December 2012 | EXECUTIVE FORWARD PLAN REFERENCE: |
| | | E 2489 |
| TITLE: | Proposed Variation of the Air Quality Management Area for Bath | |
| WARD: | All | |
| AN OPEN PUBLIC ITEM | | |
| List of attachments to this report: Appendix 1: Map showing proposed amendments to the Air Quality Management Area Appendix 2: Nitrogen Dioxide Air Quality Objectives Appendix 3: A Summary of Consultation Responses – Variation to the Air Quality Management Area in Bath | | |

1 THE ISSUE

1.1 The Environment Act 1995 introduced a requirement that every local authority is under a duty to carry out regular reviews of the air quality in their boundaries. Following a review of the air quality across the whole of the local authority several small areas of Bath have been identified as exceeding the government's acceptable limits for air quality and are not within the declared Air Quality Management Area (AQMA). The authority is therefore required to vary the declared Air Quality Management Area to include these areas. A consultation exercise has been undertaken on the proposed changes to the area to hear the public's views. The Cabinet is being asked to approve the recommended option

2 RECOMMENDATION

The Cabinet agrees that:

2.1 The Air Quality Management Area in Bath is varied to include the blue/dotted areas on Appendix 1. Any residential property whose façade is within the area is deemed to be included.

2.2 The Air Quality Management Area in Bath be varied to include the 1- hour Nitrogen dioxide objective.

3 FINANCIAL IMPLICATIONS

- 3.1 The cost of carrying out the consultation and producing the report have been £3-4K in officer time which has been met from the Public Protection Environmental Monitoring budget.
- 3.2 Following the variation of the Air Quality Management Area (AQMA) or areas the authority is legally required to produce an Air Quality Action Plan, which states what measures the authority is going to take to reduce the levels of pollution in the affected areas.
- 3.3 An Action Plan has been approved for the wider Bath Area, the variation area was included in this Action Plan therefore, there is no additional expenditure as a result of the proposed extension.
- 3.4 Addressing air quality problems is one of the criteria used by the Department for Transport to allocate Local Transport Plan funds to local authorities through the Integrated Transport Block. Improving air quality is one of the main objectives of the Joint Local Transport Plan. Those schemes recommended in the Action Plan that provide good value for money will be considered for funding from the Integrated Transport Plan Block allocation.
- 3.5 Some funding has been awarded from the Local Sustainable Transport Fund and a Department for Environment, Food and Rural Affairs grant to carry out some of the measures within the Action Plan. This includes work on electric charging points, a feasibility study for a Low Emission Zone in Bath and work on a promotional website.

4 CORPORATE OBJECTIVES

- *Building a stronger economy*
 - *Where people are able to travel easily with reduced traffic congestion and pollution*

- 4.1 Varying the Air Quality Management Area will “Make Bath & North East Somerset an even better place to live, work and visit” by highlighting the area of high pollution which needs to be addressed. The Action Plan which has been developed following an early variation aims to reduce pollution in the specified area.

5 THE REPORT

- 5.1 The Consultation Report in Appendix 3 forms part of the on-going review and assessment of air quality within Bath and North East Somerset. Local Authorities are required under Part IV of the Environment Act 1995 to periodically review and assess the air quality in their area. Present and likely future quality of the air is compared to air quality objectives. The guidance issued by Department for Environment, Food and Rural Affairs (DEFRA) on how this should be approached has been followed in this assessment.

- 5.2 This report details the consultation which has taken place relating to the variation of the Bath AQMA to extend it to include the further areas highlighted as

exceeding the objective and the proposed inclusion of the 1-hour nitrogen dioxide objective (Appendix 2).

5.3 The consultation shows that 65% of the responses agree with the proposed amendments to the AQMA boundary. They also agree that the 1-hour nitrogen dioxide objective should be included in the AQMA. 54% of respondents agreed that the inclusion of the 1-hour objective should be over the whole area with, 8% selecting just the hotspots (area immediate surrounding the monitoring site which is exceeding the objective) and 34% not specifying a preference.

5.4 It is therefore recommended based on monitoring data and the consultation that the Bath AQMA be varied to 1) include the proposed extensions as described in Figure A4 and 2) to include the 1-hour objective for the whole area.

5.5 The full report is attached in Appendix 2.

5.6 The AQMA will be declared by means of an official order.

6 RISK MANAGEMENT

6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

An Equality Impact Assessment (EqIA) has been completed. Adverse impacts were identified and have been justified/mitigated in the following ways:

Air pollution effects on the very young, old as well as those suffering from poor health, this is mitigated by ensuring that Air Quality Management Areas declarations are informed by thorough monitoring and that all possible actions are fully explored in the Action Plans.

To ensure air quality is assessed effectively a program of monitoring air quality across the district is in place.

8 RATIONALE

8.1 The rationale behind recommending that the area outlined is declared as an Air Quality Management Area is that this meets the statutory obligation placed on the authority.

8.2 Varying the existing Air Quality Management Area to include the 1- hour nitrogen dioxide objective means that separate Action Plans will not be required for each new area.

9 OTHER OPTIONS CONSIDERED

9.1 Not to vary the Bath Air Quality Management Area. This is not an option as the Council would be in breach of Part IV of the Environment Act 1995.

9.2 To vary the Bath Air Quality Management Area to include the proposed extensions to the annual mean nitrogen dioxide objective but not to include the 1-

hour nitrogen dioxide objective (Appendix 2). This is not an option as the Council would be in breach of Part IV of the Environment Act 1995.

9.3 To vary the Bath Air Quality Management Area to include the proposed extensions to the annual mean objective and to declare separate Air Quality Management areas for each hotspot location for the 1-hour nitrogen dioxide objective. This is more difficult to manage and would require separate Action Plans for each area. The diffusion tube monitoring sites which measure above 60 microgrammes per cubic metre (indicating a possible breaching of the 1-hour objective) vary each year so the Air Quality Management Areas would need to be changed.

10 CONSULTATION

10.1 *Ward Councillor; Cabinet members; Parish Council; Staff; Other B&NES Services; Local Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2 A leaflet and questionnaire was delivered to all houses along the roads in the proposed extension and several houses back on the side roads (approx. 1000 leaflets). Information was sent to all Councillors in Bath and relevant residents associations. Details were also posted on our website and sent electronically to all Statutory Consultees (list was taken from PG(09))

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Social Inclusion; Customer Focus; Sustainability; Human Rights; Other Legal Considerations (Environment Act 1995)*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

| | |
|--|---|
| Contact person | <i>Dr Nicola Courthold, 01225 396622</i> |
| Sponsoring Cabinet Member | <i>Councillor David Dixon</i> |
| Background papers | <i>Further Assessment of Air Quality, Bath and North East Somerset Council (July 2009)</i> <i>2011 Air Quality Progress Report for Bath and North East Somerset Council.</i> |
| Please contact the report author if you need to access this report in an alternative format | |