

# HIGH PEAK BOROUGH COUNCIL

## The Executive

4 December 2019

<b>TITLE:</b>	<b>Declaration of an Air Quality Management Area on part of the A57, Dinting Vale, Glossop</b>
<b>PORTFOLIO:</b>	<b>Councillor Todd - Executive Councillor for Climate Change, Environment and Community Safety</b>
<b>OFFICER:</b>	<b>Alicia Patterson – Head of Environmental Health</b>
<b>WARDS:</b>	<b>Dinting Ward &amp; Hadfield South Ward</b>

### Appendices Attached:

Appendix 1: Map of proposed Air Quality Management Area No.2

Appendix 2: Proposed Air Quality Management Order No. 2

Appendix 3: HPBC ASR 2019

#### 1. Reason for the Report

- 1.1 To make recommendations to ensure that the Authority meets its legal duty in relation to the declaration of Air Quality Management Areas (AQMA) as required by the provisions of the Environment Act 1995.

#### 2. Recommendation

- 2.1 That an Order is made under Section 83 of the Environment Act 1995 declaring an Air Quality Management Area in the form attached at Appendix 2.

#### 3. Executive Summary

- 3.1 The outcome of an assessment of the air quality along part of the A57 in Dinting Vale has concluded that it is necessary to declare an Air Quality Management Area (AQMA), encompassing the properties between the A626 Glossop Road / A57 Dinting Vale Junction and the A57 Dinting Vale/ Dinting Lane Junction.
- 3.2 The declaration of the AQMA is required because levels of Nitrogen Dioxide have been found to exceed the National Air Quality Standard.

Under these circumstances the Council is obliged by the provisions of the Environment Act 1995 to declare an Air Quality Management Area. A map showing the extent of the AQMA is provided in Appendix 1.

#### 4. **How this report links to Corporate Priorities**

4.1 This report supports the following Corporate Aims:

- Aim 1: Supporting our communities to create a healthier, safer, cleaner High Peak
- Aim 4: Protect and improve the environment including responding to the climate emergency

#### 5. **Options and Analysis**

5.1 The Committee is asked to consider the report, and determine whether the evidence provided is sufficient to recommend that an Order under Section 83 of the Environment Act 1995 declaring an Air Quality Management Area be made.

#### 6. **Implications**

##### 6.1 Community Safety - (Crime and Disorder Act 1998)

There are no Community Safety issues arising from this report.

##### 6.2 Workforce

There are no workforce implications arising from this report.

##### 6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

There are no equality and diversity implications arising from this report.

##### 6.4 Financial Considerations

There are no initial financial implications arising from this report. All assessments will be carried out as part of the Council's routine work. However, the Council may need to seek support from external bodies should any further modelling be required for the preparation of the action plan. Typically the cost of this would be in the region of £5,000.

##### 6.5 Legal

The Council has a statutory duty to manage air quality in its area and where nationally set criteria are exceeded to declare an Air Quality Management Area. Having declared an AQMA, the Council is obliged to prepare, following due consultation with interested parties, an Air Quality Action Plan. The Plan must subsequently be implemented. Failure to do so may result in legal action being taken against the Council.

#### 6.6 Sustainability

There are no sustainability implications arising from this report.

#### 6.7 Internal and External Consultation

Public consultation cannot change the decision of whether or not to declare (this is mandatory). However, a public notification/informative exercise will be completed to inform those affected, including:

- Letters and information to all residents affected;
- A public drop in session at Dinting Vale;
- Notification in the local paper (Glossop Chronicle); and
- Web Promotion.

#### 6.8 Risk Assessment

It is a statutory requirement that the Council assesses air quality and takes action where appropriate. In this case there is an obligation to declare an AQMA. The necessary process is underway and there are no risks to the Council at this stage of the process.

The European Commission has formally launched infraction proceedings against the UK for breach of nitrogen dioxide limit values under the EU Air Quality Directive. Part 2 of the Localism Act allows the Government to require responsible authorities to pay all or part of an infraction fine. By undertaking its statutory duties and carrying out all reasonable measures to address breaches of the nitrogen dioxide limits, it is anticipated that such fines will not be derogated to this Council.

