

Air Quality Management Area Declaration

Cabinet

Date: 6th February 2017

Author: Cabinet Member for Housing and Public Safety
Director of Public Health

Wards: Old Town, Eastcott,

Parishes Affected: Central Swindon South

1. Purpose and Reasons

- 1.1 This report asks Cabinet to declare an Air Quality Management Area (AQMA) within the Borough of Swindon by way of an Air Quality Management Area Order. Following a review and assessment of air quality within the Borough of Swindon, the Department for Environment, Food and Rural Affairs (DEFRA) objectives for Air Quality, with respect to Nitrogen Oxides (NOx), are not being achieved in the Kingshill area.
- 1.2 By virtue of Section 83, Environment Act 1995, the Council is obliged to declare an Air Quality Management Areas (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives. The report's recommendations would initiate the process of responding to the issues that will result from the declaration of an AQMA.
- 1.3 This report supports the Council's Vision and Outcome 5 of the Swindon Health and Wellbeing Strategy: Creation of sustainable environments in which communities can flourish. This action would also support the Council's Vision for Swindon Plan 2016-2020, Priority 1: "Improve infrastructure and housing to support a growing, low-carbon economy".

2. Recommendations

Cabinet is recommended to:

- 2.1 Authorise the Director of Law and Democratic Services, in consultation with the Director of Public Health, to make the Air Quality Management Area Order, under the Environment Act 1995 Part IV Section 83(1), as set out in Appendix A to this Report.
- 2.2 Authorises the Director of Public Health in consultation with the Cabinet Member for Housing and Public Safety, to establish an Air Quality Steering Group and develop an Air Quality Action Plan in accordance with DEFRA's 2016 Policy Guidance (*PG16*) – *Local Air Quality Management*.

3. Detail

- 3.1 The Environment Act 1995, together with DEFRA's Policy Guidance (*PG16*) – *Local Air Quality Management*, requires Local Authorities to monitor local air quality and report on progress in keeping pollutants below thresholds to DEFRA.

Further information on the subject of this report can be obtained from Ayo Oyinloye, extension 7074, AOyinloye@swindon.gov.uk.

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This is with a view to meeting objectives (i.e. not exceeding these target levels) in relation to a number of pollutants. The most common pollutant is Nitrogen Dioxide (NO₂). The target is that the long-term, annual average, concentration of NO₂ at relevant receptors should be less than 40µg/m³. The data are calculated as an annual average of readings and not point estimates.

- 3.2 Regular monitoring of NO₂, together with detailed assessment using additional monitoring and information, indicates that the following discrete location is currently in breach of the annual average air quality objective of 40µg/m³,
 - 3.2.1 Kingshill Road: The section of the A4289 eastwards from grid reference 414635E 183838N on Kingshill Road to its junction with Okus Road. Continuous monitoring of this site suggests this is due to the volume of traffic.
- 3.3 The recommendations in this report build on the Joint Strategic Needs Assessment on Air Quality in Swindon and on the Council's Annual Status Report (ASR) on Air Quality in Swindon 2016 submitted to DEFRA.
- 3.4 Air pollution, if not addressed, is associated with a number of adverse health effects. 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 equalities issues, because areas with poor air quality are also often the less affluent areas. The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion (Defra, May 2013).
- 3.5 The Swindon Air Quality Joint Strategic Needs Assessment (JSNA) shows that no direct effect on health on Swindon residents has been observed as a result of poor air quality, the actual health impact in Swindon is difficult to isolate using local data. Although, poor air quality is a contributor to ill health it is often not the sole cause of disease.
- 3.6 At this identified location, Kingshill Road, current estimates are that NO₂ levels at relevant receptors, based on the calendar year 2017 monitoring data, are likely to be in the order of 51-µg/m³.
- 3.7 In light of this evidence, it is recommended that Cabinet authorise the declaration of an Air Quality Management Area Order and the creation of an Air Quality Management Steering Group. This Group would consist of a range of stakeholders including highways and transport, public health, environmental health and the Cabinet Member for Housing and Public Safety. This Group would develop and oversee the implementation of the Air Quality Action Plan for Swindon along with working to improve Air Quality across the borough.

