

<b>DECISION-MAKER:</b>	LICENSING (GENERAL) SUB COMMITTEE		
<b>SUBJECT:</b>	EXTENSION OF EXISTING MILLBROOK ROAD AIR QUALITY MANAGEMENT AREA		
<b>DATE OF DECISION:</b>	28 JULY 2010		
<b>REPORT OF:</b>	HEAD OF PLANNING AND SUSTAINABILITY DIVISION		
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## STATEMENT OF CONFIDENTIALITY

N/A

## SUMMARY

This is a report recommending an amendment to the existing Millbrook Road Air Quality Management Area by Order extending the area. The extension is required as new monitoring station data and additional NO<sub>x</sub> tubes have provided monitoring results which show that national air quality objectives for Nitrogen Dioxide (NO<sub>2</sub>) have been exceeded beyond the existing boundary.

## RECOMMENDATIONS:

- (i) That the amendment to the Air Quality Management Area (AQMA) at Millbrook Road (an extension to the area of the existing AQMA), be approved as set out at Appendix 1 and 2.
- (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 the Order 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, Millbrook Road AQMA has 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 an area as an Air Quality Management Area.

## CONSULTATION

2. Leaflets with a map of the proposed area and letters explaining dates of decisions and who to contact to make representations were sent to all residents within the AQMA and emailed to all statutory consultees. The leaflet has also been put on the City Council web pages.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

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

## DETAIL

4. 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).
5. In June 2005, six AQMAs were declared in Southampton where the national standard for Nitrogen Dioxide (NO<sub>2</sub>), as set out in the National Air Quality Strategy, was exceeded. The exceedances were all a result of emissions from road transport. Two new AQMAs and two amendments to existing AQMAs, were declared in July 2008 based upon monitoring data contained in the Further Assessment Report (October 2006) and Detailed Assessment Report (Sept 2007) which demonstrated that the air quality objective for NO<sub>2</sub> would not be achieved.
6. Through a combination of monitoring data and modelling contained in the Further Assessment Report (July 2009) and the Updating and Screening Assessment Report (November 2009) undertaken on Southampton City Council's behalf as part of the statutory air quality management process, an extension to an existing AQMA for Millbrook Road has been identified where the air quality objective for NO<sub>2</sub> will not be achieved. This extension reflects the Council's increased ability to monitor air quality rather than a deterioration in the conditions along Millbrook Road, as the monitoring data which justifies the extension was collected from NO<sub>x</sub> tubes installed since 2005.
7. The Updating and Screening Assessment of air quality in Southampton, was sent to the Department of Environment, Food and Rural Affairs (DEFRA), where the assessor broadly accepted the conclusions and accepted that we will declare an extension to the AQMA at Millbrook Road.
8. All combustion processes in air produce oxides of nitrogen (NO<sub>x</sub>). Nitrogen dioxide (NO<sub>2</sub>) and nitric oxide (NO) are both oxides of nitrogen and together are referred to as NO<sub>x</sub>. The air pollutant in the Millbrook Road area, and indeed in all the existing AQMAs, is Nitrogen Dioxide (NO<sub>2</sub>), which is predicted to exceed the annual mean objective of 40 micrograms per cubic meter (ug/m<sup>3</sup>). Road transport is the main source, followed by the electricity supply industry and other industrial and commercial sectors. NO<sub>2</sub> is associated with adverse effects on human health. At high levels, NO<sub>2</sub> causes inflammation of the airways. Long term exposure may affect lung function and respiratory symptoms. NO<sub>2</sub> 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 NO<sub>2</sub> are exceeded and human receptors are present (e.g. residential building facades, school etc).

9. Southampton City Council has a statutory duty under Part IV of the Environment Act 1995, to include areas that exceed the objective and the proposed AQMA extension is shown on a map appended to this report. The area identified as having receptor building facades within the 40 µg/m<sup>3</sup> contour, is coloured red.
10. 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 (LTP).
11. 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.
12. In November 2007, Southampton City Council produced an Air Quality Action Plan (AQAP) – a requirement of authorities that have declared AQMAs. This was updated in November 2009. 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 existing LTP and progress against air quality objectives and targets will therefore be reported on through the LTP annual monitoring process. Air Quality is one of the key drivers affecting the development of the new Local Transport Plan 3.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

13. None

### **Revenue**

14. 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 is expected for publicity and advertising of the declaration.

### **Property**

15. None

## **Other**

16. None

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

17. 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.
18. 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:**

19. 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**

20. The proposals are covered by and consistent, with a number of 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.

**SUPPORTING DOCUMENTATION**

**Appendices**

1.	Draft AQMA order
2.	AQMA map

**Documents In Members' Rooms**

1.	None
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**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

1.	None	
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**Background documents available for inspection at:** N/A

**FORWARD PLAN No:** N/A                      **KEY DECISION?** NO

<b>WARDS/COMMUNITIES AFFECTED:</b>	ALL
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