

CABINET

Variation of central Lancaster's Air Quality Management Area to include the 1 hour air quality objective for nitrogen dioxide 26 June 2017

Report of Chief Officer (Health & Housing)

PURPOSE OF REPORT			
To seek approval for varying the current Air Quality Management Area (City of Lancaster)(No.1) Order 2004 by replacing it with a new Air Quality Management Area (City of Lancaster)(No.2) Order 2017.			
Key Decision	<input checked="" type="checkbox"/>	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision	27 March 2017		
This report is public.			

RECOMMENDATIONS OF CABINET MEMBER ANDREW WARRINER

- (1) That the current Air Quality Management Area (City of Lancaster) (No 1) Order 2004 be revoked.
- (2) That an Air Quality Management Area be re-designated as proposed in the attached draft Air Quality Management Area (City of Lancaster) (No 2) Order 2017.

1. Introduction

- 1.1 The council has a duty under Part 4 of the Environment Act 1995 to monitor and manage local air quality. For this purpose an Air Quality Management Area (AQMA) covering parts of central Lancaster was declared in 2004 because the annual air quality objective for nitrogen dioxide was likely to be exceeded. At that time, no other air quality objectives were predicted as likely to be exceeded in central Lancaster. A copy of the current Lancaster AQMA Order is at Appendix 1.
- 1.2 Continuing assessment of air quality monitoring data within the Lancaster AQMA has indicated that in addition to exceedance of the annual mean objective levels for nitrogen dioxide there is also likely exceedance of the 1 hour objective for nitrogen dioxide. The council's monitoring of air pollution levels in Lancaster city centre has confirmed annual mean concentrations of nitrogen dioxide exceeding 60ug/m³ (microgrammes per cubic metre). Expert

guidance advises that where this is the case then it is likely that the 1 hour objective for nitrogen dioxide level is also being exceeded.

- 1.3 This monitoring- and guidance-based conclusion has been reported to Defra through the council's annual Local Air Quality Management reports. Defra has confirmed that the Council should proceed to vary the AQMA Order to include the likely exceedance of the 1 hour objective for nitrogen dioxide.
- 1.4 Variation of an Air Quality Management Area (AQMA) must be formally undertaken by order of the Council under Section 83(2) of the Environment Act 1995. In practice, this variation is achieved by replacing the existing AQMA Order with a new one containing the necessary amendment. That is the basis of this report.

2. Proposal Details

- 2.1 The proposed new Order forms Appendix 2 to this report. This is an administrative requirement for the sole purpose of including reference to likely exceedance of the 1 hour air quality objective for nitrogen dioxide. The new Order contains no other changes to the existing Order.
- 2.2 This proposed variation to the 2004 Order reflects findings from air pollution monitoring. Whilst in recent years air quality has not worsened in the city centre close to heavily trafficked roads, neither has it significantly improved. Monitoring is ongoing to determine the impact of the Bay Gateway link road opening and the impact of measures such as pending emissions improvement to passenger buses under a successful bid to the Cleaner Bus Fund. At this early stage it is anticipated that the reductions in air pollution, whilst beneficial, will not be sufficient to revoke the City of Lancaster AQMA at this time. Air quality within the Lancaster Air Quality Management Area will continue to be monitored and the AQMA designation will be kept under review.
- 2.3 More widely across the Lancaster district as a whole monitoring and review work indicates that there has been a general improvement in 'background' air quality for residents not located close to busy roads.
- 2.4 Further improvement measures are planned through the adoption of a new Air Quality Action Plan for Lancaster as part of the Transport Master Plan for Lancaster. Formal public consultation will be required before work is completed on the new Air Quality Action Plans for Lancaster and they are put forward for formal adoption by 2019/20 (to be reported as a key decision nearer the time).

3. Details of Consultation

- 3.1 Formal consultation on the proposed variation to the Order was undertaken in August 2016 (see Appendix 3). No objections were received to the proposal to amend the Air Quality Management Area order to include the likely exceedance of the 1 hour nitrogen dioxide objective.

4. Options and Options Analysis (including risk assessment)

- 4.1 The Council has followed closely the Government's recommended methodology for the proposed variation of the Lancaster AQMA Order and our

findings and interpretation of required process have been submitted to and accepted by Defra. The Council needs to vary the Air Quality Management Area order for Lancaster as part of its duty to monitor and manage local air quality.

4.2 The options identified are:

	Option 1: Vary the City of Lancaster AQMA (No.1) Order to include likely exceedance of 1 hour objective for nitrogen dioxide	Option 2: To not vary the City of Lancaster AQMA (No.1) Order
Advantages	Meet administrative requirements for local air quality management	None identified
Disadvantages	None identified	Would not meet administrative requirements for local air quality management
Risks	None identified	Powers under Section 85 of the Environment Act 1995 allow the Secretary of State to intervene to make a new Order.

5. Officer Preferred Option and Comments

5.1 The council needs to vary the Air Quality Management Area order for the City of Lancaster and Option 1 is recommended. This carries no disadvantages. No advantages have been identified in making any wider changes to the existing Order. Arrangements are in hand to monitor and review the impact of several key pollution-influencing actions (the Bay Gateway road opening, and pending passenger bus technology modifications) however these will take some time.

6. Conclusion

6.1 The proposed variation to the Air Quality Management Area order for the City of Lancaster addresses an important administrative update about air pollution levels in parts of central Lancaster, serving the interests of residents living in areas close to busy roads and highest concentrations of air pollution from road traffic.

RELATIONSHIP TO POLICY FRAMEWORK

Corporate Plan 2016-2020

Under the 'Health and Wellbeing' section in the Corporate Plan the desired outcome is that the 'Health and wellbeing of our citizens is improved'. One of the ways listed to achieve this is 'Improve local air quality from long term improvements in transportation'.

Air Quality Strategy for Lancaster

The strategy list a number of aims one being 'To ensure clarity is provided to what is intended from plans and policies (new or existing) and for roles and responsibilities to be understood and accepted.'

Transport Master Plan for Lancaster

The clear identification of air quality issues in Lancaster assists in the delivery of an effective Air Quality Action Plan through the Transport Masterplan for Lancaster.

Draft Development management DPD

Supports Development Management Policy DM 37 (DM28 in current new draft document) by identifying areas of poorer air quality.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing):

Air quality review and assessment forms an important part of the council's protection of the community's health. Air pollution poses particular threats to the elderly, young children and people with heart and breathing difficulties. It is essential that the potential air quality problems highlighted to date by Air Quality Review and Assessment are resolved and this proposal serves that objective. The proposed change in the Lancaster AQMA Order serves to further identify the pollution issues within the existing AQMA and does not in itself present inequalities.

LEGAL IMPLICATIONS

Legal Services have advised on the drafting of the Order and have no further comments

FINANCIAL IMPLICATIONS

There are no additional financial implications arising as a result of making a variation to the City of Lancaster AQMA (No. 1) Order as any changes can be accommodated within existing staff resources.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:

A copy of the new Order will be available at Lancaster and Morecambe Town Halls and on the council's website.

SECTION 151 OFFICER'S COMMENTS

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

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS

1. Environment Act 1995 – Part IV 'Local Air Quality Management'
2. Defra Policy Guidance PG(16) available at : <http://laqm.defra.gov.uk/review-and-assessment/declare-or-revoke-aqmas/declaring-aqma.html>
3. Air Quality Strategy for Lancaster
4. Transport Master Plan for Lancaster

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