

Central Bedfordshire Council

Executive

5 February 2019

Public Consultation for Draft Air Quality Action Plan

Report of: Cllr Ian Dalgarno, Executive Member for Community Services
(ian.dalgarno@centralbedfordshire.gov.uk)

Responsible Director(s): Marcel Coiffait, Director of Community Services
(marcel.coffait@centralbedfordshire.gov.uk)

This report related to a decision that is Key

Purpose of this report

Following the declaration of the Air Quality Management Areas in Ampthill and Sandy, a Draft Air Quality Action Plan has been produced. Defra state within their Local Air Quality Management Guidance (Defra LAQM.PG16) that the Draft Air Quality Action Plan must be subjected to a public consultation. The purpose of this report is to seek approval to carry out the required public consultation exercise.

RECOMMENDATIONS

The Executive is asked to:

- 1. authorise the Director of Community Services to commence a public consultation regarding the Draft Air Quality Action Plan (set out in Appendix A) to ensure that Members, residents/businesses, relevant agencies/organisations and statutory consultees are consulted on the proposals; and**
- 2. request the Director of Community Services to report the outcome of the consultation to Sustainable Communities Overview and Scrutiny Committee with a finalised Air Quality Action Plan for review and comment, before signing off by the Executive Member for Community Services. The Air Quality Action Plan will make specific reference to the existing declared Air Quality Management Areas in Sandy and Ampthill.**

Overview and Scrutiny Comments/Recommendations

- 1. The report has not been considered by Overview and Scrutiny as the request to consult is a statutory duty. The outcomes of the public consultation and finalised Air Quality Action Plan will be presented to Overview and Scrutiny for review and comment prior to its adoption into Central Bedfordshire Council's policies.**

Issues

2. Air pollution is associated with many adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people and those with heart and lung conditions. There is also often a strong correlation with health inequalities issues, because areas with poor air quality are also often the less affluent areas^{1,2}.
3. The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion³.
4. Local Authorities have a duty under Part IV of the Environment Act 1995 to regularly review and assess the air quality within its district, using a range of resources and information to predict if the air quality in their area will meet or exceed certain objectives set by the Government for a range of key air pollutants. Where necessary, the Local Authority may have to declare an Air Quality Management Area (AQMA) – this is an area that a Local Authority has designated for action because of an existing or predicted exceedances of the Air Quality Objectives and will involve the development and implementation of an action plan to reduce air pollution levels in that area.
5. The Air Quality (England)(Amendment) Regulations 2002 sets out the Air Quality Objectives (AQOs) which are shown in Table 1 (Appendix C). It shows the objectives in units of micrograms per cubic meter - $\mu\text{g}/\text{m}^3$ (or milligrams per cubic meter, mg/m^3 for carbon monoxide) with the number of exceedances in each year that are permitted (where applicable).
6. The Air Quality (England)(Amendment) Regulations 2002 make clear that it is particularly important for local authorities to focus on those locations where members of the public are likely to be regularly present and are likely to be exposed for a timeframe appropriate to the averaging period of the objective.
7. Unsurprisingly the major source of local pollution emissions in the district are from road transportation. However, air pollution is not just a local issue and emissions from sources further afield (London, eastern Europe and wider environs – including sand from the Saharan desert) can affect Central Bedfordshire.
8. Monitoring has shown concentrations of nitrogen dioxide (NO_2) to be exceeding the Air Quality Objectives in both Ampthill town centre and Sandy (adjacent to the A1).

¹ Environmental equity, air quality, socioeconomic status and respiratory health, 2010

² Air quality and social deprivation in the UK: an environmental inequalities analysis, 2006

³ Defra. Abatement cost guidance for valuing changes in air quality, May 2013

9. In Ampthill, the Air Quality Management Area is within the town centre, which has narrow sections of roads and a double roundabout to control traffic flow from four traffic streams. It has been declared about the exceedance of the Annual Air Quality Objective with respect to nitrogen dioxide. The town centre is often congested at peak times and problems occur with traffic negotiating narrow sections and/or parked delivery vehicles. The narrow roads, often with tall building either side of the carriageway do not allow the traffic emissions to disperse.
10. In Sandy, the Air Quality Management Area is for an area 10metres either side of the carriageway of the A1 (from the Bedford Road/A603 roundabout to the Georgetown exit). It has been declared about the exceedance of both the Annual and Hourly Air Quality Objectives with respect to nitrogen dioxide (NO₂). The road is a national trunk route, attracting a large amount of traffic daily, some residential properties are close to the carriageway, which does not allow for the fact that levels of pollution decrease as the distance from the source increases.
11. In accordance with current legislative requirements an Air Quality Action Plan has been drafted, which proposes measures that can be undertaken to work at reducing the key pollutant levels within the declared Air Quality Management Areas.
12. There is a statutory requirement for local authorities to carry out a public consultation on the draft Air Quality Action Plan and take comments/suggestions into account before producing the finalised Air Quality Action Plan.
13. Once the consultation is concluded, we will then report the findings and finalised AQAP to Overview and Scrutiny for final review and comment prior to being signed off by the Executive Member for Community Services.

