

CABINET

Carnforth Air Quality Action Plan

10 November 2009

Report of Head of Health & Strategic Housing

PURPOSE OF REPORT				
To seek approval of a draft Carnforth Air Quality Action Plan prepared under statutory duty (Environment Act 1995).				
Key Decision	X	Non-Key Decision	Referral from Cabinet Member	
Date Included in Forward Plan	September 2009			
This report is public.				

RECOMMENDATION OF COUNCILLOR BARRY

That the draft Carnforth Air Quality Action Plan be approved for statutory and public consultation.

1.0 Introduction

1.1 The council has declared an Air Quality Management Area in Carnforth under the Environment Act 1995 Part 4 because one of the national air quality objectives (nitrogen dioxide annual average concentrations at residential locations) was likely to be exceeded. Further technical assessment in 2008 confirmed this and demonstrated that the declared Air Quality Management Area did not require amendment. The council's air pollution measurements in Carnforth confirm that the air quality objective is exceeded along Market Street (West) and the A6 between Market Street and Haws Hill road junctions.

1.2 Road traffic exhaust emissions provide the key source of local nitrogen dioxide emissions. Industrial sources do not contribute any significant local impact. The solution lies in managing road traffic emissions. Without significant action as contained in the draft air quality action plan air quality in the Carnforth air quality management area is unlikely to achieve the nitrogen dioxide air quality objective.

2.0 Proposal Details

2.1 Having declared an air quality management area and confirmed that the annual air quality objective for nitrogen dioxide is being exceeded at relevant locations, the

council is under a statutory duty to prepare an Air Quality Action Plan (Environment Act 1995 Part 4). The air quality action plan must comply with government guidance and a copy must be submitted to Defra which operates a verification process. Officers have worked in consultation with partner agencies, in particular Lancashire County Council, North Lancashire Primary Care Trust and the Environment Agency, to prepare an air quality action plan complying with such requirements.

2.2 When it declared the Carnforth air quality management area the council consulted the local community, ward members, Carnforth Town Council and statutory consultees. Households within the air quality management area were individually contacted by letter. Suggestions were sought for actions that might be included within an air quality action plan. 22 suggestions were received and a shortlist was prepared. Following consultation with partner agencies a finalised list of measures suitable for inclusion in the air quality action plan was identified.

2.2 Attached at **Appendix 1** is a summary of the actions proposed in the Carnforth Air Quality Action Plan. A copy of the draft plan has been posted on the Council's intranet, together with background information. A copy of the draft plan has also been placed in the members' room at Lancaster Town Hall. The draft air quality action plan contains six measures aimed at reducing local emissions of nitrogen dioxide within the Carnforth air quality management area. The key measures are:

- Implementation of the M6 Heysham link road which it is estimated (by Lancashire County Council highways) will relieve the A6 in Carnforth of approximately 25% of through traffic
- Relocation of heavy goods vehicle depots located on Warton Road and accessed via Market Street (West), vehicles from which are responsible for a substantial proportion of nitrogen dioxide emissions in Market Street (West) according to the council's Further Assessment report (2008)

Further measures include a review of highway traffic flows and obstacles and a review of parking provision, both aimed at minimising obstructions to the flow of traffic which cause extra exhaust emissions to be generated. The implementation of school and business travel plans and modernisation of the local bus fleet to minimise their emissions are also included. Many of the public suggestions have been accommodated within these measures. Other suggested measures were excluded if they were not relevant to air quality or were not feasible.

2.4 It is anticipated that the combined effect of measures included in the draft action plan would be sufficient to achieve the air quality objective for nitrogen dioxide annual average concentrations. It is encouraging that work on the M6 Heysham link road looks set to start soon. Progress on other measures, however, will require substantial preparatory work and future external funding that is not in place. Nationally it is accepted that this will often be the position when an air quality action plan is being prepared. The council is obliged to prepare an action plan and work towards achievement of air quality objectives. However there are no statutory penalties for failing to deliver planned measures.

3.0 Details of Consultation

3.1 The declaration of Carnforth Air Quality Management Area was the starting point of a process of assessment and refinement of knowledge prior to the production of the Air Quality Action Plan. As noted at 2.2 above, formal public consultation was required as part of that process.

3.2 Details of the proposed Carnforth air quality action plan have been discussed and agreed with Lancashire County Council, North Lancashire PCT and the Environment Agency through an officer level steering group. These organisations are amongst a number that will be further consulted once the draft action plan is approved for consultation as a statutory requirement. The local community will also be consulted. This report seeks the approval of members to proceed to that stage.

4.0 Options and Options Analysis (including risk assessment)

4.1 The council has a statutory duty to prepare the Carnforth air quality action plan.

4.2 Option 1 is to approve the draft Carnforth air quality action plan for statutory and public consultation. This will result in lead partners being assigned responsibility for coordinating each of the six actions. The council would lead on actions numbered 1 (relocate heavy goods vehicle depots) and 4 (review car parking provision in Carnforth). It is envisaged that these actions would be implemented through the research and policy measures built into the Local Development Framework process. Lancashire County Council would lead on the other four actions. No capital costs or adverse implications have been identified. Members would have further opportunities to influence the content of the draft action plan during the consultation process. Cabinet would be asked to consider and approve a finalised action plan in the near future.

4.3 Option 2 is to require any revisions or further work that members might require at this stage to be undertaken before a draft Carnforth air quality action plan is approved for public consultation. This would be likely to incur a delay before a revised action plan was presented to a future Cabinet meeting.

4.4 Option 3 is not to approve the Carnforth air quality action plan for public consultation. This would soon lead to an unlawful position (Environment Act 1995) because it is a statutory duty for the council to prepare an air quality action plan where an air quality management area has been declared and confirmed to be necessary through further assessment.

5.0 Officer Preferred Option (and comments)

5.1 The officer preferred option is Option 1.

6.0 Conclusion

6.1 Either Option 1 or 2 would maintain statutory compliance through continued preparation of the Carnforth air quality action plan. Option 1 would be most expedient given that the contents of the draft air quality action plan are not expected to be particularly contentious, and that there will be further opportunities to influence its final form and content through formal consultation.

RELATIONSHIP TO POLICY FRAMEWORK

This decision forms part of a mandatory statutory requirement. Local air quality management is a corporate priority and a key focus of the Lancaster District 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 officer preferred option does not result in unbudgeted expenditure by the council as a result from approving the draft air quality action plan. All expenditure to facilitate public consultation will be met from within existing Air Quality Management budget.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

Legal Service has been consulted and advises that the legal implications are contained in the report.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

1. Environment Act 1995.
2. Further Assessment of Local Air Quality in Carnforth (2008).
3. Local Air Quality Management: Technical Guidance LAQM.TG(09).

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