

DECISION-MAKER:	LICENSING (GENERAL) SUB-COMMITTEE		
SUBJECT:	DECLARATION OF NEW AIR QUALITY MANAGEMENT AREAS		
DATE OF DECISION:	9 th APRIL 2008		
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY DIVISION		
AUTHOR:	Name:	HELEN KRZANOWSKI	Tel: 023 8083 4649
	E-mail:	Helen.krzanowski@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

Under Part IV of the Environment Act 1995 (the 1995 Act) the council is required to carry out statutory air quality reviews and assessments based on monitoring and modelling on a 3 yearly cycle. The government sets national health-based standards against key pollutants. Where these standards are exceeded, local authorities are under a duty to declare them as Air Quality Management Areas (AQMAs) and produce an Air Quality Action Plan (AQAP).

In June 2005, six AQMAs were declared in Southampton where the national standard for nitrogen dioxide (NO₂), as set out in the National Air Quality Strategy, was exceeded. The exceedances were all a result of emissions from road transport.

Through a combination of monitoring data and modelling contained in the Further Assessment Report (October 2006) and the Detailed Assessment Report (September 2007) undertaken on Southampton City Council's behalf as part of the statutory air quality management process, four additional areas have been identified where the air quality objective for NO₂ will not be achieved. These areas, two of which are new and two of which are amendments to existing AQMAs, are as follows:

- Winchester Road – revocation of the majority of the previous AQMA leaving a small cluster of exceedance by the roundabout
- Town Quay – extension of the existing AQMA along Canute Road
- Part of Millbrook Road – new AQMA
- Part of Commercial Road – new AQMA

The air pollutant in all of the above areas is Nitrogen Dioxide (NO₂), which is predicted to exceed the annual mean objective of 40 micrograms per cubic meter (ug/m³).

Southampton City Council has a statutory duty under Part IV of the Environment Act 1995 to include areas that exceed the objective and which include human receptors (residential buildings, schools etc) as one or more declared AQMAs.

The proposed AQMAs are shown on maps appended to this report. Areas identified as having receptor building facades within the 40 ug/m³ contour are coloured red.

RECOMMENDATIONS:

- (i) That the amendments to two Air Quality Management Areas at Winchester Road (a reduction in the area of the existing AQMA) and Town Quay (an extension to the area of the existing AQMA), and the declaration of two new Air Quality Management Areas at Millbrook Road and Commercial Road be approved.
- (ii) To delegate authority to the Solicitor to the Council to take all action necessary to give effect to the recommendations including the drafting, publication and confirmation of such Orders and other legal processes or documentation as may be required.

REASONS FOR REPORT RECOMMENDATIONS

1. As a result of the review and assessment of air quality carried out by the City Council, the above areas have been identified as not being likely to meet the national objectives for air quality due to emissions from traffic. The City Council has a statutory duty to declare such areas as Air Quality Management Areas.

CONSULTATION

2. Leaflets with maps of each proposed area and letters explaining dates of decisions and who to contact to make representations were sent to all residents within the AQMAs and emailed to all statutory consultees. The leaflet has also been put on the City Council web pages. A press release was issued in the Daily Echo and an article included in the members bulletin.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. The option of not making any new declarations has been considered but this would not meet the statutory duty placed on the council and has been rejected.

DETAIL

4. All combustion processes in air produce oxides of nitrogen (NO_x). Nitrogen dioxide (NO₂) and nitric oxide (NO) are both oxides of nitrogen and together are referred to as NO_x. Road transport is the main source, followed by the electricity supply industry and other industrial and commercial sectors. NO₂ is associated with adverse effects on human health. At high levels NO₂ causes inflammation of the airways. Long term exposure may affect lung function and respiratory symptoms. NO₂ also enhances the response to allergens in sensitive individuals. The national air quality standards are health-based and AQMAs are only declared in areas where levels of NO₂ are exceeded and human receptors are present (e.g. residential building facades, school etc).
5. The declaration of AQMAs has important implications for spatial planning and transport planning processes with the requirement that the City Council will take action to move towards compliance with air quality objectives and, by implication will be precluded from taking action which worsens air quality in AQMAs. Taking action to improve air quality is a key commitment set out in the Southampton City Council Air Quality and Climate Change Strategy,

which was agreed by Cabinet in May 2004. As the basis of all our AQMA declarations is road transport emissions, air quality actions, in accordance with guidance from DEFRA, will be integrated with the Local Transport Plan.