Reason/s for decision

14. To ensure the Council meets its statutory obligations in carrying out a public consultation regarding the Draft Air Quality Action Plan and considers the views of residents, Members and statutory consultees in formulating a finalised Air Quality Action Plan.
15. To ensure that the Council can adopt a robust Air Quality Action Plan to reduce key air pollutant concentrations in accordance with statutory requirements under the current Air Quality Framework.

Council Priorities

16. Enhancing Central Bedfordshire by reducing air pollutant concentrations through a range of targeted measures set out in the finalised Air Quality Action Plan.
17. Protecting the vulnerable; improving wellbeing through the reduction in air pollutant concentration. Air pollution particularly affects the most vulnerable in society; children and older people and those with heart and lung conditions. There is also often a strong correlation with health inequality issues because areas with poor air quality are also often the less affluent areas.

Corporate Implications

Legal Implications

18. Local Authorities have a duty under Part IV of the Environment Act 1995 to regularly review and assess the air quality within its district using a range of resources and information to predict if the air quality in their area will meet or exceed certain objectives set by the Government for a range of key air pollutants. Where necessary, the Local Authority may have to declare an Air Quality Management Area (AQMA) – this is an area that a local authority has designated for action because of existing or predicted exceedances of the Air Quality Objectives and will involve the development and implementation of an action plan to reduce air pollution levels in that area. Declaration of an Air Quality Management Area automatically triggers the requirement to then formulate, consult, finalise and implement an Air Quality Action Plan with the purpose of improving air quality and reducing key pollutant levels within the AQMA boundaries.
19. In accordance with legislative requirements an Air Quality Action Plan has been drafted, which proposes measures that can be undertaken to work to reducing pollutant levels within the declared Air Quality Management Areas.
20. There is a statutory requirement to carry out a public consultation to the draft Air Quality Action Plan and take comments/suggestions into account before producing the finalised Air Quality Action Plan.
21. Once the consultation is concluded, we will then report the findings and finalised AQAP to Overview and Scrutiny for final review and comment prior to being signed off by the Executive Member for Community Services.

Financial and Risk Implications

22. Client Earth has taken successful legal action against the UK Government on a number of occasions with respect to the continued exceedances of Air Quality Objectives for nitrogen dioxide.
23. The EU has taken action against the UK Government for continued exceedances of nitrogen dioxide. This has resulted in this being referred to the European Court of Justice who have the power to impose substantial fines (this can be millions of euros) if this problem is not addressed swiftly. The judgement on this case against the UK Government is currently pending.
24. Defra have indicated that any fines imposed by the EU could be passed to Local Authorities with continued exceedances of the nitrogen dioxide air quality objectives, who cannot show that they have been actively working towards reducing concentrations of NO₂ in their districts.
25. If the Secretary of State is not satisfied that a local authority has adequately discharged its duties, he may issue a direction to the authority under section 85 of the Environment Act 1995, requiring it to prepare an Action Plan (or modifying an existing one).

26. There are no significant financial implications for the Council as a direct consequence of this report, which is seeking permission to launch a consultation. The cost of the consultation can be met from existing budgets. There may be financial costs associated with the final Action Plan and these will be identified in the subsequent reports to Overview and Scrutiny and Executive.

Equalities Implications

27. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
28. The council has a legal and moral duty to protect the vulnerable members of the community and general wellbeing can be improved through the reduction in air pollution concentrations.
29. Although air pollution does not discriminate and will impact on all human health, it particularly affects the most vulnerable in society; children and older people and those with heart and lung conditions. There is also a strong correlation with health inequality issues, because areas with poor air quality are also often the less affluent areas.
30. The Council could be strongly criticised for not meeting our statutory requirements and be open to challenge from Defra and public pressure groups.

Conclusion and next Steps

31. The Executive are asked to approve the Draft Air Quality Action Plan to be subject to an eight-week public consultation commencing early February 2019.
32. Once the consultation is concluded, we will then report the findings and finalised Air Quality Action Plan to Overview and Scrutiny for final review and approval prior to being signed off by the Executive Member for Community Services.

Appendix A: Draft Air Quality Action Plan

Appendix B: Air Quality Objectives

Appendix C: Air Quality Management Area boundary maps

Background Papers

None

Report author(s): Kay Sterling Technical Officer – Pollution (Public Protection) kay.sterling@centralbedfordshire.gov.uk