### **7. Background and Detail**

7.1 Air pollution is associated with a number of adverse health impacts. In common with the rest of the UK, the main sources of air pollution across the High Peak are emissions from road traffic, in particularly Nitrogen Dioxide and Particulate matter.

7.2 Typically, the highest road-side concentrations of these pollutants are found on roads with high traffic volumes and/or where traffic regularly queues. However, roadside pollution also tends to reduce as you move away from the traffic therefore, when measuring pollution, the government requires Councils to focus on areas considered to be “relevant exposure”. In other words, it should be representative of the

air people actually breathe. This usually means the concentrations at a person's home (at the façade of the property) but it can also mean another location that people spend a lot of time, such as a town centre or school.

### 7.3 Legal Framework

Section 82 of the Environment Act 1995 requires a Local Authority to review and assess local air quality against national health based standards for seven key pollutants set out in the Air Quality Regulations 2000 (as amended). The regulatory framework previously set up a phased approach to this work, starting with an Update and Screening Assessment and moving to a detailed assessment where further work is required. In 2016 the regulatory system changed, and the phased approach has been replaced by an Annual Status Report ('ASR').

7.4 The government publishes Air Quality objectives for the individual pollutants, and the Council determines if we have got a pollution issue in an area by comparing our monitoring data with these objectives. Under Section 83(1) of the Environment Act 1995, where air quality objectives are not being met (or are predicted to not be met), the local authority must proceed and designate this area as an Air Quality Management Area (AQMA).

7.5 Local Authorities are charged with a number of duties relative to the declaration of an AQMA:

#### 7.5.1 Action Planning

Once an AQMA has been declared, the local authority has a year to publish an Action Plan setting out how the Authority intends to use the measures and powers available to work towards improving the air quality within the AQMA. In instances relating to traffic generated pollution, the powers are primarily available to other organisations, such as the relevant highways authority, rather than the Borough Council. Changes in the statutory policy guidance place a greater emphasis on highway authorities to take a leading role in developing actions plans, when the cause of air quality exceedances is predominantly from roads under their responsibility. As such, the action plan will be developed in conjunction with those bodies.

#### 7.5.2 Review Action Plan Progress.

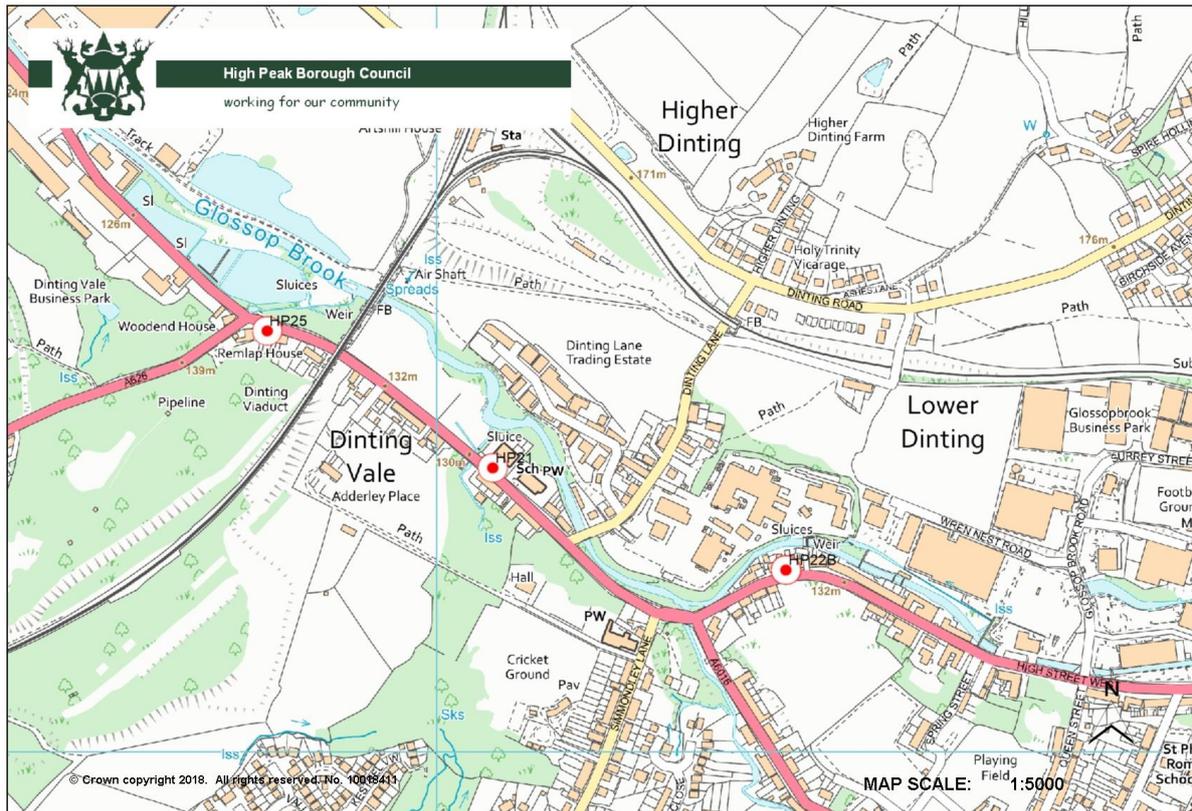
Progress on implementing the action plan will be reviewed annually.

