

CABINET

To seek approval for the Declaration of an Air Quality Management Area for Galgate Individual Cabinet Member Decision

Report of Head of Health & Strategic Housing

PURPOSE OF REPORT			
To seek approval for the declaration of an Air Quality Management Area for Galgate.			
Key Decision		Non-Key Decision	X Referral from Cabinet Member
Date Included in Forward Plan	N/A		
This report is public.			

RECOMMENDATION OF HEAD OF HEALTH AND STRATEGIC HOUSING

That an Air Quality Management Area for Galgate be declared as set out at Appendix 1.

1.0 Introduction

1.1 The council has a statutory duty to manage local air quality under the Environment Act 1995 Part 4 and has previously declared two Air Quality Management Areas (AQMAs) in central Lancaster and central Carnforth. Both the AQMAs were declared because one of the national air quality objectives (nitrogen dioxide annual average concentrations at residential locations) was likely to be exceeded.

1.2 The council measures nitrogen dioxide concentrations at various outdoor locations to examine air pollution levels and enable comparisons with air quality objectives. As part of a continuing review of the effectiveness and appropriateness of its monitoring programme officers identified Galgate as an area of possible concern and began monitoring at one location in 2006, followed by a further five sites in 2008 and an extra site in 2009. The results of the monitoring show an exceedence of the nitrogen dioxide annual average air quality objective.

2.0 Proposal Details

2.1 Having confirmed that the annual air quality objective for nitrogen dioxide is being exceeded at 'relevant locations', the council would normally be expected to conduct a formal Detailed Assessment in accordance with national statutory guidance. Ultimately that would lead to a decision whether to declare an Air Quality Management Area (AQMA) for possible exceedence of the annual objective.

However the council has already undertaken enough monitoring to achieve the technical objectives of a Detailed Assessment and to determine that it will be necessary to declare an Air Quality Management Area in Galgate. The Department for the Environment Food and Rural Affairs (DEFRA) has agreed to a departure from statutory guidance whereby the council may proceed to declare an AQMA without undertaking a Detailed Assessment.

- 2.2 The council has a statutory duty, under section 83(1) of the Environment Act 1995, to declare an AQMA where it is satisfied that air quality objectives are not being met. New air quality management areas are declared by Order. The proposed Air Quality Management Area Order, including a map, forms Appendix 1 of this report. The boundaries of the Air Quality Management Area are based upon relevant locations where the annual average nitrogen dioxide concentration is likely to be exceeded, with the boundary taken as 20 metres from the edge of the kerb. This is in common with the existing air quality management areas already declared for Lancaster and Carnforth.

3.0 Details of Consultation

- 3.1 Details of the proposed Air Quality Management Area have been discussed and agreed with Lancashire County Council, North Lancashire PCT and the Environment Agency through an officer level steering group. The County Council has also been consulted formally as a statutory requirement.
- 3.2 The declaration of an Air Quality Management Area is the starting point of a process of assessment and refinement prior to the production of Air Quality Action Plans. Formal public consultation will follow as required as part of that process.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The council has a statutory duty to declare an Air Quality Management Area where the annual average nitrogen dioxide objective has been exceeded at relevant locations.
- 4.2 Option 1 is to declare an Air Quality Management Area without the unnecessary expense and delay incurred by conducting a formal Detailed Assessment. This would be an efficient use of resources and, whilst it departs from the statutory guidance, DEFRA has confirmed its agreement to this approach. No adverse implications have been identified given that work to monitor nitrogen dioxide levels and ascertain the scale and geographical extents of exceedences of the annual objective is accommodated within existing work plans for 2009-10.
- 4.3 Option 2 is to undertake a formal Detailed Assessment. This would inevitably lead to the declaration of an Air Quality Management Area but would incur additional expenditure and cause a delay
- 4.4 The Council does not have the option not to declare an AQMA in Galgate since this would contravene the council's statutory duty under section 83(1) of the Environment Act 1995.

5.0 Officer Preferred Option (and comments)

- 5.1 The officer preferred option is Option 1.

6.0 Conclusion

- 6.1 Either option will require declaration of an Air Quality Management Area in Galgate. Given the level of activity already underway in Galgate, the formality of conducting a Detailed Assessment is not necessary and the Council should proceed directly to declaration of the AQMA.

RELATIONSHIP TO POLICY FRAMEWORK

This decision is a mandatory statutory requirement. Local air quality management is a corporate priority and a key focus of the Local Strategic Partnership (stage two action plan ENV2.2B).

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

This decision is in the interests of protecting human health from unacceptable air pollution. No adverse impacts have been identified.

FINANCIAL IMPLICATIONS

The decision to declare an air quality management area for Galgate, would lead to the requirement for a technical assessment at a cost of up to £5000. This cost can be accommodated from within the existing Air Quality Management budget of £21800.

If option 2 were to be approved there would be an additional expenditure of between £4,000 and £5,000.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments.

LEGAL IMPLICATIONS

There are no legal implications arising from this report.

MONITORING OFFICER'S COMMENTS

Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

1. Environment Act 1995.
2. Updating & Screening Assessment 2009.
3. Local Air Quality Management: Technical Guidance LAQM.TG(09).

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Appendix 1
Proposed Air Quality Management Area Galgate

SECTION 83(1) ENVIRONMENT ACT 1995

AIR QUALITY MANAGEMENT AREA
(GALGATE)(NO.1) ORDER 2009

Lancaster City Council in exercise of the powers conferred on it by Section 83(1) of the Environment Act 1995 hereby makes the following Order.

