

REPORT TITLE **Environment Act 1995 - Part IV
Air Quality Action Plan Consultation Draft**

Submitted by: **Head of Environmental Health Services & Environmental Protection
Team Manager**

Portfolio **Environment & Recycling**

Ward(s) affected **All**

Purpose of the Report

To inform committee of the contents of the consultation draft Air Quality Action Plan (AQAP) which contains air quality action plans for four Air Quality Management Areas within the Borough and to detail the proposed consultation arrangements for the AQAP.

Recommendations

- 1. To receive the report**
- 2. To approve the draft AQAP**
- 3. To approve the commencement of the consultation.**

Reasons

Under Part IV of the Environment Act 1995, local authorities are required to assess air quality in their area against a range of statutory air quality objectives. Where exceedances are identified, air quality management areas must be declared and air quality action plans developed to improve air quality. The action plans must be formally consulted on, with relevant comments taken into account before they are formally adopted.

1 Background

- 1.1 In January 2015, the Borough Council's Public Protection Committee declared four air quality management areas (AQMA's) in the Borough due to exceedances of the annual mean objective concerned with nitrogen dioxide (NO₂) at a number of "relevant locations".
- 1.2 Appendix A gives the locations of these AQMA's.
- 1.3 As a result of declaring the AQMA's, the Borough Council is required to develop Air Quality Action Plans (AQAP's) which are designed to reduce levels of Nitrogen Dioxide to below the statutory objective level at relevant locations.
- 1.4 Working with a number of key stakeholders and a specialist consultancy, your officers have developed air quality action plans for the four air quality management areas. These plans contain measures which if implemented are hoped to reduce nitrogen dioxide exposure at relevant locations.
- 1.5 As nitrogen dioxide levels within the Borough are heavily influenced by road traffic emissions, the identified action plan measures seek to reduce levels of NO₂ principally by focusing on traffic and congestion management supported by a range of complementary measures.

1.6 Once the Action Plan is formally adopted it will become a material consideration in the development of the emerging local plan and in the determination of planning applications. It must also be taken account in the preparation of the County Council Local Transport Plan for the Borough and by Highways England for any major projects relating to the strategic highway network.

2. Options Considered

- 2.1 The action plan document has started by identifying existing policies and strategies which are considered to support improvements in air quality, not only in the AQMA's but also across the wider Borough. These policies range from planning and development policies across the Borough, some of which are shared with the city and implemented through the Local Planning Authority, through to highways and transport planning policies which are implemented via the County Council and Highways England as the respective Highways Authority's.
- 2.2 Staffordshire County Council's Public Health Directorate have also provided health based data to support the development of action plan measures. This information will also assist with applications for potential future funding opportunities to support improvements in air quality.
- 2.3 The individual air quality action plan measures have been developed based on data obtained from monitoring by the Council, source apportionment which identifies which sources are contributing towards nitrogen dioxide levels, trends in nitrogen dioxide and narrative on the issues considered to be contributing towards excessive levels of nitrogen dioxide. This information has then been used to formulate the action plan measures in the DEFRA required template and are shown in Appendices B to E.
- 2.4 The Council is now required to consult on its draft action plan prior to it being formally adopted. To this end as well as the statutory consultees identified by DEFRA, it is proposed to consult as widely as reasonably possible across the Borough with residents, businesses, landowners via a range of media in accordance with the Council's Consultation Strategy. The consultation window will be open for a minimum of 8 weeks.
- 2.5 Following closure of the consultation window all comments received will be reviewed and the action plans amended as appropriate, before a further report is brought back to committee.

3 Recommendation

- 3.1 To receive the report
3.2 To approve the draft AQAP
3.3 To approve the commencement of the consultation.

4 Outcomes Linked to a Sustainable Community Strategy and Corporate Priorities

- 4.1 The report supports the following corporate priorities:
1. A clean, safe and sustainable borough
 2. The negative impacts that the Council, residents and local businesses have on the environment will have reduced.
 3. A healthy and active community

5 Legal and Statutory Implications

- 5.1 Under the provisions of the Part IV of the Environment Act 1995, as the Borough Council has declared four AQMA's it is required to produce and consult on the AQAP's and to consider any representations prior to them being formally adopted.
- 5.2 Borough Council Officers will be responsible for monitoring the delivery of the identified action plan measures, with the responsibility for implementation resting with the relevant identified body.
- 5.3 By virtue of paragraph 123 of the National Planning Policy Framework, the action plans, once formally adopted, will become a material planning consideration in the determination of future planning applications by both the Borough Council as the Local Planning Authority and also the County Council in its dual roles as the Waste Planning Authority and the Mineral Planning Authority.
- 5.4 Both Highways Authorities for the Borough (Staffordshire County Council and Highways England) are expected to have regard to the AQAP in developing and updating their transport plans for the Borough.

6 Financial and Resource Implications

- 6.1 Progress on delivering the action plans will be reported in the statutory Annual Status Reports which are presented to DEFRA. This will also be the subject of future reports to this committee.
- 6.2 Funding of action plan measures rests with the action owner. Where appropriate, grant funding applications may be made to DEFRA to help deliver action plan measures. Current planning policies may also assist the delivery of some of the measures.
- 6.3 Progress on delivering the action plans will be reported in the statutory Annual Status Reports which are presented to DEFRA. This will also be the subject of future reports to this committee. Existing staff and budgets within Environmental Health will be used for this purpose.

7 Major Risks

- 7.1 Failure to make satisfactory progress on improving local air quality may leave the Council open to legal action by affected individuals and representative organisations as well as to formal intervention by Central Government under part IV of the Environment Act 1995 and for central government to pass down any court fines to local authorities Localism Act 2011.

Links to documents

1. Link to Consultation Draft Air Quality Action Plan

Background Papers

Statutory Air Quality reports for Newcastle under Lyme since 2012 available from [Air Quality in Newcastle-under-Lyme | Newcastle-Under-Lyme Borough Council](#)

Environment Act 1995 Part IV

Local Air Quality Management Technical Guidance TG16

Local Air Quality Management Policy Guidance PG16