### 7.6 **Proposed Air Quality Management Area (AQMA), Dinting Vale**

The A57 is a major road connecting Greater Manchester and Glossop. High Peak Borough Council currently monitors air quality at various locations across the Borough, including several locations along the along the A57 in Dinting Vale, Glossop, which were installed in 2017 (HP21 & HP22) and 2018 (HP25)

The monitoring locations are shown in Figure 1 below:

**Figure 1: Nitrogen Dioxide Monitoring Locations on the A57, Dinting Vale, Glossop**



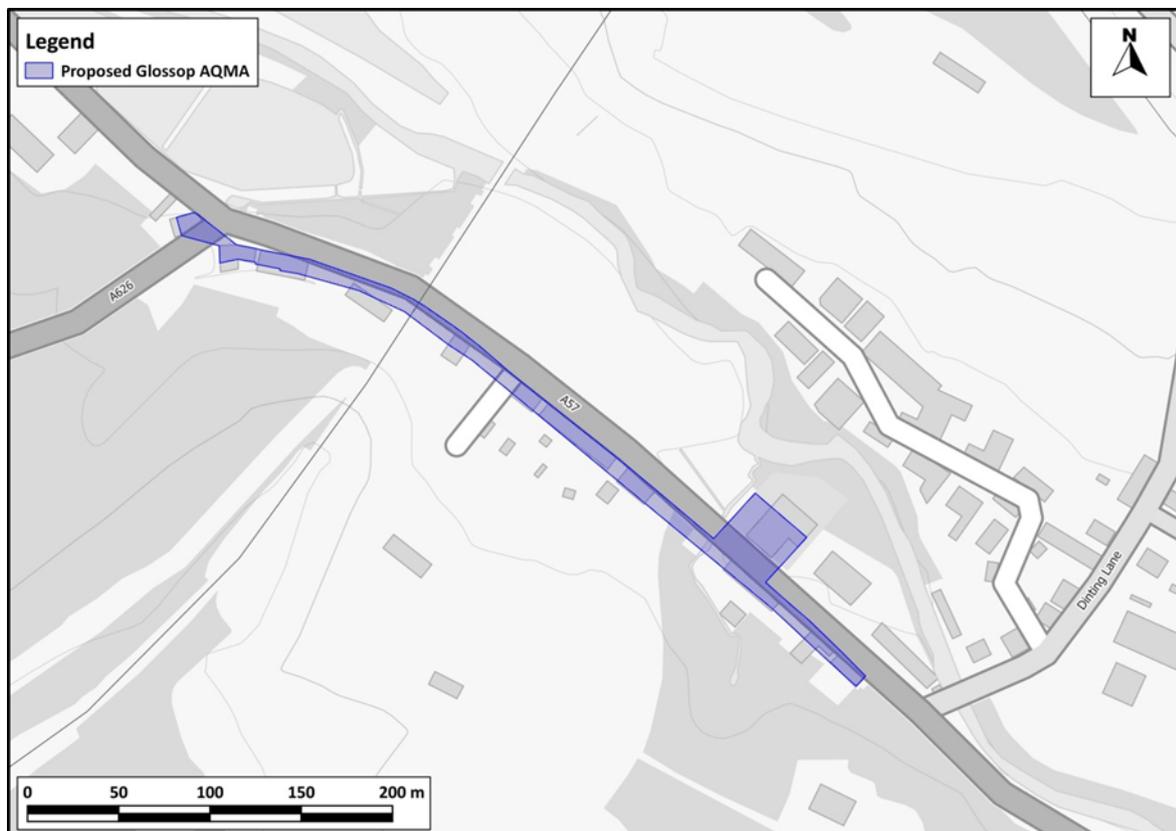
7.7 Recent monitoring presented in the 2019 Annual Air Quality Status Report (attached at [Appendix 3](#) to this report) concluded that the annual mean levels of Nitrogen Dioxide exceed the air quality (AQ) objective of  $40\mu\text{g}/\text{m}^3$  at two locations along a section of the A57. The results for Nitrogen Dioxide in these monitoring locations, for the last two years, are shown below in Table 1.

