

DECISION-MAKER:	LICENSING (GENERAL) SUB COMMITTEE
SUBJECT:	DECLARATION OF NEW AIR QUALITY MANAGEMENT AREAS
DATE OF DECISION:	29 NOVEMBER 2012
REPORT OF:	SENIOR MANAGER FOR PLANNING, SUSTAINABILITY AND TRANSPORT
STATEMENT OF CONFIDENTIALITY	
N/A	

BRIEF 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). Through a combination of monitoring data and modelling contained within the 2011 Air Quality Progress Report, six additional areas have been identified where the air quality objective for NO₂ will not be achieved and this report is asking for approval for these areas to be declared as new AQMAs (in the case of Burgess Road, Victoria Road and New Road) and amendments to existing AQMAs (in the case of Bitterne Road AQMA, Romsey Road AQMA, Redbridge Road AQMA and Millbrook Road AQMA).

RECOMMENDATIONS:

- (i) That the extension to the area of four Air Quality Management Areas at Bitterne Road, Romsey Road, Redbridge Road and Millbrook Road, and the declaration of three new Air Quality Management Areas at Burgess Road, Victoria Road and New Road be approved as set out in Appendices 1 to 7.
- (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.

DETAIL (Including consultation carried out)

2. 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). There are currently a total of eight AQMAs in the city. Each one was declared 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.

3. The uptake of diesel vehicles into the car fleet has increased emissions of NO₂ and PM10, offsetting the improvements in emission standards for petrol vehicles. Improved spatial coverage of air quality monitoring diffusion tubes, targeting “hotspots” has identified additional residential locations where the NO₂ standard is currently being exceeded. The monitoring programme is reassessed and changed every year, which has led to new areas of exposure being identified.

4. In the latter part of 2011 an Air Quality progress report was published as part of the statutory review and assessment cycle. Through a combination of monitoring data and modelling contained within the report, six additional areas have been identified where the air quality objective for NO₂ will not be achieved. These areas, three of which are new, three of which are amendments to existing AQMAs, are as follows:
 - A new AQMA at Burgess Road (The row of houses from 66 Burgess Road to 46 on the south side of the road to encompass the zone of exceedance)
 - A new AQMA at Victoria Road (Victoria road at the junction with Portsmouth Road stopping short of 23 and 24 Victoria Road)
 - A new AQMA at New Road (Including the block of mixed commercial and residential at the Carronades. Just east of this block is a high rise Premier Inn hotel. Parkview Mansions is included and 10 New Road)
 - An extension to Bitterne Road AQMA (Extend the existing Bitterne Road AQMA over the Northam Bridge to encompass Princes House and the pub (with residential above) on the corner exceeding the air quality standard.)
 - An extension to Romsey Road AQMA (extended to include 134 Romsey Road and the block of houses within which 134 resides)
 - Conjoin Redbridge Road AQMA and Millbrook Road AQMA (Join up the 2 existing AQMAs including residential receptor housing blocks)

5. 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. Maps of the proposed AQMAs are included as appendices to this report (Appendices 1 to 7).

6. 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 Low Carbon City Strategy which was agreed by Cabinet in June 2011 (and previously in its 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, has been integrated with the Local Transport Plan.
7. 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 previously decided to declare parts of their area as AQMAs.
8. 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 2009 to take into account the 2008 AQMA declarations and new source apportionment data arising from the 2009 Further Assessment. The AQAP sets out a number of proposals to improve local air quality, the majority of which are transport related. Actions range from mitigation of the council's own fleet emissions, for example through fuel efficiency improvements, modal shift driven by a behaviour change programme, strategic corridor improvements and highway alterations to improve accessibility for pedestrians and public transport. A range of other specific measures were proposed relating to transport and highways management, mitigation techniques, and future partnership working opportunities.
9. 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. The AQAP will be updated to take into account the additional and amended AQMAs arising from the conclusions reached in the 2011 Air Quality Progress Report.
10. The Detailed Assessment of air quality in Southampton was sent to the Department of Environment, Food and Rural Affairs (DEFRA), where the assessor accepted the conclusions in full and accepted that we will declare three new AQMAs at Burgess Road, Victoria Road and New Road and extend

the existing Bitterne Road AQMA over the Northam Bridge to encompass Princes House, extend the Romsey Road AQMA to include 134 Romsey Road and conjoin Redbridge Road and Millbrook Road AQMAs to form one continuous AQMA.

11. 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 along with the maps. Site notices have been put up in each of the areas.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

12. 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.

RESOURCE IMPLICATIONS

Capital/Revenue

13. There are no capital implications.
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, Transport and Sustainability and Environmental Health and Consumer Protection Divisions of the Economy and Environment Directorate. Some direct expenditure in the region of £1,000 is expected for publicity of the declarations.

Property/Other

15. N/A

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

16. 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.
17. 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.

18. 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 are given weight in the Local Development Framework and Development Documents. The existence of AQMAs are significant in planning decisions for developments within and close to the AQMA boundaries. 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 in the policy framework:

- The Community Strategy
- Sustainability principles
- Medium Term Plan Chapter 14 Sustainable city
- Local Plan sustainable development policies
- The Low Carbon City Strategy
- The Housing Strategy reducing emissions and air pollutants through improved energy efficiency
- Local Transport Plan 3

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SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Map of proposed Burgess Road AQMA
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2.	Map of proposed Victoria Road AQMA
3.	Map of proposed New Road AQMA
4.	Map of proposed extension to Bitterne Road AQMA
5.	Map of proposed extension to Romsey Road AQMA
6.	Map of the eastern stretch of the proposal to conjoin Millbrook Road AQMA and Redbridge Road AQMA
7.	Map of the western stretch of the proposal to conjoin Millbrook Road AQMA and Redbridge Road AQMA

Documents In Members' Rooms

1.	N/A
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Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out.	Yes/No
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Other 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)

Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	
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