6. To date, over 200 local authorities have declared AQMAs, so any declaration by Southampton City Council would not be unusual within the current framework of air quality management. Other councils in Hampshire including Winchester, Portsmouth, Eastleigh and New Forest have already decided to declare parts of their area as AQMAs.
7. In November 2007, Southampton City Council produced an Air Quality Action Plan (AQAP) – a requirement of authorities that have declared AQMAs. The AQAP sets out a number of proposals to improve local air quality, the majority of which are transport related. Whilst there is obviously a need to focus on getting air quality in the AQMAs back up to national standards, the AQAP maintains a strategic approach to air quality and aims to address air pollution on a city-wide basis. The AQAP has been integrated into the LTP and progress against air quality objectives and targets will therefore be reported on through the LTP annual monitoring process.
8. The Further Assessment of air quality in Southampton, which contained some elements of the Detailed Assessment, has been sent to the Department of Environment, Food and Rural Affairs (DEFRA), where the assessor broadly accepted the conclusions and accepted that we will declare two new AQMAs at Commercial Road and Millbrook road West and revoke part of Winchester Road and extend the Town Quay AQMA along Platform Road.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

9. None.

Revenue

10. The financial and staffing implications associated with the declaration of AQMAs and the preparation of the Air Quality Action Plan have been identified within the existing Environment and Transport portfolio funding for Planning and Sustainability and Environmental Health and Consumer Protection Divisions of the Environment Directorate. Some direct expenditure in the region of £2,000 is expected for publicity and advertising of the declarations.

Property

11. None.

Other

12. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

13. Local authorities have a duty under section 83(1) of the 1995 Act to designate areas where the Air Quality Objectives are unlikely to be met on time (or beyond the deadline) as AQMAs. These areas have to be designated officially by means of an 'order' made by the City Council.
14. In declaring AQMAs local authorities are expected to; carry out appropriate consultation with interested parties including residents and businesses in the areas, publicise the proposals, and for the decision to follow the legal process for the making of orders by the council. This can be summarised as follows;
 - Briefing for Cabinet Member to ensure the necessary finance is in place within the portfolio.
 - Consultation with public and statutory consultees (as detailed in paragraph 2).
 - Making the order(s) which is a non-executive function and needs to be approved via the Licensing (General) Sub-Committee.
 - Once the Order(s) are approved DEFRA must be notified and supplied with a copy of the order(s). They should also be published in at least one local newspaper and in the locality. Although this is not a statutory requirement it is considered to be good practice.
 - The orders will need to be "made" by Legal Services following the decision of Licensing Panel and the Council seal affixed.

Other Legal Implications:

15. Air Quality considerations will be given more weight in the development of the new Local Development Framework and Development Documents. The existence of AQMAs will also be significant in planning decisions for developments within and close to the AQMA boundaries and the Local Transport Plan will need to specifically address the air quality action plan.

POLICY FRAMEWORK IMPLICATIONS

16. The proposals are covered by and consistent with a number elements of the policy framework:
 - The Community Strategy
 - Sustainability principles
 - Medium Term Plan Chapter 14 Sustainable city
 - Local Plan sustainable development policies
 - The Climate Change and Air Quality Strategy
 - The Housing Strategy reducing emissions and air pollutants through improved energy efficiency
 - Local Transport Plan 2001/2 – 2005/6 making a key contribution to local air quality management.