**Table 1: Nitrogen Dioxide (NO<sub>2</sub>) Monitoring Results for A57**

HP Ref:	Measured NO <sub>2</sub> conc ( $\mu\text{g}/\text{m}^3$ ) 2017	Measured NO <sub>2</sub> conc ( $\mu\text{g}/\text{m}^3$ ) 2018
HP21	44.4	41.3
HP22	37.2	33.6
HP25	--	53.6

- 7.8 As a consequence of the identified exceedance, a Detailed Assessment of air quality within the Dinting Vale area of Glossop was undertaken. This was undertaken using the ADMS-Roads dispersion model to determine whether an exceedance of an air quality objective is likely at properties not directly monitored and the geographical extent of that exceedance.
- 7.9 The assessment identified that the annual mean nitrogen dioxide objective is being exceeded at relevant locations along Dinting Vale, between Glossop Road and Dinting Lane. It is recommended that an AQMA is declared to include, as a minimum, those residential properties that are predicted to be exceeding  $40 \mu\text{g}/\text{m}^3$ . These are shown in Figure 2 below: The full detailed assessment is included in the 2019 ARS.

**Figure 2: Minimum extent of proposed AQMA in Dinting Vale**



- 7.10 Under Section 83(1) of the Environment Act 1995, where air quality objectives are not being met (or are predicted to not be met), the local authority must proceed and designate this area as an Air Quality Management Area (AQMA).

It is, therefore, recommended that an Air Quality Management Area (AQMA), encompassing the properties between the A626 Glossop Road / A57 Dinting Vale Junction and the A57 Dinting Vale/ Dinting Lane

Junction, is declared by the Council. The form of Order to declare the AQMA is attached at Appendix 2.

A map showing the extent of the proposed AQMA is provided in Appendix 1.

- 7.11 Once the AQMA has been declared, the Council has a year to publish an Action Plan, setting out how we will use the measures and powers available to work towards improving the air quality within the AQMA. The Action Plan will take a practical approach and focus on what really matters – identifying the nature of the problem, and detailing measures that are or will be introduced to improve air quality local level.
- 7.12 The Council will not be preparing or implementing the action plan in isolation and will engage with relevant local (e.g. the public, Derbyshire County Council) and national stakeholders (e.g. Highways England, Public Health England and Central Government), to help deliver the required outcomes.

In instances relating to traffic generated pollution, the powers are primarily available to other organisations, such as the relevant highways authority or agency, rather than the Borough Council. Recent changes in the statutory policy guidance place a greater emphasis on highway authorities to take a leading role in developing actions plans, when, as in this instance, the cause of air quality exceedances is predominantly from roads under their responsibility. As the source of pollution along the A57 is traffic generated pollution, the Council will look to Derbyshire County Council (Highways Authority), who are responsible for the management of this road, for help in preparing and delivering the action plan.

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**Web Links and  
Background Papers**

**Contact details**

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