This Order may be cited as the Air Quality Management Area (Galgate) (No.1) Order 2009 and shall come into effect on **DATE T.B.C.**

The effect of the Order is to designate as an Air Quality Management Area the area comprising the roads listed in Schedule 1 and the area which extends twenty metres in either direction measured from the kerb of each of those roads. Where this designated area includes any part of a property, it shall be taken to include the whole of that property (building and associated open space) within the same curtilage. The area subject to this Order is indicated as shaded on the plan in Schedule 2.

This Area is designated in relation to a likely breach of the Nitrogen Dioxide (annual mean) objective contained in the Air Quality (England) Regulations 2000 as amended.

This Order shall remain in force until it is varied or revoked by a subsequent order.

The COMMON SEAL of the LANCASTER CITY COUNCIL was hereunto affixed in the presence of:

CORPORATE DIRECTOR

Date:

Schedule 1
Roads associated with the Air Quality Management Area

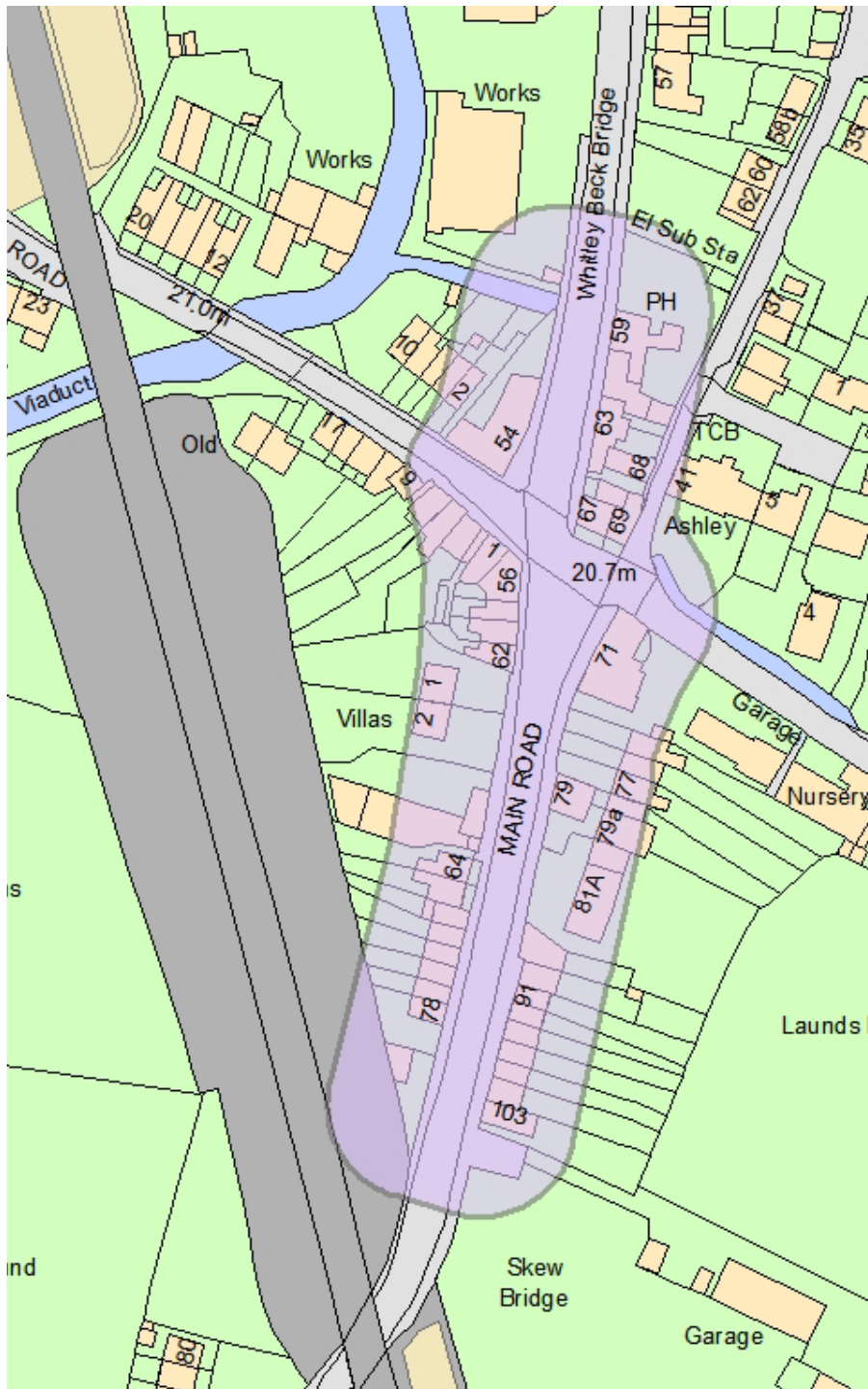
- The road associated with this Order is the section of Main Road, Galgate between numbers 59 and 103.

--- End of Schedule 1 ---

Schedule 2

The area subject to this Order is shaded (coloured purple on original copies)

Note: on the plan below railway land is shaded dark grey.



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--- End of Schedule 2 ---

Notes (these do not form part of the Order)

A copy of the Order and its associated plan have been deposited and may be seen, free of charge, at the undermentioned offices during normal office hours and at Lancaster Central Library, Market Square, Lancaster during normal opening hours. Copies of the order and map may be purchased at the price of £2.00.

This Order may be viewed at:

Town Hall, Dalton Square
Lancaster LA1 1PJ

or

Town Hall, Marine Road East
Morecambe LA4 5AF

and on the Council's website:

<http://www.lancaster.gov.uk/airquality>

Enquiries should be directed to:

Environmental Health Services

Telephone: 01524 582935

Email: airquality@lancaster.gov.uk