

# **HIGH PEAK BOROUGH COUNCIL**

## **Report to the Executive**

**11 October 2018**

<b>TITLE:</b>	<b>Declaration of an Air Quality Management Area on part of the Woodhead Rd (A628), Tintwistle</b>
<b>PORTFOLIO:</b>	<b>Cllr Julie McCabe – Executive Councillor for Housing and Communities</b>
<b>OFFICER:</b>	<b>Executive Director (People) and Monitoring Officer</b>
<b>WARDS:</b>	<b>Tintwistle</b>

### **Appendices Attached:**

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

Appendix 2: Proposed Air Quality Management Order No. 1

### **1. Reason for the Report**

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

### **2. Recommendation**

2.1 That the Executive makes an Order 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 the Woodhead Road (A628) in Tintwistle has concluded that it is necessary to declare an Air Quality Management Area (AQMA), encompassing the properties between the Bank Lane/Woodhead Road Junction and Old Road / Woodhead Road 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 Council's Corporate Aims:

- Aim 1: To help create a safer and healthier environment for our residents to live and work.
- Aim 4: To protect and improve the environment.

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

5.1 The Executive 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 has been completed to inform those affected, including:

- Letters and information to all residents affected;
- A public drop in session at Tintwistle village (4/10/18);
- Notification in the local paper (Glossop Chronical); 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 we determine if we have got a pollution issue 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.

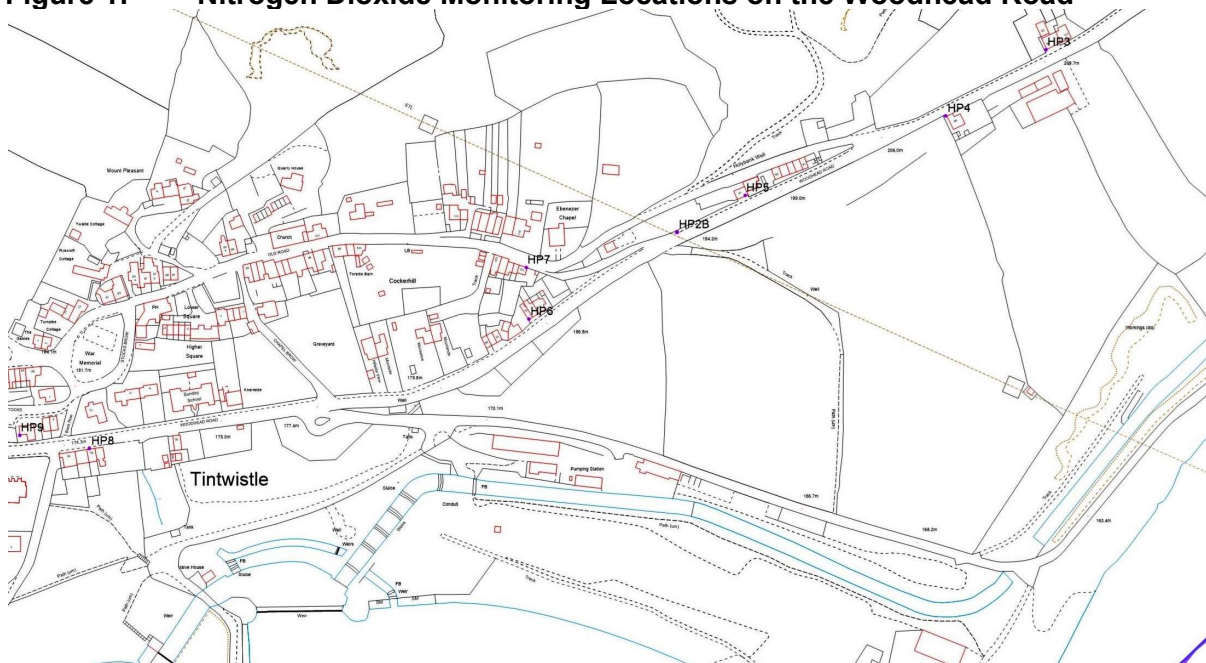
### 7.6 Proposed Air Quality Management Area (AQMA) on the Woodhead Rd (A628), Tintwistle

The Woodhead Road (A628) is a major road in the north of England connecting Greater Manchester and South Yorkshire and passes through High Peak. High Peak Borough Council currently monitors air

quality at various locations across the Borough, including several locations along the along the Woodhead road (A628).

The monitoring locations are shown in Figure 1 below:

**Figure 1: Nitrogen Dioxide Monitoring Locations on the Woodhead Road**



7.7 Recent monitoring and modelling presented in the 2017 Annual Air Quality Status Report concluded that the annual mean levels of Nitrogen Dioxide exceed the air quality (AQ) objective of  $40\mu\text{g}/\text{m}^3\text{d}$  at a small number of relevant receptors (the façades of properties), along a section of the Woodhead Road (A628). This report also indicated that levels are approaching the objective (high 30's  $\mu\text{g}/\text{m}^3$ ) at other locations along the Woodhead Road (within the High Peak), notably at the junction with Bank Lane (point HP8 in Figure 1 above).

7.8 Monitoring undertaken since the assessment of the ASR in 2018 (currently in preparation) has provided further evidence of the need for an AQMA in this location and noted an exceedance of the AQ objective at HP8.

The results for Nitrogen Dioxide in these monitoring locations, for the last three years are shown below in Table 1. It should be noted that HP2 is a roadside reading that does not represent relevant exposure as it is some distance from properties.

**Table 1: Nitrogen Dioxide (NO<sub>2</sub>) Monitoring Results for Woodhead Road (A628)**

HP Ref:	Measured NO <sub>2</sub> conc ( $\mu\text{g}/\text{m}^3$ ) 2015	Measured NO <sub>2</sub> conc ( $\mu\text{g}/\text{m}^3$ ) 2016	Measured NO <sub>2</sub> conc ( $\mu\text{g}/\text{m}^3$ ) 2017
---------	---	---	---

HP2	<b>65.0</b>	<b>60.2</b>	<b>60.2</b>
HP3	34.5	32.3	29.7
HP5	<b>51.8</b>	<b>49.9</b>	<b>51.5</b>
HP6	35.4	32.1	33.4
HP8	38.6	36.2	<b>46.9</b>
HP9	23.7	23.0	25.9

- 7.9 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 AQMA area is declared on the A628 (Woodhead Road) encompassing the properties between Bank Lane / Woodhead Road Junction and Old Road / Woodhead Road Junction.

- 7.10 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.
- 7.11 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 Woodhead Road is traffic generated pollution, the Council will look to Highways England, who are responsible for the management of this road, for help in preparing and delivering the action plan.

**Mark Trillo**

**Executive Director (People) and Monitoring Officer**

<b>Web Links and Background Papers</b>	<b>Location</b>	<b>Contact Details</b>
High Peak Air Quality Annual Status Report 2017	Regulatory Services Town Hall Market Place Buxton	Alicia Patterson Operations Manager

**Web Links:** Further information including the public consultation information can be found at <https://www.highpeak.gov.uk/article/342/Air-quality>