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- 3.8 The Air Quality Management Steering Group would produce an Air Quality Action Plan following a consideration of the data on air quality at the Kingshill location within an 12 month period as set out in The Environment Act 1995, and in line with DEFRA's Policy Guidance (*PG16*) – *Local Air Quality Management*. It would engage and consult with ward members and residents on the plan produced. The group would also be responsible for the implementation of the final approved plan and regular monitoring of the impact.
- 3.9 As the principal issue is that of traffic volumes in close proximity to homes, highways and planning actions this would inevitably form the main emphasis of the Action Plan. At this stage, it is estimated that traffic volumes would need to reduce by around 30% at the Kingshill Road site in order to meet the target values, but this would be subject to further study and modelling following declaration. It will be important to ensure that any actions taken do not impact negatively on other areas of the borough.
- 3.10 A communication programme would be developed that would ensure that ward councillors, property owners, residents and other key stakeholders are made aware of the issues and concerns and are kept informed of the progress and the council's actions. The information would also be published on Swindon Borough Councils (SBC's) website once the Order is in place. There is a requirement to formally consult on the Action Plan, and this would be undertaken in accordance with best practice guidance.
- 3.11 The Cabinet Member intends to establish a Cabinet Member Advisory Group (CMAG) as the method of seeking advice and information in progressing the development of the action plan and improving air quality in Swindon.
- 3.12 SBC is not unique with experiencing air quality issues. Table 1 gives a list of identified comparator Local Authorities to SBC, the number of AQMAs declared and the levels of NO₂ recorded
- 3.13 The effect of declaring an AQMA on house prices is not known. Experience from other local authorities with Air Quality Management Areas does not show a sustained loss of house price values over the longer term.
- 3.14 A number of neighbouring authorities to Swindon have declared AQMAs including Wiltshire County Council (8 areas), West Berkshire Council (4 areas), South Gloucestershire Council (3 areas) and Vale of the White Horse District Council (3 areas).
- 3.15 In declaring an AQMA the Council would be able to apply for additional funding from DEFRA to address the Air Quality Management Plan.

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Table 1 Comparator Local Authorities to SBC and number of AQMAs declared

Local Authority Comparable to SBC (ONS- Expanding areas)	Number of AQMA declared	Range (µg/m3)
Bedford	5	26-53
Corby	0	-
Crawley	1	44
Milton Keynes	1	53
Northampton	11	17-60
Rugby	1	41-56
Rushmoor	2	13-45
Watford	11	15-71
Wellingborough	0	-

Source: DEFRA 2017

- 3.16 An interactive Map can be explored at <https://uk-air.defra.gov.uk/aqma/maps> which shows the locations of the AQMAs across the UK and which local authorities have AQMAs declared.

4. Alternative Options

- 4.1 Declaration of an AQMA is a statutory requirement where it is considered that an air quality threshold is being, or is likely to be, breached, and as such, there is no “do-nothing” alternative to this.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Declaring an AQMA would allow the Council to be able to apply for additional funding from DEFRA to address the Air Quality Management Plan.
- 5.2 The declaration of an AQMA would mean that the Council has to consider what steps it would implement to improve air quality in these areas, producing an
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Action Plan. There may be additional costs associated with the additional study and modelling required to inform the Action Plan. Further to this, potentially significant costs may arise in putting in place identified highways and other measures in order to remedy the issues. These costs and how they are funded will be addressed as part of developing the action plan.

Legal and Human Rights Implications

- 5.3 Failure to declare an AQMA would leave the Council in breach of a legal duty. There is no known history of DEFRA resorting to any form of intervention where local authorities have failed in this duty, however it is known that DEFRA has 'named and shamed' those authorities who have not complied with their duties in terms of air quality management.
- 5.4 It is also likely that this may now become more pronounced as the UK is facing censure and charges from the European Union for failing to meet the stringent air quality objectives, particularly in terms of Nitrogen Dioxide. Public interest in air quality matters is inevitably also increasing in response to the higher profile given to it nationally in the media.
- 5.5 Other legal and human rights implications have been taken into account in preparing this report. It is considered that the recommendations are compatible with Convention Rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.6 This action would positively impact on the health of residents by improving the location of poor air quality that are linked to traffic pollution.

Diversity Impact Assessment

- 5.7 A Diversity Impact Assessment (DIA) has not been done as this report does not make any new recommendations that would affect service delivery or impact on any of the protected characteristics. However, any action plan that is developed would be supported by the appropriate DIA.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) were consulted in respect of all reports.
- 6.2 The ward members of the affected area have been consulted with.

7. Background Papers

- 7.1 Air Quality Annual Status Report 2016.

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8. Appendices

8.1 Appendix A Draft Order

9. Key Decision/Decision in Cabinet Work Programme

This is a Key Decision and is included in the Cabinet Work Programme for February 2018.